UNIVERSITY OF PITTSBURGH



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Darlington Memorial Library

Massachusetts (Colony) Laws, statutes, etc.

THE

ACTS AND RESOLVES,

PUBLIC AND PRIVATE,

OF THE

PROVINCE OF THE MASSACHUSETTS BAY:

TO WHICH ARE PREFIXED

THE CHARTERS OF THE PROVINCE.

WITH

HISTORICAL AND EXPLANATORY NOTES, AND AN APPENDIX.

PUBLISHED UNDER CHAPTER 87 OF THE RESOLVES OF THE GENERAL COURT OF THE COMMONWEALTH FOR THE YEAR 1867.

VOLUME V.

BOSTON:
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ACTS,

PASSED 1769–70.

ACTS

Passed at the Session begun and held at Boston, on the Thirty-first day of May, A. D. 1769.

CHAPTER 1.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF THIRTY THOUSAND POUNDS; AND ALSO FOR APPORTIONING AND ASSESSING A TAX OF THREE THOUSAND EIGHT HUNDRED AND TWENTY-NINE POUNDS FOURTEEN SHILLINGS PAID THE REPRESENTATIVES FOR THEIR TRAVEL, SERVICE AND ATTENDANCE IN THE GENERAL COURT, IN THE YEARS ONE THOUSAND SEVEN HUNDRED AND SIXTY-SEVEN AND SIXTY-EIGHT, ALSO FOR ASSESSING THE TOWN OF SWANZEY FIFTY POUNDS, BEING PART OF THE SUM OF THREE HUNDRED POUNDS LENT SAID TOWN IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-FOUR; AND ALSO FOR ASSESSING THE TOWN OF METHUEN THE SUM OF FIFTY-EIGHT POUNDS ELEVEN SHILLINGS AND ONE PENNY, BEING TAXES ARISING BY MEANS OF A DEFECTIVE CONSTABLE WHO ABSCONDED IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-SIX, AND THE EXECUTION RETURNED *NON EST INVENTUS;* ALSO THE TOWN OF WENHAM THE SUM OF ONE HUNDRED AND THIRTY-ONE POUNDS TEN SHILLINGS AND TENPENCE, BEING SO MUCH [WHICH] SAID TOWN WAS TAXED IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-FIVE, FOR WHICH THEY HAVE MADE NO RETURN TO WHOM IT WAS COMMITTED, AND NO PART THEREOF PAID INTO THE TREASURY; AND THE FURTHER SUM OF THIRTY-ONE POUNDS ELEVEN SHILLINGS AND FOURPENCE, BEING FOR INTEREST THEREON; ALSO FOR APPORTIONING AND ASSESSING THE COUNTY OF BARNSTABLE THE SUM OF TWENTY-TWO POUNDS SEVEN SHILLINGS AND NINEPENCE, FOR PAYING A COMMITTEE APPOINTED BY THE COURT TO VIEW THE SAID COUNTY; ALSO, FOR ASSESSING THE DISTRICT OF CONWAY THE SUM OF TWELVE POUNDS THIRTEEN SHILLINGS AND FIVEPENCE ONE HALFPENNY, BEING THEIR PROPORTION OF THE PROVINCE TAX LAID ON THE TOWN OF DEERFIELD IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-SEVEN.

WHEREAS the great and general court or assembly of this province, by an act made and passed at their sessions in May, one thousand seven hundred and sixty-eight, on the grant of the house of representatives, agreed upon and ordered a tax of one hundred and five thousand pounds; *and whereas* by the act aforesaid, provision is made, that the general court at their present session might apportion the same on the several towns, districts, parishes and places within this province, if they should think fit: yet inasmuch as such a heavy tax will be extremely burthensome to the inhabitants of this province under their present distressed circumstances; and as the proportion of said tax must be very unequal in regard to several towns, for want of a new valuation which cannot be compleated this session; and as some of the possessors of the government securities, for the redemp- 1768, chap. 14, § 5.

tion of which the aforesaid sum of one hundred and five thousand pounds is applied, are willing to continue their money upon loan, payable at a further period, which with the tax of thirty thousand pounds now agreed to be assessed and levied this year, will be sufficient to redeem the government securities with the interest thereon, which will become due in June, one thousand seven hundred and seventy; wherefore for the ordering, directing, and effectually drawing in the sum of thirty-four thousand one hundred and thirty-six pounds seven shillings and elevenpence [*one*] halfpenny; and to the end that the same may be apportioned, assessed and levied in the easiest manner we are able for the benefit of his majesty's subjects, and also that his majesty's government within this province may have the better and more speedy effect of the said grant; we his majesty's most dutiful and loyal subjects, the representatives in general court assembled, pray that it may be enacted, —

And be it accordingly enacted by the Governor, Council and House of Representatives,

[SECT. 1.] That each town, district, parish or other place within this province be assessed, and pay as such town, district, parish, and place's proportion of the sum of thirty-four thousand one hundred and thirty-six pounds seven shillings and elevenpence one farthing, the several sums following; that is to say, —

IN THE COUNTY OF SUFFOLK.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Boston,	£116 0s 0d.	£3,387 17s. 6d.	Thirty-five hundred and three pounds seventeen shillings and sixpence,	£3,503 17s. 6d.
Roxbury,	29 0 0	368 0 0	Three hundred and ninety-seven pounds,	397 0 0
Dorchester,	29 0 0	227 15 0	Two hundred and fifty-six pounds fifteen shillings,	256 15 0
Milton,	33 0 0	151 5 0	One hundred and eighty-four pounds five shillings,	184 5 0
Braintree,	33 12 6	293 2 6	Three hundred and twenty-six pounds fifteen shillings,	326 15 0
Weymouth,	31 7 6	147 12 6	One hundred and seventy-nine pounds,	179 0 0
Hingham,	35 0 0	299 10 0	Three and thirty-four pounds ten shillings,	334 10 0
Dedham,	24 10 0	258 0 0	Two hundred and eighty-two pounds ten shillings,	282 10 0
Medfield,	32 15 0	117 17 6	One hundred and fifty pounds twelve shillings and sixpence,	150 12 6
Wrentham,	33 10 0	225 13 9¾	Two hundred and fifty-nine pounds three shillings and ninepence three farthings,	259 3 9¾
Brookline,	14 15 0	101 10 7½	One hundred and sixteen pounds five shillings and sevenpence two farthings,	116 5 7½
Needham,	9 7 6	101 14 3¾	One hundred and eleven pounds one shilling and ninepence three farthings,	111 1 9¾
Stoughton,	22 12 4	136 9 8¼	One hundred and fifty nine pounds two shillings and one farthing,	159 2 0¼
Stoughtonham District,	11 12 8	65 17 0	Seventy-seven pounds nine shillings and eightpence,	77 9 8
Medway,	31 12 6	83 2 6	One hundred and fourteen pounds fifteen shillings,	114 15 0
Bellingham,	0 0 0	50 7 6	Fifty pounds seven shillings and sixpence,	50 7 6
Hull,	0 0 0	29 2 4½	Twenty-nine pounds two shillings and fourpence halfpenny,	29 2 4½
Walpole,	8 10 0	88 10 0	Ninety-seven pounds,	97 0 0
Chelsea,	0 0 0	80 7 6	Eighty pounds seven shillings and sixpence,	80 7 6
	£496 5s. 0d.	£6,213 15s. 3¾d.	Six thousand seven hundred and ten pounds and threepence three farth[*ings*],	£6,710 0s. 3¾d.

IN THE COUNTY OF ESSEX.

Salem,	£58 0s. 0d.	£560 17s. 6d.	Six hundred and eighteen pounds seventeen shilli[*n*]gs and sixpence,	£618 17s 6d.
Danvers,	31 15 0	248 2 6	Two hundred and seventy-nine pounds seventeen shillings and sixpence,	279 17 6
Ipswich,	41 5 0	555 10 0	Five hundred and ninety-six pounds fifteen shillings,	596 15 0
Newbury,	34 15 0	426 10 9	Four hundred and sixty-one pounds five shillings and ninepence,	461 5 9

IN THE COUNTY OF ESSEX — *Continued.*

	REPRESENTATIVES' TAX.		PROVINCE TAX.	SUM TOTAL.	
Newburyport,	£34 0*s.* 0*d.*		£340 19*s.* 3*d.*	Three hundred and seventy-four pounds nineteen shillings and three-pence,	£374 19*s.* 3*d.*
Marblehe[a]d,	47 0 0		493 0 0	Five hundred and forty pounds,	540 0 0
Lynn,	33 12 6		238 15 0	Two hundred and seventy-two pounds seven shillings and sixpence,	272 7 6
Andover,	30 15 0		377 12 6	Four hundred and eight pounds seven shillings and sixpence,	408 7 6
Beverly,	35 7 6		235 0 0	Two hundred and seventy pounds seven shillings and sixpence,	270 7 6
Rowley,	36 2 6		232 7 6	Two hundred and sixty-eight pounds ten shillings,	268 10 0
Salisbury,	34 0 0		180 2 6	Two hundred and fourteen pounds two shillings and sixpence,	214 2 6
Haverhill,	34 10 0		288 10 0	Three hundred and twenty-three pounds,	323 0 0
Glocester,	33 0 0		361 12 6	Three hundred and ninety-four pounds twelve shillings and sixpence,	394 12 6
Topsfield,	35 15 0		101 12 6	One hundred and thirty-seven pounds seven shillings and sixpence,	137 7 6
Boxford,	35 15 0		122 0 0	One hundred and fifty-seven pounds fifteen shillings,	157 15 0
Almsbury,	37 5 0		183 15 0	Two hundred and twenty-one pounds,	221 0 0
Bradford,	34 5 0		135 12 6	One hundred and sixty-nine pounds seventeen shillings and sixpence,	169 17 6
Wenham,	18 5 0	£163 2*s.* 2*d.*	237 19 8	Two hundred and fifty-six pounds four shillings and eightpence,	256 4 8
Middleton,	0 0 0		87 0 0	Eighty-seven pounds,	87 0 0
Manchester,	0 0 0		63 12 6	Sixty-three pounds twelve shillings and sixpence,	63 12 6
Methuen,	0 0 0	58 11 1	156 13 7	One hundred and fifty-six pounds thirteen shillings and sevenpence,	156 13 7
	£645 7*s.* 6*d.*		£5,627 5*s.* 9*d.*	Six thousand two hundred and seventy-two pounds thirteen shillings and threep[ence],	£6,272 13*s.* 3*d.*

IN THE COUNTY OF MIDDLESEX.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL	
Cambridge,	£24 10*s.* 0*d.*	£271 5*s.* 0*d.*	Two hundred and ninety-five pounds fifteen shillings,	£295 15*s.* 0*d.*
Charlestown,	29 0 0	265 12 6	Two hundred and ninety-four pounds twelve shillings and sixpence,	294 12 6
Watertown,	31 5 0	109 2 6	One hundred and forty pounds seven shillings and sixpence,	140 7 6
Woburn,	29 0 0	195 15 0	Two hundred and twenty-four pounds fifteen shillings,	224 15 0
Concord,	34 15 0	179 17 6	Two hundred and fo[u]rteen pounds twelve shillings and sixpence,	214 12 6
Newton,	30 15 0	185 10 0	Two hundred and sixteen pounds five shillings,	216 5 0
Reading,	23 15 0	196 15 0	Two hundred and twenty pounds ten shillings,	220 10 0
Marlborough,	25 0 0	220 15 0	Two hundred and forty-five pounds fifteen shillings,	245 15 0
Billerica,	31 5 0	146 4 7½	One hundred and seventy-seven pounds nine shillings and seven-pence halfpenny,	177 9 7½

Framingham,	33	12	6	169	2	6	Two hundred and two pounds fifteen shillings,	202 15 0
Lexington,	34	5	0	121	11	8	One hundred and fifty-five pounds sixteen shillings and eightpence,	155 16 8
Chelmsford,	36	0	0	126	15	0	One hundred and sixty-two pounds fifteen shillings,	162 15 0
Sherburne,	0	0	0	79	10	0	Seventy-nine pounds ten shillings,	79 10 0
Sudbury,	33	15	0	222	7	6	Two hundred and fifty-six pounds two shillings and sixpence,	256 2 6
Malden,	29	0*	0	107	5	0	One hundred and thirty-six pounds five shillings,	136 5 0
Weston,	33	17	6	109	10	0	One hundred and forty-three pounds seven shillings and sixpence,	143 7 6
Medford,	28	5	0	127	2	6	One hundred and fifty-five pounds seven shillings and sixpence,	155 7 6
Littleton,	0	0	0	96	5	0	Ninety-six pounds five shillings,	96 5 0
Hopkinston,	34	10	0	98	10	0	One hundred and thirty-three pounds,	133 0 0
Westford,	30	5	0	115	7	6	One hundred and forty-five pounds twelve shillings and sixpence,	145 12 6
Shirley,	4	7	6	36	8	1½	Forty pounds fifteen shillings and sevenpence halfpenny,	40 15 7½
Waltham,	33	7	6	101	12	6	One hundred and thirty-five pounds,	135 0 0
Townshend,	7	0	0	44	10	0	Fifty-one pounds ten shillings,	51 10 0
Stow,	34	5	0	85	1	11¾	One hundred and nineteen pounds six shillings and elevenpence three farth[*in*]gs,	119 6 11¾
Stoneham,	0	0	0	44	10	0	Forty-four pounds ten shillings,	44 10 0
Groton,	19	5	0	148	5	0	One hundred and sixty-seven pounds ten shillings,	167 10 0
Wilmington,	0	0	0	77	0	0	Seventy-seven pounds,	77 0 0
Natick,	0	0	0	43	10	9	Forty-three pounds ten shillings and ninepence,	43 10 9
Dracut,	0	0	0	65	12	6	Sixty-five pounds twelve shillings and sixpence,	65 12 6
Bedford,	0	0	0	59	11	2½	Fifty-nine pounds eleven shillings and twopence halfpenny,	59 11 2½
Holliston,	0	0	0	74	10	0	Seventy-four pounds ten shillings,	74 10 0
Tewksbury,	0	0	0	82	5	0	Eighty-two pounds five shillings,	82 5 0
Acton,	10	5	0	69	5	0	Seventy-nine pounds ten shillings,	79 10 0
Dunstable,	0	0	0	69	15	0	Sixty-nine pounds fifteen shillings,	69 15 0
Pepperrell,	7	2	6	55	0	0	Sixty-two pounds two shillings and sixpence,	62 2 6
Lincoln,	33	10	0	75	0	0	One hundred and eight pounds ten shillings,	108 10 0
Ashby,	2	0	0	10	2	6	Twelve pounds two shillings and sixpence,	12 2 6
	£703	17*s.*	6*d.*	£4,286	3*s.*	4¼*d.*	Four thousand nine hundred and ninety pound[*s*] and tenpence one farthing,	£4,990 0*s.* 10¼*d.*

IN THE COUNTY OF HAMPSHIRE.

Springfield,	£12	0*s.*	0*d.*	£329	9*s*	4½*d.*	Three hundred and forty-one pounds nine shillings and fourpence halfpenny,	£341 9*s.* 4½*d.*
Northampton,	28	7	1	170	12	10¼	One hundred and ninety-eight pounds nineteeen [*shillings*] and elevenpence [*one*] farthing,	198 19 11¼

"*1*s." in the printed act.

IN THE COUNTY OF HAMPSHIRE — *Continued.*

	REPRESENTATIVES' PAY.		PROVINCE TAX.	SUM TOTAL.	
Southampton,	£6 12*s.* 11*d.*	£0 0*s.* 0*d.*	£40 0*s.* 0*d.*	Forty-six pounds twelve shillings and elevenpence,	£46 12*s.* 11*d.*
Hadley,	11 16 4	0 0 0	77 12 6	Eighty-nine pounds eight shillings and tenpence,	89 8 10
South Hadley,	12 8 8	0 0 0	81 12 6	Ninety-four pounds one shilling and twopence,	94 1 2
Amherst,	9 10 0	0 0 0	56 17 6	Sixty-six pounds seven shillings and sixpence,	66 7 6
Hatfield,	33 10 0	0 0 0	113 12 11¼	One hundred and forty seven pounds two shillings and elevenpence one farth[*in*]g,	147 2 11¼
Westfield,	9 15 0	0 0 0	132 7 10½	One hundred and forty two pounds two shillings and tenpence halfpenny,	142 2 10½
Deerfield,	15 10 0	0 0 0	56 4 11	Seventy-one pounds fourte[*e*]n shillings and elevenpence,	71 14 11
Shelburne,	0 0 0	0 0 0	12 15 0	Twelve pounds fifteen shillings,	12 15 0
Greenfield,	7 0 0	0 0 0	29 4 10½	Thirty-six pounds four shillings and tenpence halfpenny,	36 4 10½
Sunderland,	17 5 0	0 0 0	49 15 0	Sixty-seven pounds,	67 0 0
Montague,	12 0 0	0 0 0	35 7 6	Forty-seven pounds seven shillings and sixpence,	47 7 6
Northfield,	0 0 0	0 0 0	47 12 6	Forty-seven pounds twelve shillings and sixpence,	47 12 6
Brimfield,	12 12 0	0 0 0	75 12 0	Ninety-eight pounds four shillings,	98 4 0
South Brimfield,	8 0 0	0 0 0	46 5 10½	Fifty-four pounds five shillings and tenpence halfpenny,	54 5 10½
Monson,	4 13 0	0 0 0	28 9 0	Thirty-three pounds two shillings,	33 2 0
Pelham,	0 0 0	0 0 0	56 5 0	Fifty-six pounds five shillings,	56 5 0
Greenwich,	0 0 0	0 0 0	43 15 0	Forty-three pounds fifteen shillings,	43 15 0
Blanford,	0 0 0	0 0 0	36 17 6	Thirty-six pounds seventeen shillings and sixpence,	36 17 6
Palmer,	0 0 0	0 0 0	56 7 6	Fifty-six pounds seven shillings and sixpence,	56 7 6
Gr[ee][*a*]nville,	0 0 0	0 0 0	66 10 0	Sixty-six pounds ten shillings,	66 10 0
New Salem,	0 0 0	0 0 0	39 7 0	Thirty-nine pounds seven shillings,	39 7 0
Belcherstown,	0 0 0	0 0 0	33 17 6	Thirty-three pounds seventeen shillings and sixpence,	33 17 6
Colrain,	0 0 0	0 0 0	23 12 6	Twenty-three pounds twelve shillings and sixpence,	23 12 6
Ware,	0 0 0	0 0 0	14 15 0	Fourteen pounds fifteen shillings,	14 15 0
Enfield,	0 0 0	0 0 0	127 10 3¾	One hundred and twenty-seven pounds ten shillings and threepence three farthings,	127 10 3¾
Somers,	0 0 0	0 0 0	97 6 6¾	Ninety-seven pounds six shillings and sixpence three farthings,	97 6 6¾
Warwick,	0 0 0	0 0 0	0 0 0	– – – – –	0 0 0
Bernardsto[w]n,	0 0 0	0 0 0	7 14 6	Seven pounds fourteen shillings and sixpence,	7 14 6
Charlemont,	0 0 0	0 0 0	3 0 0	Three pounds,	3 0 0
Shutesbury,	0 0 0	0 0 0	22 2 6	Twenty-two pounds two shillings and sixpence,	22 2 6
Chesterfield,	0 0 0	0 0 0	3 0 0	Three pounds,	3 0 0
Suffield,	0 0 0	0 0 0	210 12 2	Two hundred and ten pounds twelve shillings and twopence,	210 12 2
Wil[*l*]braham,	0 0 0	0 0 0	49 8 6	Forty-nine pounds eight shillings and sixpence,	49 8 6

Ashfield. .	0 0 0	0 0 0	5 8 0	Five pounds eight shillings, ...	5 8 0
Conway, . . .	0 0 0	12 13 5	22 3 6½	Twenty-two pounds three shillings and sixpence halfpenny, . .	22 3 6½
	£201 0*s.* 0*d.*		£2,303 5*s.* 3*½d.*	Twenty-five hundred and four pounds five shillings and threepence halfpenny, ...	£2,504 5*s.* 3½*d.*

IN THE COUNTY OF PLYMOUTH

	REPRESENTATIVES' PAY.			
Plymouth, ...	£23 0*s.* 0*d.*	£193 12*s.* 6*d.*	Two hundred and sixteen pounds twelve shillings and sixpence, .	£216 12*s.* 6*d.*
Scituate, ...	30 10 0	316 12 6	Three hundred and forty-seven pounds two shillings and sixpence, .	347 2 6
Duxbury, ...	32 10 0	107 2 6	One hundred and thirty-nine pounds twelve shillings and sixpence,	139 12 6
Marshfield, ...	33 12 6	144 10 0	One hundred and seventy-eight pounds two shillings and sixpence, .	178 2 6
Bridgwater, ...	34 10 0	398 15 0	Four hundred and thirty-three pounds five shillings, ...	433 5 0
Middleborough, ...	35 0 0	291 12 6	Three hundred and twenty-six pounds twelve shillings and sixpence,	326 12 6
Rochester, ...	20 0 0	180 18 9	Two hundred pounds eighteen shillings and ninepence, . . .	200 18 9
Plympton, ...	35 5 0	116 10 0	One hundred and fifty-one pounds fifteen shillings, ...	151 15 0
Pembroke, ...	35 10 0	140 7 6	One hundred and seventy-five pounds seventeen shillings and sixpence, ...	175 17 6
Kingston, ...	19 5 0	81 15 0	One hundred and one pounds, ...	101 0 0
Han[n]over, ...	23 15 0	82 7 6	One hundred and six pounds two shillings and sixpence, . . .	106 2 6
Abington, ...	33 7 6	106 17 6	One hundred and forty pounds five shillings, ...	140 5 0
Halifax, ...	0 0 0	57 18 9	Fifty-seven pounds eighteen shillings and ninepence, . . .	57 18 9
Warham, ...	0 0 0	37 17 6	Thirty-seven pounds seventeen shillings and sixpence, . . .	37 17 6
	£356 5*s.* 0*d.*	£2,256 17*s.* 6*d.*	Twenty-six hundred and thirteen pounds two shillings and sixpence,	£2,613 2*s.* 6*d.*

IN THE COUNTY OF BARNSTABLE.†

Barnstable, . .	£4 5*s.* 11*d.*	£39 10*s.* 0*d.*	£195 15*s.* 10*d.*	Two hundred and thirty-five pounds five shillings and tenpence, .	£235 5*s.* 10*d.*
Sandwich, . .	3 11 0	37 10 0	171 6 0	Two hundred and eight pounds sixteen shillings, ...	208 16 0
Yarmouth, . .	3 3 10	25 5 0	152 6 4	One hundred and seventy-seven pounds eleven shillings and fourpence, ...	177 11 4

* "Threepence," in the printed act.

† N. B. [£]22: 7: 9 is added to the several towns in this county in the following proportion, and are included in the third col[l]um[n].

IN THE COUNTY OF BARNSTABLE — Continued.

		REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Eastham,	£2 4s. 10d.	£28 2s. 6d.	£107 2s. 2d.	One hundred and thirty-five pounds four shillings and eightpence,	£135 4s. 8d.
Harwich,	2 10 2	30 10 0	122 2 8	One hundred and fifty-two pounds twelve shillings and eightpence,	152 12 8
Chatham,	1 16 0	11 15 0	86 12 9	Ninety-eight pounds seven shillings and ninepence,	98 7 9
Truro,	1 9 0	0 0 0	70 19 7½	Seventy pounds nineteen shillings and sevenpence halfpenny,	70 19 7½
Falmouth,	2 4 0	17 15 0	105 18 4½	One hundred and twenty-three pounds thirteen shillings and four-pence halfpenny,	123 13 4½
Wellfleet,	1 3 0	15 0 0	55 5 9	Seventy pounds five shillings and ninepence,	70 5 9
		£205 7s. 6d.	£1,067 9s. 6d.	Twelve hundred and seventy-two pounds seventeen shillings,	£1,272 17s. 0d.

IN THE COUNTY OF BRISTOL.

	REPRESENTATIVES' PAY.				
Taunton,	£36 10s. 0d.		£272 15s. 0d.	Three hundred and nine pounds five shillings,	£309 5s. 0d.
Rehoboth,	36 17 6		319 15 0	Three hundred and fifty-six pounds twelve shillings and sixpence,	356 12 6
Swanz[e]y with Shawamet,	37 5 0	Included in the next column, £50 0s. 0d.	251 11 3	Two hundred and eighty-eight pounds sixteen shillings and three-pence,	288 16 3
Dartmouth,	36 5 0		514 18 1½	Five hundred and fifty-one pounds three shillings and one penny halfpenny,	551 3 1½
Norton,	9 10 0		183 10 7½	One hundred and ninety-three pounds and sevenpence halfpenny,	193 0 7½
Attleborough,	33 12 6		171 18 8¼	Two hundred and five pounds eleven shillings and twopence one farthing,	205 11 2¼
Dighton,	24 5 0		118 2 6	One hundred and forty-two pounds seven shillings and sixpence,	142 7 6
Freetown,	28 5 0		120 14 4½	One hundred and forty-eight pounds nineteen shillings and four-pence halfpenny,	148 19 4½
Raynham,	3 0 0		60 18 9	Sixty-three pounds eighteen shillings and ninepence,	63 18 9
Easton,	0 0 0		77 14 1½	Seventy-seven pounds fourteen shillings and one penny halfpenny,	77 14 1½
Berkley,	0 0 0		67 2 6	Sixty-seven pounds two shillings and sixpence,	67 2 6
	£245 10s. 0d.		£2,159 0s. 11¼d.	Twenty-four hundred and four pounds ten shillings and elevenpence one farth[ing],	£2,404 10s. 11¼d.

IN THE COUNTY OF YORK.

	Representatives' Pay.			
York,	£39 10s. 0d.	£275 2s. 6d.	Three hundred and fourteen pounds twelve shillings and sixpence,	£314 12s. 6d.
Kittery,	6 10 0	286 1 10½	Two hundred and ninety-two pounds eleven shillings and tenpence halfpenny,	292 11 10½
Wells,	29 10 0	145 10 0	One hundred and seventy-five pounds,	175 0 0
Berwick,	27 5 0	226 2 6	Two hundred and fifty-three pounds seven shillings and sixpence,	253 7 6
Arundell,	4 10 0	74 15 0	Seventy-nine pounds five shillings,	79 5 0
Biddeford,	13 5 0	81 7 4½	Ninety-four pounds twelve shillings and fourpence halfpenny,	94 12 4½
District of Pepperrellborough,	0 0 0	56 10 3	Fifty-six pounds ten shillings and threepence,	56 10 3
Narraganset N[°][[*umber*] One,	0 0 0	17 15 0	Seventeen pounds fifteen shillings,	17 15 0
Lebanon,	0 0 0	0 0 0	– – – – –	0 0 0
San[d]ford,	0 0 0	0 0 0	– – – – –	0 0 0
	£120 10s. 0d.	£1,163 4s. 6d.	Twelve hundred and eighty-three pounds fourteen shillings and sixpence,	£1,283 14s. [6d.*]

IN THE COUNTY OF DUKES COUNTY.

Edgarto[w]n,	£12 0s. 0d.	£81 0s. 0d.	Ninety-three pounds,	£93 0s. 0d.
Chilmark,	28 0 0	86 13 1½	One hundred and fourteen pounds thirteen shillings and one penny halfpenny,	114 13 1½
Tisbury,	18 10 0	58 17 6	Seventy-seven pounds seven shillings and sixpence,	77 7 6
	£58 10s. 0d.	£226 10s. 7½d.	Two hundred and eighty-five pounds and sevenpence halfpenny,	£285 0s. 7½d.

IN THE COUNTY OF NANTUCKET.

Sherburne,	£35 15s. 0d.	£354 5s. 0d.	Three hundred and ninety pounds,	£390 0s. 0d.

* Parchment mutilated.

IN THE COUNTY OF WORCESTER.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Worcester,	£54 15*s.* 0*d.*	£182 10*s.* 7½*d.*	Two hundred and seventeen pounds five shillings and sevenpence [½] [*halfpenny*],	£217 5*s.* 7½*d.*
Lancaster,	35 15 0	230 1 10½	Two hundred and sixty-five pounds sixteen shillings and tenpence halfpenny,	265 16 10½
Mendon,	25 15 0	175 5 0	Two hundred and one pounds,	201 0 0
Woodstock,	0 0 0	245 10 2¼	Two hundred and forty-five pounds ten shillings and twopence one farthing,	245 10 2¼
Brookf[ei][*ie*]ld,	34 15 0	159 6 3	One hundred and ninety-four pounds one shilling and threepence,	194 1 3
Oxford,	27 15 0	96* 9 4½	One hundred and twenty-four pounds four shillings and fourpence [½] [*halfpenny*],	124 4 4½
Charlton,	9 0 0	31 10 0	Forty pounds ten shillings,	40 10 0
Sutt[e][*o*]n,	36 5 0	184 2 10½	Two hundred and twenty pounds seven shillings and tenpence halfpenny,	220 7 10½
Rutland,	14 15 0	106 4 10	One hundred and twenty pounds nineteen shillings and tenpence,	120 19 10
Oakham,	2 15 0	17 14 1¼	Twenty pounds nine shillings and a penny one farthing,	20 9 1¼
District of Rutland,	8 0 0	59 4 4½	Sixty-seven pounds four shillings and fourpence halfpenny,	67 4 4½
Hubbardsto[w]n,	0 0 0	0 0 0	– – – – –	0 0 0
New Braintree,	0 0 0	49 4 4½	Forty-nine pounds four shillings and fourpence halfpenny,	49 4 4½
Leicester,	18 5 0	89 13 6¾	One hundred and seven pounds eighteen shillings and sixpence [¾] [*three farthings*],	107 18 6¾
District of Spencer,	10 15 0	53 9 4½	Sixty-four pounds four shillings and fourpence halfpenny,	64 4 4½
District of Paxton,	8 2 6	44 18 11¼	Fifty-three pounds one shilling and fivepence one farthing,	53 1 5¼
Southborough,	0 0 0	84 12 6	Eighty-four pounds twelve shillings and sixpence,	84 12 6
Wes'borough,	22 5 0	83 16 1½	One hundred and six pounds one shilling and one penny [½] [*halfpenny*],	106 1 1½
Northborough,	13 5 0	50 5 1½	Sixty-three pounds ten shillings and one penny halfpenny,	63 10 1½
Shrewsbury,	29 10 0	141 14 6¾	One hundred and seventy-one pounds four shillings and sixpence [¾] [*three farthings*],	171 4 6¾
Lunenburg,	30 0 0	95 6 9¾	One hundred and twenty-five pounds six shillings and ninepence [¾] [*three farthings*],	125 6 9¾
Fitchburg,	7 5 0	20 8 2¼	Twenty-seven pounds thirteen shillings and twopence [¼] [*one farthing*],	27 13 2¼
Uxbridge,	35 10 0	111 8 9	One hundred and forty-six pounds eighteen shillings and ninepence,	146 18 9
Harvard,	25 15 0	100 10 0	One hundred and twenty-six pounds five shillings,	126 5 0
Dudley,	0 0 0	62 17 6	Sixty-two pounds seventeen shillings and sixpence,	62 17 6
Bolton,	31 7 6	95 13 9	One hundred and twenty-seven pounds one shilling and threepence,	127 1 3
Upton,	0 0 0	42 3 9	Forty-two pounds three shillings and ninepence,	42 3 9

Starbridge,	15	0	0	70	6	3	Eighty-five pounds six shillings and threepence,	85	6	3
Leominster,	0	0	0	63	0	0	Sixty-three pounds,	63	0	0
Hardwick,	36	15	0	79	10	0	One hundred and sixteen pounds five shillings,	116	5	0
Holden,	0	0	0	45	0	0	Forty-five pounds,	45	0	0
Western,	0	0	0	60	0	0	Sixty pounds,	60	0	0
Douglass,	0	0	0	29	10	7½	Twenty-nine pounds ten shillings and sevenpence [½] [*halfpenny*],	29	10	7½
Grafton,	22	15	0	80	15	0	One hundred and three pounds ten shillings,	103	10	0
Petersham,	7	15	0	65	13	9	Seventy-three pounds eight shillings and ninepence,	73	8	9
Royal[t]s[*t*]on,	0	0	0	0	0	0	– – – – –	0	0	0
Westminster,	0	0	0	45	11	10½	Forty-five pounds eleven shillings and tenpence halfpenny,	45	11	10½
Athol,	0	0	0	23	12	6	Twenty-three pounds twelve shillings and sixpence,	23	12	6
Templeton,	0	0	0	14	15	0	Fourteen pounds fifteen shillings,	14	15	0
Princetown,	0	0	0	22	2	6	Twenty-two pounds two shillings and sixpence,	22	2	6
Ashburnham,	0	0	0	13	5	0	Thirteen pounds five shillings,	13	5	0
Winchendon,	0	0	0	14	15	0	Fourteen pounds fifteen shillings,	14	15	0
	£543	15*s.*	0*d.*	£3,242	0*s.*	3¾*d.*	Three thousand seven hundred and eighty-five pounds fifteen shil[lings] and threep[ence ¾] [*three f.*],	£3,785	15*s.*	3¾*d.*

IN THE COUNTY OF CUMBERLAND.

Falmouth,	£26	0*s.*	0*d.*	£265	5*s.*	2¼*d.*	Two hundred and ninety-one pounds five shillings and twopence [¼] [*one farthing*],	£291	5*s.*	2¼*d.*
Cape Elisabeth,	14	10	0	149	1	2¼	One hundred and sixty-three pounds eleven shillings and twopence [¼] [*one farthing*],	163	11	2¼
North Yarmouth,	0	0	0	73	18	1½	Seventy-three pounds eighteen shillings and one penny halfpenny,	73	18	1½
Scarborough,	35	15	0	158	8	10½	One hundred and ninety-four pounds three shillings and tenpence [½] [*halfpenny*],	194	3	10½
Brunswick,	16	5	0	65	16	3	Eighty-two pounds one shilling and threepence,	82	1	3
Harpswell,	0	0	0	49	10	7½	Forty-nine pounds ten shillings and sevenpence halfpenny,	49	10	7½
Gorham,	38	10	0	29	10	7½	Sixty-eight pounds and sevenpence halfpenny,	68	0	7½
Windham,	19	10	0	14	5	0	Thirty-four pounds five shillings,	34	5	0
P[ei][*ie*]rsontown,	0	0	0	0	0	0	– – – –	0	0	0
	£150	10*s.*	0*d.*	£806	5*s.*	10½*d.*	Nine hundred and fifty-six pounds fifteen shillings and tenpence two farthings,	£956	15*s.*	10¾†*d.*

* "Ninety-eight pounds," in printed act.

† "½," in printed act.

IN THE COUNTY OF LINCOLN.

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Pownal[l]borough,	£0 0*s.* 0*d.*	£56 14*s.* 4½*d.*	Fifty-six pounds fourteen shillings and fourpence halfpenny,	£56 14*s.* 4½*d.*
Georgetown,	0 0 0	100 10 0	One hundred pounds ten shillings,	100 10 0
Newcastle,	0 0 0	41 2 6	Forty-one pounds two shillings and sixpence,	41 2 6
Topsham,	0 0 0	25 10 0	Twenty-five pounds ten shillings,	25 10 0
Woolwich,	0 0 0	36 18 1½	Thirty-six pounds eighteen shillings and one penny [½] [*halfpenny*],	36 18 1½
Bristol,	0 0 0	0 0 0	– – – – –	0 0 0
Bowdoinham,	0 0 0	0 0 0	– – – – –	0 0 0
Boothbay,	0 0 0	0 0 0	– – – – –	0 0 0
		£260 15*s.* 0*d.*	Two hundred and sixty pounds fifteen shillings,	£260 15*s.* 0*d.*

IN THE COUNTY OF BERKSHIRE.

Sheff[ei][*ie*]ld,	£23 0*s.* 9*d.*	£99 3*s.* 9*d.*	One hundred [*and*] twenty-two pounds four shillings and sixpence,	£122 4*s.* 6*d.*
Great Barrington,	13 6 0	57 3 9	Seventy pounds nine shillings and ninepence,	70 9 9
Egremont,	8 9 9	36 7 6	Forty-four pounds seventeen shillings and threepence,	44 17 3
Stockbridge,	0 0 0	21 13 9	Twenty-one pounds thirteen shillings and ninepence,	21 13 9
Pittsfield,	0 0 0	22 2 6	Twenty-two pounds two shillings and sixpence,	22 2 6
New Marlborough,	0 0 0	33 16 3	Thirty-three pounds sixteen shillings and threepence,	33 16 3
Richmont,	0 0 0	3 0 9	Three pounds and ninepence,	3 0 9
Tyringham,	22 5 0	23 12 6	Forty-five pounds seventeen shillings and sixpence,	45 17 6
Lanesborough,	0 0 0	6 0 0	Six pounds,	6 0 0
Sandisfield.	0 0 0	23 12 6	Twenty-three pounds twelve shillings and sixpence,	23 12 6
Williamstown,	0 0 0	6 0 0	Six pounds,	6 0 0
Becket[t],	0 0 0	6 0 0	Six pounds,	6 0 0
Lenox,	0 0 0	1 1 9	One pound one shilling and ninepence,	1 1 9
	£67 1*s.* 6*d.*	£339 15*s.* 0*d.*	Four hundred and six pounds sixteen shillings and sixpence,	£406 16*s.* 6*d.*

	REPRESENTATIVES' PAY.	PROVINCE TAX.	SUM TOTAL.	
Suffolk,	£496 5*s.* 0*d.*	£6,213 15*s.* 3¾*d.*	Six thousand seven hundred and ten pounds and threepence three farthings,	£6,710 0*s.* 3¾*d.*
Essex,	645 7 6	5,627 5 9	Six thousand two hundred and seventy-two pounds thirteen shillings and threepence,	6,272 13 3
Middlesex,	703 17 6	4,286 3 4¼	Four thousand nine hundred and ninety pounds and tenpence one farthing,	4,990 0 10¼
Hampshire,	201 0 0	2,303 5 3¾*	Two thousand five hundred and four pounds five shillings and threepence two farth[ings],	2,504 5 3½
Plymouth,	356 5 0	2,256 17 6	Two thousand six hundred and [and] thirteen pounds two shillings and sixpence,	2,613 2 6
Barnstable,	205 7 6	1,067 9 6	One thousand two hundred and seventy-two pounds and seventeen shillings,	1,272 17 0
Bristol,	245 10 0	2,159 0 11¼	Two thousand four hundred and four pounds ten shillings and elevenpence one farth[ing],	2,404 10 11¼
York,	120 10 0	1,163 4 6	One thousand two hundred and eighty-three pounds fourteen shillings and sixpence,	1,283 14 6
Dukes County,	58 10 0	226 10 7½	Two hundred and eighty-five pounds and sevenpence [two farthings] [*halfpenny*],	285 0 7½
Nantucket[t],	35 15 0	354 5 0	Three hundred and ninety pounds,	390 0 0
Worcester,	543 15 0	3,242 0 3¾	Three thousand seven hundred [*and*] eighty-five pounds fifteen shill[ing] and threep[ence] [three] [*3*] far[things],	3,785 15 3¾
Cumberland,	150 10 0	806 5 10½	Nine hundred [*and*] fifty-six pounds fifteen shillings and tenpence two farthings,	956 15 10½
Lincoln,	0 0 0	260 15 0	Two hundred and sixty pounds fifteen shillings,	260 15 0
Berkshire,	67 1 6	339 15 0	Four hundred and six pounds sixteen shillings and sixpence,	406†16 6
	£3,829 14*s.* 0*d.*	£30,306 13*s.* 11¼*d.*	Thirty-four thousand one hundred and thirty-six pounds seven shill[ings] and elevenp[ence] one f[arthing],	£34,136 7*s.* 11¼*d.*

* *Sic:* "3½," in printed act.

† "466," in printed act.

And be it further enacted,

Treasurer to issue his warrants to the selectmen or assessors.

[SECT. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town, district, parish or other place within this province, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town, district, parish or other place, in manner following; that is to say, to assess all rateable polls above the age of sixteen years, within their respective towns, districts, parishes or other places, or next adjoining to them, belonging to no other town or place, at four shillings, and proportionably in assessing the additional sum paid out of the treasury to the representatives, for their trav[ai][*e*]l and attendance aforesaid (excepting the governor, lieutenant-governor and their families, the president, fellows, professors, Hebrew instructor and students of Harvard College, settled ministers and gramm[e][*a*]r-school masters, who are hereby exempted as well from being taxed for their polls, as their estates being in their own hands, and under their actual management and improvement; as also the estate pertaining to Harvard College); and other persons, if such there be, who, through age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards public[k] charges, they may exempt their polls or estate[s], or abate part of what they are set at, as in their prudence they shall think fit and judge meet.

Rules for assessment.

[SECT. 3.] And the justices in their general sessions, in the respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns, districts, parishes and other places in such county, in proportion to the province tax; and the assessors of each town in the province are also directed, in making an assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying within the limits of such town, district, parish or other place, or next unto the same, not paying elsewhere, in whose hands, tenure [or] occupation or possession the same is or shall be found, and also the incomes or profits which any person or persons, except as before excepted, do or shall receive from any trade or faculty, business or employment whatsoever, and all profits which shall or may arise by money, or commissions of profits, in their improvement, at twelve pence per pound; and to abate or multiply the same, if need be, so as to make up the sum set and ordered hereby for each town, district, parish or other place to pay; and in making the said assessment, to estimate houses and lands at the amount of six years' yearly rent whereat the same may be reasonably set or let for in the place where they l[i][*y*]e; the said houses and land to be taxed to such persons as shall be the actual tenants thereof upon the first day of September next; excepting all such houses and buildings, in the town of Boston or elsewhere within this province, as shall then be improved as barracks for the king's troops, or otherwise for his service, all which houses and buildings so improved shall be taxed to such persons to whom the rents of the same shall at that time be due or payable: *saving* all agreements between landlord and tenant, and where no agreement is, the landlord to reimburse one-half of the tax set upon such houses and lands (new cleared lands for tillage not to be rated until the first crop be taken off); and to estimate negro, Indian and molatto servants proportionably as other personal estate, according to their sound judgment or discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow or heifer of three years old and upwards, [*at*] thirty shillings; and every horse and mare of three years old and upwards, at forty shillings; and every swine of one year old and upwards, at eight shillings; goats and

sheep of one year old and upwards, at three shillings each; the several creatures above mentioned to be taxed to their respective owners or occupants, by the assessors of the town in which the owners or occupants dwell: likewise requiring the assessors to make a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty, and if as guardians, or for any estate, in his or her improvement, in trust, to be distinctly expressed; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collector or constable or constables of any such town, district, parish or other place, and to return a certificate of the name or names of such collector, constable or constables, with the sum total to each of them committed, unto himself, some time before the last day of November next.

Lists to be committed to constables or collectors.

[Sect. 4.] And the treasurer, for the time being, on receipt of such certificate, is hereby [e][*i*]mpowered and ordered to issue forth his warrants to the collector or constable or constables of such town, district, parish or other place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collection, and to issue their accompts of the whole, at or before the thirtieth day of March, which will be in the year of our Lord one thousand seven hundred and seventy.

Treasurer to issue his warrants to constables or collectors.

And be it further enacted,

[Sect. 5.] That the assessors of each town, district, parish or other place, respectively, in convenient time before their making of the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town, district, parish or other place, or notify the inhabitants some other way, to give and bring in to the assessors true and perfect lists of their polls and rateable estate they shall be possessed of on the first day of September next, and income by trade or faculty, and gain by money at interest, which they are to render to the assessors, on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are [e][*i*]mpowered to doom them; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agre[*e*]able to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of the said assessors, in bringing in a false list; the said fines to be for the use of the poor of such town, district, parish or place where the delinquent lives, to be levied by warrant from the assessors, directed to the collectors or constables, in manner as is directed for gathering the town assessments, to be paid into the town, district, or parish treasury, for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief as in the case of being overrated. And if any person or persons shall not bring in a list of their estate as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

Notice to be given to the inhabitants to bring in a true list of polls and estate in possession the first day of September.

[Sect. 6.] And if the person be not convicted of any falseness in the list, by him presented, of the polls, rateable estate, or income by trade or faculty, business or employment, which he does or shall exer-

cise, or in gain by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

And forasmuch as, oftentimes, sundry persons, not belonging to this province, bring considerable trade and merchandize into the same, and by reason that the tax or rate of the town where they come to is finished and delivered to the constable or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, tho[*ugh*], in the time of their residing here, they reaped considerable gain by trade, and had the protection of the government, —

Be it therefore enacted,

Transient traders to be rated.

[SECT. 7.] That when any person or persons shall come and reside in any town within this province, and bring any merchandize, or trade, to deal therewith, the assessors of such town are hereby [e][*i*]mpowered to rate and assess all such persons, according to their circumstances, pursuant to the rules and directions of this act provided, though the former rate may have been finished and a new one not perfected as aforesaid.

And be it further enacted,

Merchants to be rated for carrying on trade in any town besides where they dwell.

[SECT. 8.] That when any merchant, trader or factor, shall set up a store, and traffic[*k*], or carry on any trade or business, in any town within this province, not being an inhabitant of such town, the assessors of such town where such trade and business shall be carried on as aforesaid, be and hereby are [e][*i*]mpowered to rate and assess all such merchants, traders and factors, their goods and merchandize, for carrying on such trade and business, and exercising their faculty in such town, pursuant to the rules and directions of this act: *provided*, before any such assessors shall rate such persons, as aforementioned, the selectmen of the town where such trade is carried on shall transmit a list of such persons as they shall judge may and ought to be rated, within the intent of this act, to the assessors of such town or district.

Selectmen to transmit a list of such persons before they are rated.

[SECT. 9.] And the constables or collectors are hereby enjoined to levy and collect all such sums committed to them, and assessed on persons who are not of this province, or are resident in other towns than those where they carry on their trade, and pay the same.

And whereas it has been the practice of some of the inhabitants of the town of Boston to remove to some other town in this province, and there reside for some months, to avoid paying their part of the taxes in the town of Boston, to which they really belong, to the great injury of the said town, —

Be it therefore enacted,

Inhabitants of Boston who remove out of town and return in a year, to pay their tax in said town.

[SECT. 10.] That when any inhabitant of the town of Boston shall remove to any other town in this province, and shall, in one year after, remove back to said Boston, and shall have been taxed in the said town, shall be subject to pay said taxes, in like manner as he would have been had he not have removed from said Boston (*saving* so much as he shall be taxed in the town removed to), anything in this act to the contrary notwithstanding. [*Passed July* 15.

CHAPTER 2.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND T[O][*U*]NNAGE OF SHIPPING.

Preamble.

We, his majesty's most dutiful and loyal subjects, the representatives of the province of the Massachusetts Bay, in New England, being desirous of lessening the public debts, have chearfully and unanimously given and granted, and do give and grant, to his most excellent majesty, for the service of this province, as they shall hereafter apply it, the several duties of impost upon all liquors, wares, goods and merchandize that shall be imported into this province, and t[o][*u*]nnage of shipping hereafter mentioned; and pray that it may be enacted, —

And be it accordingly enacted by the Governor, Council and House of Representatives,

From July 10, 1767, to July 11, 1770, impost to be paid.

[Sect. 1.] That from and after the tenth day of July, one thousand seven hundred and sixty-nine, to the tenth day of July, one thousand seven hundred and seventy, and until the end of the then next session of the general court, there shall be paid by the importers of all wines, rum and other liquors, goods, wares and merchandize that shall be imported into this province by any of the inhabitants thereof (except what is by this act hereafter exempted), the several duties of impost following; viz. [1], —

Rates of impost.

For every pipe of wine of every sort, five shillings.

For every hogshead of rum containing one hundred gallons, eight shillings.

For every hogshead of tobacco, ten shillings.

And for all other commodities, goods or merchandize not mentioned or not excepted, fourpence for every twenty shillings' value, excepting such goods and merchandize the produce of Great Britain, and also foreign goods and merchandize imported from Great Britain, either directly, or through the channel of any of his majesty's colonies: *provided* such foreign goods and merchandize have paid the duties required by act of parliament.

For liquors, goods, &c., belonging to inhabitants of other provinces.

[Sect. 2.] And for any of the liquors, goods, wares and merchandize that shall be imported into this province by any of the inhabitants of the other provinces or colonies on this continent, or of the English West-India Islands, in any ship or vessel to them belonging, on the proper account of any of the said inhabitants of said provinces, colonies or islands, there shall be paid by the importers the several duties of impost following; viz.[1], —

For every pipe of wine of every sort, ten shillings.

For every hogshead of rum containing one hundred gallons, sixteen shillings.

For every hogshead of sugar, eightpence.

For every hogshead of molasses, eightpence.

For every hogshead of tobacco, twenty shillings.

And for all other commodities, goods and merchandize not mentioned or not excepted, eightpence for every twenty shillings' value: *provided*, *always*, that everything which is the growth or produce of the provinces or colonies aforesaid (tobacco excepted), and all provisions, salt, cotton-wool, bar and pig iron, mohogony, brazilletto, black-walnut, lignum-vitæ, red-cedar, logwood, hemp, raw skins and hides, and also all prize goods brought into and condemned in this province, are and shall be exempted from every the rates and duties aforesaid.

Proviso.

And be it further enacted,

Masters of vessels to make report within forty-eight hours after arrival, and deliver a manifest to the commissioner.

[SECT. 3.] That the master of every ship or vessel coming into this province from any other place, shall, within forty-eight hours after his arrival in any port or harbour, and before bulk is broken, make report and deliver a manifest, in writing, under his hand, to the commissioner of impost that is or shall be appointed by this province, of the contents [or] [*of*] loading of such ship or vessel, therein particularly expressing the species, kind and qualities of all wines, liquors, goods, wares and merchandize imported in any such ship or vessel, with the marks and numbers thereof, and to whom the same are consigned; and make oath before the commissioner that the same manifest contains a just and true account of all the lading taken on board and imported in such ship or vessel, so far as he knows or believes; and that, if he knows of any more wines, liquors, goods, wares or merchandize laden on board such ship or vessel, and imported therein, he shall forthwith make report thereof to the commissioner aforesaid, and cause the same to be added to his manifest.

And be it further enacted,

To forfeit, in case of breaking bulk.

[SECT. 4.] That if the master of any ship or vessel shall break bulk, or suffer any of the wines, liquors, goods, wares and merchandize imported in such ship or vessel to be unladen before report and entry thereof be made as aforesaid, he shall forfeit the sum of one hundred pounds.

And be it further enacted,

Invoice to be produced.

[SECT. 5.] That all merchants and other persons, being owners of any wines, liquors, goods, wares or merchandize imported into this province, for which any of the rates or duties aforesaid are payable, or having the same consigned to them, shall make entry thereof with the commissioner aforesaid, and produce an invoice of all such goods as pay *ad valorem*, and make oath before him in the form following; viz.[1], —

Oath.

You, A B., do swear that the entry of goods and merchandize, by you made, and the value thereof annexed, is, *bona fide*, according to your best skill and judgment, agre[*e*]able to the price current or the market price of the said goods. So help you God.

— which oath the commissioner or receiver, appointed in consequence of this act, is hereby impowered and directed to administer; and the owners aforesaid shall pay the said commissioner, or give security to pay, the duty of impost by this act required, before such win[*es**], liquors, goods, wares or merchandize be landed or taken out of the vessel in which the same shall be imported.

Duties to be paid before landing.

[SECT. 6.] And no wines, liquor[*s**], goods, wares or merchandize that by this act are liable to pay impost or duty, shall be landed on any wharf[*e*], or in any warehouse or other place, but in the daytime only, unless in the presence or with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, and the lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place; excepting only such wines, liquors, goods, wares and merchandize, lighter, boat or vessel as shall appear to be the property of some one or more of the inhabitants of this province.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantities of rum or other liquors to him or them consigned, then the cask wherein the same are, shall be gauged at the charge of the importer, that the contents thereof may be known.

* Parchment mutilated.

Provided, nevertheless, —

Commissioner allowed to give credit.

[Sect. 8.] That the said commissioner shall be and hereby is allowed to give credit to such person or persons whose duty of impost in one vessel shall not exceed six pounds; which credit shall be so limited as that he shall settle and bal[*l*]ance his acco[un][*mp*]ts with every person, on or before the twenty-fifth of March, one thousand seven hundred and seventy, that the said accompts may be produced to this court as soon as may be after; and for all entries where the impost to be paid doth not exceed three shillings, the said commissioner shall not demand anything, and not more than sixpence for any other single entry, to what value soever.

And be it further enacted,

Importer by land-carriage or in small vessels, to make report.

[Sect. 9.] That the importer of all wines, liquors, goods, wares and merchandize, from and after the tenth day of July, one thousand seven hundred and sixty-nine, and until the tenth day of July, one thousand seven hundred and seventy, and until the end of the then next session of the general court, by land-carriage, or in small vessels or boats, shall, within twenty-four hours after importation, make report and deliver a manifest thereof to the commissioner aforesaid or his deputy, therein particularly expressing the species, kind and quantity of all such wines, liquors, goods, wares and merchandize so imported, with the marks and numbers thereof, when, how and by whom brought; and shall make oath, before the said commissioner or his deputy, to the truth of such report and manifest, and shall also pay or secure to be paid the several duties aforesaid by this act charged and chargeable upon such wines, liquors, goods, wares and merchandize, before the same are landed, housed, or put into any store or place whatsoever, under the penalty of ten pounds.

And be it further enacted,

Allowance for leakage.

[Sect. 10.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for ordinary leakage, besides extraordinary: *provided* such wines shall not have been filled on board; and that every hogshead, butt or pipe of wine that hath two-thirds thereof leaked out, shall be accounted for outs, and the merchant or importer shall pay no duty for the same. And no master of any ship or vessel shall suffer any wines to be filled up on board without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for that port, on pain of forfeiting the sum of one hundred pounds.

[Sect. 11.] And if it may be made to appear that any wines imported in any ship or vessel be decayed at the time of unloading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same hath not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

And be it further enacted,

Master allowed to detain goods not entered or the duty not paid.

[Sect. 12.] That the master of every ship or vessel importing any liquors, wines, goods, wares or merchandize, shall be liable to pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entered, and the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful, for the master of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares and merchandize imported in any ship or vessel, until he receives a certificate, from the commissioner or receiver of impost, that the duty for the same is paid, and until he be paid his necessary charges in secur-

ing the same; or such master may deliver such wines, liquors, goods, wares and merchandize as are not entered, unto the commissioner or receiver of impost in such port, or his order, who is hereby impowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid or secured to be paid, and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

And be it further enacted,

Master liable to be sued.

[SECT. 13.] That the commissioner or receiver of impost, in each port, shall be and hereby is impowered to sue the master of any ship or vessel for the impost or duty of so much of the lading of any wines, liquors, goods, wares or merchandize imported therein, according to the manifest to be by him given upon oath, aforesaid, as shall remain not entered and the duty of impost therefor not paid or secured to be paid. And where any goods, wares or merchandize are such that the value thereof is not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where such suit for the impost and the duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandize.

And be it further enacted,

Ship, &c., liable to be taken in execution.

[SECT. 14.] That the ship or vessel, with her tackle, appar[*r*]el[l] and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for all wines, liquors, goods, wares and merchandize not entered as aforesaid, or for which the duty of impost has not been paid; and upon judgment recovered against such master, the said ship or vessel, with so much of th[*e**] tackle or appurtenances thereof as shall be sufficient to satisfy the said judgment, may be taken by execution for the same; and the comm[*issioner**] or receiver of the impost is hereby impowered to make s[ie][*ei*]zure of the said ship or vessel, and detain the same under seizure until judgm[*ent be**] given in any suit to be commenced and prosecuted for any of the said forfeitures, or for the duty aforesaid; to the intent that, if judgment be rendered for the prosecutor or informer, such ship or vessel[l] and appurtenances may be exposed to sale, for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of impost that seized the same, to respond or satisfy the sum or value of the forfeitures and duties, with the charges, that shall be recovered against the master thereof, upon such suit to be brought for the same, as aforesaid; and the master occasioning such loss or damage unto the owners, through his default or neglect, shall be liable unto their action for the same.

And be it further enacted,

Naval officer not to clear vessels till impost be paid.

[SECT. 15.] That the naval officer within any of the ports of this province shall not clear or give passes to any master of any ship or vessel, outward bound, until he shall be certified, by the commissioner or receiver of impost, that the duty and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

Bills of store to be allowed.

[SECT. 16.] And the commissioner or receiver of impost is hereby impowered to allow bills of store to the master of any ship or ves-

* Parchment mutilated.

sel[l] importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act, for such wines or liquors, in such bills of stores mentioned and expressed, shall be abated.

Preamble.

And for the more effectual preventing wines, rum or other distilled spirits being brought into this province from the neighbouring governments, by land, or in small boats or vessels, or any other way, and also to prevent wines, rum or other distilled spirits being first sent out of this province, and afterwards brought into the government again, to defraud the government of the duties of impost, —

Be it enacted,

Commissioner to appoint deputies in places where wines, rum, &c., may be brought out of other governments.

[Sect. 17.] That the commissioner and receiver of the aforesaid duties of impost shall, and he is hereby impowered and enjoined to, appoint one or more suitable person or persons as his deputy or deputies, in all such places of this province where it is likely that wine, rum or other distilled spirits will be brought out of other governments into this; which officers shall have power to seize the same, unless the owner shall make it appear that the duty of impost has been paid therefor since their being brought into or relanded in this government; and such officer or officers are impowered also to search, in all suspected places, for such wines, rum or other distilled spirits, brought or relanded in this government, where the duty is not paid as aforesaid, and to seize or secure the same for the ends and uses as in this act is hereafter provided.

And be it further enacted,

Commissioner or deputy impowered to administer the oaths, and to search and seize.

[Sect. 18.] That the commissioner or his deputies shall have power to administer the several oaths aforesaid, and search in all suspected places for all such wines, rum, liquors, goods, wares and merchandize as are brought into this province, and landed contrary to the true intent and meaning of this act, and to seize the same for the uses hereinafter mentioned.

And be it further enacted,

Tonnage of shipping.

[Sect. 19.] That there shall be paid, by the master of every ship or other vessel coming into any port or ports of this province to trade or traffick, whereof all the owners are not belonging to this province (excepting such vessels as belong to Great Britain, the provinces or colonies of Pen[*n*]sylvania, West and East Jerseys, Connecticut, New York, New Hampshire, Rhode Island and Nova Scotia), every voyage such ship or vessel doth make, one pound of good pistol-powder for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the governments aforesaid, which are hereby exempted; to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the ends and uses aforesaid.

Vessels to be measured, if suspected.

[Sect. 20.] And the said commissioner is hereby impowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure and t[o][*u*]nnage thereof, in case he shall suspect the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the owner or master of said ship or vessel, before she shall be cleared, in case she appear to be of greater burthen: otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer, in his accompts. And the naval officer shall not clear any vessel until he be certified, also, by the commissioner, that the duty of

t[o][u]nnage for the same is paid, or that it is such a vessel for which none is payable according to this act.

And be it further enacted,

Drawback for wine and rum, allowed, in case.

[SECT. 21.] That when and so often as any wine or rum imported into this province, the aforesaid duty of impost upon which shall have been paid agre[e]able to this act, shall be reshipped and exported from this government to any other part of the world, that then and in every such case, the exporter of such wines or rum shall make oath, at the time of the shipping, before the receiver of impost or his deputy, that the whole of the wine or rum so shipped has, *bona fide*, had the duty of impost aforesaid paid on the same, and shall afterwards produce a certificate, from some officer of the customs, that the same has been landed out of this government, — or the master of the vessel in which the same shall be exported shall make oath, before the commissioner or his deputy, that the same has been landed and left in some port out of the government, and the exporter, upon producing such certificate, or upon such oath of the master, make oath that he verily believes no part of said wines or rum has been relanded in this province, — such exporter shall be allowed a drawback from the receiver of impost as follows; viz.[1], —

For every pipe of wine, four shillings.

For every hogshead of rum, seven shillings.

Proviso.

Provided, always, —

[SECT. 22.] That if, after the shipping of such wines or rum, to be exported as aforesaid, and giving security as aforesaid, in order to obtain the drawback aforesaid, the wines or rum so shipped to be exported, or any part thereof, shall be relanded in this province, or brought into the same from any other province or colony, that then all such wine or rum so relanded and brought again into this province, shall be forfeited, and may be seized by the commissioner aforesaid, or his deputy.

And be it further enacted,

Appointment and duty of the commissioner.

[SECT. 23.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid duties of impost and t[o][u]nnage of shipping, and for the inspection, care and management of the said office, and whatever relates thereunto, to receive commission from the governor or commander-in-chief for the time being, with authority to substitute and appoint a deputy-receiver in each port, or other places besides that in which he resides, and to grant warrants to such deputy-receivers for the said place, and to collect and receive the impost and t[o][u]nnage of shipping, as aforesaid, that shall become due within such port, and to render the account thereof, and to pay in the same, to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also, a particular account of every vessel, so that the duties of impost and t[o][u]nnage arising on said vessel may appear; and the same to be open, at all seasonable times, to the view and perusal of the treasurer or receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay all such monies as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver, and his deputy or deputies, before their entering into execution of their office aforesaid, shall be sworn to deal truly and faithfully therein, and shall attend in said office from ten of the clock in the forenoon, until one of the clock in the afternoon.

[Sect. 24.] And the said commissioner or receiver, for his labo[u]r, care and expences in the said office, shall have and receive, out of the province treasury, at the rate of sixty pounds per annum; and his deputy or deput[y][*ie*]s shall receive for their services such sums as the commissioner of impost, together with the province treasurer, shall judge necessary for whatever sums they shall receive and pay; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accounts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputies.

And be it further enacted,

Disposition of forfeitures.

[Sect. 25.] That all penalties, fines and forfeitures, accruing or arising in consequence of any breach of this act, shall be one half to his majesty for the use of this province, and the other half to him or them that shall seize, inform and sue for the same, by action of debt, presentment or indictment of the grand jury, in any of his majesty's courts of record, wherein no essoign, protection or wager of law shall be allowed: the whole charge of the prosecution to be taken out of the half belonging to the informer.

And be it further enacted,

Charges of prosecution, how to be paid, in case.

[Sect. 26.] That from and after the commencement of this act, in all causes wherein any claimant shall appear, and shall not make good the claim, the charges of prosecution shall be borne and paid by the said claimer, and not by the informer. [*Passed and published July* 15.

CHAPTER 3.

AN ACT TO ENABLE ROBERT PIERPO[*I*]NT TO COLLECT THE TAXES UNCOLLECTED BY SAMUEL ADAMS, LATE COLLECTOR OF TAXES FOR THE TOWN OF BOSTON.

Preamble.

Whereas the town of Boston, at their meeting in March last, upon the petition of Samuel Adams, late a collector of taxes, upon diverse reasons by him given, tho'[*ugh*]t it for the interest of the town to make choice of Robert Pierpo[*i*]nt to receive, as a collector, the tax-books and rate-bills, with proper warrants, and to collect the outstanding taxes, within the district or ward of the said Samuel Adams; but as the person thus chosen cannot proceed without the aid of an act of the general assembly, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Robert Pierpont to collect taxes uncollected by Sam. Adams.

That the said choice be confirmed, and the same is hereby confirmed; and the said Robert Pierpo[*i*]nt is enabled, to all intents and purposes, to collect [the] said outstanding taxes uncollected by the said Samuel Adams: and that the said Robert Pierpo[*i*]nt be impowered to collect the same; and the present assessors of the town of Boston are hereby impowered and directed to issue their warrant or warrants to the said Robert Pierpo[*i*]nt, requiring him to collect what remains uncollected of the several taxes heretofore committed to the said Samuel Adams to collect by force of any warrants, to him directed by former assessors, for that purpose. [*Passed and published July* 15.

CHAPTER 4.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED AND NEAR EXPIRING.

Acts revived for providing for the levying and collecting taxes, &c.: 1761-62, chap. 16. —for allowing necessary supplies to the eastern Indians, &c.: 1764-65, chap. 30. —for establishing the fees of the several officers: 1764-65, chap. 26. —for preventing frauds by the adulteration of potash, etc.; 1767-68, chap. 10. —relating to the removal of poor persons. 1766-67, chap. 17.

WHEREAS the several acts hereinafter mentioned, which are now expired [and] [*or*] near expiring, have been found useful and beneficial; viz[t]., one act made in the first year of his present majesty's reign, intitled "An Act providing for the levying and collecting of taxes in plantations that are not incorporated;" two acts made in the fifth year of the said reign; one, intitled "An Act for allowing necessary supplys to the eastern Indians, and for regulating trade with them and preventing abuses therein;" the other, intitled "An Act for establishing and regulating the fees of the several officers within this province;" two acts made in the seventh year of the said reign; one, intitled "An Act to prevent frauds by the adulteration of potash and pearlash;" the other, intitled "An Act in addition to the several laws already made relating to the removal of poor persons out of the towns whereof they are not inhabitants," —

Be it therefore enacted by the Governor, Council and House of Representatives,

That such of the before-mentioned acts as are expired, be revived, and such of said acts as are not yet expired, be continued, with all and every clause, matter and thing therein respectively contained, and shall be in force until the twelfth day of June, one thousand seven hundred and seventy. [*Passed and published July* 15.

CHAPTER 5.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF EIGHTY-EIGHT THOUSAND ONE HUNDRED AND FIFTY-EIGHT POUNDS, TO BE THENCE ISSUED FOR DISCHARGING THE PUBLIC DEBTS, AND DRAWING THE SAME INTO THE TREASURY AGAIN.

Preamble.

WHEREAS it is necessary, in order to support the faith and credit of the government, that provision be made by the general court for discharging the debts that will become due in June, one thousand seven hundred and seventy; also to enable the treasurer to compleat the payments of the receipts or obligations by him given in behalf of the province, that will become due the present year, —

Be it enacted by the Governor, Council and House of Representatives,

Treasurer impowered to borrow £88,150.

[SECT. 1.] That the treasurer of the province be, and he hereby is, impowered and directed to borrow, from such person or persons as shall be willing to lend the same, from time to time, as he shall have occasion for the money, a sum not exceeding eighty-eight thousand one hundred and fifty-eight pounds, in mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act made and passed in the twenty-third year of his late majesty King George the Second, intitled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government;" and the sum so borrowed shall be applied in manner as in this act is hereafter directed; and for the said sum, the treasurer shall give his receipt or obligation in the form following: —

1749-50, chap. 19.

Province of the Massachusetts Bay, the day of , A. D. ,
Borrowed and received of , the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer, to repay the said or to his order, the [twentieth] [*20th*] day of June, A. D. one thousand seven hundred and seventy-one, the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act made and passed in the twenty-third year of his late majesty King George the Second, intit[*u*]led "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government," and according to the rates therein mentioned, with interest, annually, at five per cent.

Witness my hand, H. G., Treasurer.

A. B.,
C. D., } Committee.
E. F.,

—and no receipt shall be given for less than six pounds.

[Sect. 2.] And the treasurer, in issuing said receipts or obligations, and the committee chosen to countersign them, shall observe and be governed by the rules and directions given them by an act of this province, made in the second year of his present majesty's reign, intit[*u*]led "An Act to supply the treasury with the sum of twenty-five thousand pounds." Regulation of the sum, and manner of issuing the notes. 1761-62, chap. 23.

And be it further enacted,

[Sect. 3.] That the sum of thirteen thousand one hundred and fifty-eight pounds, part of the aforesaid sum of eighty-eight thousand one hundred and fifty-eight pounds, when received into the treasury, shall be issued in the manner and for the purposes following; that is to say, the sum of three thousand pounds, part of the aforesaid sum of thirteen thousand one hundred and fifty-eight pounds, shall be applied for the payment of the expences of the several forts and garrisons within this province; and the further sum of four hundred pounds, part of the aforesaid sum of thirteen thousand one hundred and fifty-eight pounds, shall be applied to the purchasing provisions and the commissary's disbursments for the several forts and garrisons within this province; and the further sum of six thousand pounds, part of the aforesaid sum of thirteen thousand one hundred and fifty-eight pounds, shall be applied for the payment of the grants made or to be made by this court; and the further sum of one thousand pounds, part of the aforesaid sum of thirteen thousand one hundred and fifty-eight pounds, shall be applied for the discharge of debts owing from this province to persons that have served and shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned them for that purpose, and for writing, printing and paper for this court, and repairs of the province-house, court-house, lighthouse, wood at Castle William, and repairs of fortifications within this province; and the further sum of two thousand five hundred pounds, part of the aforesaid sum of thirteen thousand one hundred and fifty-eight pounds, shall be applied for the payment of his majesty's council and the members of the house of representatives serving in the great and general court during the several sessions of the last and present year; and the further sum of one hundred and fifty-eight pounds, part of the aforesaid sum of thirteen thousand one hundred and fifty-eight pounds, shall be applied for the payment of the bounty upon wheat and flour; and the further sum of one hundred pounds, being the remainder of the aforesaid sum of thirteen thousand one hundred and Appropriations.

fifty-eight pounds, shall be applied to pay such contingent and unforeseen charges as may arise, and for no other purpose whatsoever.

And be it further enacted,

Treasurer to pay out of appropriation directed by warrant.

[SECT. 4.] That the treasurer pay the aforesaid sum of thirteen thousand one hundred and fifty-eight pounds out of such appropriations as shall be directed by warrant, and no other.

And be it further enacted,

£75,000 for redemption of government securities.

[SECT. 5.] That the sum of seventy-five thousand pounds, being the remainder of the sum ordered to be borrowed by this act, when received into the treasury, be applied by the treasurer for the redemption of government securities that will become due the twentieth day of June, one thousand seven hundred and seventy.

And in order to draw said money into the treasury again, and enable the treasurer effectually to discharge the receipts and obligations (with the interest that may be due thereon) by him given in pursuance of this act, —

Be it enacted,

Tax granted of £92,500 to be paid on or before 31st March, 1771.

[SECT. 6.] That there be and hereby is granted unto his most excellent majesty a tax of ninety-two thousand five hundred pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportions on the several towns, districts, parishes and other places within this province, as shall be agreed on and ordered by the general court or assembly at their sessions in May, one thousand seven hundred and seventy, and to be paid into the public treasury on or before the thirty-first day of March, A.[nno] D.[omini] one thousand seven hundred and seventy-one.

And be it further enacted,

General court to apportion the sum in 1770, or otherwise be paid as in the preceding tax act.

[SECT. 7.] That if the general court, at their sessions in May, one thousand seven hundred and seventy, and sometime before the twentieth day of June in said year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be paid in said year, apportioned, assessed, and levied, then and in such case each town, district, parish and other place within this province shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of said sum as the said towns, districts, parishes and other places were taxed by the general court in the tax act then last prece[e]ding.

Treasurer empowered to issue his warrants accordingly.

[SECT. 8.] And the province treasurer is hereby fully [i][*e*]mpowered and directed, sometime in the month of June, in the same year, one thousand seven hundred and seventy, to issue and send forth his warrants, directed to the assessors or selectmen of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and agreed to be assessed, to be paid into the treasury at or before the last mentioned time; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last prece[e]ding tax act. [*Passed and published July* 15.

CHAPTER 6.

AN ACT TO PREVENT THE DESTRUCTION OF ALEWIVES AND OTHER FISH IN IPSWICH RIVER, AND TO ENCOURAGE THE ENCREASE OF THE SAME.

Preamble. 1764-65, chap. 34. 1765-66, chap. 33.

Whereas, heretofore, great variety of fish, particularly salmon, bass, shad and alewives, used to pass up Ipswich River, so called, to cast their spawn in the natural ponds emptying into the same, but, for a long time past, the passage of the said fish up the said river, by milldams across the said river and its branches, has been almost totally obstructed, to the great damage and distress of the inhabitants, especially the poor, of divers towns in the count[ies][*y*] of Essex and Middlesex thro' which the said river and its branches run, as well as to the prejudice of the cod-fishery on the coasts of the province; *and whereas* the laws now in force relating to opening and keeping open passages for fish in rivers and streams within this province are by experience found to be ineffectual for opening a sufficient passage for the said fish up the river aforesaid, —

Be it therefore enacted by the Governor, Council and House of Representatives, in General Court assembled,

Proprietors of Warner's Milldam to make and keep open a passage for the fish.

[Sect. 1.] That the proprietor or proprietors of the dam across Ipswich River, commonly called Warner's Milldam, and also the proprietor or proprietors of the dam at Farley's Mills, so called, be, and they [are] hereby [*are*], required, henceforward, at their own cost and charge, in proportion to their several interests, to make and keep open a passage for the fish thro' their respective dams, from the twentieth day of April to the fifteenth day of June, annually; and that the said passage be made within four feet of the northerly end of each of [the] said dams, six feet wide, to extend from the top of the said dam and as low as the mudsills of the same, and that during the said time the bottom of the said passage be covered with flat stones, or gravel, in such a manner as that the bottom be not raised higher than the sills, —

And be it further enacted,

Proprietors of the floom at Choate's Mills required to keep open a passage in the same manner as Warner's and Farley's, on penalty.

[Sect. 2.] That the proprietor or proprietors of the floom at Choat[e]'s Mills, so called, in said town, be, and they [are] hereby [*are*], required, henceforward, during the time aforesaid, annually, to keep open a passage six feet wide, thro' the said floom, in the same manner as the proprietors of Warner's and Farley's Mills are hereinbefore required and enjoined, where the waste-gate now is, on pain that the proprietor or proprietors of either of the aforesaid mills neglecting to observe the directions of this act in any of the instances before mentioned, shall forfeit the sum of fifty pounds, to be recovered of them, or either of them, by action of debt in any of his majesty's courts of record, in the county where the offence shall be committed, to be disposed of as follows; viz[t]., one moiety to him who shall sue for the same, the other moiety to the poor of the town where the offence shall be committed.

And be it further enacted,

Sluices or passages to be kept open.

[Sect. 3.] That [*the*] sluices or passages thro' or by all other milldams now erected or that shall hereafter be erected upon the said river, or upon any stream or streams running from any natural pond into the same, *provided* the said milldam be below the same ponds, shall be open, and kept open, according as is already directed by the laws of the province now in force; and that the proprietor or proprietors of such milldam[s] shall make, maintain and keep open said

sluices or passages, at their own cost and charge, in the same manner as is heretofore in this act provided with regard to the passages thro' Warner's and Farley's milldam[s], and under the same penalty for every neglect, to be recovered and disposed of in the same manner.

And be it further enacted,

Penalty for taking fish after a certain time.

[SECT. 4.] That every person who shall, after the fifteenth day of April which will be in the year of our Lord one thousand seven hundred and seventy, presume to take fish of any kind in said river or its branches, or any of the ponds emptying themselves into it, with seans or drag-n[i][e]ts of any kind, shall forfeit for every such offence the sum of five pounds, to be recovered in any of his majesty's courts of record in the county of Essex; one moiety to him who shall sue for the same, the other moiety to the poor of the town where the offence shall be committed.

And whereas it has been found by experience that sawdust floating in streams where fish pass does much obstruct their passage, —

Be it further enacted,

Saw-mills not to work during such time as the passages are open for the fish, on penalty.

[SECT. 5.] That, during the time in which passages for the fish are by this act ordered to be kept open, none of the saw-mills on the said river, or any of the streams running from natural ponds into the same, shall be suffered to go for the cutting [of] any wood or timber in the same, upon pain that every person who shall saw any wood or timber in any of the said saw-mills during the time aforesaid, shall for every such offence forfeit and pay the sum of ten pounds, to be recovered to his own proper use by any person who shall sue for the same in any of his majesty's courts of record proper to try the same.

Continuation.

[SECT. 6.] This act to continue and be in force until the fifteenth day of April, one thousand seven hundred and seventy-three, and no longer. [*Passed and published July* 15.

CHAPTER 7.

AN ACT TO IMPOWER THE EAST PRECINCT IN SALEM, WHERE THE REV.[D] MR. JAMES DIMAN NOW OFFICIATES, TO RAISE MONEY FOR DEFREYING MINISTERIAL AND OTHER NECESSARY CHARGES OF SAID PRECINCT.

Preamble.

WHEREAS it is found inconvenient to raise money for defreying ministerial and other charges in the east precinct in Salem, by an assessment or tax on polls and estates in said precinct, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Freeholders of Salem East Precinct impowered to levy a tax on pews, &c.

[SECT. 1.] That the freeholders and other inhabitants [in] [*of*] the said east precinct in Salem, legally qualified to vote in precinct affairs, be, and they are hereby, authorized and impowered, at any meeting of said precinct duly called and warned for that purpose, annually, in March, during the continuance of this act, to grant a tax or assessment not exceeding fifty pounds, on such of the pews and other seats in said meeting-house as they shall judge reasonable; and such inhabitants are hereby impowered, from time to time, to determine in what proportion the owners or occupants of such pews or seats shall pay towards the sum that may be granted as aforesaid, and the time and manner of payment; and the said parish, at any such meeting as aforesaid, may appoint a collector or collectors to collect the sum so agreed to be raised, who shall be sworn to the faithful discharge of their trust, and shall pay and deliver the money which he or they shall

collect, to the treasurer of said precinct, to be applied from time to time, as said precinct shall order, for defreying the ministerial and other charges of said precinct; and in case any proprietor or occupant of any such pew or seat shall neglect to pay the sum assessed thereon, for two years, having due notice thereof from the collector for the time being, then and in that case it shall and may be lawful, and the committee of said precinct for the time being are hereby impowered, to sell the said pew or seat of such delinquent for the most it will fetch, at public sale, to be adverti[z][s]ed at least fifteen days before said sale, and, after paying the tax then due on said pew or seat, with the charge of said sale, the remainder, if any, shall be returned to the owner.

[Sect. 2.] This act to be in force for three years from the first day of August next. [*Passed and published July* 15. Continuance.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT CAMBRIDGE, ON THE FIFTEENTH DAY OF MARCH, A. D. 1770.

CHAPTER 8.

AN ACT FOR GRANTING THE SUM OF FIVE HUNDRED AND FIFTY POUNDS FOR THE SUPPORT OF HIS MAJESTY'S LIEUTENANT-GOVERNOR.

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

Grant of £550 for the support of his majesty's lieut. governor.

That the sum of five hundred and fifty pounds be and hereby is granted unto his most excellent majesty, to be paid out of the public treasury to the Honorable Thomas Hutchinson, Esq., lieutenant-governor and commander-in-chief in and over his majesty's province of the Massachusetts Bay, in New England, to recompence his past services, and further to enable him to carry on the affairs of government. [*April* 25, 1770.

CHAPTER 9.

AN ACT FOR EFFECTUALLY PREVENTING THE CURRENCY OF THE BILLS OF CREDIT OF CONNECTICUT, NEW HAMPSHIRE AND RHODE ISLAND, WITHIN THIS PROVINCE.

Preamble. 1766-67, chap. 22.

WHEREAS bills of credit still continue current within the governments of Connecticut, New Hampshire and Rhode Island, and it is of great importance to the interest of the inhabitants of this province, and to the interest of such of his majesty's subjects in Great Britain and elsewhere, as have trade and commerce here, that the currency of said bills should be effectually prevented throughout this government, —

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

Bills of other governments prohibited, on penalty of £50.

[SECT. 1.] That every person within this province be and hereby is strictly forbidden to account, receive, take or pay any bill or bills of credit of either of the governments of Connecticut, New Hampshire or Rhode Island, in discharge of any contract or bargain, or for any valuable consideration whatsoever; and that every person who shall so account, receive, take or pay any of the said bills within this province, shall forfeit the sum of fifty pounds for every offence; one moiety thereof to his majesty, his heirs and successors, to and for

the use of this government, the other moiety to him or them that shall sue for the same; to be recovered, with full costs of suit, by action of debt, in any of his majesty's courts of record within this province, or by presentment of the grand jury.

And be it further enacted,

Persons chosen into offices to take an oath, with an exception.

[Sect. 2.] That from and after the thirtieth day of April, which will be in the year of our Lord one thousand seven hundred and seventy, every person who shall be chosen to serve in any office in any of the towns or districts or precincts of this province, such officers * excepted to the refusal of which any penalty is, by law, annexed, shall, before his entrance upon such office, take the following oath, to be administred to him by a justice of the peace, or, where no justice of the peace shall be present, by the town, district or precinct clerk, who is hereby impowered to administer the same; viz., —

Form of the oath.

You, A. B., do, in the presence of God, solemnly declare that you have not, since the thirtieth day of April, one thousand seven hundred and seventy, wittingly and willingly, directly or indirectly, either by yourself or any for or under you, been concerned in receiving or paying, within this government, any bill or bills of credit of either of the governments of Connecticut, New Hampshire or Rhode Island. So help you God.

Other officers to be chosen, in case of neglect or refusal.

[Sect. 3.] And where any person, chosen and not exempted as aforesaid, shall refuse or neglect to take the oath aforesaid, on tendering the same, the town, district or precinct shall proceed to the choice of another person in his room.

And be it further enacted,

Persons chosen representatives to take the oath.

[Sect. 4.] That when any person shall be chosen to represent any town within this province, in the general court or assembly, such person so chosen shall take the oath aforesaid; and return shall be made by the selectmen, upon the back of the precept, that the person so chosen hath taken the oath aforesaid; and if any person so chosen shall refuse or neglect to take the oath aforesaid, such refusal or neglect shall be deemed a refusal to serve as a representative, and the town shall proceed to the choice of another person in his room.

And be it further enacted,

His majesty's council to take the oath.

[Sect. 5.] That the oath aforesaid shall be administred to each of the members of his majesty's council every year, at the same time when the usual oaths required to be taken by the said members of his majesty's council shall be administred; and all officers, civil and military, within this government, who shall hereafter be nominated or appointed, shall, before they act by virtue of their respective appointments or commissions, take the oath aforesaid, or otherwise all acts done in virtue of their respective commissions shall be void; and all persons elected into any office by the general assembly shall be deemed not qualified to enter upon the execution of their respective offices, until they have taken the oath aforesaid.

And be it further enacted,

The said oath to be taken upon issuing executions on judgments of court;

[Sect. 6.] That no execution shall be issued from the office of any clerk of any of the inferiour courts of common pleas, or of the superiour court of judicature, for any sum whatever, unless the plaintiff, or in case of joint plaintiffs, one of them, sueing in his or their own right and dwelling within this province (except bodies corporated), shall first take the oath aforesaid, to be administred by a justice of the peace, or by the clerk of the court from which such execution shall issue; and certificate thereof shall be made on such execution; and if any execution shall issue or go forth without such certificate, the same shall be and hereby is declared to be void, excepting as is hereinafter provided: *provided, nevertheless,* that no

* Offices?

—and upon taking out licenses.

person taking out an alias execution, shall be required to take said oath; and no licence shall be granted to, nor any recognizance taken from, any taverner, innholder or retailer, by the justices of any of the courts of session within this province until such taverner, innholder or retailer shall have taken said oath in presence of the court, or certificate of his having so done, from a justice of the peace, shall be presented to the court.

And be it further enacted,

Clerk's fee.

[SECT. 7.] That for every oath administred as aforesaid by the clerk of any court, he shall be allowed threepence, and for every certificate by him signed as aforesaid, threepence, and no more; and the cost and charge of such oath and certificate shall be added to the sum in the execution required to be levied accordingly.

Preamble.

And whereas it frequently happens that persons who have obtained judgments, and are absent out of this province, or employed in his majesty's service in such parts of it as are very remote from the places where such judgments are entered, and so cannot take the oath by law appointed to be taken before executions are issued; wherefore, for remedy of these inconveniencies, —

Be it enacted,

Proviso with regard to executions where persons are absent or remote.

[SECT. 8.] That when any person or persons shall be absent from this province, or employed in his majesty's service in such parts thereof as are very remote from the courts or places where they recover judgments, in all such cases it shall be lawful for the clerks of the superiour court of judicature, court of assize and general goal delivery, and of the inferior courts of common pleas, or other courts of law, to issue writs of execution, when applied for, upon judgments recovered by such person or persons as are before mentioned, notwithstanding he or they have not taken the oath appointed by this act to be taken: *provided*, *nevertheless*, that before executions are issued, as aforesaid, a certificate in writing, under the hand of any justice of the peace for any county in the province, shall be delivered to the clerk who issues the execution, setting forth that, at the date of such certificate, the person or persons on whose behalf execution is applied for, is then out of the province, or employed in his majesty's service as aforesaid.

Certificate thereof to be delivered to the clerk.

Limitation.

[SECT. 9.] This act to continue and be in force until the thirtieth day of April, which will be in the year of our Lord one thousand seven hundred and seventy-three. [*Passed April 26, 1770.*

CHAPTER 10.

AN ACT FOR IMPOWERING THE TRUSTEES OF THE ESTATES OF CONCEALED AND ABSCONDING DEBTORS, AND ALL OTHERS CONCERNED, TO COMPLEAT THE BUSINESS ASSIGNED THEM BY AN ACT MADE AND PASSED IN THE FIFTH YEAR OF HIS PRESENT MAJESTY'S REIGN, INTITULED "AN ACT FOR PREVENTING FRAUD IN DEBTORS, AND FOR SECURING THE EFFECTS OF INSOLVENT DEBTORS FOR THE BENEFIT OF THEIR CREDITORS," AND BY ONE OTHER ACT MADE IN ADDITION THERETO IN THE SAME YEAR.

Preamble.

1764-65, chap. 35.

1765-66, chap. 2.

WHEREAS an act of this province was made in the fifth year of his present majesty's reign, intituled "An Act for preventing fraud in debtors, and for securing the effects of insolvent debtors for the benefit of their creditors," and another act was made in addition thereto in the same year; *and whereas*, within the time that the said

acts were in force, sundry concealed and absconding debtors, by virtue thereof, had their goods, chatt[el][*le*]s and estates attached and seized, and committed into the hands of trustees to be disposed of by them according to the direction of said acts, who, by reason that the same acts expired before the expiration of the eighteen months therein set and limited for the making of a dividend of such debtors' goods and effects, could never take the benefit of said acts, nor obtain their discharge according to the provision and intent thereof, —

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

That all such persons whose goods, chatt[el][*le*]s or estate were taken, attached or seized, or committed into the hands of trustees according to said acts, and who could not obtain their discharge for the reason aforesaid, shall now be proceeded with according to the direction of [the] said acts, notwithstanding the same are expired; and said trustees and all others are hereby impowered and directed to do and transact all matters relating to such debtors and their estates as they might have done and transacted while the same acts were in force, and all such doings and transactions shall have the same force and effect, to all intents and purposes as they would have had before the expiration of said acts. [*Passed April* 26, 1770.

Trustees empowered to complete their doings.

CHAPTER 11.

AN ACT FOR CONFIRMING THE RECORDS AND PROCEEDINGS OF THE PROPRIETORS OF THE NEW PLANTATION CALLED HARTWOOD, IN THE COUNTY OF BERKSHIRE, AND FOR ENABLING THEM TO COLLECT CERTAIN TAXES ALREADY ASSESSED, AND FOR IMPOWERING SAID PROPRIETORS TO HOLD A MEETING FOR ORDERING THE AFFAIRS OF THE PROPRIETY.

Whereas the records and proceedings of the proprietors of the new plantation called Hartwood, in the county of Berkshire, in the manner of warning their meetings, dividing and disposing their lands, and granting their taxes, appear not to have been made and conducted agre[*e*]able to the laws of this province; but nevertheless they appear to have been such that no injustice will accrue to any one from an establishment and confirmation of them, yet great difficulties and inconvenienc[*i*]es may arise to said propriety without the interposition of this court; *and whereas* the said proprietors have made their application to this court that they may be impowered to enforce the payment of taxes already assessed on the lands in said propriety, —

Preamble.

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

[Sect. 1.] That the records and transactions of the proprietors of the plantation called Hartwood, in the county of Berkshire, relating to the first and second division of lands, shall be held good and valid in law, any irregularities or legal defects therein notwithstanding; and that the grant made by said proprietors to Daniel Foot, for building a saw-mill be likewise established, and the same is hereby established and confirmed, to be as good and valid in law as it would have been if no such defects or irregularities had intervened; and also that all votes and orders recorded in the record book of said proprietors, for the raising, collecting or levying several sums of money assessed on each right of land in said propriety (amounting in all

Records and transactions declared valid.

Grant to Dan. Foot established.

Grants of money established.

the several assessments to four pounds eleven shillings on each right) be established and confirmed as good and valid in law to all intents and purposes whatsoever; and that the assessors of said proprietors; viz [t]., Andrew Mumford, Daniel Foot and Joseph Knox, be, and they [*are*] hereby [are], impowered to levy and collect the same assessments in the same way and manner as is provided in and by an act made and passed in the second year of his present majesty's reign, intitled "An Act to subject the unimproved lands within this province to be sold for payment of taxes assessed on them by order of the great and general court, and votes and agreements of the proprietors thereof, and to enable proprietors of new plantations to levy province and county taxes laid upon them;" and that the said assessors shall be accountable to the proprietors for all monies which they shall so receive and collect, and the same shall be disposed of by said proprietors at some future legal meeting, to pay the charges of dividing their lands, repairing ways in said new plantation, building a meeting-house, paying charges of preaching and other charges, as the said proprietors shall order.

Assessors empowered to levy and collect the same,

1761-62, chap. 44.

—to be accountable to the proprietors.

Provided, nevertheless, —

Proviso for securing the title of John Murray, Esq.

[SECT. 2.] That nothing in this act contained shall be so held or construed as any way to affect the title of John Murray, Esq [r]., to any lands which he claims to hold under John Walker.

Preamble.

And whereas the said proprietors have further prayed the aid of this court, to enable them to hold a legal meeting for the regulating the affairs of said township and bringing forward the settlement thereof, —

Be it further enacted,

A proprietors' meeting directed to be held at Springfield.

[SECT. 3.] That a meeting of said proprietors be holden at the dwelling-house of Luke Bliss, inholder in Springfield in the county of Hampshire, on the third Tuesday of June next, at one of the clock afternoon, at which meeting said proprietors shall have power to choose a moderator of the same, and a clerk of the said propriety, and also to agree and order how the monies raised by the aforesaid assessments shall be disposed of, to settle their proprietary accounts, and to raise such monies on the respective rights as the proprietors shall judge necessary, and appoint the method for calling proprietary meetings for the future; and that John Murray, Esq [r]., be and is hereby impowered and directed to post up notifications of said meeting in some public place in Springfield aforesaid, and in the new plantation aforesaid, and in the town of Hartford in Connecticut, fourteen days before the time of said meeting; which notice shall be sufficient in law, and the certificate of the said John Murray returned and filed with the clerk of said proprietors, shall be sufficient evidence that said notifications were published and posted according to this act: *provided, always*, that the proprietor or proprietors whose land shall be sold, shall have liberty to redeem the same in one year after sale, by paying the sum for which it was sold, and charges of sale, and costs laid out in making improvement thereon, together with the further sum of twelve pounds for each hundred pounds of money produced by said sale, and proportionably for any other sum. [*Passed April* 26, 1770.

Ordered to be notified.

Proviso for the proprietors to redeem their lands.

CHAPTER 12.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED, AND NEAR EXPIRING.

Laws revived and continued: Relating to overseers of the poor 1756-57, chap. 4. Journeying of the members of the general court. 1758-59, chap. 25. Referring to the poor. 1740-41, chap. 20. Regulating the militia. 1742-43, chap. 16. Regulating the assize of cask. 1742-43, chap. 20. To prevent gaming. 136 Mass., 528. 1742-43, chap. 27. To prevent lawsuits. 1742-43, chap. 19. To prevent unnecessary expense in suits at law. 1743-44, chap. 23. Relating to highways. 1746-47, chap. 10. To prevent firing guns in Boston. 1746-47, chap. 11. To prevent cursing and swearing. 1746-47, chap. 17. To enable proprietors of ways to repair them. 1746-47, chap. 18. To prevent damage to Plymouth Beach. 1748-49, chap. 19. To prevent stage-plays. 1749-50, chap. 24. To empower proprietors of meeting-house in Salem. Ditto in Newbury. 1751-52, chap. 19. To prevent petitions for licenses. 1755-56, chap. 39. Respecting poor and idle persons. 1755-56, chap. 43. Regulating townships. 1756-57, chap. 26. To prevent destruction of alewives in Sandwich. 1756-57, chap. 32. To prevent damage on Nobscusset Meadow. 1759-60, chap. 33.

Whereas the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; viz [1]., one act made in the tenth year of the reign of King George the Second, intit[u]led "An Act to enable the overseers of the poor and selectmen to take care of idle and disorderly persons;" one act made in the twelfth year of the same reign, intit[u]led "An Act to prevent the unnecessary journeying of the members of the general court;" an act made in the fourteenth year of the same reign, intit[u]led "An Act for the explanation of, and supplement to, the act referring to the poor, &c;" four acts made in the sixteenth year of the same reign; one, intit[u]led "An Act for making more effectual an act intit[u]led 'An Act for regulating the militia;'" another act, intit[u]led "An Act in addition to the several acts for regulating the assize of cask, and preventing deceit in packing of fish, beef and pork for sale;" another act, intit[u]led "An Act to prevent gaming for money or other gain;" the other, intit[u]led "An Act to prevent unnecessary lawsuits:" an act made in the eighteenth year of the same reign, intit[u]led "An Act to prevent unnecessary expences in suits at law;" four acts made in the twentieth year of the same reign; one, intit[u]led "An Act in further addition to an act for highways;" another act, intit[u]led "An Act to prevent the firing of guns charged with shot or ball, in the town of Boston;" another act, intit[u]led "An Act more effectually to prevent cursing and swearing;" the other, intit[u]led "An Act to enable the proprietors of private ways to repair them in equal manner:" an act made in the twenty-second year of the same reign, intit[u]led "An Act to prevent damage being done on the beach, and meadows in Plymouth adjoining to said beach, commonly known by the name of Plymouth Beach;" an act made in the twenty-third year of the same reign, intit[u]led "An Act to prevent stage-plays and other theatrical entertainments;" an act made in the twenty-fourth year of the same reign, intit[u]led "An Act to empower the proprietors of the meeting-house in the first parish in Salem, where the Reverend Mr. John Sparhawk now officiates, and also the proprietors of the meeting-house in the third parish in Newbury, where the Reverend Mr. John Lowell officiates, to raise money for defr[e][u]ying ministerial and other necessary charges;" two acts made in the twenty-ninth year of the same reign; one, [i][e]ntit[u]led "An Act for preventing petitions to the general court, relating to licences for retailing strong drink, and keeping houses for public[k] entertainment;" the other, [i][e]ntit[u]led "An Act in addition to several acts and laws of this province now in force, respecting poor and idle, disorderly and vagrant persons:" an act made and pass'd in the thirtieth year of the reign of King George the Second, intit[u]led "An Act in further addition to an act intit[u]led 'An Act for regulating of townships, choice of town officers, and setting forth their power;'" an act made in the thirtieth year of the same reign, intit[u]led "An Act for preventing the unnecessary destruction of alewives in the town of Sandwich;" three acts made in the thirty-third year of the same reign; one, intitled "An Act to prevent damage being done on the meadows lying in the township of Yarmouth, called

Relating to fences.*
1759-60, chap. 21.
Enabling Weymouth to regulate the taking fish.
1759-60, chap. 32.
Relating to shingles, staves, &c.
1762-63, chap. 5.
To prevent damage on the meadows and beaches near Yarmouth
1761-62, chap. 31.
To prevent damage by fire in Salem and Marblehead.
1761-62, chap 26.
For relief of prisoners for debt.
1762-63, chap. 18.
For regulating drains.
1709-10, chap. 5.
For better regulating of judicial proceedings.
1751-52, chap. 17.

Nobscusset Meadow;" another, intit[*u*]led "An Act relating to fe[rri][*nc*]es;" the other, intit[*u*]led "An Act to enable the town of Weymouth to regulate and order the taking and disposing of the fish called shadd and alewives, within the limits of that town:" three acts made in the second year of his present majesty's reign; one, intit[*u*]led "An Act for rendering more effectual the laws already made, relating to shingles, [*and for regulating the assize of shingles*], and for regulating the assize of staves, hoops and clapboards;" another [*act*], intit[*u*]led "An Act to prevent damage being done on the meadows and beaches lying in and adjoining on the north-east part of the town of Yarmouth, between Quivet Harbour, on the east, and S[esvi][*ive*]t Harbour, on the west;" the other, intit[*u*]led "An Act to prevent damage by fire in the towns of Salem and Marblehead, and other maritime towns:" two acts made in the third year of the same reign; one, intit[*u*]led "An Act for the relief of poor prisoners for debt;" the other, intit[*u*]led "An Act made and passed in the eighth year of her late majesty Queen Anne, intit[*u*]led 'An Act for regulating drains and common shores:'" An Act made and passed in the twenty-fourth year of King George the Second, intit[*u*]led "An Act for the better regulation of the course of judicial proceedings;"—

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

Continued to July 1, 1773.

That such of the before-mentioned acts as are expired, be revived, and such of said acts as are not yet expired, be continued, with all and every clause, matter and thing therein respectively contained, and shall be in force until the first day [of] July, one thousand seven hundred and seventy-three, and no longer. [*Passed April* 26, 1770.

CHAPTER 13.

AN ACT TO IMPOWER THE INHABITANTS OF THE TOWN OF NEWBURYPORT, BELONGING TO THE SEVERAL RELIGIOUS SOCIETIES WITHIN THE SAME, TO RAISE MONEY FOR DEFR[E][*A*]YING MINISTERIAL AND NECESSARY CHARGES.

Preamble.

WHEREAS application hath been made to this court to enable the inhabitants of the town of Newburyport, belonging to the several religious societies within the same, to levy taxes on the pews in their respective meeting-houses, and on the polls and estates of all those who attend public worship with them, to defr[e][*a*]y the ministerial and other incidental charges, and that the inhabitants of the said town may be exempted from paying taxes, either for their polls or estates, towards the support of the ministry at any other place than where they attend, —

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

Proprietors of the several meeting-houses in Newburyport empowered to raise money.
1764-65, chap. 7.
1767-68, chap. 9.

[SECT. 1.] That the proprietors of the several meeting-houses in the town of Newburyport, be and hereby are allowed and impowered to raise, by an assessment or tax on the respective meeting-houses aforementioned, such sum or sums as shall be agreed upon by the proprietors, or the major part of such of them as shall be assembled at any legal meeting called for that purpose, for defr[e][*a*]ying the ministerial and other incidental charges; the first meeting of such

* This is a misprint for "ferries." See the variation in the text between the act as printed and as engrossed.

proprietors to be called agre[e]able to the direction of the act made and passed in the eighth and ninth years of his late majesty's reign, intituled "An Act directing how meetings of proprietors in wharves or other real estates may be called." 1735-36, chap. 5.

And to the intent that such tax or assessment may be equitably made, and duly collected, —

And be it further enacted,

[Sect. 2.] That the proprietors of the respective meeting-houses aforementioned be and hereby are impowered to cause the pews in each of the aforesaid meeting-houses to be valued according to the conveniency of the said pews and the situation of the same, and to put a new estimate upon the pews, from time to time, as shall be found necessary, and to determine how much each pew or part of a pew shall pay towards defr[e][a]ying the charges aforesaid, and the time and manner in which the same shall be paid, and appoint a collector or collectors to collect the sum or sums so agreed to be raised, who shall be sworn to the faithful discharge of their trust; and if any proprietor or owner of a pew in either of the aforementioned meeting-houses shall neglect or refuse to pay the sum or sums assessed thereon, after having twenty days' notice given him by the collector, the proprietors of the respective meeting-houses shall be and hereby are impowered, by themselves or their committee, to sell or dispose of the pew of such delinquents according to the valuation thereof as aforesaid, and, with the mon[ey][ie]s raised by such sale, to pay the assessment or tax on said pews remaining unpaid, together with the charge arising on the sale; the overplus, if any there be, to be returned to the owner thereof: *provided*, *nevertheless*, that when the owner of any pew shall make a tender of the same to the proprietors, or to their committee, at the valuation aforesaid, and they shall refuse or neglect the same, no sum shall be deducted out of the sale of said pew, but such only as shall have become due before the making of such tender.

To value and tax the pews.

Collectors to be appointed and sworn.

Pews to be sold for non-payment.

Proviso.

And be it further enacted,

[Sect. 3.] That the proprietors of the respective meeting-houses aforementioned, be and hereby are impowered to tax or assess the several persons occupying or possessing of pews or part of pews, and all others usually attending the public worship in the same meeting-houses, for their polls, and estates lying and being within the bounds of the same township, according to their several abilities and circumstances; in order to raise money sufficient, together with what may be assessed on the pews, to defrey their ministerial and other incidental charges; and the assessment or tax shall be made and collected by such rules as parish taxes are made and collected by; and henceforth all the inhabitants of Newburyport, aforesaid, shall be and are hereby entirely exempted and freed from paying taxes either for their polls, or estates lying within the bounds of the said town, towards defreying the ministerial or other charges of any place or society than where they usually attend: *provided*, *always*, that they pay all the taxes already legally assessed on them.

Persons possessing or occupying pews to be taxed according to their several abilities.

And be it further enacted,

[Sect. 4.] That such of the inhabitants of Newburyport, aforesaid, as shall usually attend public worship with any Christian society without the limits of the said town, they and they only shall be held to pay their proportion of taxes towards the support of the same, in such way and manner as they would be liable to do if they and their estates lying in Newburyport were within the limits of the parish they shall thus attend with.

Such persons only to be taxed as attend worship without the limits of said town.

[Sect. 5.] This act to continue and be in force for the space of three years, from the thirtieth day of March [1770] [*one thousand seven hundred and seventy*], and no longer. [*Passed April* 26, 1770.

Limitation.

CHAPTER 14.

AN ACT IN ADDITION TO AN ACT MADE IN THE TWENTY-THIRD YEAR OF THE REIGN OF KING GEORGE THE SECOND, INTIT[*U*]LED, "AN ACT TO PREVENT ANY PERSONS OBSTRUCTING THE FISH IN THEIR PASSING UP INTO MONATIQUOT RIVER WITHIN THE TOWN OF BRAINTREE."

Preamble.

1749-50, chap. 13.

WHEREAS the provision made in an act, made in the twenty-third year of the reign of King George the Second, intit[*u*]led "An Act to prevent any persons obstructing the fish in their passing up into Monatiquot River within the town of Braintree," hath been found ineffectual to the good purposes therein designed; wherefore, —

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

Persons not to take fish on Monatiquot River, on forfeiture.

[SECT. 1.] That no person or persons whosoever, during the continuance of this act, between the first day of February and the last day of May, yearly, shall presume to take, kill, or bring ashore any fish in [the] said river Monatiquot, or any part of [the] said river between the town of Weymouth and the said town of Braintree, otherwise than by standing on the banks of the said river, with scoop-netts, upon pain of forfeiting for each and every offence, on due conviction thereof, the sum of five pounds; and such forfeiture shall be recovered in the same manner, and be applied to the same use, as is provided in the act before mentioned.

And be it further enacted,

Inhabitants of Weymouth entitled to take fish.

[SECT. 2.] That the inhabitants of Weymouth shall be intituled to the priviledge of taking the fish in said river, on the banks of the same, with scoop-net[t]s, within the township of Braintree, as the inhabitants of Braintree are intit[*u*]led to.

Limitation.

[SECT. 3.] This act to continue and be in force from the thirt[ie][*een*]th of April instant, to the thirtieth of January next, and no longer. [*Passed April* 26, 1770.

CHAPTER 15.

AN ACT TO ENABLE THE ASSESSORS OF THE TOWN OF WINCHENDON TO COLLECT THE TAXES GRANTED ON THE LANDS IN THE SAID WINCHENDON.

Preamble.

1764-65, chap. 5, § 2.

WHEREAS the general court, at their session in the year one thousand seven hundred and sixty-four, ordered that a tax of fourpence per acre, yearly, for the term of three years, be granted upon all the lands in the said town of Winchendon (public lots excepted), and that the money thereby arising shall be applied for the use of [the] said town; *and whereas* the assessors of the said town have made the said tax, and sufficiently published the same, and some persons who are owners of the said lands do neglect or refuse to pay the same, —

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

Assessors empowered to sell delinquent proprietors' lands, in case.

[SECT. 1.] That the assessors of the said town of Winchendon, for the time being, be and are hereby impowered to sell so much, and no more, of the delinquent owners' or proprietors' lands as neglect or refuse to pay the fourpence per acre, as is necessary to pay and

satisfy the said tax of fourpence per acre, and other necessary and intervening charges; they posting up the same in some public place in [the] said town of Winchendon, and in the shire town of the county of Worcester: and also the said assessors shall be obliged, for the notification of the non-resident proprietors, to advertize in all the several Boston newspapers, three several weeks, the intended sale, at least three months before the land is sold; and it shall and may be lawful for the said assessors, at a public vendue, to sell and execute absolute deeds, in the law, for the conveyance of such lands of the owners, to the person or persons who shall give most for the same; which deeds shall be good and valid to all intents and purposes in the law for [*the*] conveying such estates to the grantees, their heirs and assigns forever, reserving to the non-resident proprietors, their heirs or assigns, liberty of redemption of their lands so sold, they paying to the grantees, or their heirs, respectively, within one year afterwards, the sums for which the said lands were sold, with twelve pounds upon every hundred; and so in proportion for a greater or lesser sum until the same be redeemed.

And be it further enacted,

Money arising by the sale of said lands to be paid to the treasurer.

[Sect. 2.] That the said assessors shall pay the money arising by the said sale, to the treasurer of the said town for the said year; and the said treasurer is directed to attend the orders of the said assessors for the payment of the said money arising by the sale of the said lands, for the payment of the fourpence tax aforesaid and charges, according to the intention and meaning of the said grant. [*Passed April* 26, 1770.

CHAPTER 16.

AN ACT FOR PREVENTING AND PUNISHING BURGLARY, AND FOR REPEALING ONE ACT INTITLED "AN ACT AGAINST BURGLARY."

Preamble.

Whereas the provision made by the act against burglary has been found ineffectual for answering the purposes thereby intended, —

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

Repeal of an act of 1 Geo. I. 1715–16, chap. 1.

[Sect. 1.] That the act or law of this province, made and passed in the first year of King George the First, intitled "An Act against burglary," and every clause thereof, be and the same is hereby repealed and made void forever.

And for the more effectually punishing of said offence for the future, —

Be it further enacted,

Entering a dwelling-house in the night, death without benefit of clergy.

[Sect. 2.] That if any person or persons shall in the night-time break and enter any dwelling-house, with intent to kill, rob, steal, commit rape, or to do or perpetrate any felony, the person or persons so offending, and being thereof convict, shall suffer the pains of death, without benefit of clergy.

And be it further enacted,

Entering in the daytime and breaking out in the night, death without benefit of clergy.

[Sect. 3.] That if any person or persons shall enter into the dwelling-house of another by night or by day without breaking the same, if such entry shall be made with intent to kill, rob, steal, commit rape or perpetrate any felony; and shall in the night-time break the said house to get out of the same, the person or persons so offending, and being thereof convict, shall suffer the pains of death, with-

out benefit of clergy, any law, usage or custom to the contrary of this act, or of anything therein contained, notwithstanding. [*Passed April 26, 1770.*

CHAPTER 17.

AN ACT FOR DETERMINING THE TIMES FOR HOLDING THE SUPERIOR COURTS OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, IN THE SEVERAL COUNTIES WITHIN THE PROVINCE.

Preamble. 1764-65, chap. 17.

WHEREAS, from a change of circumstances in several counties within the province, and for other sufficient reasons, it is judged necessary that there should be an alteration in the times of holding the superior court of judicature, court of assize and general goal delivery in such counties; and it is also judged convenient in one act or law to settle the time[s] for holding the said superior court of judicature, court of assize and general goal delivery in all the counties within the province; *and whereas* it is also judged necessary that said superior court of judicature, court of assize and general goal delivery should be holden at two terms in a year, within each of the counties of Hampshire and Worcester, —

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

The times fixed for holding the superior courts, &c., for the future.

[SECT. 1.] That from and after the first day of May in this present year, the times and places for holding and keeping the superior court of judicature, court of assize and general goal delivery, shall be as followeth; that is to say, —

Within and for the county of Suffolk, at Boston, on the third Tuesday in February, and the last Tuesday in August:

Within and for the county of Essex, at Salem, on the first Tuesday in November; and at Ipswich, on the third Tuesday in June:

Within and for the county of Middlesex, at Cambridge, on the last Tuesday in October; and at Charlestown, on the second Tuesday in April:

Within the county of Hampshire, and for the counties of Hampshire and Berkshire, at Northampton, on the last Tuesday in April; and at Springfield, on the fourth Tuesday in September:

Within and for the county of Plymouth, at Plymouth, on the third Tuesday in May:

Within the county of Barnstable, and for the counties of Barnstable and Dukes County, at Barnstable, on the Wednesday next prece[e]ding the third Tuesday in May:

Within and for the county of Bristol, at Taunton, on the second Tuesday in October:

Within and for the county of York, at York, on the fourth Tuesday in June:

Within the county of Cumberland, and for the counties of Cumberland and Lincoln, at Falmouth, on Tuesday next following the fourth Tuesday in June:

Within and for the county of Worcester, at Worcester, on the Tuesday next prece[e]ding the last Tuesday in April, and on the third Tuesday in September.

And be it further enacted,

Appeals, writs of review, &c. declared to be

[SECT. 2.] That all appeals, writs of review, warrants issued or to be issued, executions, and all recognizances, processes, matters or

things whatsoever, returnable to, or that might have been proceeded on, adjudged and determined at, any court, the time for holding which is altered by this act, shall be, in like manner, returnable to, and may in like manner, be proceeded on, adjudged and determined at, the court, in the same county, which shall, according to this act, be holden next after, as might have been at the next following term established by law, if this act had not been made. [*Passed April 26, 1770.*

returnable accordingly.

CHAPTER 18.

AN ACT DETERMINING AT WHAT TIMES AND PLACES THE SEVERAL COURTS OF GENERAL SESSIONS OF THE PEACE, AND INFERIOR COURTS OF COMMON PLEAS, SHALL BE HELD, WITHIN AND FOR THE SEVERAL COUNTIES OF THE PROVINCE, FOR THE FUTURE.

Whereas it is found necessary to make certain alterations of the times of holding courts of the general sessions of the peace, and inferior courts of common pleas, in several counties within the province, and it is also judged convenient that the several times and places for holding said courts throughout the province should be established in one act, —

Preamble. 1764-65, chap. 20.

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

[Sect. 1.] That the times and places for holding the courts of general sessions of the peace, and inferior courts of common pleas, within and for each of the several counties in the province, shall henceforth, annually, be as follows; that is to say, —

The times fixed for holding the courts of sessions, and inferior courts, in the several counties.

The said courts shall be held within and for the county of Suffolk, at Boston, on the first Tuesday in January, the third Tuesday in April, the second Tuesday in July [*and*] the first Tuesday in October:

Within and for the county of Essex, at Salem, the second Tuesday in July and last Tuesday in December; at Ipswich, the last Tuesday in March; and at Newburyport, the last Tuesday in September:

Within and for the county of Middlesex, at Cambridge, the third Tuesday in May; at Charlestown, the second Tuesday in March and last Tuesday in November; and at Concord, on the first Tuesday in September:

1765-66, chap. 27.

Within and for the county of Hampshire, at Springfield, the third Tuesday in May and the last Tuesday in August; at Northampton, the second Tuesday in November and the second Tuesday in February:

Within and for the county of Plymouth, at Plymouth, the second Tuesday in April, the first Tuesday in July, the first Tuesday in October and the second Tuesday in December:

Within and for the county of Barnstable, at Barnstable, the first Tuesday in April, the last Tuesday in June, the last Tuesday in September and the first Tuesday in December:

Within and for the county of Bristol, at Taunton, the third Tuesday in December, the second Tuesday in March, the second Tuesday in June and the second Tuesday in September:

Within and for the county of York, at York, the first Tuesday in January, the second Tuesday in April and the second Tuesday in July; and at Biddeford, the second Tuesday in October:

Within and for Dukes County, at Edgartown, the first Tuesday in March; and at Tisbury, the last Tuesday in October:

Within and for the county of Nantucket, at Sherburn[*e*], the last Tuesday in March and first Tuesday in October:

Within and for the county of Worcester, at Worcester, the last Tuesday in March, the second Tuesday in June, the first Tuesday in September and the first Tuesday in December:

Within and for the county of Cumberland, at Falmouth, the third Tuesday in April and third Tuesday in October:

Within and for the county of Lincoln, at Pownalborough, the first Tuesday in June and last Tuesday in September:

1766-67, chap. 14. Within and for the county of Berkshire, at Great Barrington, the first Tuesday in September; and at Pittsfield, the last Tuesday in February.

And be it further enacted,

Writs and other matters declared to be returnable accordingly.

[SECT. 2.] That all original writs, summons, warrants, issued or to be issued, recognizances, executions, processes, matters or things of what kind soever, returnable to, or which might have been adjudged, determined or acted upon at, any court the time for holding of which is altered by this act, shall be in like manner returnable to, adjudged, determined and acted upon at, the court, in the same county, to be holden next after by virtue of this act. [*Passed April* 26, 1770.

CHAPTER 19.

AN ACT IN ADDITION TO AN ACT MADE AND PASSED IN THE ELEVENTH YEAR OF THE REIGN OF KING WILLIAM THE THIRD, INTITLED "AN ACT FOR SUPPRESSING AND PUNISHING OF ROGUES, VAGABONDS AND COMMON BEGGARS AND OTHER LEWD, IDLE AND DISORDERLY PERSONS; AND FOR SETTING THE POOR TO WORK."

Preamble.

1699-1700, chap. 8.

WHEREAS the execution of an act, made and passed in the eleventh year of the reign of King William the Third, intitled "An Act for the suppressing and punishing of rogues, vagabonds, common beggars and other lewd, idle and disorderly persons; and also for setting the poor to work," is oftentimes rendered very difficult, by reason of the distance of the place where such persons are found and taken up, from the house of correction to which they are directed by said act to be sent in order for punishment; by means whereof such persons often escape without any punishment, and thereby many such disorderly persons are encouraged to come from distant parts into this province, whereby his majesty's good and industrious subjects here are frequently burthened and imposed on by such vagrant, idle and disorderly persons; for the more effectual preventing whereof for the future, —

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

Court of sessions, and one or more justices of the peace out of court empowered to punish vagabonds, &c.

That henceforward it shall be in the power of the court of general sessions of the peace, in any county within this province, and of one or more justices of the peace out of court, at his discretion, either to send and commit to the house of correction all such persons as said court or justice might send or commit thereto by the provision of said act, or otherwise punish them by setting in the stocks, not exceeding three hours, or by whipping not exceeding ten stripes; any law, usage or custom to the contrary notwithstanding. [*Passed April* 26, 1770.

CHAPTER 20.

AN ACT IN FURTHER ADDITION TO AN ACT INTITULED "AN ACT FOR MAKING OF LANDS AND TENEMENTS LIABLE TO THE PAYMENT OF DEBTS."

Preamble. 1696, chap. 10, § 2.

Whereas, in and by an act intituled "An Act for making of lands and tenements liable to the payment of debts," it is provided that where the goods and chattels belonging to the estate of any person deceased shall not be sufficient to answer the just debts which the deceased owed, or legacies given, upon representation thereof, and making the same to appear unto the superior court of judicature, holden for or within the county where such deceased person last dwelt, the said court are impowered to license and authorize the executor or administrator on such estate, to make sale of all or any part of the houses and lands of the deceased, so far as shall be necessary to satisfy the just debts which the deceased owed at the time of his death, and legacies bequeathed in and by the last will and testament of the deceased; and as it has been found by experience that the authority to license the sale of real estates given to the said court by the said acts, having been thereby limited and restrained to that particular county where such deceased person last dwelt, has been found much to retard the settlement of such estates, and greatly to delay the payment of the debts due therefrom, and to occasion many expensive lawsuits; therefore, for the preventing such inconveniences for the future, and for the furtherance of the original intent of the said act, —

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

Superior court empowered to license the sale of real estates, to pay debts of persons deceased, in any county.

[Sect. 1.] That in all cases where the said superior court, by the said act, are impowered to licen[s][c]e and authorize the sale of any real estate, the said court, henceforward and hereby, are fully empowered to give and grant such licen[s][c]e and authority in any term or sitting of the said court in any county within this province, upon application made to the said court for the same; whether the county where such application is made be the same county where such deceased person dwelt, or not.

And be it further enacted,

Inferior courts empowered to license sale of real estate, to pay debts of persons deceased, in their respective counties.

[Sect. 2.] That the justices of any of the inferior courts of common pleas for any of the counties within this province, are also fully impowered and authorized, hereafter, on application to them made, at any session of such court, to give and grant licen[s][c]e and authority for the sale of any real estate, of any person deceased, lying within the county for which such court shall be held, in all such cases where the said superior court by the abovesaid act has been heretofore impowered to grant such licen[s][c]e; and that all executors or administrators who may hereafter obtain such licen[s][c]e and authority, either from the superior court, or any inferior court of common pleas, shall, in executing the same, in all things conform to the directions of the laws of this province which respect the sale of lands under licen[s][c]e of the superior court, mentioned in the act in addition whereto this act is made. [*Passed April* 26, 1770.

CHAPTER 21.

AN ACT TO ERECT THE NORTH PRECINCT OF THE TOWN OF NORTON, IN THE COUNTY OF BRISTOL, INTO A SEPARATE DISTRICT BY THE NAME OF MANSFIELD.

Preamble. 1711-12, chap. 4

WHEREAS the erecting of the north precinct of the town of Norton, in the county of Bristol, into a separate district, would serve to remove many difficulties and inconveniences which the inhabitants labour under, —

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

Mansfield incorporated a district:

[SECT. 1.] That the north precinct of the town of Norton, by the same bounds and limits which the said north precinct of the town of Norton was first made a precinct, be and hereby is incorporated into a separate district by the name of Mansfield; and that the inhabitants thereof be vested with all the powers, privile[d]ges and immunities which the inhabitants of any town within this province do or by law ought to enjoy, excepting only the privile[d]ge of sending a representative to the general assembly; and that the inhabitants of said district shall have liberty, from time to time, to join with the town of Norton in the choice of a representative of representatives, which representatives may be chosen indifferently from the said town or district; the pay or allowance of such representatives to be born[e] by said town and district according to their respective proportion of the province tax; and that the said town of Norton, as often as they shall call a meeting for the choice of representatives, shall, from time to time, give seasonable notice to the clerk of the said district of Mansfield, for the time being, of the time and place for holding the said meeting, to the end that said district may join them; and the clerk of said district shall set up, in some public place in said said district, a notification thereof accordingly.

— to join with Norton in choosing a representative.

Town of Norton to notify a meeting for the choice.

Provided, nevertheless, —

And be it further enacted,

To pay their proportion of taxes of Norton and the charge of the poor.

[SECT. 2.] That the said district shall pay their proportion of all such province, county and town taxes already granted to be raised in the town of Norton aforesaid, and shall also bear their proportionable part of supporting the poor of the town of Norton that are at this time relieved by the said town: *provided*, that the district of Mansfield shall not be liable to maintain any persons within the same who have been legally warned out of the said town of Norton; but, by virtue of said warning, shall have the same privile[d]ge of removing such persons as the said town of Norton could have in case they had remained therein.

And be it further enacted,

The district to have their proportion of the town stock.

[SECT. 3.] That the said town of Norton shall allow to the said district of Mansfield their proportionable part of the town stock, and their proportionable part of the money that is already granted and assessed in said town of Norton for the support of the school, and other necessary charges, for the ensuing year.

And be it further enacted,

Some of the inhabitants of Stoughton, annexed to Mansfield, to do duty there.

[SECT. 4.] That Eleazer Robins and other[s], inhabitants of the town of Stoughton, who were annexed by the general court to the north precinct of said town of Norton, to do duty and receive privile[d]ges, as to parish affairs, during the pleasure of the court, are still continued to do duty and receive privile[d]ges, as to parish affairs, with said district of Mansfield, during the pleasure of the court.

And be it further enacted,

[Sect. 5.] That Ephraim Leonard, Esq[r], be and is hereby impowered to issue his warrant, directed to some principal inhabitant in said district, requiring him to notify and warn the inhabitants of the said district, qualified by law to vote in town affairs, to meet at time and place as shall be therein set forth, to chuse all such officers as shall be necessary to manage the affairs of said district. [*Passed April 26, 1770.*

Ephraim Leonard, Esq., empowered to call a meeting of the inhabitants.

CHAPTER 22.

AN ACT FOR INCORPORATING THE SECOND PRECINCT IN HINGHAM INTO A DISTRICT BY THE NAME OF COHASSET.

Whereas the inhabitants of the second precinct in Hingham labour under many difficulties and inconveniences by reason of their not being incorporated into a district, —

Preamble.

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

[Sect. 1.] That the inhabitants and lands within the present bounds of the second precinct in the town of Hingham, excepting a number of families and their homesteads, which were re-annexed to the first precinct in said town, in the year one thousand seven hundred and forty-seven, be and hereby are incorporated into a district, by the name of Cohasset: and that the inhabitants thereof be and hereby are invested with all the powers, priviledges and immunities which the inhabitants of towns within this province do, or by law ought to, enjoy, that of sending a representative to the general assembly only excepted; and that the inhabitants of said district shall have liberty, from time to time, to join with the town of Hingham in the choice of a representative or representatives; which representative or representatives may be chosen indifferently from said town or district; the pay or allowance of such representative or representatives to be borne by the said town and district, according to their respective proportions of the province tax; and that the town of Hingham, as often as they shall call a meeting for the choice of representatives, shall, from time to time, give seasonable notice to the clerk of said district of Cohasset, for the time being, of the time and place for holding said meeting, to the end that the said district may join therein; and the clerk of said district shall set up, in some publick place in said district, a notification thereof accordingly.

Cohasset incorporated a district:

— to join with Hingham in choosing a representative.

Town of Hingham to notify a meeting for the choice.

And be it further enacted,

[Sect. 2.] That the said district shall have the privilege of taxing that part of the grist-mill at Streight Pond, so called, which has been usually taxed by the town of Hingham; and that the said district shall have their proportion of the powder-house, or the value of the same, also of the town's stock of arms and ammunition; to be adjusted by the rule of their pay to the province tax set on said town of Hingham.

District to have their proportion of the town stock:

And be it further enacted,

[Sect. 3.] That that the inhabitants of said district shall take to themselves, and hereafter support, their just proportion of all such poor persons as are now wholly supported by said town of Hingham, and also their proportion of all such poor persons as now have a settlement in the town of Hingham, but dwell in other places, whom the said town of Hingham may hereafter be obliged by law to support;

— to pay their proportion of the poor, with Hingham.
4 Mass. 396.

and that the inhabitants of said district shall pay all province, county and town assessments now set or assessed on them, as if they had remained to said town of Hingham.

And be it further enacted,

Benjamin Lincoln, Esq., empowered to call a meeting of the inhabitants.

[SECT. 4.] That Benjamin Lincoln, Esq[r]., be, and he hereby is, [c][i]mpowered to issue a warrant to some principal inhabitant of said district of Cohasset, requiring him to call a meeting of said inhabitants, in order to chuse such officers as towns are by law empowered to chuse in the month of March, annually; and at said meeting such persons, inhabitants in said district, shall be allowed to vote, and only such, as would have been allowed to vote in the choice of town officers in the said town of Hingham if this act had not been made. [*Passed April* 26, 1770.

CHAPTER 23.

AN ACT TO ERECT THE DISTRICT OF WESTMINSTER, IN THE COUNTY OF WORCESTER, INTO A TOWN BY THE NAME OF WESTMINSTER.

Preamble. 1759–60, chap. 5.

WHEREAS the inhabitants of the district of Westminster have petitioned this court to be incorporated into a town, that they may enjoy the privile[d]ge of other towns in being represented in the great and general court, —

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

Westminster incorporated into a town.

That the district of Westminster, in the county of Worcester, be and hereby is incorporated into a town by the name of Westminster; and that the inhabitants thereof be and hereby are invested with all the powers, privile[d]ges and immunities which the inhabitants of the several towns within this province do enjoy. [*Passed April* 26, 1770.

CHAPTER 24.

AN ACT TO ENABLE THE ASSESSORS OF THE TOWN OF ASHBURNHAM TO COLLECT THE TAXES GRANTED ON THE LANDS IN THE SAID ASHBURNHAM.

Preamble. 1764-65, chap. 22, § 2.

WHEREAS the general court, at their session in the year one thousand seven hundred and sixty-five, ordered that a tax of three halfpence per acre, yearly, for the term of three years, be granted upon all the lands in the said town of Ashburnham, public lots and Cambridge farm excepted, and that the money thereby arising be applied for the use of the said town; *and whereas* the assessors of said town have made the said tax, and sufficiently published the same, and some persons who are owners of the said lands neglect or refuse to pay the same, —

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

Assessors empowered to sell delinquent proprietors' lands, in case.

[SECT. 1.] That the assessors of the said town of Ashburnham, for the time being, be and are hereby directed and impowered to sell so much, and no more, of the delinquent owners' or proprietors' lands as neglect or refuse to pay the said three halfpence per acre, as is necessary to pay and satisfy the said tax of three halfpence per acre, and other necessary and intervening charges; they posting up the same in

some public place in the said town of Ashburnham and in the shire town [of] [*in*] the county of Worcester: and also the said assessors shall be obliged for the notification of the non-resident proprietors to advertize in all the several Boston newspapers, three several weeks, the intended sale, at least three months before the said land is sold. And it shall and may be lawful for the said assessors, at a public vendue, to sell, and execute absolute deeds in the law, for the conveyance of, such lands of the owners, to the person or persons who shall give most for the same; which deeds shall be good and valid, to all intents and purposes, in the law, for conveying such estates to the grantees, their heirs and assigns, forever; reserving, nevertheless, to the non-resident proprietors, their heirs or assigns, liberty of redemption of their lands so sold, — they paying to the grantees, or their heirs, respectively, within one year afterwards, the sums for which the said lands were sold, with charges of sale and cost[*s*] laid out in making improvement[*s*] thereon, with the further sum of twelve pounds for each hundred pounds of money produced by said sale, and proportionabl[y][*e*] for any other sum.

And be it further enacted,

[Sect. 2.] That the said assessors for the said year shall pay the money arising by the said sale, to the treasurer of the said town for the said year; and the said treasurer is directed to attend the orders of [the] said assessors for the said year, for the payment of the [said] money arising by the sale of the said lands, for the payment of the said three halfpence tax and charges, according to the intention and meaning of the said grant. [*Passed April* 26, 1770.

Money arising by the sale of said lands to be paid to the treasurer.

CHAPTER 25.

AN ACT FOR COMPLEATING THE COLLECTION OF A TAX ON THE NON-RESIDENT PROPRIETORS OF GREENWICH, IN THE COUNTY OF HAMPSHIRE, BY AN ORDER OF THE GENERAL COURT HELD AT BOSTON, ON THE ELEVENTH DAY OF FEBRUARY, *A.D.* ONE THOUSAND SEVEN HUNDRED AND SIXTY-THREE.

Whereas the great and general court, in their session at Boston, on the eleventh day of February, *Anno Domini* one thousand seven hundred and sixty-three, on the petition of Robert Cutler, agent for the inhabitants of said Greenwich, did order a tax of one penny per acre to be lev[y][*i*]ed and assessed upon the lands of the non-resident proprietors of said town of Greenwich, for the space of four years then next ensuing, towards the support and for the encouragement of the Rev'd Mr. Cutler, the minister of said town, and that said town should be impowered to appoint suitable persons to assess and collect the same, excepting out of said order certain lands therein particularly described; *and whereas* the temporary act of the general court, for enforcing and carrying into execution such orders, expired after the assessment and collection of two years' tax[es], and after the third year's tax was assessed, but not collected, so that two years' taxes are wholly in arrear, except some few voluntary payments; and the[*i*]r[e] being no law now in force to enable said town to assess and collect said tax, for the last two years, contained in said order, and said town have petitioned this court to impower them to compleat the execution of the same, —

Preamble.

1761-62, chap. 44.

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

Assessments and collections to be completed.

That the assessments and collections which were left incompleat and unfinished in manner as is before mentioned, shall be compleat[ed] and finished according to the original intent of said order, and according to the provision and direction of an act now expired, which was made and passed in the second year of his present majesty's reign intit[*u*]led "An Act to subject the unimproved lands within this province to be sold for payment of taxes assessed on them by order of the great and general court, and votes and agreements of the proprietors thereof, and to enable proprietors of new plantations to levy province and county taxes laid upon them," in the same manner and by the same ways and means as might have been in case said act had remained in force; reserving nevertheless to the non-resident proprietors their heirs or assigns, liberty of redemption of their lands, that may be sold for the nonpayment of the taxes granted as aforesaid, they paying to the grantees or their heirs respectively within one year afterwards, the sums for which the said lands may have been sold, with charges of sale, and cost[*s*] laid out in making improvement[*s*] thereon, with the further sum of twelve pounds for each hundred pounds of money produced by said sale, and proportionably for any other sum. [*Passed April* 26, 1770.

1761-62, chap. 44.

NOTES.— There were two sessions of the General Court this year. On the fifteenth of June the first session was adjourned to be held at Cambridge the next day, and there the Assembly continued in session until the fifteenth of July, when it was prorogued, by Gov. Bernard, to the tenth of January, 1770. The second session began March 15, and was dissolved April 26, 1770.

In conformity with the plan proposed in the preface, p. xx., the foregoing chapters are arranged in the order in which they were originally printed, although not according to the date of final passage in either house. An exception to this rule is the arrangement of the tax acts, which were not included with the printed acts of the sessions, but were issued in separate pamphlets. These have been placed according to the order in which they were entered in the lists of acts transmitted to the Privy Council.

All the acts of the first session this year were signed by the Governor July 15th, although chapter 2 was passed to be enacted on the 5th, chapter 7 on the 8th, chapter 4 on the 13th, and chapters 1, 3, 5 and 6 on the 14th of that month.

Seven acts were passed during the first session, and eighteen during the second session, the engrossments of all of which are preserved except of chapters 8 and 9.

The acts of the first session were duly certified for transmission Oct. 23, 1769; and though no record of the order of reference has been found, it appears from the report of Mr. Jackson, dated Jan. 14, 1771, that they were submitted to him for his opinion thereupon in point of law, by order of the Lords of Trade. His report upon two of these acts is given in the notes to chapters 1 and 2, *post*. This report was considered at a meeting of the Lords of Trade, Jan. 30, 1771. On the ninth of February, 1770, chapter 1 was laid before the Attorney- and Solicitor-General, agreeably to an order of the Lords of Trade passed the day before. These officers reported Feb. 13, and, two days later their report was considered at a meeting of the Lords of Trade, and a representation thereon to the King was then agreed to and signed.

The acts of the second session were certified for transmission, May 17, 1770, by order of Lieutenant-governor Hutchinson, who, in a letter to Secretary Pownall, dated May 24, promised to forward exemplifications of these acts together with his "remarks" upon them, in accordance with the royal instructions to the Governor. These acts were duly received, and sent to Mr. Jackson in the usual course. On the twentieth of February, 1771, Mr. Jackson reported to the Lords of Trade his "opinion thereupon in point of law." This report and the accompanying acts were read before the Lords of Trade, March 8, 1771; but no further action upon any of them, by the Board or by the Privy Council, has been discovered except what appears in the note to chapter 9, *post*.

Chap 1. "Jan. 14, 1768. A Petition of Tristram Chency in behalf of the Inhabitants of the Town of Ashburnham — Setting forth — That a Province Tax hath been laid upon them for a number of years past, no part whereof has been paid; That the Land is stubborn, and the Petitioners have been there but a short time, and are unable to raise provisions sufficient for the support of their Families, and many of their Settlers have left the Town to avoid the said Tax. That by reason of the death of their Pastor and the damage done to their Meeting House by a Hurricane they are exposed to a very great expence. And praying Relief.

In the House of Representatives. Read and Resolved That the prayer be granted, and that the several Sum and Sums ordered to be assessed on the new Plantation lately called Dorchester Canada now Ashburnham be removed and carried back to the several Towns in the County of Worcester from whence it came viz! Worcester, Lancaster Mendon, Brookfield, Oxford, Sutton, Rutland Leicester, Westborough, Shrewsbury, Lunenburgh Uxbridge, Harvard, Dudley, Bolton, Sturbridge Leominster, Hardwick, Douglas and

Petersham in due proportion as it was taken off and accordingly added to those several Towns in their next years Tax — In Council Read and Concurred, Consented to by the Governor."— *Council Records, vol. XXVII., p.* 140.

"June 28, 1768. On a Motion that the Assessors of *Conway* may be empowered to assess the Sum of *twelve Pounds thirteen Shillings and five Pence half-penny*, on the Inhabitants thereof; the said Sum to be deducted out of the Tax laid on the Town of *Deerfield*.

Ordered, That Capt. *Farley*, Major *Foster*, and Mr. *Wood* of *Boxford*, consider the Motion and report. * * * * *

The Committee appointed to consider a Motion in the Forenoon, to empower the Assessors of *Conway* to assess the Sum of *twelve Pounds thirteen Shillings and five Pence* on the Inhabitants thereof, reported. Read and accepted:

Whereas the District of *Conway*, in the County of *Hampshire*, was incorporated after the Province Tax for the last Year was granted, in which incorporating Act it was enacted, that the said District of *Conway* should pay their Proportion of all Town, County and Province Taxes already set on or granted to be rais'd, as if that Act had not been made; and in all future Taxes should pay a like Proportion as they paid in the Province and County Taxes laid on the Town of *Deerfield* in the Year 1767, and that it should be deducted from *Deerfield* Taxes: And whereas a Doubt arose about the assessing of said *Conway's* Proportion, and it was by the Assessors of *Deerfield* and the Assessors of *Conway* for the Year 1767, agreed, that the said *Conway's* Proportion of the Province Tax for said Year 1767 was *Twelve Pounds thirteen Shillings and five Pence half Penny*, and it was by the said Assessors agreed to Petition the General Court at their last Session that the said Sum might be deducted from *Deerfield* Tax, and laid on the said *Conway*; but by Reason of the Non-attendance of the Representative of the said Town of *Deerfield*, the same Petition was not preferred: And whereas the said Sum is not assessed, and cannot now be assessed, either on the Inhabitants of *Deerfield* or *Conway*.

Resolved, That the Sum of *Twelve Pounds thirteen Shillings and five Pence half Penny*, be taken from the Province Tax laid on the Town of *Deerfield* for the Year 1767, and that the said Sum be added to the next Province Tax which may or shall be laid on said *Conway*.

Sent up for Concurrence."— *House Journal, pp.* 81 *and* 84.

" July 7, 1769. *Ordered*, That the Committee on the Tax-Bill be directed to lay on the Town of *Swanzey*, the Sum of *Fifty Pounds*, in Part of the Money granted to that Town, by Way of Loan, in 1763."— *Ibid., p.* 55.

" Custom house Boston 15th Decr 1769.

Sir, We beg leave to inform Your Honour that in the course of the last Year we & our Officers were frequently called upon by the Tax Gatherers of this Town for payment of the Province Tax upon our Houses &c. and also for a Tax laid upon the Salaries we receive from the Crown, which is distinguished by the Term *Faculty*.

We had no objection to the payment of the former, but as we did not consider that our Salaries were subject to such a Taxation in America, the payment of the Bill was delayed from time to time, but one of us being threatened by the Tax Gatherer with compulsive measures, paid his Tax-bill and the rest of us afterwards submitted to make the same payment, but did not acquiesce to the Demand.

We find that our Tax Bills for the present year are higher than the last, by being rated to the Provincial Tax, as well as to the Town & County. We consider the imposing of Taxes by the Provincial Assemblies on the Salaries paid by the King to His Officers in America, as injurious to his Servants and derogatory to the Honour of the Crown, and that our acquiescence under such impositions might be establishing a precedent very detrimental to the service, We have thought proper to lay the matter before you, Sir, that you may take such measures as you may judge proper on the occasion. We are &c.

CHAS. PAXTON.
HEN. HULTON.
WM. BURCH."— " *Mass. Bay, B. T.*", *vol.* 80, *N. n.*, 55, *in Public-Record Office.*

Lieut. Gov. Hutchinson.

" Thursday February 8th 1770.

At a Meeting of His Majty's Commissrs for Trade and Plantations

Present

Mr Rice.	Mr Fitzherbert.
Mr Robinson.	Lord Lisburne.

* * * * * * * * * * *

The Earl of Hillsborough, by His Majesty's command, laid before the Board, an extract of a letter to him from the Lieut. Governor of Massachusetts Bay and also copy of a Petition therein referred to from the Commissioners of the Customs in North America complaining of their being assessed to the Province Tax for the Salaries allowed them out of His Majesty's Revenue, as Commissioners of the Customs and His Lordship signified His Majesty's pleasure that the Board should consider thereof and report their opinion thereupon to His Majesty, by one of His Majesty's principal Secretaries of State.

Ordered, that the Secretary do transmit the said papers together with a copy of the last annual Tax Act of the Massachusetts Bay, to His Majesty's Attorney and Solicitor General, for their opinion, whether the Commissioners of the Customs and their Officers are liable to be assessed in the manner complained of by them."—"*Trade Papers*," *vol.* 72, *p.* 31.

" Complaint has been made to me by three of the Commissioners of the Customs that they are taxed by the Assessors of the Towns where they live for their Salaries I shall take the liberty to transmit to Your Lordship the letter I have received from them. The Tax Acts are passed annually and have varied but little in their form for fifty years past and *Income by Commissions of Profit* has been subject to Taxes and none of the Officers of the Crown, except the Governor and Lieut. Governor are exempted; But it seems most probable that the Legislators who first framed the Tax Act had nothing more in contem-

plation than the Commissions of those Officers who received their Salaries from the Government of the Province or who received the profit of their Commissions from their fees as Officers of the Government, but the words are general and I doubt, however reasonable it seems to be, whether the Assembly can be brought to make a special exception of the Commissioners of the Customs in a future Tax Bill, or of the Officers of the Crown in general, but whatever Instructions I may receive upon the subject I shall carefully observe and conform to."— *Extract from Lieut. Governor Hutchinson's letter to the Earl of Hillsborough, Dec.* 20, 1769: "*Mass. Bay, B. T.*", *vol.* 80, *N. n.*, 55.

"To His Majesty's Attorney and Solicitor General.

Gentlemen, I am directed by the Lords Commissioners for Trade and Plantations, to transmit to you, the inclosed Tax Act passed in His Majesty's Province of the Massachusetts in July 1769, together with an extract of a letter from the Lieut. Governor of that Province to the Earl of Hillsborough, and a Copy of a letter from the Commissioners of the Customs at Boston to the said Lieut. Governor, and I am to desire that you will take the same into your consideration and favor their Lordships with your opinion, whether the Commissioners and other Officers of the Customs in America, are liable to be taxed in the manner and on the ground they state, for their Salaries paid out of monies not granted to the Crown, by the General Court of that Colony, and if not what steps it may be proper for them to take in order to be relieved in the case of which they complain. I am, Gentlemen

Your most obed^{t} hum^{ble} Serv^{t}

1770. Feb^{ry} 9th JOHN POWNALL"— *Ibid.*, *vol.* 86, *p.* 276.

"To the Right Honourable the Lords Commiss^{rs} for Trade and Plantations.

May it please your Lordships,

In obedience to Your Lordships commands signified to us by M^{r} Pownall's letter of the ninth instant inclosing to us a Tax Act passed in His Majesty's Province of the Mass: Bay in July 1769 together with an extract of a letter from the Lieut. Governor of that Province to the Earl of Hillsborough and a Copy of a letter from the Commiss^{rs} of the Customs at Boston to the said Lieut. Governor and desiring that we would take the same into our consideration and report our opinion whether the Commiss^{rs} and other Officers of the Customs in America are liable to be taxed in the manner and on the ground they state for their Salaries paid out of monies not granted to the Crown by the General Court of that Colony and if not what steps might be proper for them to take in order to be relieved in the case of which they complain.

We have taken the same into our consideration and are of opinion that the Salaries of the Commissioners and other Officers of the Customs in America are liable to be taxed where they reside 'as Incomes and profits received from Employments' exercised there, although not paid out of Money granted by the Colony, and that they come within the Words and Meaning of the Act of Assembly referred to.

All which is submitted to Your Lordships consideration.

WM DE GREY
Feb^{y}. 13. 1770. J. DUNNING."— *Report of the Attorney-and Solicitor-General: ibid.*, *vol.* 80, *N. n.*, 56.

"Thursday February 15. 1770.

At a Meeting of His Majesty's Commissioners for Trade and Plantations.

Present

M^{r} Jenyns. M^{r} Rice
M^{r} Fitzherbert. Lord Lisburne

* * * * * * * * * * *

Read a Report of His Majesty's Attorney and Solicitor General upon the papers referred to them, relative to the Complaint made by the Commiss^{rs} of the Customs at Boston, of their being assessed for their Salaries to the Provincial Tax.

Upon the further consideration of this matter, a Representation to the King thereupon was agreed to and sign'd and Lord Hillsborough, who was present at the Board, was desired to lay it before His Majesty.

* * * * * * * * * * *

SOAME JENYNS." — "*Trade Papers*," *vol.* 72, *p.* 37.

"To the King's most Excellent Majesty

May it please Your Majesty,

In obedience to Your Majesty's Commands, signified to us by the Earl of Hillsborough, one of Your Majesty's principal Secretaries of State, we have taken into our consideration, the extract of a letter from M^{r} Hutchinson Lieut. Governor of Massachusetts Bay, dated 20th day of December 1769, inclosing copy of a letter therein referred to, signed by three of Your Majesty's Commissioners of the Customs resident in that Province; complaining of their being assessed to the Province Tax, for the salaries allowed them, out of Your Majesty's revenue, whereupon we humbly beg leave to represent to Your Majesty

That, upon consideration of these papers, as likewise of the annual Tax Act passed in Your Majesty's Province of Massachusetts Bay in July 1769 we thought fit to refer the same to Your Majesty's Attorney and Solicitor General, desiring they would take them into their consideration and report to us their opinion, whether the Commissioners and other officers of the Customs in America are liable to be taxed in the manner and on the ground they state for their Salaries, paid out of Monies not granted to the Crown by the General Court of that Colony; and if not what steps might be proper for them to take, in order to be relieved in the case of which they complain, and Your Majesty's Attorney General having reported to us their opinion that the Salaries of the Commiss^{rs} and other Officers of the Customs in America are liable to be taxed where they reside, as Incomes and profits received from Emoluments exercised there, altho' not paid out of money granted by the Colony and that they come within the words and meaning of the Act of

Assembly referred to, we humbly beg leave hereunto to annex a copy of this their report submitting it to Your Majesty to give such directions there upon, as to Your Majesty's wisdom shall seem meet

Which is most humbly submitted

Soame Jenyns.
Geo. Rice.
Wm. Fitzherbert."—*Representation of the Lords of Trade:* "*Mass. Bay, B. T.,*" *vol.* 86, *p.* 278.

February 15th 1770.

"I could never give the Commissioners of the Customs any great encouragement to hope for success from their application to be exempt from Taxes but the opinion and report of the Attorney and Solicitor General from a prudential consideration I shall communicate to nobody but to the three Commissioners themselves. Mr Hulton and Mr Burch have been at Portsmouth in New Hampshire for several weeks past and I am informed had some thoughts of removing the Board to that Province, but as soon as the people suspected the design, they discovered such a dislike to it that it was laid aside. Mr Paxton has been sometimes in Town but chiefly at Cambridge. Mr Temple's connexions are such that he has been under no apprehensions of any molestation. I am informed they all intend to be in Town and to hold a Board in a few days. Perhaps the present commotions in the Town on account of the Importation may retard it."—*Extract from a letter of Lieut. Gov. Hutchinson to the Earl of Hillsborough, Apr.* 27, 1770: *ibid., vol.* 81, *O. o.*, 2.

"The Assessment Act imposing a Tax on the Income or profit of any employment exercised in any Town of the Province, with exceptions, virtually taxes other Offices though paid by the Crown of Great Britain. Whether this Tax be so levied I know not, but in case it be, I think it no objection in point of law before His Majesty in Council though some reason to have insisted on a variation in America."—*Report of Mr. Jackson to the Lords of Trade, Jan.* 14, 1771: *ibid., O. o.*, 5.

"Wednesday January 30th 1771.
At a Meeting of His Maj. Commissrs for Trade and Plantations
Present

Mr Jenyns.	Mr Roberts.
Mr Fitzherbert.	Lord Greville.

* * * * * * * * * * *

Their Lordship took into consideration eleven Acts passed in the Province of Massachusetts Bay in the years 1768 and 1769, together with Mr Jackson's Report thereupon, and a Minute was taken for drawing up an Article to be inserted in the Instructions now preparing for the Governor of that Province forbidding him to assent to any Tax Act of the nature of those annually passed there, unless there be a clause inserted therein, exempting all persons from being taxed for the Income and Profits arising out of Salaries not payable out of Monies granted to His Majesty by Acts of the General Court of the said Province.

* * * * * * * * * * *

Soame Jenyns."—"*Trade Papers,*" *vol.* 73.

Chap. 2. "In the Tonnage Bill there is not only a partiality in favour of the Vessels of the Colony, not indeed against those of Great Britain, but against those of other Colonies, but a duty imposed on the Naval Officer, who is no Servant of the Province, upon the first I shall observe that it is impossible altogether to prevent some competition of this kind amongst the Colonies which were not prejudicial to the whole or to this kingdom must be winked at and on the last that if the Naval Officer does not complain it is obvious there can be no great reason to object here, there is no penalty imposed and the Duty amounts to nothing."—*Report of Mr. Jackson to the Lords of Trade, Jan.* 14, 1771: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 5.

Chap. 3. Samuel Adams was first chosen collector of taxes for the town of Boston in 1756, and held the office, by re-election, every year, until 1765. In the latter year, although again elected collector, at the town meeting in March, he declined to accept the office, and was chosen a representative from Boston, to the General Court, in the month of September following.

Though there seems to have been no law of the province expressly requiring such security, it had been the custom, from a very early period, for collectors of taxes, in Boston, as often as they were chosen, to give bond, with sureties, to the town treasurer, for the faithful performance of their duty. Adams's last bond, given in 1764, was in the penalty of £5000, and, thereon, Robert Pierpont and Benjamin Hallowell were sureties.

It appears that, at the expiration of Adams's term of office, there remained, of the taxes committed to him for several years, a considerable sum uncollected, and unpaid to the town and province treasurers. No authority was given by law, to collectors, to transmit their lists to their successors, for collection; and, except in case of the death of a collector, there was no legal way to avoid responsibility for the whole amount of taxes committed for collection (less the abatements regularly made) except by the interposition of the Legislature. But Adams's constituents, who comprised a majority of the legal voters at the town meetings, deemed it proper that, in the pursuit of his important labors as a representative, he should not be burdened with the additional and harassing duty of collecting arrears of taxes; especially as the law exempting representatives from compulsory service as collectors, seemed to imply that the duties of the two offices might be incompatible. Accordingly, at a town meeting held Mar. 13, 1769, the inhabitants voted to relieve Mr. Adams from further duty as collector, and chose Robert Pierpont, one of his sureties, in his place, and, at the same time, voted to apply to the Legislature for a confirmation of this proceeding. The result was the passage of this act.

Of Adams's services as collector, Hutchinson says, "He was afterwards a collector of taxes for the town of Boston and made defalcation, which caused an additional tax upon the inhabitants;" and, in another place, "The benefit to the town from his defence of their liberties he supposed an equivalent to his arrears as their collector; and the prevailing principle of the party, that the end justified the means, probably quieted the remorse he must have felt, from robbing men of their characters, and injuring them more than if he had robbed them of their estate."— *Hist. Mass. vol.* 3, *pp.* 271-5. This charge of "defalcation" is a grave one; and if deserved in this case it is unfortunate for the historian's reputation for candor that he has not supported his charge by a statement of particulars. As the case appears upon the record, no defalcation or other delinquency is shown, in the sense of embezzlement or failure to account for all sums collected. It does, indeed, appear that not all the assessments committed to Adams for collection were collected; but it by no means follows that this failure was the result of collusion or negligence.

The period through which Adams served as collector was one of unexampled pecuniary distress to the people of the province, and of Boston in particular. Circumstances more trying to a collector of taxes who was possessed of humane feelings, and was, at the same time, impressed with a sense of the importance of a faithful performance of his trust, are hardly conceivable; nor is it surprising, when we consider the financial condition of the people of Boston at that time, that the town records show that none of the tax collectors of Boston, during this period, were able, fully, to collect the assessments committed to them.

Hostilities with the French, which continued for nearly seven years of this period, had not only enormously increased the public taxes, but, by reason of the incident embargoes, and captures of our shipping by the enemy, foreign and coastwise commerce was greatly interrupted and serious injury was wrought to the fisheries. So, since, by the policy of the Board of Trade, manufactures had been systematically discouraged, the people were left to depend upon agriculture as the foundation of their subsistence, and as the principal source of whatever profit it was possible to make above a bare living. During this period, too, the stringent measures adopted by the Legislature, for closing the affairs of the Land Bank, distressed many of the more considerable of the debtor class, and brought financial embarrassment and ruin to themselves and to their principal creditors. In the midst of these adversities the great fire of 1760 occurred, in Boston, by which nearly one-tenth of the town was destroyed, and the number of dependent poor was greatly increased. Again, in 1764, before the benefits arising from the remittances received from England, for reimbursing part of the expenses of the war, had been diffused among all classes, the small-pox, which had been constantly dreaded, and never fully eradicated, broke out with alarming violence in Boston. Numbers of the inhabitants fled from this pestilence to the neighboring towns, there to remain until they could return without danger from contagion, or sought a permanent refuge in distant places, beyond the reach of the tax-gatherer.

The importance of the events just referred to is vastly increased when it is remembered that, until the passage of the provincial statute of 1763-64. chap. 18, the law not only restricted the collector, in enforcing his collections, to the single process of *distress*, but left him remediless in the cases especially provided for by that statute. Indeed, that statute was enacted to provide for the difficulties which the collectors of taxes in Boston encountered during the period we are considering. To crown the list of discouraging circumstances that beset the unfortunate collectors at this time, the parliamentary stamp-act, which was to take effect in November, 1765,— some years before all the arrears of taxes were collected,— rendered it impossible, until its repeal, for a collector to take a valid bond, or to give a sufficient deed of conveyance of land sold by him for taxes; since the person appointed stamp commissioner refused the office, and no stamps were issued.

During the time of Adams's service as collector it was twice found necessary to pass acts (1757-58, chap. 12, and 1764-65, chap. 35) for the relief of bankrupts, or to secure to creditors the property of insolvent or absconding debtors. The lists of debtors proceeded against under those acts, as shown in the notes to the respective chapters (*ante*, vol. IV., pp. 107and 793) illustrate, forcibly, both in the proportion of debtors belonging to Boston— being about two-fifths of the one hundred and thirty-five persons against whom warrants were issued under the latter act — and in the character and standing of the debtors, the severity of the injury inflicted on the merchants and business men of Boston, by the causes above stated.

The bond given by Adams as collector, was, by order of the town, sued to judgment, on appeal to the Superior Court; and, in March, 1768, an execution was duly issued against him for £1463.3.10 — the amount of taxes uncollected by him; but the levy of this execution was postponed from time to time, agreeably to the vote of the town, until it was virtually superseded by this act, which, probably, also had the effect of staying proceedings upon a warrant of distress, which the province treasurer issued against Adams, for the province's share of the taxes committed to him, and which, against the entreaty of the town, expressed in a formal vote, he had ordered the sheriff to serve.

The persistent purpose — of which this act was the final manifestation — which the town of Boston evinced to protect Mr. Adams from the extreme operation of the laws against defective collectors; their election of him to the House of Representatives while proceedings against him as collector were pending; his poverty, and his reputation for inflexible integrity, even among his political enemies, are all as inconsistent with the charge against him clearly implied in the words used by Hutchinson, as is the passage, by the Legislature, of this act, and its approval by Gov. Bernard, who certainly had no motive for joining in any improper scheme to relieve him from responsibility for a culpable delinquency; and it is only an act of justice to the memory of Adams to say that neither the historian, nor the contemporary records, furnish any evidence to rebut the presumption that his ill success as a collector was excusable, if not unavoidable.

Chap. 5. "—— the principal matters, the supply of the treasury, and the tax, were kept off until the day before the session ended. In the meantime, they [the Assembly] went on, as they judged convenient, with other matters, which appeared to them of great importance. * * *

Upon this message, they resolved, that all private business should subside, and that the house would proceed to the publick business of the session.

Having completed their supply and tax bills, and made choice of an agent for the province, and settled his instructions, they passed on the report of a committee appointed to prepare an answer to the two messages from the Governor, which, as appears by their journal, was unanimously accepted, when eighty-three members were present." — *Hutchinson's Hist. Mass. Bay, vol.* 3, *pp.* 240 *and* 244.

Chap. 6. "June 8, 1768. A Petition of a number of the Inhabitants of Ipswich and Towns adjacent — Setting forth, That the Fishery, which hath heretofore been of great Service to them is now much obstructed by reason of the Mill Dams erected across Ipswich River and the Towns above. And praying that suitable Provision may be made by Law for opening Passages through the said Dams and for regulating the times for taking the Fish that may pass up and down the said River and the Streams leading thereto.

In the House of Representatives, Read and Ordered that the Petitioners notify the several Proprietors of Mills on all the Streams and Branches on the River withinmentioned by reading to one of the principal Proprietors of each Mill an attested Copy of this Petition to shew cause on Thursday the 16th instant why the prayer should not be granted.

In Council, Read and Concurred." — *Council Records, vol. XXVII., p.* 329.

"June 17, 1768. In Council. The Petition of sundry Inhabitants of the Town of Ipswich, Read again together with the Answer of sundry Proprietors of mills there and the Papers accompanying the same: And Ordered that William Brattle and Gamaliel Bradford Esqrs with such as the honble House shall join be a Committee to take the same into consideration and report.

In the House of Representatives, Read and Concur'd & Colo Gerrish, Mr Hall & Colo Fowle are joined." — *Ibid., p.* 364.

"June 21, 1768. The Committee appointed the 17th instant on a Petition from sundry Inhabitants of Ipswich made report whereupon the following Order passed vizt —

In Council. The Report of the Committee appointed the 17th instant upon the Petition of the Inhabitants of Ipswich &c was read and thereupon Ordered That William Brattle and Royall Tyler Esqrs with such as the honble House shall join be a Committee to repair to and view the premises and Report what is proper for this Court to do thereon at the charge of the Petitioners.

In the House of Representatives, Read & Concurred, and Mr Phillips, Colo Gerrish & Majr Frye are joined." — *Ibid., p.* 370.

"Apr. 26, 1770. In the House of Representatives. Resolved that the Sum of five pounds, seventeen shillings be paid out of the Public Treasury in full discharge of the annexed account to the persons following, vizt to the honble William Brattle Esqr £1: 18s. To Joseph Gerrish Esqr £1: 13s. To Samuel Phillips Esqr £1: — To Joseph Frye Esqr £1: 6s being in the whole five pounds, seventeen shillings — And that the said sum be laid on the Towns of Ipswich, Middleton, Reading, Boxford and Danvers in the next Tax Act in proportion as the Province Tax is laid.

In Council, Read and Concurred, Consented to by the Lieut. Governor." — *Ibid., vol. XXVIII., p.* 219.

Chap. 8. One of the royal instructions issued to the several governors, as has been intimated in a former note (1768, chap. 1, *note*), expressly required that, during the absence of the governor, with leave, one-half of the usual annual allowance to the governor should be abated, and paid to the lieutenant-governor; but the representatives had uniformly disregarded this instruction as wholly unauthorized, and as an infringement upon the rights of the people. A compliance with it, therefore, was not expected by Hutchinson at this time, even to the extent of a grant for his support of full one-half of the allowance customarily made to the governor. The following messages which passed between the Lieutenant-Governor and the House, and the correspondence between the Lieutenant-Governor and the Secretary of State, show why the bill was assented to by Hutchinson notwithstanding its nonconformity to the terms of the royal instructions.

Apr. 11, 1770. The Secretary went down to the House of Representatives with the following Message from his Honor the Lieutenant Governor vizt

Gentlemen of the House of Representatives —

The Kings Instructions to the Governors of this Province relative to a Salary and the engagements which have been repeatedly made by the Representatives of the people upon the same subject are so well known to many, and I presume to most of the Members of the House, that it may rather be wondered at that I have been so long silent at your delay to make provision for my support, than that I now take any notice of it. It is near nine months since I came to the Chair, my Expences from various causes have necessarily exceeded those of any Lieutenant Governors my predecessors when they have been in the Chair. If my services have fallen short it is not owing to want of application; my whole time being taken up in Public business to the neglect of all private affairs, nor is it owing to want of disposition, it being my sincere desire and endeavour whilst I have opportunity in this Station to promote the Interest of the Province.

I may not any longer omit recommending to you seriously to consider whether your thus distinguishing me from those who have gone before me and laying me under a necessity of postponing the part I am to take in the business of the General Court, may not hereafter be improved to the disadvantage of the Government. If I had nothing more in view than pecuniary advantage to myself, with less difficulty I might have refrained from sending you this Message. I have higher motives, my Duty to the King and a regard to the public Interest. —T. HUTCHINSON." — *Council Records, vol. XXVIII., p.* 153.

"Apr. 13, 1770. Mr Hancock and others a Committee of the House of Representatives waited on his Honor the Lieutenant Governor with the following Message viz.t. —

May it please your Honor —

Your Message of the 11 Instant laid before this House has been duly considered, and in answer thereto we would acquaint your Honor, that the House had before assigned Thursday next to take under consideration a Grant to his Majesty for the support of the Lieutenant Governor and Commander in Chief. We conceive that nothing contained in the Message affords sufficient ground for an alteration of that assignment. The House therefore do not think it proper to postpone the Business of the Government now lying before them for the purpose of considering of that Grant. At the time appointed we shall consider the matter with all that attention which the Duty we owe to the King and our regard to the public welfare shall require." — *Ibid., p.* 162.

"My Lord, The House of Representatives having delayed making any Grant for the support of the Lieut. Governor, I let them know that I must postpone the part I am to take in any of their Acts until they have done it. They passed it over another week contrary to the engagements of former Assemblies when the dispute about a fixed Salary was subsisting. I hear they have made a grant today of £550. only but whether it is intended as a Salary for the nine months I have been in the chair or whether it is intended likewise to look forward I am not yet informed. I have no reason to expect a Salary from them equal to my necessary expences." — *Extract from letter of Lieut.-Gov. Hutchinson to Lord Hillsborough, Apr.* 19, 1770: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 2.

"For near 30 years they have, without any instance to the contrary, made a Grant for the Salary of the Commander in Chief at the opening of the Session; to the Governor at the beginning of the Year to look forward the whole year; to the Lt. Governor twice a year to look forward half a year only. Although this is not agreeable to the letter of the Instruction, yet as all preceding Lieut. Governors had taken it in that manner I could expect no more from them. They had an apprehension that I should receive Instructions to lay before them matters which might occasion a sudden dissolution and therefore refused to make any Grant, although I put them in mind of a Declaration of an Assembly soon after the year 1730, that if any future Assembly should refuse such Grant they would justly incur His Majesty's displeasure. * * * * Three or four days before their dissolution they passed a Bill for granting to me five hundred and fifty pounds only for past and future services. This if it be understood to look forward to June only when there must be a new Assembly amounts to between four hundred and ninety and five hundred pounds sterling per annum. I had ordered the Secretary to lay none of their Acts before me until they had passed this. A dissolution without doing any business at all would have gratified the Leaders because it would have increased the present confusion. They kept the Bill a day or two upon their Table. * * * * * The longer we go on in this way without check from the supreme authority the farther the infection spreads." — *Extracts from letter of Gov. Hutchinson, to Hillsborough, Apr.* 27, 1770: *ibid.*

"The Grant to the Lieut. Governor if it be supposed to look forward to June is equal to one half the sum for many years past granted to the Governor." — *Remarks to the Board of Trade, by Lieut-Gov. Hutchinson, May* 24, 1770: *ibid., O. o.*, 4.

In the third session of the following year (Nov. 13, 1770) a bill, which originated in the House, was passed to been acted by the Council, granting £325. for the support of the Lieutenant-Governor. Hutchinson withheld his assent from this bill, and, while giving no reasons therefor to the Assembly, despatched a letter to Lord Hillsborough, under date of Nov. 20, 1770, in which the following passage occurs: —

"They made a Grant of £325—lawful money for the support of the Lieut. Govr, as a recompence for his past services and likewise to look forward The sum was so inconsiderable that I could not consent to it." — *Ibid., O. o.*, 14.

In his speech at the beginning of the fourth session, Hutchinson, among other matters, informed the Assembly that he had received a commission as governor of the province, but made no request for, or allusion to the subjects of, a grant for his support. The House postponed their answer to this speech for about three weeks, during which time two bills were passed to be enacted by both branches; one, granting £506, in full for his services as lieutenant-governor, and the other, granting £1300 for his support during the ensuing year. These bills were passed April 12; and, five days later, the House was informed by the Secretary that they had not been passed upon by the Governor. Eight days later still, the Secretary replied to an application made to him by the House, that the "bills had been laid before his Excellency, and that he could not say whether his Excellency had pass'd upon them." Thereupon the following messages passed between the House and the Governor, — the message of the House having been prepared by a committee appointed for that purpose the day before: —

"Apr. 25, 1771, Mr Adams and others a Committee of the House of Representatives, waited on his Excellency the Governor with the following message viz.t —

May it please your Excellency

The House of Representatives after enquiry of the Secretary cannot be made certain whether you have yet given your assent to two Bills which were laid before your Excellency early in this Session: The one for granting the Sum of five hundred and six pounds for your Services when Lieutenant Governor and Commander in Chief; and the other for granting the usual sum of thirteen hundred pounds to enable your Excellency, as Governor, to carry on the affairs of this Province.

And as your Excellency was not pleased to give your assent to another Bill passed in the last Session of this Assembly for granting the Sum of three hundred and twenty-five pounds for your Services when in the Chair, as Lieutenant Governor, the House are apprehensive that you are under some restraint: and they cannot account for it upon any other principle but your having provision for your support in some new and unprecedented manner. If the apprehensions of the House are not groundless, they are sollicitous to be made certain of it before an end is put to the present Session and think it their duty to

pray your Excellency to inform them, whether any provision is made for your support as Governor of this Province independent of his Majesty's Commons in it."— *Council Records, vol. XXVIII., p.* 554.

"Apr. 26, 1771. The Secretary went down to the House of Representatives with the following Message from his Excellency the Governor viz^{t}—

Gentlemen of the House of Representatives—

I could not, consistent with my duty to the King, give my assent to the Bill passed the last Session for granting three hundred and twenty-five pounds for my support. Before the close of the present Session I shall assent to or reject the Bills which shall have passed the two Houses, as it shall appear to me the same duty requires of me.

You are sollicitous to be informed whether any provision is made for my support as Governor of the Province independent of his Majesty's Commons in it. By the expressions *his Majesty's Commons* I suppose you would be understood to intend the House of Representatives. I must observe to you that the King, Lords and Commons our Supreme Legislature have determined it to be expedient to enable his majesty to make a certain and adequate provision for the support of the Civil Government in the Colonies as his majesty shall judge necessary.

I will not enter into a dispute with you upon the propriety of this provision. It may not however be amiss to acquaint you that I have not received the full Instructions and other appendages to his Majesty's Commission, which I have reason to expect. When I shall receive them I will communicate such parts of them to the House of Representatives as I shall think for his majesty's Service.

In the mean time I am the only sufferer by declining or delaying my assent to any Bills for my support, and I think your Constituents will not blame me for being willing to avoid burdening them with this support by the increase of the Tax upon their Polls and Estates, while there is any probability that it may have been provided for in another way.

T. HUTCHINSON."— *Ibid. p.* 567.

The governor had written to Lord Hillsborough, the day before the Assembly convened, that he had "avoided asking or receiving any Grant from the Government since April last," and that he should continue to do so. [*Mass. Archives, vol.* 27, *p.* 141.] But he made no such declaration of his intention to the Assembly.

"There are five Bills to which I refused my assent. My reasons for not assenting to the two for the Governor's support are contained in my Answer to the Message of the House to me upon the subject."— *Extract from letter of Hutchinson to Hillsborough, May*, 1771: "*Mass. Bay, B. T.*", *vol.* 81, *O. o.*, 15.

The next year another allowance of £1300 for the Governor's support, was granted by the Assembly at its first session, in a bill which, on the 13th of June, was passed to be engrossed, in the House, and, subsequently, passed to be enacted in the Council. This bill failed for want of the Governor's assent and the subject again came up in the Legislature of 1772; whereupon the following messages ensued:—

"June 9, 1772, M^{r} Hancock and others a Committee of the House of Representatives waited on his Excellency the Governor with the following Message Viz^{t}—

May it please your Excellency.

The House of Representatives beg leave to acquaint your Excellency that a motion was made on the first Friday of this Session to assign a time for the consideration of a suitable Grant for the support of his Majesty's Governor of the Province. But it being suggested to the House that your Excellency was not pleased the last Year to give your consent to a Bill which passed both Houses of Assembly in their first Session for granting the sum of Thirteen hundred pounds for the Support of your Excellency, the House thought proper to direct the attendance of the Secretary to give information touching this matter; who expressly said that your Excellency did not give your consent to s^{d} Bill

This House is wholly at a loss to account for that measure; unless provision is made for the support of your Excellency otherwise than by the Grants and Acts of the General Assembly of the Province.

By the Royal Charter it is incumbent upon the General Assembly to make adequate provision for the support of his Majesty's Government of this Province, and every Act for the making such provision is to be originated by the House of Representatives.

The support of his Majesty's Governor of the Province is an important part of the support of his Majestys Government here.

If provision is made for the support of your Excellency otherwise than by the Grants and Acts of the General Assembly, it is absolutely requisite that this House should be acquainted with it. They therefore pray that your Excellency would be pleased to inform them, whether provision is made for the support of your Excellency as Governor of this Province in any way and manner other than has been heretofore used and practiced, to wit, by the Grants and Acts of the General Assembly; and if it is so, in what way & manner that provision is made."— *Council Records, vol. XXIX., p.* 247.

"June 13, 1772. The Secretary went down to the House of Representatives with the following Message from his Excellency the Governor Viz^{t}—

Gentlemen of the House of Representatives—

By inspecting the Journal of the proceedings of the House of Representatives in April 1771, you will find that, in Answer to a Message from the House, I then observed that his Majesty has been enabled by an Act of Parliament, to make a certain & adequate provision for the support of the civil Government in the Colonies as his Majesty shall judge necessary.

I am now able to acquaint you that his Majesty has been graciously pleased to make provision for my support in the station in which he has thought fit to place me, and as this is judged to be an adequate support, I must conclude it cannot be his Majestys pleasure that, without his special permission, which has not yet been signified to me, I should accept of any Grant from the Province in consideration of the ordinary services of Government done or to be done by me. T HUTCHINSON."

— *Ibid., p.* 265.

"June 17, 1772. In the House of Representatives. Ordered that Mr Hancock, Mr Ingersoll, Capt Heath, Colo Murray and Mr Phillips be a Committee to wait on the honble Board with the following Message.

May it please the Honble Board

The House of Representatives early in this Session thought it necessary previous to their making a Grant for the support of his Majestys Governor of the Province, to order a Message to his Excellency requesting that he would be pleased to inform them whether provision was made for that purpose otherwise than by the Grants and Acts of the General Assembly, to which he was pleased to return an answer, and as it is the opinion of this House, that the Subject matter of his Excellency's answer very nearly affects the Constitution of this Province, they have directed that Copies of the said Message and Answer be laid before the Honble Board that they if they please may take them into consideration and act thereon as they may judge best." — *Ibid., p.* 268.

"July 13, 1772. Major Hawley and others a Committee of the House of Representatives waited on his Excellency the Governor with the following Message Vizt —

May it please your Excellency —

The House of Representatives, after the most deliberate consideration of your Message of the 13th of June, are of Opinion that the making provision for your Excellencys support in the station in which his Majestys has been pleased to place you as Governor of this Province, independent of the Grants and Acts of the General Assembly and your Excellencys receiving the same, is an infraction upon the Rights granted to the Inhabitants of the Province by the Royal Charter and in derogation of the freedom of the Civil Constitution. This House is ready with chearfulness to make the usual annual Grant and other ordinary provision, provided your Excellency will recieve the same for your whole support as Governor of the Province. —

Your Excellency has been pleased to signify to the House your Opinion, that you cannot without his Majesty's special permission recieve any Grant from the Province for your support as Governor. If your Excellency is fully determined in this opinion, We pray that you would make application to his Majesty that he would be graciously pleased to give further Orders, whereby you may without any restraint receive your support from this Government according to ancient and invariable usage." — *Ibid., p.* 331.

Upon receiving his commission as governor, if not before, Hutchinson took possession of the house provided by the province for the residence of its governors. The province-house was out of repair; and the following votes, and communications between the Governor and the Representatives, show that, notwithstanding their suspicions that the Governor was expecting to receive his support from the royal treasury, the Legislature evinced a disposition to make necessary repairs; but that, as soon as it was certainly known that the Governor had consented to receive a salary from the crown, his applications for expenditure, even for the preservation of this public estate, were firmly refused.

"Apr. 19, 1771. The Secretary went down to the House of Representatives with the following Message from his Excellency the Governor vizt — Gentleman of the House of Representatives — As my own House in Boston is situated remote from the centre of the Town I was urged by many Gentlemen to remove into the Province House for the convenience of the Inhabitants in general who have frequent occasion to visit me. I was sensible that it was much out of Repair, but I had no doubt that the Province would at least make it tenantable, and I was pleased to find that the House of Representatives very soon appointed a Committee to examine into the state of it, and to make Report; but I am obliged to put you in mind, that many months have since passed and nothing farther hath been done. The state of the House is notorious and remarked by all who come into it or pass by it. The Council early in the Winter advised to small expence to stop the leaks and prevent particular parts of the Buildings from total ruin, which has saved to the Province ten times the Sum expended; but unless a more thorough Repair is made, I do not think it will be possible for me to continue my Family in it: I am sure it will not be for the Interest nor for the reputation of the Province that it should remain in its present state. I must therefore desire you to take this matter into your consideration and make such provision as may be necessary. T. HUTCHINSON."
— *Ibid., vol. XXVIII., p.* 525.

"April 19, 1771. His Excellency's Message of this Forenoon was read again according to Order: Whereupon a Motion was made that a Committee be appointed to repair to the Province House, view the State thereof, and report. And the Question being put, pass'd in the Negative.

Upon a Motion the foregoing Vote was re-consider'd, and Col. *Bowers*, Mr. *Phillips*, Brigadier *Ruggles*, Capt. *Brown* and Capt. *Heath*, were appointed a Committee to repair to the Province House, view the State thereof, and report." — *House Journal, p.* 227.

"Apr. 23, 1771. The Committee appointed to repair to the Province House in *Boston*, and view the State thereof, reported, that the said House is out of Repair, and that Repairs are necessary. Accepted.

It was mov'd that a Committee be appointed to order the necessary Repairs for the Province House, and the Question being put, pass'd in the Negative.

It was then mov'd that a Committee be appointed to consider what Repairs were immediately necessary to be made on said House, make an Estimate of the Expence thereof, and report, and the Question being put, pass'd in the Affirmative.

Ordered, That Mr. *Bigelow* of *Worcester*, Mr. *Phillips*, Mr. *Nye*, Mr. *How* and Mr. *Bigelow* of *Weston*, be a Committee for that Purpose, and that the Committee sit forthwith." — *Ibid., p.* 237.

"Apr. 25, 1771. The Committee appointed to consider what Repairs are immediately necessary to be made on the Province House, and to Estimate the Expence of such Repairs, reported, That for the Preservation of said Building from Ruin, it was necessary that the Roof and East End thereof be speedily repaired, and that the Expence of such Repairs would amount to about *Thirty Pounds.*

It was mov'd that convenient Repairs be made on the Seat where his Excellency now dwells, and the Question being put, pass'd in the Negative.

It was then mov'd that such Repairs be made on the Province House as the Committee have now reported to be necessary, and the Question being put, pass'd in the Affirmative. And Mr. Speaker, Mr. *Hancock*, and Mr. *Hall*, were appointed a Committee to take the Care of the same."—*Ibid.*, *p.* 247.

"I urged them to repair the Governor's House which is in a very bad condition but they have declined it some of their Leaders intimating that if I would carry the Court to Boston they would make it a Palace, but while they dispute His Majesty's authority to cause the Court to be held at any place except Boston I may not ask his leave to hold it there." —*Extract from letter of Gov. Hutchinson to Lord Hillsborough, May*, 1771: "*Mass. Bay, B. T.*," *vol.* 81, *O. o.*, 15.

"July 13, 1772. The Secretary went down to the House of Representatives with the following Message from his Excellency the Governor Viz^{t}.—

Gentlemen of the House of Representatives —

I think it incumbent on me to put you in Mind of the ruinous state of the Province House with the Yards, Outhouses and appendages. I imagine it must cost double the sum to repair it the next Year as will be sufficient at present, and it is most probable that I shall not be able to keep my Family there another Winter. It would be most agreeable to my inclination to reside wholly at my House in the Country, and it is for the convenience of the Inhabitants of the Town of Boston and other persons who occasionally come there and have public business to transact, that I spend so much of time in Boston. When the House provided for the Governor is not in a tenantable repair, I think there can be no exception if I change the place of my residence. T. Hutchinson."
— *Council Records, vol. XXIX., p.* 330.

"July 14, 1772. M^{r} Hancock and others a Committee of the House of Representatives waited on his Excellency the Governor with the following Message Viz^{t} —

May it please your Excellency

In answer to your Message of Yesterday this House beg leave to observe, that they are not unapprized, that the Province House is out of repair, and that expence might be saved by making such repairs as are necessary as soon as may be. But that Building was procured for the residence of a Governor, whose whole support was to be provided for by the Grants and Acts of the General Assembly, according to the tenor of the Charter. And it is the Opinion of this House that it never was expected by any Assembly of this province that it would be appropriated for the residence of any Governor for whose support adequate provision should be made in another way. —

Upon this consideration we cannot think it our duty to make any repairs at this time.

Your Excellency may be assured that this House is far from being influenced by any personal disrespect: Should the time come, which we hope for, when your Excellency shall think yourself at liberty to accept of your whole support from this Province, according to ancient and invariable usage, we doubt not but you will then find the Representatives of this people ready to provide for your Excellency a House not barely tenantable but elegant. In the mean time as your Excellency receives from his Majesty a certain and adequate support, we cannot have the least Apprehension, that you will be so far guided by your own inclination, as that you will made any Town in the Province the place of your residence, but where it shall be most conducive to his Majesty's Service & y^{e} good & welfare of y^{e} People." — *Ibid.*, *p.* 337.

"Feb. 19, 1773. The Secretary went down to the House of Representatives with the following Message from his Excellency the Governor viz^{t} —

Gentlemen of the House of Representatives —

The Province House is in a much more ruinous state than when I recommended to you to make provision for the repair of it the last Session of the General Court.

The present inconveniences I submit to by having continued to reside in it I hope will have some weight with you, but the dishonor which must reflect upon the Province from its appearing to be unfit for any person to dwell in, I hope will have much greater weight with you and induce you to provide for its thorough repair.

I am well assured that his Majesty does not expect from me that any part of my support should be applied to the repairs of this House and I have reason to think that if you shall continue in your refusal, which I hope you will not, provision will be made for the decent residence of the Governor; — and I do not thus repeatedly press you to make this provision for the sake of my own future convenience, but from a real regard to the honor and the interest of the Province. T. Hutchinson."
— *Ibid.*, *p.* 509.

"Feb. 25, 1773. Cap^{t} Darby and others a Committee of the House of Representatives waited on his Excellency the Governor with the following Message viz^{t} —

May it please your Excellency

The House have with great attention considered your Excellency's Message of the nineteenth instant and beg leave to say, that they are not unacquainted with the present state of the Province House, and are sensible that it might be repaired at a less expence now than in future.

The Governor of the Province when this Building was purchased by the Government for his residence, was constitutionally dependent upon the free grants of the Representatives of the people for his support; but as the connection between the Governor and the people in this respect, is now to the great grief of the Inhabitants of this Province so materially altered this House conceive that they are not only not bound in honor or justice but that they cannot consistent with the duty they owe their Constituents proceed to make the repairs which your Excellency desires at this time.

The House are so far from being influenced by any the least personal disrespect, that they beg leave to assure your Excellency, if the time was come, as they wish it soon may, when your Excellency shall think best to receive your whole support from this Province, it would give them great pleasure to provide your Excellency a convenient and elegant House, such as should be honorable to the Province and suitable to the dignity of the Chief Magistrate of this Province." — *Ibid.*, *p.* 526.

Chap. 9. "This Act causes so great a multiplication of Oaths that I was ready to wish it might not be revived, but there would be danger of the People upon the Borders of the other Governments acquiring a relish again for Paper Money and I thought it advisable to consent to the Bill." — *Lieut.-Gov. Hutchinson, to the Lords of Trade, May* 24, 1770: "*Mass. Bay, B. T.*," *vol.* 81, *O. o.*, 4.

"I have likewise perused and considered an Act passed in the said Province in the same year 1770 intitled: —

An Act for effectually preventing the Currency of the Bills of Credit of Connecticut, New Hampshire and Rhode Island within this Province Which I should be unwilling to report to Your Lordships altogether proper in point of law, inasmuch as it imposes an oath on the Members of His Maj. Council, as well as on all Officers Civil and Military. Yet as the like Law has passed before in that Province and has continued unrepealed to the end of its term, probably because the Oath is not made a *qualification* of the Members of the Council, and as the intention of the Act is certainly wise and well founded, it will rest in your Lordships wisdom to determine how far it may be proper to continue an indulgence upon the subject of an Act, which I am of opinion is not repugnant to the Laws of this Kingdom and which furnishes no new precedent." — *Report of Richard Jackson to the Lords of Trade, Feb.* 20, 1771. *ibid., O. o.*, 11.

"Friday March 8th 1771

At a Meeting of His Majty's Commissrs for Trade and Plantations

Present

Mr Jenyns. Mr Fitzherbert

Lord Greville. Mr Whately

* * * * * * * * * * *

Their Lordships also read and considered several Laws passed in the Province of the Massachusetts Bay, together with Mr Jackson's Report thereupon, and some doubts arising as to the propriety of one of the said Acts entituled 'An Act for effectually preventing the Currency of the Bills of Credit of Connecticut New Hampshire and Rhode Island within this Province,' it was agreed to take the same into further consideration on Wednesday next. * *

Wednesday March 13th 1771. Their Lordships also further considered a Law of the Province of Massachusetts Bay 'for preventing the circulation in that Government of the paper currency of the Neighbouring Colonies' and it was ordered, that the Draught of a letter to the Governor on the subject of the said Law should be prepared." — "*Trade Papers*," *vol.* 73, *pp.* 65 *and* 68.

"Sir, Amongst the laws signed by you after Sir Francis Bernard had left the Province, there is one for preventing the Currency in the Province of Massachusets Bay of the Bills of Credit of Connecticut, New Hampshire & Rhode Island, which Law, tho' highly commendable in its object does nevertheless propose a method for the attainment of that object the propriety of which method We cannot but entertain some doubt.

Your observation that it is liable to objection as it multiplys oaths, is certainly a just one, but the material objection arises, we conceive, out of the nature of these oaths by which a new Test for admission into Offices is established and therefore it may well be questioned whether the Legislature in adding other Tests than those which are required by the Charter, have not exceeded their authority more especially as this Law is made to take effect without the King's consent to it, first obtained.

We have not however thought fit from the general opinion we entertain of the utility of the law, to propose its disallowance, and the rather as we observe that its duration is limited to three years, trusting that, if at the expiration of that time the continuance of any such regulation shall be necessary, the object may be provided for by other measures less liable to doubt and objection."— *Lords of Trade to Gov. Hutchinson, Mar.* 27, 1771: "*Mass. Bay, B. T.*", *vol.* 86, *p.* 306.

"My Lords, I am honoured with your Lordships letter of the 27th of March relative to a law to which I gave my assent for preventing the currency of the Bills of Connecticut &ca within this Province.

I beg leave to observe to Your Lordships that this Law is nothing more than a Clause of a Law which was passed in the Year 1749 for changing the Currency of the Province from paper to silver. It was drawn by me being then Speaker of the House and the first draught had not this clause. The Bill was rejected the principal Opposers urging that there was not sufficient provision for preventing the currency of the Bills of the other Governments and the persons upon whose aid I depended to carry the bill through, assured me they would not afford it unless I could bring in a clause which would be effectual for this purpose, I knew that penalties to be recovered by conviction in the Common law Courts would signify nothing when the general bent of the people was against them. I could think of no other way to make the Law execute itself but this and by means of it I carried the Bill through. I was in hopes that when the People had once been made sensible of the benefit of a stable medium of trade they would not wish to return to one which was depreciating and uncertain and therefore this provision was temporary, for four years only. At the expiration of this term, although the people in general had lost their attachment to paper money yet the borderers on the other Governments continued to hanker after it, therefore it was judged necessary by a new law to make a further temporary provision of the same nature and by subsequent laws it has been continued down to the present day.

The ill tendency of multiplying Oaths was all the exception which occurred to me until I received your Lordships letter. I am now convinced of the force of Your Lordship's further objection, especially as such a precedent is liable to be improved in order to exclude persons from Office who have not some special qualifications, as well as for a penalty merely for the sake of deterring from particular offences I may not however omit observing to Your Lordships that the Currency of no Colony has been so fixed as that of this Province for above 20 years past and it is in fact the standard for the other New England Governments and prevents the mischiefs to which their depreciating currencies are

incident; that whilst their paper bills continue our people will retain more or less affection for them and if the restraint be taken off their Bills will again creep in among us and we shall be in danger of returning to a bad currency not only to our own hurt but to the hurt of the Traders in Great Britain who have commerce with us.

If I should remain Commander in Chief of the Province until the present Law expires or is near expiring I shall very readily conform to such directions as may be given me with respect to the continuance or discontinuance of it." — *Gov. Hutchinson to Lords of Trade, June* 11, 1771: *ibid., vol.* 81, *O. o.*, 26.

Chap. 10. "June 1, 1768. In Council. Ordered that James Bowdoin, Harrison Gray and John Worthington Esq^rs^ be a Committee with such as the hon^ble^ House shall join to take into consideration the Petition of Benjamin Hammet and others, and also the circumstances of all others against whom Commissions of Bankruptcy were taken out, and the proceedings thereon unfinished on the 12^th^ of March last and report what is proper for this Court to do thereon.

In the House of Repre^s^. Read and Nonconcurred." — *Council Records, vol. XXVII., p.* 310.

"June 3, 1768. A Petition of Ratchliffe Hellon of Taunton — Setting forth, That about two years since a Warrant issued against his Estate as an Insolvent Debtor, and he delivered up his Estate to Trustees and obtained a Certificate from the major part of his Creditors for his discharge and presented the same to two of the Justices of the Superior Court; but it happened to be so near the time of the expiration of the Bankrupt Act that he could not obtain the benefit of it. And Praying relief. —

In Council, Read and Ordered that the consideration of this Petition be referred to the next sitting of this Court.

In the House of Representatives, Read and Concurred." —*Ibid., p.* 321.

"Divers persons having delivered up all their Effects into the Hands of Trustees by force of a temporary Bankrupt Act, which expired before the Processes were finished, this Act is necessary in aid of the other to prevent Injury both to the Bankrupts & their Creditors."—"*Remarks*" *by Lieut.-Gov. Hutchinson, to the Lords of Trade, May* 24, 1770: "*Mass. Bay, B. T.*," *vol.* 81, *O. o.*, 4.

Chap. 11. "A particular Act for a new Plantation to correct Errors in their Proceedings." — *Ibid.* — See 1776–77, chapter 40, and note, *post.*

Chap. 12. "Most of the Laws which are revived by this Act have been often revived before, I know of but one which has been complained of and that is the Act to prevent Stage Plays and other Theatrical Entertainments. It would have given a handle to the factions if I had refused my consent to it. The Bill was passed to continue Ten years but as I had not time sufficiently to consider all the Laws they altered it to three years." — *Ibid.*

Chap. 13. "Divers Acts of this sort respecting other Religious Societies are in force and found expedient." — *Ibid.*

"Apr. 29, 1779. In the House of Representatives. Whereas in and by a Law of this State made and passed in the year of Our Lord One thousand Seven hundred and Seventy, entitled, An Act to impower the Inhabitants of the Town of Newbury Port, belonging to the several religious Societies within the same, to raise Money for defraying Ministerial and necessary Charges, it is, among other things, enacted, that the Proprietors of the respective Meeting-Houses in said Town of Newbury-Port, determine how much each Pew or part of a Pew in any Meeting House within said Town shall pay towards defraying Parish Charges, whereby some Proprietors of Pews in said Town are obliged to pay towards the support of the Ministry in places where they do not attend Public Worship, contrary to the intent and meaning of said Act. Therefore

Resolved, that no Proprietor of any Pew, or part of a Pew in any Meeting House within said Town of Newbury Port, shall be held to pay Taxes laid on any such Pew for the support of the Ministry or for defreying any other Parish Charges, unless such Proprietor or his Family attend public Worship at the Meeting House in which such Pew or part of a Pew is situated.

And whereas Doubts have arisen upon the aforesaid Act, whether the Non-Proprietors of Pews in said Meeting Houses have a right to give their Votes in Parish Affairs, although many of such Non-Proprietors pay large Sums towards the support of the Ministry in said Societies. Therefore

Be it further Resolved, that all and every person or Persons qualified to Vote in Parish-Affairs, be, and they hereby are fully impowered to give their Votes for raising and appropriating Monies to be raised for defraying Ministerial and other Incidental Charges in the Societies where such Person or Persons usually attend Public Worship within said Town of Newbury-Port; any Law, Usage or Custom to the contrary notwithstanding — In Council Read and Concurred. Consented to by Fifteen of the Council." — *Council Records, vol. XXXIX., p.* 229.

Chap. 14. "Provision, like to what is made by this Act for restraining fishery in this River, is made by other Acts in many parts of the Province."—"*Remarks*" *to the Lords of Trade, by Lieut.-Gov. Hutchinson, May* 24, 1770: "*Mass. Bay, B. T.*", *vol.* 81, *O. o.*, 4.

Chap. 15. "Nov. 7, 1766. A Petition of Thomas Wilder in behalf of the Proprietors of the Town of Winchendon — Setting forth. That at a Legal Meeting of the said Proprietors, on the 4^th^ June last held at said Winchendon, they did agree and Vote that a Tax of one penny p^r^ Acre should be raised upon all the Lands allotted out: and that the Petitioner should wait on this Court for their Sanction to said Vote. And praying that the said proprietors may be enabled to assess and collect said Tax in order to enable them to

pay the Debts they have contracted for supporting the public Worship and defraying other charges contracted before the Town was incorporated.

In the House of Representatives Resolved That the prayer of the Petition be so far granted That the Tax of one penny p^r^ Acre for one year voted by the proprietors of the said Winchendon the fourth day of June last, be and hereby is confirmed: And that the Assessors or Constables or Collectors in said Winchendon are hereby respectively authorized and impowered to assess and collect the same. In Council, Read and Concurred. Consented to by the Governor." — *Council Records, vol. XXVI., p.* 317

"June 10, 1767. A Petition of Daniel Stimpson in behalf of the Inhabitants of the Town of Winchendon — setting forth their inability by reason of the smallness of their numbers and their poverty, and the non settlement of many Rights of Land there to pay their various Taxes for the settlement of a minister, making Roads, Bridges &c And praying That a Tax of one penny ℔ acre may be laid on all the Land of said Town for the space of three years for the payment of said Taxes.

In the House of Representatives. Resolved That the nonresident proprietors of the Town of Winchendon be notified by the Petitioner by inserting the substance of the Petition in two of the Boston newspapers three weeks successively to shew cause on the second Thursday of the next Session of this Court why the prayer should not be granted. And that the delinquent Proprietors be also notified at the same time to shew cause why they have not complyed with the conditions of their Settlement. In Council, Read and Concurred." — *Ibid., vol. XXVII, p.* 38.

"July 14, 1769. A Petition of the Inhabitants of Winchendon in the County of Worcester by their agent Abel Wilder — Setting forth That some years ago the General Court granted a Tax of four pence an Acre on all the divided Lands in the said Town, but as there is no Law now in being whereby they can enforce the Payment thereof, Praying that an Act may be passed for that purpose. And also praying that the Province Tax laid upon the said Town for the year 1767 (which they are unable to pay by means of the great expence they have been at in settling a minister and otherwise) may be remitted.

In the House of Representatives. Resolved That the consideration of this Petition be referred to the next Session of this Court, and that in the mean time the Province Treasurer be and he hereby is directed not to issue his Execution for the Tax assessed upon the Town of Winchendon for the year 1767. — In Council, Read and Concurred, Consented to by the Governor." — *Ibid., vol. XXVIII, p.* 71.

"This Act was thought necessary to carry into execution an order of the General Court for raising Moneys by a Tax on the Lands within a particular Township." — "*Remarks" to the Lords of Trade, by Lieut.-Gov. Hutchinson, May* 24, 1770 : "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 4.

Chap. 16. "In Council Feb^y^. 17. 1768. whereas divers offences are by the Laws of this Province made Capital, in which Laws the Benefit of Clergy (altho' not intended, as may reasonably be supposed, to be allow'd by the Legislature) is not by express words taken away; By reason whereof divers of such offenders have & may escape Justice, unless Provision by Law be made for preventing the same:

Therefore Order'd that William Brattle and Samuel White Esq^rs^, with such as may be joyned by the Hon^ble^ House, be a Committee to consider & Report what may be proper for this Court to do thereon.

Sent down for Concurrence JN^o^ COTTON D. Secry

In the House of Representatives Feb^ry^ 25^th^ 1768 Read and Concured and Brigd^r^ Ruggles M^r^. Otis & M^r^ Hancock are Joyn'd in y^e^ Affair

Sent up for Concurrence T CUSHING Spk^r^." — *Mass. Archives, vol.* 14, *p.* 507.

"The Secretary delivered the following Message from his Honor the Lieutenant Governor to the two Houses respectively viz^t^ —

Gentlemen of the Council, and House of Representatives —

Burglaries and Thefts have been so frequently committed within these few years past in the Town of Boston especially that it seems absolutely necessary for us to make further provision for the punishment of those offences.

Our Laws which respect Burglary are very incorrect and are so construed that they fail of the Effect which it is probable the Legislators intended they should have.

The punishment of Larceny or Theft is inconsiderable and there is no room to doubt that bad people frequently come into this Province from other Governments, where the offence is punished with Death, meerly for the sake of committing it here, at the risque only of a small Fine or light corporal punishment. I cannot therefore avoid recommending to you to take these Laws into your consideration and make such amendments or alterations as shall appear to be necessary.

Cambridge 27 March 1770. T. HUTCHINSON

In the House of Representatives. Ordered that Col^o^ Williams of Hatfield, Maj^r^. Hawley and M^r^ Leonard with such as the hon^ble^ Board shall join be a Committee to take this Message into consideration and report. In Council, Read and Concurred and Samuel Danforth and William Sever Esq^rs^ are joined in the affair." — *Council Records, vol. XXVIII., p.* 101.

"Burglary by an Act of the Province 4 W. & M. for the first and second offence was considered as a trespass only. By an Act of Geo. I. Burglary was made Capital but Clergy is not expressly taken away. The benefit of Clergy was never claimed until about 5 or 6 years ago. Since that in divers Instances the Court have allowed Clergy and no Offendor has suffered death Burglary by the first Statute being made a Trespass, the Court consider the second Statute as creating a new felony, in which case by the rule of Law, Clergy must be allowed unless expressly taken away. The general term or expression *with a felonious intent* would not be sufficient because Larceny or Theft by the Province Law is only a trespass and the Offendor liable to a small fine only and light Corporal

punishment." — *Lieut.-Gov. Hutchinson to the Lords of Trade, May* 24, 1770: "*Mass. Bay, B. T.*," *vol.* 81, *O. o.*, 4.

In the foregoing remarks by Hutchinson to the Lords of Trade, his statement in regard to the benefit of clergy, was made solely with reference to convictions of burglary, under the provincial statute, 1715–16, chap. 1. The benefit of clergy was allowed, even by the colonial Court of Assistants, on conviction of manslaughter, and by the Superior Court of the province on conviction of manslaughter, bigamy, and perhaps other felonies. The application to the act of 1715–16, of that rule of construction by which the benefit of clergy was held not to be denied by the act because not expressly taken away, seems not to have occurred to the lawyers of the province until sometime after 1754, when Michael Fowler was executed, in Hampshire County, for burglary. Owing to the imperfection of the records of the Superior Court it is impossible to ascertain precisely when this claim was first allowed in a case of burglary; and Hutchinson's statement must, therefore, be accepted as the nearest approximation to the time now possible. In 1763, Philip Robinson, who was convicted of burglary in Suffolk, was pardoned; and, after that, the juries seem to have intentionally acquitted persons indicted for burglary, of the breaking and entering, and to have convicted them of larceny — the former offence being punishable, whenever benefit of clergy was allowed, simply by branding, while the latter was punishable by whipping, a payment to the owner of treble the value of the property stolen and an alternative sentence of servitude for a term of years, in case of inability to pay the fine; besides the costs of prosecution in all cases—see 1692–3, chap. 18, § 3.

Chap. 17. "Jan. 25, 1768. In the House of Representatives. Ordered That Col° Ward and Cap^{t} Brown of Leicester with such as the hon^{ble} Board shall join be a Committee to bring in a Bill for altering the times of sitting of the Courts of Common Pleas and General Sessions of the peace in the County of Worcester and to enable the Superior Court to hold Court another term in said County.

In Council Read and Concurred and Timothy Paine Esq^{r}. is joined in the affair." — *Council Records, vol. XXVII., p.* 162.

"Feb. 3, 1768. In Council, Ordered that Nathaniel Ropes John Bradbury and Jerem^{h} Powell Esq^{rs} be a Committee to consider of the expediency of altering the times for holding the Superior Court of Judicature, Court of Assize &c in the Counties of York and Cumberland, and in what manner and Report." — *Ibid., p.* 182.

"This Act is owing to the growth of the Province and the increase of law business which makes it necessary to hold the Superior Court twice a year where it used to be but once. This is made for the sake of two Courts or Terms in Hampshire and Worcester Counties where there used to be but one And it was found necessary to make some alteration in the other Terms to conform to those." — *Lieut.-Gov. Hutchinson to the Lords of Trade, May* 24, 1770: "*Mass. Bay., B. T.*," *vol.* 81, *O. o.*, 4.

"Chap. 18. "Oct. 25, 1765. In the House of Representatives. Whereas the Court of General Sessions of the peace and Inferior Court of Common pleas are by Law appointed to be held at Worcester for the County of Worcester on the first Tuesday of November next; and divers of the Justices of said Courts and other persons who are concerned in business there, are Members of the General Court, and the important affairs of the Province now depending require their attendance. Wherefore Ordered. That the said Court of General Sessions of the peace and Inferior Court of Common pleas which by Law are to be held at Worcester aforesaid on the said first Tuesday of November, be and hereby are adjourned to the first Tuesday of January next to be held at the Court House in the said Town of Worcester at ten of the Clock in the forenoon of said day: and all pleas, Writs, Actions, Suits, Complaints, processes, precepts, Recognizances and other thing and things whatsoever returnable and having day or days in the said Courts shall stand, abide and continue unto the said adjournment and be held deemed and adjudged to be as good effectual and available in Law to all intents and purposes whatsoever as if such Courts had been held and kept on the day by Law for holding the same and no adjournment thereof had been made. In Council Read and Concurred. Consented to by the Governor." — *Council Records, vol. XXVI., p.* 86.

"Nov. 6, 1765. In the House of Representatives. Whereas the Court of General Sessions of the peace and Inferior Court of Common pleas are by Law appointed to be held at Taunton in the County of Bristol on the third Tuesday of November Instant, and it is apprehended that but little if any business will be done at said Courts. Wherefore Resolved that the said Court of General Sessions of the peace and Inferior Court of Common pleas which by Law are to be held at Taunton aforesaid on the said third Tuesday of November instant be, and hereby are adjourned to the third Tuesday of February next, to be held at the Court House in the said Town of Taunton at ten o'Clock in the forenoon of said day: and all pleas, Writs, Actions, Suits, Complaints, processes, precepts, Recognizances and other thing or things whatsoever returnable and having day or days in the said Courts shall stand valid and continue unto the said adjournment and be held deemed and adjudged to be as good effectual and available in Law to all intents and purposes whatsoever as if such Court had been held and kept on the day by Law for holding the same, and no adjournment thereof had been made.

In Council, Read and Concurred. Consented to by the Governor.

In Council. Whereas the Court of General Sessions of the peace and Inferior Court of Common pleas are by Law appointed to be held at Barnstable in the County of Barnstable on the first Tuesday in December next, and it is apprehended that but little if any business will be done at said Court. Therefore Resolved, That the said Court of General Sessions of the peace and Inferior Court of Common pleas which by Law are to be held at Barnstable aforesaid on the first Tuesday in December next, be and hereby are adjourned to the first Tuesday of April next, to be held at the Court House in the said Town of Barnstable at ten o'Clock in the forenoon of said day: and all pleas, Writs, Actions

Suits, Complaints, processes, precepts, Recognizances and other thing or things whatsoever, returnable and having day or days in the said Courts, shall stand valid and continue unto the said adjournment, and be held deemed and adjudged to be as good effectual and available in Law to all intents and purposes whatsoever as if such Court had been held and kept on the day by Law for holding the same, and no adjournment thereof had been made. In the House of Representatives, Read and Concurred. Consented to by the Governor." — *Ibid.*, *p.* 108.

"Feb. 12, 1766. In the House of Representatives. Whereas the Court of General Sessions of the peace and Inferior Court of Common pleas are by Law appointed to be held at Taunton in the County of Bristol on the third Tuesday of February instant; and it is apprehended, that but little if any business will be done at s^d^ Court, and it is also probable the General Court may be then sitting, and many of the Members of the said General Court are also concerned in the said Courts to be held at Taunton in the County of Bristol aforesaid.

Wherefore Resolved that the said Court of General Sessions of the peace and Inferior Court of Common pleas which by Law are to be held at Taunton aforesaid on the said third Tuesday of Feburary instant be, and hereby are Adjourned to the first Tuesday of May next, to be held at the Court House in the said Town of Taunton at ten of the Clock in the forenoon of said day: and all pleas, Writs, Actions, Suits, Complaints, processes precepts, Recognizances and other thing or things whatsoever returnable, or having day or days in the said Courts, and which were then to have been proceeded on, shall stand valid and continue unto the said Adjournment, and be held deemed and adjudged to be as good, effectual, and available in Law to all intents and purposes whatsoever, as if such Court had been held and kept on the day by Law for holding the same and no Adjournment thereof had been made.

In Council, Read and Concurred. Consented to by the Governor." — *Ibid.*, *p.* 175.

"Feb. 14, 1766. In the House of Representatives. Upon a motion made and seconded by divers Members, that the Courts in the County of Essex should be altered for the following Reasons — That the License Court is held at the extreme part of the County, and that the Inhabitants of the Towns of Newbury port, Newbury, Salisbury and other Towns on Merrimack River are at great expence in attending said Court; and that the said Towns paying a large proportion of the Province and County Tax ought in Justice to be indulged with their proportion of the Courts of Justice to be held near them. Therefore Resolved, that the Representatives of each Town in the County of Essex notify their respective Towns, that they shew cause, if any they have, on the second Tuesday of the next May Session why the Inferior Court of Common pleas and Court of General Sessions of the peace which are now by Law holden at Ipswich in the said County on the last Tuesday of March should not be removed to Newbury port; and also why the said Courts which by Law are held at Salem on the second Tuesday of July annually, being the time for granting Licenses shall not be removed to Ipswich. Also, Resolved that the Towns in said County which have no Representatives be notified by the Representatives of Ipswich or Newbury port by serving the Clerks of those Towns with a Copy of this Resolve. In Council, Read and nonconcurred." — *Ibid.*, *p.* 182.

"Feb. 14, 1766. In the House of Representatives. Whereas the Court of General Sessions of the peace and Inferior Court of Common pleas by Law are to be holden at Pittsfield in the County of Berkshire on the first Tuesday of March next: And whereas the business that will probably be to be transacted at said Court will not be very considerable nor the immediate dispatch of it any way equal to the extraordinary difficulty and expence of attending the said Court there at so difficult a time of travelling as is then like to be: And Whereas the ill state of health of some of the Justices of the said Courts may probably prevent their attendance at that time.

Therefore Ordered, That the said Courts of General Sessions of the peace and Inferior Court of Common pleas which by Law are to be holden at said Pittsfield on the first Tuesday of March next be and hereby are adjourned to the last Tuesday of April next, then to be held at the Court House in Great Barrington in said County at ten of the Clock in the Forenoon of said day: And all pleas, Writs Actions, Suits, Complaints, processes, precepts, Recognizances, and all other thing and things whatsoever returnable and having day or days in the said Courts, shall stand abide and continue unto the s^d^ Adjournment to the time and place last aforesaid, and be held, deemed and adjudged to be as good, effectual and available in Law to all intents and purposes whatsoever, as if such Courts, had been kept and held on the day and at the place aforesaid by Law appointed for holding the same, and no adjournment thereof had been made.

In Council, Read and Concurred. Consented to by the Governor." — *Ibid.*, *p.* 184.

"Oct. 29, 1766. In the House of Representatives. Whereas the Court of General Sessions of the Peace and Inferior Court of Common Pleas are by law appointed to be holden at Worcester for the County of Worcester on the first tuesday of November next, and Sundry of the Justices of said Court and other Persons who are concerned in business there, are members of the General Court; and the important affairs of the Province now depending, require their attendance: Wherefore resolved that the said Court of General Sessions of the Peace, and Inferior Court of Common Pleas which by Law are to be holden at Worcester aforesaid on the said first Tuesday in November, be and hereby are adjourned to the first Tuesday in January next, to be holden at the Court House in said Town of Worcester at ten o'clock on said day. And all Pleas, Writs, Actions, Suits, Complaints, Processes, Precepts, Recognizances and other matters or things whatsoever, returnable and having day or days in the said Courts, shall stand, abide and continue unto the said Adjournment; and be held, deemed and adjudged to be good effectual and available in Law to all intents and purposes whatsoever as if such Courts had been held and kept on the day by Law for holding the same, and no Adjournment thereof had been made. In Council Read and Concurred Consented to by the Governor." — *Ibid.*, *p.* 304.

"Nov. 13, 1766. In Council Whereas the General Thanksgiving throughout this Prov-

ince is appointed to be observed on the Thursday of the same Week wherein the Court of General Sessions of the Peace and Inferior Court of Common Pleas are by Law next to be holden in the County of Middlesex, by reason whereof the holding said Courts at that time will be attended with inconvenience. Therefore Resolved that the said Court of General Sessions of the Peace and Inferior Court of Common Pleas which by Law are to be holden at Charlestown within and for the said County of Middlesex on the last Tuesday of November Instant, be and hereby are adjourned to the first Tuesday of December next to be holden at Charlestown aforesaid at ten of the clock in the Forenoon of the same day. And all Pleas, Writs, Actions, Suits, Complaints, Processes, Precepts, Recognizances and other Thing and Things whatsoever returnable or having day or days in either of the said Courts, and which were on the said last Tuesday of this Instant November to have been proceeded on, shall stand valid and continue unto the said adjournment and be held and adjudged to be as good, effectual and available in Law to all intents and purposes whatsoever, as if such Courts had been held on the day by Law appointed for holding the same, and no Adjournment thereof had been made. In the House of Representatives Read and Concurred. Consented to by the Governor." — *Ibid.*, *p.* 330.

"Feb. 6, 1767. In the House of Representatives. Whereas the Court of General Sessions of the Peace and Inferior Court of Common Pleas for the County of Hampshire according to the time by Law appointed should be holden at Northampton in said County on the second Tuesday of February current. And Whereas sundry of the Justices of the said Courts and Others concerned in the business thereof are members of this Court which is like to continue sitting beyond the time aforesaid by Law appointed for holding said Courts.

Therefore Resolved That the said Court of General Sessions of the Peace and Inferior Court of Common Pleas be, and hereby are adjourned unto the last Tuesday of March next then to be holden at said Northampton, and that all Pleas, Processes, Writs, Actions, Suits, Complaints, Precepts, Recognizances and all other matters and things returnable and having or that should have day in the said Courts, if the same had been held on the said second Tuesday of February shall be returnable and have day in the said Courts on the said last Tuesday of March, and shall abide and continue unto that time, and shall then be proceeded on, heard tried & determined to all Intents and Purposes as effectually as if the said Courts had been held on the said second Tuesday of February. In Council Read and Concurred Consented to by the Governer.

In the House of Representatives. Whereas the Court of General Sessions of the Peace and Inferior Court of Common Pleas for the County of Bristol according to the time by Law appointed should be holden at Taunton in said County on the third Tuesday of February Current: And Whereas sundry of the Justices of the said Courts, and Others concerned in the business thereof, are members of this Court, which is like to continue sitting beyond the time aforesaid by Law appointed for holding said Courts, and also by reason of the severity of the Season.

Therefore Resolved That the said Courts of General Sessions of the Peace & Inferior Court of Common Pleas be and hereby are adjourned unto the first Tuesday of May next then to be holden at said Taunton; and that all Pleas, Processes, Writs, Actions, Suits, Complaints, Precepts Recognances, and all other matters and things returnable, and having or that should have day in the said Courts, if the same had been held on the said third Tuesday of Feby shall be returnable and have day in the said Courts on the said first Tuesday in May, and shall abide and continue unto that time, and shall then be proceeded on, heard tried and determined to all intents and purposes as effectually as if the said Courts had been held on the said third Tuesday of February.

In Council Read and Concurred Consented to by the Governer." — *Ibid.*, *p.* 365.

"Jan. 20, 1768. In the House of Representatives. Resolved That Whereas the Court of General Sessions of the peace and Inferior Court of Common pleas for the County of Hampshire according to the time appointed by Law should be holden at Northampton in said County on the second Tuesday of February next; And whereas sundry of the Justices and Officers of said Courts and Others concerned in the business thereof are members of this Court which is likely to continue sitting beyond the time aforesaid by Law appointed for holding said Courts.

Therefore Resolved That the said Courts be and are hereby adjourned unto the third Tuesday in March next then to be holden at said Northampton; and that all Pleas, Processes, Writs, Actions, Suits, issued or to be issued, Complaints, Precepts Recognizances and all other matters and things returnable and having, and that should have had day in said Courts, if the same had been held on the said second Tuesday of February shall be returnable and have day in said Courts on the said third Tuesday of March, and shall abide and continue unto that time, and shall then be proceeded, heard, tried and determined to all intents and purposes as effectually as if said Courts should have been held on the said second Tuesday of February: and all Executions returnable on the said second Tuesday of February may be returned into the Clerks Office of said Courts, and alias Executions issued afterwards in like manner as if this adjournment had not been made. In Council, Read & Concurred, Consented to by the Governor." — *Ibid.*, *vol. XXVII.*, *p.* 157.

"Jan. 30, 1768. In the House of Representatives. Resolved That Whereas the Court of General Sessions of the peace and Inferior Court of Common pleas for the County of Bristol according to the time appointed by Law should be holden at Taunton in said County on the third Tuesday of February next: and whereas several of the Justices of said Court and others concerned in the business thereof are members of this Court which is likely to continue sitting beyond the time aforesaid by Law appointed for holding said Courts. Therefore Resolved That the said Court of General Sessions of the peace and Inferior Court of Common pleas be, and hereby are adjourned unto the first Tuesday in May next, then to be holden at said Taunton; and that all Pleas, Processes, Writs, Actions, Suits, Complaints Precepts, Recognizances and all other matters and things re-

turnable and having or that should have day in said Courts, if the same had been held on the said third Tuesday of February, shall be returnable and have day in said Courts on the said first Tuesday of May and shall abide and continue unto that time and shall then be proceeded on, heard, Tried and determined to all intents & purposes as effectually as if said Courts had been held on the said third Tuesday of Frebruary. And all Executions returnable on the said third Tuesday of February may be returned into the Clerks Office of said Courts, and alias Executions issued afterwards in like manner as if this Adjournment had not been made. In Council, Read and Concurred, Consented to by the Governor." — *Ibid.*, *p.* 171.

"Feb. 26, 1768. A Petition of John Cumming and Others, Agents for sundry Towns and Districts in the County of Middlesex — Setting forth, That the said County is of large extent, insomuch that many of the Petitioners are forty and some fifty miles distant from the Shire Town. And praying that the several Courts may for the future be held in the Town of Concord, which they apprehend to be near the Center of the said County.

In the House of Representatives, Read & Ordered That the Petitioners notify the several Towns & Districts, and also the Court of General Sessions of the peace in the County of Middlesex by serving their Clerks with Copies of this Petition that they may shew cause if any they have on the second Tuesday of the next May Session why the prayer should not be granted. In Council, Read and Concurred." — *Ibid.*, *p.* 259.

"Mar. 2, 1768. A Petition of John Ashley Esq^r. and Others his Majesty's Justices of the peace for the County of Berkshire — Setting forth — That the number of terms of the Inferior Court of Common pleas and General Sessions of the peace for the said County are reduced from four to two in a year, which is attended with great inconvenience. And praying that there may be one Inferior Court of Common pleas and Court of General Sessions of the peace added to the present number, and that the same may be held at Great Barrington on the second Tuesday of May annually.

In the House of Representatives, Read & Ordered That the Petitioners notify the several Towns & Districts in the County of Berkshire, and also the Court of General Sessions of the peace for s^d County by serving their respective Clerks with a Copy of the same to shew cause on the second Wednesday of the next May Session why the prayer should not be granted.

In Council, Read and Concurred." — *Ibid.*, *p.* 275.

"This is an Act to alter some of the Inferior Courts and made necessary by the Preceding Act." — *Lieut.-Gov. Hutchinson to the Lords of Trade, May* 24, 1770 : "*Mass. Bay, B. T.*," *vol.* 81, *O. o.*, 4.

Chap. 19. "This Act would have been more agreeable to me if it had been temporary — Upon further consideration of it I humbly suggest to be determined whether the power given to a single Justice at his discretion to sentence lewd, idle & disorderly persons to be whipped without the Offendors having it in their power to satisfy the Law by a fine is not liable to be abused and has not too much of the Spirit of the old Colony Laws." — *Ibid.*

Chap. 20. "This Act was designed to prevent the multiplicity of Petitions to the General Court to enable Executors and Administrators to make sale of lands or real estates in the vacations of the Superior Court in the respective Counties. As the Law stood before only the Superior Court could give license and that at the Term in the County where the Estate lay. The provision by the first Paragraph or enacting Clause is necessary. The extending the power by the second clause to all the Inferior Courts is not without danger of becoming a mere piece of form and no check upon the power of the Courts of Probate." — *Ibid.*

Chap. 21. "June 23, 1731. A Petition of Nicholas White and a Considerable number of others. — Inhabitants of the Northerly part of the Town of Norton in the County of Bristol — Setting forth their great Difficulties in Attending upon the Publick Worship of God by Reason of their Living So remote from the Meeting House there, and therefore praying that they and their Lands, may be Sett off from s^d Town of Norton and Constituted a Separate Township or Precinct within certain bounds particularly Set forth and Described in the s^d petition, —

In the House of Represent^ves Read and Ordered that the Petitioners with their Estates agreeable to the Bounds, hereafter mentioned; Viz^t Westerly by Attleborô Bounds, Northerly by Stoughton Bounds Eastwardly by Easton Bounds until it comes to be due West from the House of Erasmus Babbet dec^d from thence to the South of Samuel Caswalls House, three rods or Polls from thence to the Center between the Publick Meeting House in Norton, and the Common Land upon the Eight mile plain in s^d Norton; from s^d Center to said Attleborough Bounds, on the South of Benjamin Lanes House, and on the North of the House of Isaac Shepherd deceased, be and hereby are Erected into and made a Distinct and Separate Precinct, and Vested with the Like powers priviledges and Immunities as other Precincts within this Province have or by Law ought to Enjoy. —

In Council; Read & Concur'd; —

Consented to, J BELCHER." — *Council Records, vol. XV.*, *p.* 107.

"Dec. 22, 1753. On the Petition of Seth Boyden and others of Stoughton, Entered Sept^r. 8. 1753.

In Council; Read and Ordered that the Prayer of the within Petition be granted and that the Petitioners with their Estates be and hereby are annexed to the second or North Precinct in the Town of Norton, there to do Duty and enjoy Privilege as other Inhabitants of said Precinct by Law do enjoy, Always Provided that they pay their just Proportion to all past Taxes already granted or Assessed by the second Parish in Stoughton; And they are hereby subjected to pay the same accordingly — In the House of Representatives Read and Concur'd —

Consented to by the Governor." — *Ibid*, *vol. XX*, *p.* 126

" June 14, 1768. A Petition of Benjamin Williams and others belonging to Stoughton, Stoughtonham & Norton North precinct — Setting forth — That their Lands containing by estimation Six hundred acres lye within one mile & a quarter of the meeting house in said North Precinct in Norton: and praying that they together with their Lands as particularly described in said Petition may be annexed to and incorporated with the North Precinct in Norton and with them be made a District.

In the House of Representatives. Read & Ordered that the Petitioners notify the Town of Stoughton, the District of Stoughtonham, and the North Precinct in the Town of Norton of this Petition by serving the Clerks of the said Town, District and Precinct with a Copy thereof that they shew cause, if any they have, on the second Wednesday of the next sitting of this Court why the prayer thereof should not be granted. In Council, Read and Concurred." — *Ibid., vol. XXVII., p.* 348.

" This Act is in the usual form." —*Lieut.-Gov. Hutchinson to the Lords of Trade, May* 24, 1770: *Mass. Bay, B. T., vol.* 81, *O. o.*, 4.

Chap. 22. " To his Excellency Sir Francis Bernard Baronet Cap^t General and Governour in Chief in and Over his Majesty's Province of the Massachusetts Bay in New England, to the Honb^e Council, and House of Representatives in General Court Assembled June y^e 2: 1769

The Petition of a Committee in behalf of the Inhabitants of the Second Precinct of the Town of Hingham humbly Sheweth.

That the Said Inhabitants by Reason of the badness of the Roads, the difficulty of the Season and their distance from the place where their Town Meetings are always held the most of them living more than five and many Six or Seven and Some nine miles as the Road goes are Often deprived of the Priviledge of having a Voyce in the Affairs transacted at the Annual Meeting in March, and they are obliged to Assemble Oftner than would be Necessary if they were Seperated into a District or deprive themselves of the Priviledge; That they have been deprived of the Tax Raised on a Considerable part of the Real Estate within Said Precinct towards the Support of the Schools, and also for the Repairs of Highways which are naturally so Rough as to require a greater Expence for Repairs than Perhaps all the Other Roads in the Town. And that they are also Obliged (altho Consisting of more than One hundred and thirty Families) to Travel to the Centre of the first Parish for the Banns of Matrimony Certificates, Records &c: which is a very great Burthen, and that undoubtedly Some necessary Records are neglected which in time may prove very detrimental and many more Difficulties might be mentioned. — Wherefore your Petitioners humbly pray that your Excellency and Honors would be pleased to Sett off all the Lands lying in Said Precinct into a distinct and Seperate District, and that the Inhabitants may be vested with all the Priviledges of a Town that of Sending Representatives to the General Assembly only excepted; Notwithstanding that they may yet enjoy the Priviledge of joinging with the Town in the Choice thereof; And that they may also enjoy their Right in the Town Wharfe So Called; and in the Powder House, Arms and Ammunition &c; and that they have a Right of Taxing the One half of the Grist Mill at Straits pond So Called; or Otherwise as to your Excellency and Honours Shall Seem meet;

And we beg leave further to Observe that we presented the foregoing Petition in June last & it past both Houses & the Town Clerk was Serv^d with a Coppy, but by Reason of the Dissolution, of the General Court the Matter was not brought to an Issue; Wherefore we humbly pray that the Same may now be Considered and Acted upon as to your Excellency and Honours Shall Seem Meet —

And your Petitioners as in Duty bound Shall ever pray &c.

ISAAC LINCOLN JUN
JOHN STEPHENSON JNR
LAZS BEAL JUR

In the House of Representatives June 29 1769 Read & Ordered that the Petitioners notify the Town of Hingham of this Petition by serving the Clerk with an attested Copy of the same, that they shew Cause on the second Wensday of the next Session of this Court why the Prayer should not be granted Sent up for Concurrence

THOMAS CUSHING Spk^r

In Council 30 June 1769 Read and Concurred A OLIVER Sec

In Council Mar. 28^th 1770. Read again with the Answer, & ordered that John Bradbury Esq^r with such as the hon^ble house shall join be a Com^e to take the same into consideration, and report — Sent down for Concurrence JN^o COTTON D. Secry

In the House of Representatives March 28 1770 Read & Concurrd and Coll Gerrish & Maj^r Bancroft are joynd T CUSHING Spk^r." — *Mass. Archives, vol.* 118, *p.* 384.

" To his Honor Thomas Hutchinson Esq^r Lieutenat Governor and Commander in Chief of the Province of the Massachusetts Bay the Hon^bl his Majesties Council and House of Representatives in General Court Assembled. —

The Respondants to a Petition of the Second Parish in Hingham beg leave to Observe that your Petitioners in the first place Say 'by Reason of the Badness of the Roads the Dificulty of the Season and their distance from the Place where Town Meetings are Always held the most of them living more then five some Six or Seven & Some nine miles as the Road goes are often Deprived of the Priviledge of having a Voice in the Affairs Transacted at their Annual Meeting in March and that they are Obliged to Assemble Oftener then they would if they were made a District.' As to the Roads they have been Repair'd by the United Assistance of the whole Town And Are now very Passable and are not Dificult to travel in Even with Carriages. As to the Distance from the Place where Our Town Meetings Are Always held it is true the Centre of the Second Parish is about five Miles from the Centre Meeting-House in the Town where Town Meetings have been held As the whole was there best Accomodated being Near y^e Real Centre of the

Town And such of their People who are at the Greatest distance as the Road goes (or as the Highway is) are the most Indifferant with respect to being set off for the way by them Generally Used to Assemble at Town Meetings is but Little further then they would have to Travel if they were made a District The Petitioners say they must Assemble oftener while united this cannot be considered as Very great Burthen seeing we have but Two Town Meetings in a year (unless something Very Perticular Viz: March & May the Latter they Ask to Attend And the former being at a Very Lisure Season of the year 'The Petitioners Complain that they have been deprived of the Tax Raised on a Considerable part of the Real Estate within Said Parish Towards the Support of the Schools, Repairs, of Highways &c' with Respect to the Schools the Case is truly is this for many years Past the Inhabitants of Each Parish have been Allowed to draw Out of the Treasury the whole of the money Raised for the use of the Schools which they Placed therein And Improve it for the Purpose to which it was Appropriated in a manner they should think best Comported with their Circumstances while the first Parish have kept the Grammer School which by Law the Town is Obliged to do and in the Country is Looked upon as a Burthen the Doors of which have at All times been Open to y^e^ Grammer Scholars of both the Other Parishes by the free and united Consent of the whole As to their Roads we are Constrain'd to Observe that we look upon the Representation given of y^e^ Badness of them to be Greatly Exaggerated by the Petitioners for it is Concived by many that they do not want Greater Expence of repairs yearly then an Equal proportion with the Other Roads in the Town Notwithstanding that the Town Ever hath taken part of the Roads in the Second Parish & made them without any of their assistance and more Lately since the Highways have been Repair'd by a Tax the whole they asked for hath been done for them to the amount of Four or Five Pounds Lawfull money in a year.—

The Petitioners further Complain that they have to travel to the Centre of the First Parish for Banns of Matrimoney &c this we leave to Operate as it Stands seeing the Clerk is Chosen by the united Suffarages of the whole therefore remaining Quite an uncertainty to which Parish for y^e^ future we may be Obleged to Travel. —

Upon the whole we Humbly Submit the Observations by us made to the Wisdome and Justice of your Honor & Honors And if you should think so widely Different from us as to Judge it Expedient And for the Benifit of this People to Cause a Division of the Town of Hingham (which is now Supposed to be less then Five miles Square) Notwithstanding the many disadvantages that must arise thereby to Divide Old Towns for the Reasons Offered by your Petitioners Your Respondants must Submit to it — should that be the Case we beg leave further to Observe as to the Bounds they Ask for (upon Supposition they don't Intend to Include a Number of Families and their Homesteads which was reannexed to the Old Parisha* A D 1747) their Joining with ous in the Choice of a representative to the General Court their holding their right in the Powder House Arms & Amunition And the Sole Right of Taxing One half the Mill at Streights Pond so Called we Acquiesce in but as to their Enjoying their Right in the Town wharf we view in a very different Light for it is Built upon a Spot of Ground of Eight or Ten Rods (the Only Spot the Town hath at the Cove so Called) which Nature made fit for a Landing place and for that Purpose it hath been Improved from the first Settlement of the Town now should they Continue to hold their right in the Same they would Enjoy a Certain Priviledge without their Bounds while they Ask to hold All within should they Ask then that the Expence of Building be refunded to them we say it hath been Already for the wharf and the Landing place afors^d^ hath Let for more money then the Building of it Cost but if there had been none refunded we should Judge the asking for it anreasonable request as the first motion for Building the wharf was to secure the Gristmill Adjoining thereto and in that they will Continue to Enjoy their former benifit — And we ask that they be held to take their Just Proportion of the Public Taxes for the future according to the Last Valuation and the Same proportion of the Present Poor and in case any who have now removed from the Town of Hingham and have not gained a Legal Settlement Else where should any of them return that they pay their Proportion of that Expence as Afore^d^ — All which is Humbly ℔'

Hingham March 26^th^ 1770 — JOSHUA HEARSEY, BENJAMIN LINCOLN JUR, JOSEPH ANDREWS, JOSEPH THAXTER, THEOPS CUSHING } Committee of the Town of Hingham to make answer to y^e^ Second Parish Petition Attest."— *Ibid., p.* 388.

"To the Honb^e^ John Bradbury Charreman of Comm^e^.

We the Subscribers Who are Inhabitants of the Second Parish in Hingham & Petitioners that the Same may not be made a Destrect, beg Leave to offer the following Reasons for our Dessenting from the other Part of the Parish, that is —

1^st^—The Parish is Small.

2—The fishery fails Which is a Considerable Part of our Dependance

3—I^t^ is Represented to be nine miles to Tend Publick Meetings, we are the Partey and by going four we Cann attend metings, for it is that Dist^e^ to our own meeting house—

4 We have been att the Charge of bulding a Whorfe And Powder house in s^d^ Town

5 We Are Threatend that we shall not Draw our Proportion of the School money, as has been for years Past by Reason the Inhabitants Living So Scattering that Small Children may have the benefit of Schools

6 It is our minds that Halfe the Parish would Chuse to Continue as we are.

7 And We are Perswaded that it will Create Charge Which our Present Circumstances will not admit of

8 We are Apperhensive it is only Push^d^ by Designing men

9 We understand it is Represented that what we have Done is out of Spite which is altogather Groundless whereas we only mean the good of the Parish —

* *Sic.*

10 It is Represented to be Chargable to attend Publick meetings att Such a Distane Which we think would Cost as much att our Parish Considering the Kindness of the Towns people

11 Where as their has been Complaint made about School money, by Reason of their Lands Lying in our Parish, for which they have alwayˢ Keepᵗ the Gramer School, & it is Thought by our Principal men that if we are Set of, we Should not Raise So much money as is allowed by the Town

Hingham April 6th 1770 in Behalfe of the Petitioners JOSEPH SOUTHERN." — *Ibid., p.* 387.

"April 11, 1770. The Committee appointed the 28th of March last on the Petition of a number of the Inhabitants of the second Precinct in Hingham — made Report whereupon the following Order passed vizt.

In Council. The Committee appointed to consider the Petition of the Inhabitants of the second Parish in Hingham, having made report: It is thereupon Ordered that John Bradbury Esqr with such as the honble House shall join be a Committee to repair to Hingham as soon as may be, view the said Parish and Report to the Court what in their opinion is proper to be done on said Petition; the charge of said Committee to be born as this Court shall Order.

In the House of Representatives. Read and Concurred and Colo Gerrish and Mr Bancroft are joined." — *Council Records, vol. XXVIII., p.* 152.

"April 25, 1770. The Committee appointed the 11th instant to repair to the Town of Hingham and view the second Precinct in the said Town, also to consider the Petition of the Inhabitants of the said Precinct — having attended that service and heard the Parties, made Report; whereupon the following Order passed vizt —

In Council, Read and accepted and Ordered That the Petitioners have liberty to bring in a Bill accordingly: and that the charge of the Committee amounting to four pounds 17s 10 be paid A by the whole of the present Inhabitants of the Town of Hingham agreable to the foregoing Report. In the House of Representatives, Read and Concurred.

In the House of Representatives. The House resumed the consideration of the foregoing Vote of Council and Concurred the same with the amendment at A vizt dele — by the whole of the present Inhabitants of the Town of Hingham — and insert at A out of the Public Treasury to Lazarus Beal for the use of the Committee; said Sum to be laid on the present Town of Hingham in the next Tax Act. —

In Council (26 April) Read and Concurred, Consented to by the Lieut. Governor." — *Ibid., p.* 207.

"The same." [*I.e.*, this act is in the usual form.] — *Lieut.-Gov. Hutchinson to the Lords of Trade, May* 24, 1770: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 4.

Chap. 23. "I would willingly have dispensed with consenting to this Act as the only design of it is to give power to send a Representative to the General Court, the number being already too great. But the Instruction having been relaxed so far as to allow new Plantations when made Towns this privilege and this District being under that circumstance and the Governor having since the Instruction was relaxed signed divers Acts of the same import I could not refuse it." — *Ibid.*

Chap. 24. "July 12, 1769. A Petition of Samuel Wilder in behalf of the Town of Ashburnham — Setting forth — That a Tax of three half pence ℔ Acre for three years was laid by the General Court on all the Lands in said Town, except those assigned for Public uses, but that as the Act relative to the sale of delinquent Proprietors Lands is expired, they are unable to recover the Taxes of those Proprietors who are in Arrears. And praying that an Act may be made for their relief.

In the House of Representatives. Resolved That the within named Petitioner have leave to bring in a Bill for the purposes mentioned in this Petition. In Council, Read and Concurred." — *Council Records, vol. XXVIII., p.* 52.

"These two Acts [chaps. 24 and 25] were judged necessary for the benefit of the Towns they more immediately respect." — *Lieut.-Gov. Hutchinson to the Lords of Trade, May* 24, 1770: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 4.

Chap. 25. "June 4, 1762. A Petition of Robert Cutler, Agent for the Inhabitants of Greenwich in the County of Hampshire — Setting forth, That they have been at great expence in supporting the Gospel in said place, having since the year 1749 Settled two Ministers; that a great part of the Land in said Township belongs to nonresident Proprietors who either neglect or refuse to settle the same: And Praying that a Tax of 2d ℔ Acre may be laid on all such lands for the term of three years to be paid to the minister they have lately settled in addition to the Settlement already voted him by the Petitioners.

In the House of Representatives Read and Ordered That the Petitioner serve the nonresident Proprietors of the Lands within mentioned with a copy of this Petition by inserting the Substance thereof in all the Boston News Papers three weeks successively, that so they shew cause if any they have on the second Tuesday of the next Sitting of this Court why the Prayer thereof should not be granted. In Council Read and Concurred." — *Council Records, vol. XXIV., p.* 403.

"Sept. 16, 1762. A Petition of Robert Cutler Agent for the Town of Greenwich Praying for a Tax of 2d ℔ Acre on the Lands of the Nonresident Proprietors for the term of 3 years as entered the 4th June last.

In Council Read again together with the Answer of Ichabod Ward and others: And Ordered That Benjamin Lincoln and William Brattle Esqrs with such as the honble House shall join be a Committee to take the same under consideration and report.

In the House of Representatives; Read and Concurred, and Colo Bowers, Major Hartwell and Colo Williams are joined in the affair." — *Ibid , p.* 475.

"Sept. 17, 1762. The Committee appointed Yesterday on the Petition of Robert Cutler,

Agent for the Town of Greenwich, having made report the following Order agreeable thereto was passed in Council viz^{t}.

In Council Read and Ordered That the Prayer of the Petition of Robert Cutler Agent for the Inhabitants of Greenwich be so far Granted as that there be a Tax of one penny ℔^{r} Acre levied and assessed upon the Lands of the Nonresident Proprietors of the said Town of Greenwich for the space of three years next ensuing towards the support, and for the encouragement of the present Minister the Rev^{d} M^{r}. Cuttler; and the said Town be impowered to appoint suitable Persons to assess and collect the same, Saving that those thirty Lots now annexed to New Hingham be exempted from the said Tax, Provided nevertheless that if at any time before the expiration of the said three years the said M^{r} Cutler shall cease to be their Minister of the said Town, the Tax aforesaid shall from time to time cease and determine Sent down for Concurrence." — *Ibid.*, *p.* 478.

"Feb. 7, 1763. A Petition of Robert Cutler in behalf of the Inhabitants of Greenwich —Praying for a Tax of 2^{d} ℔^{r} Acre on the Lands of the nonresident Proprietors of said Town during the Term of three Years as entered 4th June last, and reported on 17th September following. —

In the House of Representatives Read and Ordered That the Petition referred to in the Report be revived and committed to M^{r} Foster of Brookfield, Col^{o} Phillips and Col^{o} Murray with such as the honorable Board shall join, to take said Petition under consideration and make report. —

In Council Read and Concurred and Benjamin Lincoln and William Brattle Esq^{rs} are joined in the Affair."—*Ibid.*, *p.* 555.

"Feb. 12, 1763. The Committee appointed the 7th Instant on the Petition of Robert Cutler, having made Report, the following Order passed thereon viz^{t};

In Council Read and Accepted, And thereupon Ordered That the Prayer of the Petition of Robert Cutler Agent for the Inhabitants of Greenwich be so far granted as that there be a Tax of one peny ℔^{r} Acre levied and assessed upon the Lands of the nonresident Proprietors of the said Town of Greenwich for the space of four Years next ensuing towards the Support and for the encouragement of the present Minister the Rev^{d} M^{r} Cutler: and the said Town be impowered to appoint suitable persons to assess and collect the same: Saving that those Thirty Lots now annexed to New Hingham be exempted from the said Tax, as also Six hundred and eighty Acres belonging to M^{r} Thomas Green of Boston, Provided nevertheless that if at any time before the expiration of the said four years the said M^{r} Cutler shall cease to be the Minister of the said Town, the Tax aforesaid shall from that time determine and cease.

In the House of Representatives Read and Concurred Consented to by the Governor." — *Ibid*, *p.* 579.

See the last paragraph of the note to chap. 24, *supra*.

ACTS,

PASSED 1770–71.

ACTS

Passed at the Session begun and held at Cambridge, on the Twenty-sixth day of September, A. D. 1770.

CHAPTER 1.

AN ACT FOR INCORPORATING THE SOUTH PART OF THE TOWN OF WESTFIELD, IN THE COUNTY OF HAMPSHIRE, INTO A DISTRICT BY THE NAME OF SOUTHWICK.

Preamble.

Whe[e]as a number of the inhabitants of Westfield, in the county of Hampshire, have made their application to this court, praying that the south part of said town may be incorporated into a distinct and a sep[e][a]rate district, —

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

Southwick incorporated into a district:

[Sect. 1.] That the south part of the said town of Westfield, which is contained within the following lines and limits; that is to say, that part which is bounded, easterly, partly on Springfield and partly on Suffield; southerly, on the south line of Westfield; westerly, on the town of Granville; north, on the line following; viz[t]., begin[n]ing at a yellow-oak tree, marked, with stones about it, standing in Springfield line, on the East Mountain, so called, and from thence run[n]ing west, seventeen degrees and thirty minutes north, across the township of Westfield, to a stake and stones in the line dividing Granville and Westfield (which line, run[n]ing from the said yellow-oak tree on the East Mountain aforesaid, to the said stake and stones in the said dividing line[s] between Granville and Westfield, in its course strikes a number of chesnut plants standing together, with stones about them, by the country road leading to the west part of Suffield, and between two small rivulets called Stoney Gutters) — be and hereby is erected into a sep[e][a]rate district by the name of Southwick; and that the inhabitants of the said district be and hereby are invested with all the powers and privileges that towns in this province enjoy by law, that of sending a representative to this court only excepted; and that the said district shall have full right and liberty, from time to time, to join with the town of Westfield in the choice of representatives, to be chosen of the town or district aforesaid indifferently, to represent them at the general assembly; and that the said district of Southwick shall, from time to time, bear their proportion of the expence of such representatives. And the freeholders and other electors of said district shall be notified of the time and place of election, by a warrant from the selectmen of Westfield, directed to the constable or constables of said

—to join with Westfield in the choice of representatives,

Southwick, in the usual form, directing him, or them, to warn the inhabitants of said Southwick to attend at the time and place of election; and that the charges of representation be paid by said Westfield and Southwick, in the same proportion, from time to time, as they pay towards the province tax.

—and pay their proportion of the charge.

And be it further enacted,

Eldad Taylor, Esq., to notify a meeting.

[SECT. 2.] That Eldad Taylor, Esq[r]., be and hereby is empowered and directed to issue his warrant to some principal inhabitant of said Southwick, requiring him to warn the inhabitants of said Southwick, qualified to vote in town affairs, to meet at some suitable time and place, in said district, to chuse such officers as may be necessary to conduct the affairs of said district, which they are hereby empowered to chuse at such meeting.

Provided, *nevertheless*,—

Proviso, for payment of past taxes.

[SECT. 3.] The inhabitants of said Southwick shall pay their proportion of all such province and county taxes as are already set on them by the town of Westfield, in like manner as though this act had not been made.

And be it further enacted,

Province tax this year to be assessed by Westfield,

[SECT. 4.] That in regard to the proportion of the province tax, at this session of the general court set upon the said town of Westfield, for this present year, the same be assessed by the assessors of the said town of Westfield, on the polls and estates in said town of Westfield and the said district of Southwick, and shall be collected by the collectors of the said town of Westfield in the same manner they would have been if this act had not been made; and that all county, town and parish taxes, which without the making of this act would have been set upon the said town of Westfield, shall be imposed, assessed and collected in the same manner as the province tax aforesaid for this present year; and that the assessors and collectors of said town of Westfield, shall be and hereby are fully empowered to assess and collect the same in like manner as if this act had not been made.

—also county, town, and parish taxes.

And be it further enacted,

Southwick to pay a fifth part of Westfield province tax until a new valuation.

[SECT. 5.] That after this present year, and until a new valuation of the estates of the inhabitants in the several towns and districts in this province shall be taken and concluded, that the inhabitants of the said district shall pay one-fifth part of the province tax that would have been set upon the said town of Westfield if the said district had not been made. [*Passed November* 7.

CHAPTER 2.

AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TUNNAGE OF SHIPPING.

Preamble.

WE, his majesty's most dutiful and loyal subjects, the representatives of the province of Massachusetts Bay, in New England, being desirous of lessening the public debts, have chearfully and unanimously given and granted, and do give and grant, to his most excellent majesty, for the service of this province, as they shall hereafter apply it, the several duties of impost upon all liquors, wares, goods and merchandize that shall be imported into this province, and tunnage of shipping hereafter mentioned; and pray that it may be enacted, —

And be it accordingly enacted by the Lieutenant-Governor, Council and House of Representatives,

From November 1, 1770, to November 1, 1771, impost to to be paid.

[Sect. 1.] That from and after the twenty-first day of November, one thousand seven hundred and seventy, to the twenty-first day of November, one thousand seven hundred and seventy-one, and until the end of the then next session of the general court, there shall be paid by the importers of all wines, rum and other liquors, goods, wares and merchandize, that shall be imported into this province by any of the inhabitants thereof (except what is by this act hereafter exempted), the several duties of impost following; viz., —

Rates of impost.

For every pipe of wine of every sort, five shillings.

For every hogshead of rum containing one hundred gallons, eight shillings.

For every hogshead of tobacco, ten shillings.

And for all other commodities, goods or merchandize not mentioned or not excepted, fourpence for every twenty shillings' value, excepting such goods and merchandize the produce of Great Britain, and also foreign goods and merchandize, imported from Great Britain, either directly, or through the channel of any of his majesty's colonies: *provided* such foreign goods and merchandize have paid the duties required by act of parliament.

For liquors, goods, &c., belonging to inhabitants of other provinces.

[Sect. 2.] And for any of the liquors, goods, wares and merchandize that shall be imported into this province by any of the inhabitants of the other provinces or colonies on this continent, or of the English West-India Islands, in any ship or vessel to them belonging, on the proper account of any of the said inhabitants of said provinces, colonies or islands, there shall be paid by the importers the several duties of impost following; viz., —

For every pipe of wine of every sort, ten shillings.

For every hogshead of rum containing one hundred gallons, sixteen shillings.

For every hogshead of sugar, eightpence.

For every hogshead of molasses, eightpence.

For every hogshead of tobacco, twenty shillings.

And for all other commodities, goods and merchandize not mentioned or not excepted, eightpence for every twenty shillings' value: *provided, always,* that everything which is the growth or produce of the provinces or colonies aforesaid (tobacco excepted), and all provisions, salt, cotton-wool, bar and pig iron, mohogony, Brazilletto, black-walnut, lignum-vitæ, red-cedar, logwood, hemp, raw skins and hides, and also all prize goods brought into and condemned in this province, are and shall be exempted from every the rates and duties aforesaid.

Proviso.

And be it further enacted,

Masters of vessels to make report within forty-eight hours after arrival, and deliver a manifest to the commissioner:

[Sect. 3.] That the master of every ship or vessel coming into this province from any other place, shall, within forty-eight hours after his arrival in any port or harbour, and before bulk is broken, make report and deliver a manifest, in writing, under his hand, to the commissioner of impost that is or shall be appointed by this province, of the contents of loading of such ship or vessel, therein particularly expressing the species, kind and qualities of all wines, liquors, goods, wares and merchandize imported in any such ship or vessel, with the marks and numbers thereof, and to whom the same are consigned; and make oath before the commissioner that the same manifest contains a just and true account of all the lading taken on board and imported in such ship or vessel, so far as he knows or believes; and that, if he knows of any more wines, liquors, goods, wares or merchandize laden on board such ship or vessel, and imported therein, he shall

forthwith make report thereof to the commissioner aforesaid, and cause the same to be added to the manifest.

And be it further enacted,

—to forfeit, in case of breaking bulk.

[SECT. 4.] That if the master of any ship or vessel shall break bulk, or suffer any of the wines, liquors, goods, wares and merchandize imported in such ship or vessel to be unladen before report and entry thereof be made as aforesaid, he shall forfeit the sum of one hundred pounds.

And be it further enacted,

Invoice to be produced.

[SECT. 5.] That all merchants and other persons, being owners of any wines, liquors, goods, wares or merchandize imported into this province, for which any of the rates or duties aforesaid are payable, or having the same consigned to them, shall make entry thereof with the commissioner aforesaid, and produce an invoice of all such goods as pay *ad valorem*, and make oath before him in the form following; viz., —

Oath.

You, A. B., do swear that the entry of goods or merchandize, by you made, and the value thereof annexed, is, *bona fide*, according to your best skill and judgment, agreeable to the price current or the market price of the said goods. So help you God.

— which oath the commissioner or receiver appointed in consequence of this act, is hereby impowered and directed to administer; and the owners aforesaid shall pay the said commissioner, or give security to pay, the duty of impost by this act required, before such wines, liquors, goods, wares or merchandize be landed or taken out of the vessel in which the same shall be imported.

Duties to be paid before landing.

[SECT. 6.] And no wines, liquors, goods, wares or merchandize that by this act are liable to pay impost or duty, shall be landed on any wharf, or in any warehouse or other place, but in the daytime only, unless in the presence or with the consent of the commissioner or receiver, on pain of forfeiting all such wines, liquors, goods, wares and merchandize, lighter, boat or vessel out of which the same shall be landed or put into any warehouse or other place; excepting only such wines, liquors, goods, wares or merchandize, lighter, boat or vessel, as shall appear to be the property of some one or more of the inhabitants of this province.

[SECT. 7.] And if any person or persons shall not have and produce an invoice of the quantities of rum or other liquors to him or them consigned, then the cask wherein the same are, shall be gauged at the charge of the importer, that the contents may thereof be known.

Provided, nevertheless, —

Commissioner allowed to give credit.

[SECT. 8.] That the said commissioner shall be and hereby is allowed to give credit to such person or persons whose duty of impost in one vessel shall not exceed six pounds; which credit shall be so limited as that he shall settle and ballance his accompts with every person on or before the twenty-fifth day of November, one thousand seven hundred and seventy-one, that the said accompts may be produced to this court as soon as may be after; and for all entries where the impost to be paid doth not exceed three shillings, the said commissioner shall not demand anything, and not more than sixpence for any other single entry, to what value soever.

And be it further enacted,

Importer by land carriage or in small vessels, to make report.

[SECT. 9.] That the importer of all wines, liquors, goods, wares, and merchandize, from and after the twenty-first day of November, one thousand seven hundred and seventy, and until the twenty-first

day of November, one thousand seven hundred and seventy-one, and until the end of the then next session of the general court, by land-carriage, or in small vessels or boats, shall, within twenty-four hours after importation, make report and deliver a manifest thereof to the commissioner aforesaid or his deputy, therein particularly expressing the species, kind and quantity of all such wines, liquors, goods, wares, and merchandize so imported, with the marks and numbers thereof, when, how and by whom brought; and shall make oath, before the said commissioner or his deputy, to the truth of such report and manifest, and shall pay or secure to be paid the several duties aforesaid by this act charged and chargeable upon such wines, liquors, goods, wares and merchandize, before the same are landed, housed, or put in any store or place whatever, under the penalty of ten pounds.

And be it further enacted,

Allowance for leakage.

[Sect. 10.] That every merchant or other person importing any wines into this province, shall be allowed twelve per cent for ordinary leakage, besides extraordinary: *provided*, such wines shall not have been filled on board; and that every hogshead, butt or pipe of wine that has two-thirds thereof leaked out, shall be accounted for outs, and the master or importer shall pay no duty for the same. And no master of any ship or vessel shall suffer any wines to be filled on board, without giving a certificate of the quantity so filled up, under his hand, before the landing thereof, to the commissioner or receiver of impost for that port, on pain of forfeiting the sum of one hundred pounds.

[Sect. 11.] And if it may be made to appear that any wines imported in any ship or vessel be decayed at the time of unloading thereof, or in twenty days afterwards, oath being made before the commissioner or receiver that the same has not been landed above that time, the duties and impost paid for such wines shall be repaid unto the importer thereof.

And be it further enacted,

Master allowed to detain goods not entered or the duty not paid.

[Sect. 12.] That the master of every ship or vessel importing any liquors, wines, goods, wares or merchandize shall be liable to pay the impost for such and so much thereof, contained in his manifest, as shall not be duly entered, and the duty paid for the same by the person or persons to whom such wines, liquors, goods, wares or merchandize are or shall be consigned. And it shall and may be lawful, for the master of every ship or other vessel, to secure and detain in his hands, at the owner's risque, all such wines, liquors, goods, wares and merchandize imported in any ship or vessel, until he receives a certificate, from the commissioner or receiver of impost, that the duty for the same is paid, and until he be paid his necessary charges in securing the same; or such master may deliver such wines, liquors, goods, wares and merchandize as are not entred, unto the commissioner or receiver of impost in such port, or his order, who is hereby empowered and directed to receive and keep the same, at the owner's risque, until the impost thereof, with the charges, be paid or secured to be paid; and then to deliver such wines, liquors, goods, wares or merchandize as such master shall direct.

And be it further enacted,

Master liable to be sued.

[Sect. 13.] That the commissioner or receiver of impost, in each port, shall be and hereby is impowered to sue the master of any ship or vessel for the impost or duty of so much of the lading of any wines, liquors, goods, wares or merchandize imported therein, according to the manifest to be by him given upon oath, aforesaid, as shall remain not entered and the duty of impost therefor not paid or secured to be paid. And where any goods, wares or merchandize are such that the

value thereof is not known, whereby the impost to be recovered of the master, for the same, cannot be ascertained, the owner or person to whom such goods, wares or merchandize are or shall be consigned, shall be summoned to appear as an evidence at the court where such suit for the impost and the duty thereof shall be brought, and be there required to make oath to the value of such goods, wares or merchandize.

And be it further enacted,

Ship, &c., liable to be taken in execution.

[SECT. 14.] That the ship or vessel, with her tackle, apparrel and furniture, the master of which shall make default in anything by this act required to be performed by him, shall be liable to answer and make good the sum or sums forfeited by such master, according to this act, for any such default, as also to make good the impost or duty for all wines, liquors, goods, wares and merchandize not entered as aforesaid, or for which the duty of impost has not been paid; and upon judgment recovered against such master, the said ship or vessel, with so much of the tackle or appurtenances thereof as shall be sufficient to satisfy the said judgment, may be taken by execution for the same; and the commissioner or receiver of the impost is hereby impowered to make seizure of the said ship or vessel, and detain the same under seizure until judgment be given in any suit to be commenced and prosecuted for any of the said forfeitures, or for the duty aforesaid; to the intent, that if judgment be rendered for the prosecutor or informer, such ship or vessel and appurtenances may be exposed to sale, for satisfaction thereof, as is before provided: *unless* the owners, or some on their behalf, for the releasing of such ship or vessel from under seizure or restraint, shall give sufficient security to the commissioner or receiver of impost that seized the same, to respond or satisfy the sum or value of the forfeitures and duties, with the charges, that shall be recovered against the master thereof, upon such suit to be brought for the same, as aforesaid; and the master occasioning such loss or damage unto the owners through his default or neglect, shall be liable unto their action for the same.

And be it further enacted,

Naval officer not to clear vessels till impost be paid.

[SECT. 15.] That the naval officer within any of the ports of this province shall not clear any ship or vessel, outward bound, until he shall be certified by the commissioner or receiver of impost, that the duty and impost for the goods last imported in such ship or vessel are paid or secured to be paid.

Bills of store to be allowed.

[SECT. 16.] And the commissioner or receiver of impost is hereby impowered to allow bills of store to the master of any ship or vessel importing any wines or liquors, for such private adventures as shall belong to the master or seamen of such ship or vessel, at the discretion of the commissioner or receiver, not exceeding three per cent of the lading; and the duties payable by this act, for such wines or liquors, in such bills of stores mentioned and expressed, shall be abated.

Preamble.

And for the more effectual preventing wines, rum or other distilled spirits being brought into this province from the neighbouring governments, by land, or in small boats or vessels, or any other way, and also to prevent wines, rum or other distilled spirits being first sent out of this province, and afterwards brought into the government again, to defraud the government of the duties of impost, —

Be it enacted,

Commissioner to appoint deputies in places where wines, rum, &c., may be brought out

[SECT. 17.] That the commissioner and receiver of the aforesaid duties of impost shall, and he is hereby impowered and enjoined to, appoint one or more suitable person or persons as his deputy or deputies, in all such places of this province where it is likely that wine

rum or other distilled spirits will be brought out of other governments into this; which officers shall have power to seize the same, unless the owner shall make it appear that the duty of impost has been paid therefor since their being brought into or re-landed in this government; and such officer or officers are impowered also to search, in all suspected places, for such wine, rum or other distilled spirits, brought or re-landed in this government, where the duty is not paid as aforesaid, and to seize or secure the same for the ends and uses as in this act is hereafter provided. of other governments.

And be it further enacted,

[Sect. 18.] That the commissioner or his deputies shall have power to administer the several oaths aforesaid, and search in all suspected places for all such wines, rum, liquors, goods, wares and merchandize as are brought into this province, and landed contrary to the true intent and meaning of this act, and to seize the same for the uses hereinafter mentioned. Commissioner or deputy empowered to administer the oaths, and to search and seize.

And be it further enacted,

[Sect. 19.] That there shall be paid by the master of every ship or other vessel, coming into any port or ports of this province, to trade or traffick, whereof all the owners are not belonging to this province (excepting such vessels as belong to Great Britain, the provinces or colonies of Pennsylvania, West and East Jerseys, Connecticut, New York, New Hampshire, Rhode Island and Nova Scotia), every voyage such ship or vessel doth make, one pound of good pistol-powder for every ton such ship or vessel is in burthen: *saving* for that part which is owned in Great Britain, this province, or any of the governments aforesaid, which are hereby exempted; to be paid unto the commissioner or receiver of the duties of impost, and to be employed for the ends and uses aforesaid. Tonnage of shipping.

[Sect. 20.] And the said commissioner is hereby impowered to appoint a meet and suitable person, to repair unto and on board any ship or vessel, to take the exact measure and tunnage thereof, in case he shall suspect the register of such ship or vessel doth not express and set forth the full burthen of the same; the charge thereof to be paid by the owner or master of the said ship or vessel, before she shall be cleared, in case she appear to be of greater burthen: otherwise, to be paid by the commissioner out of the money received by him for impost, and shall be allowed him, accordingly, by the treasurer in his accompts. And the naval officer shall not clear any vessel, until he be certified, also, by the commissioner, that the duty of tunnage for the same is paid, or that it is such a vessel for which none is payable according to this act. Vessels to be measured if suspected.

And be it further enacted,

[Sect. 21.] That when and so often as any wine or rum imported into this province, the aforesaid duty of impost upon which shall have been paid agreeable to this act, shall be re-shipped and exported from this government to any other part of the world, that then and in every such case, the exporter of such wines or rum shall make oath, at the time of shipping, before the receiver of impost, or his deputy, that the whole of the wine or rum so shipped has, *bona fide*, had the duty of impost aforesaid paid on the same, and shall afterwards produce a certificate, from some officer of the customs, that the same has been landed out of this government,—or the master of the vessel in which the same shall be exported shall make oath, before the commissioner or his deputy, that the same has been landed and left in some port out of the government, and the exporter, upon producing such certificate, or upon such oath of the master, make oath that he verily believes no part of said wines or Drawback for wine and rum allowed, in case.

rum has been re-landed in this province, — such exporter shall be allowed a drawback from the receiver of impost as follows; viz., —

For every pipe of wine, four shillings.

For every hogshead of rum, seven shillings.

Provided, always, —

Proviso.

[SECT. 22.] That if, after the shipping of such wines or rum, to be exported as aforesaid, and giving security as aforesaid, in order to obtain the drawback aforesaid, the wines or rum so shipped to be exported, or any part thereof, shall be re-landed in this province, or brought into the same from any other province or colony, that then all such wine or rum so re-landed or brought again into this province, shall be forfeited, and may be seized by the commissioner aforesaid, or his deputy.

And be it further enacted,

Appointment and duty of the commissioner.

[SECT. 23.] That there be one fit person, and no more, nominated and appointed by this court, as a commissioner and receiver of the aforesaid duties of impost and tunnage of shipping, and for the inspection, care and management of the said office, and whatever relates thereto, to receive commission from the governor or commander-in-chief for the time being, with authority to substitute and appoint a deputy receiver in each port, or other place besides that in which he resides, and to grant warrants to such deputy receivers for the said place, and to collect and receive the impost and tunnage of shipping, as aforesaid, that shall become due within such port, and to render the accouut thereof, and to pay in the same to the said commissioner and receiver: which said commissioner and receiver shall keep fair books of all entries and duties arising by virtue of this act; also, a particular account of every vessel, so that the duties of impost and tunnage arising on said vessel may appear; and the same to be open, at all seasonable times, to the view and perusal of the treasurer or receiver-general of this province (or any other person or persons whom this court shall appoint), with whom he shall account for all collections and payments, and pay all such monies as shall be in his hands, as the treasurer or receiver-general shall demand it. And the said commissioner or receiver, and his deputy or deputies, before their entering into the execution of their office aforesaid, shall be sworn to deal truly and faithfully therein, and shall attend in said office from ten of the clock in the forenoon, until one of the clock in the afternoon, and from three of the clock in the afternoon to five of the clock.

[SECT. 24.] And the said commissioner or receiver, for his labour, care and expences in the said office, shall have and receive, out of the province treasury, at the rate of sixty pounds per annum; and his deputy or deputies shall receive for their service such sums as the commissioner of the impost, together with the province treasurer, shall judge necessary for whatever sums they shall receive and pay; and the treasurer is hereby ordered, in passing and receiving the said commissioner's accounts, accordingly, to allow the payment of such salary or salaries, as aforesaid, to himself and his deputies.

And be it further enacted,

Disposition of forfeitures.

[SECT. 25.] That all penalties, fines and forfeitures, accruing or arising in consequence of any breach of this act, shall be one half to his majesty for the use of this province, and the other half to him or them that shall seize, inform and sue for the same, by action of debt, presentment or indictment of the grand jury, in any of his majesty's courts of record wherein no essoign, protection or wager of law shall be allowed; the whole charge of the prosecution to be taken out of the half belonging to the informer.

And be it further enacted,

[Sect. 26.] That from and after the commencement of this act, in all causes wherein any claimant shall appear and shall not make good the claim, the charges of prosecution shall be be borne and paid by the said claimer and not by the informer. [*Passed November* 15; *published November* 20.

Charges of prosecution how to be paid, in case.

CHAPTER 3.

AN ACT FOR REGULATING THE ALEWIVE FISHERY IN THE TOWN OF BRIDGWATER.

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

[Sect. 1.] That it shall and may be lawful for the town of Bridgwater, and they are hereby empowered, some time in the month of March next, and so, annually, in the month of March, during the continuance of this act, either by the selectmen or by a committee of three or more persons chosen by the town for that purpose, to let or farm out the privilege of taking and disposing of the fish, in said town, called alewives, at the several wares in said town; viz[t]., at the ware by the Town Mills so called; also at the ware by Perkin's Mills, and also at the ware by Whitman's Mills, to the highest bidder; publick notice being first given by the selectmen, or committee, of the time and place of selling said privilege.

Selectmen of Bridgewater empowered to let out the fishery at several wears herein mentioned. 133 Mass., 69

And be it further enacted,

[Sect. 2.] That the person or persons purchasing said privilege shall give sufficient security to the treasurer of said town, for the time being, for the payment of such sum or sums of money as said privilege shall be sold for, to be paid at such time or times as the selectmen or committee aforesaid shall agree upon, to be improved for the use and benefit of said town.

Purchaser to give security,

And be it further enacted,

[Sect. 3.] That the said purchaser or purchasers shall conform him-, or themselves to such days and places for taking said fish as shall be appointed by the committee or selectmen aforesaid, and at no other time or place, under the same penalty or forfeiture as the law inflicts on persons presuming to fish on days prohibited.

— and to conform to days and places appointed,

And be it further enacted,

[Sect. 4.] That the said purchaser or purchasers shall not ask or receive of any person applying to him or them to buy said fish, more than one shilling per hundred, and so in proportion for a greater or less number, nor refuse or deny to supply any person or persons with fish, when it is in their power to supply them (they being ready to pay for the same), under the penalty or forfeiture of twenty shillings for each offence, to be sued for and recovered by action of debt, before any one of his majesty's justices of the peace for the county of Plymouth; one moiety thereof to him that shall sue for the same, and the other moiety to and for the use of the poor of said town.

— and to the price herein limited.

And be it further enacted,

[Sect. 5.] That if any person or persons other than the said purchaser or purchasers, or those employed by them, shall presume to take said fish, even on those days prefixed for the purchasers to take

No other person to take said fish.

them, shall be liable to pay the same fine as is inflicted by law on those who shall presume to take said fish at any other time or place not appointed as aforesaid.

Continuance of the act.

[SECT. 6.] This act to continue and be in force for the space of three years from the last day of November, one thousand seven hundred and seventy, and no longer. [*Passed November* 15; *published November* 20.

CHAPTER 4.

AN ACT TO PREVENT THE OBSTRUCTING AND DESTROYING OF THE FISH CALLED ALEWIVES, IN THEIR PASSAGE UP AND DOWN MADDEPAYSET RIVER, WITHIN THE TOWN OF ROCHESTER.

Preamble.

WHEREAS the town of Rochester have been at great labour and expence in digging out a passage from Sniptuet Pond to the head of Maddepayset River, in said town, in order to let the alewives have free course from the sea into said pond to cast their spawn; *and whereas* the good fruit of their labours and expence depends on the regulation and government of the stream thro'[*ugh*] which they pass, and there being sundry mill-dams across said river, and by reason of many evil-minded and disorderly persons setting up wares, stopping and obstructing said alewives, the expectation and benefit of their labours have [*a**]lmost been defeated; for remedy whereof,

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

Passage for alewives to be kept open from 10th of April to last of May, on penalty of £10.

[SECT. 1.] That the owner or oc[*c*]upants [*of**] all such dams as now are, or hereafter shall be, erected upon said river or stream, between said pond and the sea, shall make and keep open a proper passage through the same, for said alewives, from the tenth day of April to the last day of May, annually, on pain that every person offending in this particular shall forfeit and pay the sum of ten pounds.

And be it further enacted,

Penalty of 12*s.* for drawing seines, making wears, &c.

[SECT. 2.] That whosoever shall draw any seine, make any ware, hedge or dam across said river, or shall presume, with scoop, or dip-net, to take such fish, or any other way hinder, stop or obstruct in their passage to or from said pond, or be aiding and assisting therein (except in the manner hereafter provided), shall forfeit and pay for each and every offence he shall so commit, the sum of twelve shillings.

And be it further enacted,

Ten days' notice to be given for taking said fish.

[SECT. 3.] That it shall be in the power of said town at their annual meeting in March, to choose one or more persons whose business it shall be, and who are hereby impowered, to appoint proper times and places, in said river or stream, for taking said fish, who shall give notice thereof in writing, under their hands, posted up at one or more the most public places in said town, at least ten days before the taking said fish; and thereupon the inhabitants of said town only, shall have full liberty to take said fish, agre[*e*]able to the rules and directions posted up in such writing as aforesaid.

And be it further enacted,

40*s.* penalty for breaking down flumes, &c.

[SECT. 4.] That every person breaking down, filling up, or otherways damnifying the flooms, sluices, ditches and other works, that are or shall hereafter be erected and done for the growth and increase of

* Parchment mutilated.

said fish, shall forfeit and pay the sum of forty shillings: *provided, nevertheless*, that all persons owning or possessing lands, or that shall hereafter own or possess land, upon the said river, shall have full power to build and erect all such mill-dams and other works, as they shall see fit, always observing the rules and restrictions in this act aforementioned. Proviso.

And be it further enacted,

[Sect. 5.] That all fines and forfeitures arising by this act may be had and recovered in manner and form as by a law of this province made in the twelfth year of the reign of George the First, intit[u]led "An Act in addition to and for rendering more effectual an act made in the tenth year of the reign of King William the Third, intit[u]led 'An Act for preventing of trespasses;'" and that the several fines and penalties arising by virtue of this act shall be sued for and recovered in any court proper to try the same, by any person that shall prosecute and sue therefor, one half of such sum to be to and for the use of the prosecutor, and the other half to be to and for the use of the poor of the town where the offence shall be committed. Fines and forfeitures, how to be recovered, and for what use. 1726-27, chap. 3.

[Sect. 6.] This act to continue and be in force for the space of three years from the last day of November, 1770, and no longer. [*Passed November* 15; *published November* 20. Continuance of the act.

CHAPTER 5.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED AND NEAR EXPIRING.

Whereas the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; viz., one act made in the tenth year of the reign of his late majesty King George the Second, intitled "An Act for securing the seasonable payment of town and precinct rates or assessments;" two acts made in the tenth and eleventh years of the same reign; one, intitled "An Act in further addition to an act made in the first year of his present majesty's reign, intitled 'An Act to prevent coparceners, joint tenants and tenants in common, from committing strip and wast upon lands by them held in common and undivided;'" the other, intitled "An Act in further addition to an act, intitled 'An Act for the relief of idiots and distracted persons;'" one act made in the fourteenth year of the same reign, intitled "An Act in further addition to an act for regulating of fences, &c;" two acts made in the sixteenth year of the same reign; one, intitled "An Act to prevent the spreading of the small-pox and other infectious sickness, and to prevent the concealing the same;" the other, intitled "An Act in further addition to and explanation of an act intitled 'An Act for regulating townships, choice of town officers, &c.;'" one act made in the eighteenth year of the same reign, intitled "An Act to prevent mischief being done by unruly dogs;" two acts made in the eighteenth and nineteenth years of the same reign; one, intitled "An Act to prevent unnecessary cost being allowed to parties and witnesses in the several courts of justice within this province;" the other, intitled "An Act in addition to the act, intitled 'An Act for appointing commissioners of sewers;'" four acts made in the twentieth year of the same reign; one, intitled "An Act relating to views by a jury in civil actions;" Preamble.

Acts revived and continued; viz.,—
Act for securing town and precinct rates. 1736-37, chap. 15.
Act to prevent coparceners making waste. 1737-38, chap. 8.
Act for relief of idiots. 1737-38, chap. 9.
Act for regulating fences. 1740-41, chap. 19.
Act to prevent small-pox. 1742-43, chap. 17.
Act for regulating townships. 1742-43, chap. 28.
Act for preventing mischief by dogs. 1744-45, chap. 25.
Act to prevent unnecessary costs. 1745-46, chap. 7.
Act for appointing commissioners of sewers. 1745-46, chap. 16.
Act relating to views by juries. 1746-47, chap. 6.

Act to prevent cursing and swearing. 1746-47, chap. 17. Act for regulating swine. 1746-47, chap. 26. Act for securing Sandy Neck Meadow. 1746-47, chap. 28. Act to prevent stage plays. 1749-50, chap. 24. Act for regulating swine. 1750-51, chap. 5. Act to prevent firing the woods. 1753-54, chap. 9. Act for securing Barnstable beaches. 1757-58, chap. 5. Act for providing pounds. 1757-58, chap. 10. Act relating to ferries. 1759-60, chap. 21. Act regulating choice of petit jurors. 1759-60, chap. 29. Act for preservation of moose and deer: 1765-66, chap. 19.

another, intitled "An Act more effectually to prevent prophane cursing and swearing;" another, intitled "An Act for the better regulating swine;" the other, intitled "An Act to prevent the destruction of the meadow called Sandy-Neck Meadow, in Barnstable, and for the better preservation of the harbour there;" one act made in the twenty-third year of the same reign, intitled "An Act to prevent stage-plays and other theatrical entertainments;" one act made in the twenty-fourth year of the same reign, intitled "An Act in addition to the act for better regulating swine;" one act made in the twenty-sixth year of the same reign, intitled "An Act to prevent firing the woods;" one act made in the thirtieth year of the same reign, intitled "An Act to prevent damage being done on the meadows and beaches lying in the township of Barnstable, on the south side of the harbour, contiguous to the common fields in said town;" one act made in the thirty-first year of the same reign, intitled "An Act in addition to an act, intitled 'An Act in addition to the act for providing of pounds, &c.;'" two acts made in the thirty-third year of the same reign; one, intitled "An Act relating to ferries;" the other, intitled "An Act for the better regulating the choice of petit jurors;" one act made in the fifth year of his present majesty's reign, intitled "An Act for the preservation and increase of moose and deer on Tarpolin-cove Island and Nennemesset Island, lying and being in the county of Dukes County," —

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

—continued to November 1st, 1775.

That such of the before-mentioned acts as are expired, be revived, and such of said acts as are not yet expired, be continued, with all and every clause, matter and thing therein respectively contained, and shall be in force until the first day of November, one thousand seven hundred and seventy-five, and from thence to the end of the then next session of the general court and no longer. [*Passed November* 15; *published November* 20.

CHAPTER 6.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED AND NEAR EXPIRING.

Preamble to acts continued; viz.,— Act to encourage increase of sheep and goats. 1740-41, chap. 23. Act to prevent petitions to the general court. 1741-42, chap. 1. Act for regulating porters. 1741-42, chap. 5. Act relating to the poor. 1742-43, chap. 18. Act regulating bridges. 1743-44, chap. 21. Act to prevent cattle, &c., feeding on Truro beaches. 1745-46, chap. 26.

WHEREAS the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; viz., three acts made in the fifteenth year of the reign of his late majesty King George the Second; one, intitled "An Act to encourage the increase of sheep and goats;" another act, intitled "An Act to prevent unnecessary petitions to the great and general court;" the other, intitled "An Act for the better regulating porters employed within the town of Boston;" an act made in the sixteenth year of the same reign, intitled "An Act in addition to the several laws of this province relating to the support of poor and indigent persons;" an act made in the seventeenth year of the same reign, intitled "An Act to regulate the expence of private bridges;" an act made in the eighteenth year of the same reign, intitled "An Act to prevent neat cattle and horses running at large and feeding on beaches adjoining to Eastern-Harbour Meadows in the town of Truro;" two acts made in the twenty-first year of the same reign; one, intitled "An Act to

prevent the destruction of wild fowl;" the other, intitled "An Act to prevent deceit in the gage of cask;" four acts made in the twenty-second year of the same reign; one, intitled "An Act for the ease of prisoners for debt;" another, intitled "An Act for the more easy partition of lands;" another, intitled "An Act to prevent damage being done by fire in the towns of Boston and Charlestown;" the other, intitled "An Act to prevent damage being done on the beach in Biddeford, and meadow adjoining to said beach, commonly known by the name of Winter-Harbour Beach;" eight acts made in the twenty-third year of the same reign; one, intitled "An Act to prevent the disturbance given the general court by the passing of coaches, chaises, carts, trucks and other carriages by the Province Court House;" another act, intitled "An Act for regulating the hospital on Rainsford Island, and further providing in case of sickness;" another act, intitled "An Act for the punishing such offenders as shall be any ways concerned in contriving, writing or sending any incendiary letters in order to extort sums of money, or other things of value, from any of his majesty's good subjects;" another act, intitled "An Act to prevent any person obstructing the fish in their passing up into Monatiquot River, within the town of Braintree;" another act, intitled "An Act against diminishing or counterfeiting money;" another act, intitled "An Act in addition to and for rendering more effectual 'An Act for the restraining the takeing excessive usury;'" another act, intitled "An Act in addition to the act intitled 'An Act to encourage the increase of sheep and goats;'" the other, intitled "An Act to prevent the unnecessary destruction of alewives in the town of Middleborough;" four acts made in twenty-sixth year of the same reign; one, intitled "An Act for further regulating the courts of probate within this province;" another act, intitled "An Act for the more easy partition of lands or other real estates given by will and held in common and undivided, among the devisees;" another act, intitled "An Act for further preventing all riotous, tumultuous and disorderly assemblies or companies of persons, and for preventing bonfires, in any of the streets and lanes within any towns of this province;" the other, intitled "An Act for preventing damage by horses going at large;" two acts made in the twenty-seventh year of the same reign; one, intitled "An Act in addition to the several laws of this government made for the regulating general fields;" the other, intitled "An Act to prevent neat cattle and horses running at large and feeding on the beaches and meadows below the banks, in the town of Truro, from the house of Joshua Atkins to Bound Brook, and also on the common meadow at and about Pamit Harbour and River, as far up as the wading-place by John Lumbart's;" one act made in the twenty-ninth year of the same reign, intitled "An Act in addition to the several laws of this province now in force respecting poor and idle, disorderly and vagrant persons;" one act made in the thirty-first year of the same reign, intitled "An Act to prevent neat cattle, horses and sheep running at large and feeding on the beaches between Wells and Ogunquit harbours, in the town of Wells, and to prevent the mowing the same;" three acts made in the thirty-second year of the said reign; one, intitled "An Act providing that the solemn affirmation of the people called Quakers shall in certain cases be accepted instead of an oath in the usual form;" another act, intitled "An Act in addition to 'An Act relating to executors and administrators;'" the other act, intitled "An Act in addition to an 'Act for explanation of and suppliment to an act referring to the poor;'" an act made in the thirty-third year of said reign, intitled "An Act for the

Act for preservation of wild fowl. 1747-48, chap. 3.
Act to prevent deceit in gauge of casks. 1747-48, chap. 7.
Act for ease of prisoners. 1748-49, chap. 9.
Act for the partition of lands. 1748-49, chap. 12.
Act to prevent fire. 1748-49, chap. 14.
Act to prevent damage on Biddeford Beach. 1748-49, chap. 18.
Act to prevent disturbance by coaches, &c. 1749-50, chap. 3.
Act for regulating hospital. 1749-50, chap. 6.
Act for punishing authors of incendiary letters. 1749-50, chap. 7.
Act to prevent obstructing of fish in Braintree. 1749-50, chap. 13.
Act against counterfeiting coin. 1749-50, chap. 22.
Act against excessive usury. 1749-50, chap. 23.
Act for encouraging increase of sheep and goats. 1749-50, chap. 27.
Act for preserving fish in Middleboro'. 1749-50, chap. 12.
Act for regulating courts of probate. 1752-53, chap. 12.
Act for more easy partition of lands. 1752-53, chap. 13.
Act to prevent riots, &c. 1752-53, chap. 18.
Act to prevent horses going at large. 1752-53, chap. 20.
Act regulating general fields. 1753-54, chap. 29.
Act to prevent feeding on the beaches in Truro. 1753-54, chap. 44.
Act respecting poor persons, &c. 1755-56, chap. 43.
Act to prevent neat cattle, &c. running at large. 1757-58, chap. 11.
Act respecting Quakers' oaths. 1758-59, chap. 18.
Act relating to administrators, &c.

1758-59,chap. 37. Act referring to the poor.
1758-59,chap. 17. Act respecting intestate estates.
1760-61,chap. 13. Act to prevent damage on Harwich beach, &c.
1760-61,chap. 19. Act to prevent damage on Harwich beach, &c.
1760-61,chap. 28. Act establishing a watch in Boston.
1761-62, chap. 5. Act for granting licenses, &c.
1761-62,chap. 14. Act for collecting taxes.
1761-62,chap. 16. Act to prevent fire in Boston.
1762-63,chap. 13. Act for regulating the standard of wheat.
1762-63,chap. 19. Act to exempt Quakers from military duty.
1762-63,chap. 26. Act for incorporating of Mashpee Indians, &c.
1763-64, chap. 3. Act respecting the collectors of taxes in Boston.
1763-64,chap. 18. Act to prevent destruction of fish in Merrimack River.
1764-65,chap. 24. Act to prevent the destruction of oysters.
1764-65,chap. 25. Act to prevent the destruction of alewives and other fish.
1764-65,chap. 34. Act for preservation of Plymouth beach.
1765-66,chap. 20. Act to prevent damage to the woods in Plymouth, &c.
1765-66,chap. 12. Act to prevent destruction of fish in Merrimack River.
1765-66,chap. 30. Act respecting the poor.
1766-67,chap. 17. Act to prevent damage to the meadows, &c., in Tisbury and Chilmark.
1766-67,chap. 16. Act to prevent destruction of fish in Merrimack river.
1766-67,chap. 13.

more easy division and distribution of intestate estates;" four acts made in the first year of his present majesty's reign; one act, intitled "An Act to prevent damage being done on the meadows and beaches lying in and adjoining on the north side of the town of Harwich, between Skekit Harbour, on the east, and Quivet Harbour, on the west;" another act, intitled "An Act in addition to an act intitled an 'Act to prevent damage being done on the meadows and beaches lying in and adjoining to the north side of the town of Harwich, between Skekit Harbour, on the east, and Quivet Harbour, on the west;'" another act, intitled "An Act for establishing a watch for the safety and better securing the good order of the town of Boston;" the other, intitled "An Act further impowering the courts of general sessions of the peace, in this province, to grant licences in certain cases, and thereby to prevent unnecessary petitions to the general court;" two acts made in the second year of the said reign; one act, intitled "An Act providing for the levying and collecting of taxes in plantations that are not incorporated;" the other act, intitled "An Act in addition to the several acts made to prevent damage by fire in the town of Boston;" * three acts made in the third year of said reign; one act, intitled "An Act declaring and regulating the standard of wheat imported into this province, and for preventing abuses by millers;" another act, intitled "An Act to exempt the people called Quakers from the penalty of the law for non-attendance on military musters;" the other, intitled "An Act for incorporating the Indians and molattoes, inhabitants of Mashpee, with their lands there, into a district, with certain privileges; and for their better regulation;" an act made in the fourth year of said reign, intitled "An Act to enable the collectors of taxes in the town of Boston to sue for and recover the rates and taxes given them to collect, in certain cases;" five acts made in the fifth year of the said reign; one act, intitled "An Act to prevent the destruction of salmon and other fish in Merrimack River, within this province;" another act, intitled "An Act to prevent the destruction of oysters in the several bays and rivers hereafter mentioned, within this province;" another act, intitled "An Act for preventing the unnecessary destruction of alewives, and other fish, within this province;" another act, intitled "An Act for the preservation of the beach and harbour in the town of Plymouth;" the other, intitled "An Act to prevent damage being done in the woods in Plymouth, Sandwich, Barnstable, Falmouth and Wareham, by hunting with hounds and dogs;" an act made in the sixth year of said reign, intitled "An Act for amending of an act made in the fifth year of his present majesty's reign, intitled 'An Act to prevent the destruction of salmon and other fish, in Merrimack River, within this province;'" four acts made in the seventh year of said reign; one act, intitled "An Act in addition to the several laws already made relating to the removal of poor persons out of the towns whereof they are not inhabitants;" another act, intitled "An Act to prevent damage being done on the meadows and beaches lying in and adjoining on the south side of the towns of Tisbury and Chilmark, in the county of Dukes County, between the land of Matthew Mayhew, Esq[r]., on the west, and the creek of water that divides the land of Thomas Waldron from the beach, on the east;" another act, intitled "An Act in addition to two several acts to prevent the destruction of salmon and other fish in Merrimack River, within this province;" the other, intitled "An Act to prevent frauds by the adulteration of pot-

* The parchment previous to this point is missing.

ash and pearlash;" three acts made in the eighth year of the said reign; one, intitled "An Act in further addition to the several acts for the settlement of schools and schoolmasters;" another, intitled "An Act to prevent the destruction of the salt meadows lying in the towns of Tisbury and Chilmark;" the other, intitled "An Act to prevent damage being done on Bound-Brook Island and Griffith Islands, within the district of Wellfleet, by cattle, horse-kind and sheep;" an act made in the tenth year of said reign, intitled "An Act in addition to an act made in the twenty-third year of King George the Second, intitled 'An Act to prevent any persons obstructing the fish in their passing up into Monatiquot River, within the town of Braintree,'" —

Act to prevent fraud in potash. 1767-68, chap. 10.
Act for settlement of schools and schoolmasters. 1767-68, chap. 16.
Act to prevent damage to the meadows, &c., in Tisbury and Chilmark. 1767-68, chap. 17.
Act to prevent damage to Bound-Brook Island, &c. 1767-68, chap. 12.
Act to prevent persons obstructing the fish in their passage up Monatiquot River. 1769-70, chap. 14.

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

That such of the before-mentioned acts as are expired be revived; and such of said acts as are not yet expired be continued, with all and every clause, matter and thing therein respectively contained, and shall be in force until the first day of November, seventeen hundred and seventy-five, and from thence to the end of the then next session of the general court, and no longer, [*Passed November* 15; *published November* 20.

Continuation of the acts.

CHAPTER 7.

AN ACT FOR SUPERCEEDING AND REPEALING THE TWO LAST PARAGRAPHS IN AN ACT MADE AND PASSED BY THE GREAT AND GENERAL COURT OR ASSEMBLY OF THIS PROVINCE, AT THEIR SESSIONS BEGUN AND HELD AT BOSTON ON THE LAST WEDNESDAY IN MAY IN THE NINTH YEAR OF HIS MAJESTY'S REIGN, INTITLED "AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF EIGHTY-EIGHT THOUSAND ONE HUNDRED AND FIFTY-EIGHT POUNDS, TO BE THENCE ISSUED FOR DISCHARGING THE PUBLIC DEBTS, AND DRAWING THE SAME INTO THE TREASURY AGAIN;" AND FOR APPORTIONING AND ASSESSING A TAX OF TWENTY-FIVE THOUSAND POUNDS; AND ALSO FOR APPORTIONING AND ASSESSING A TAX OF TWO THOUSAND FIVE HUNDRED AND FIFTY-NINE POUNDS SEVENTEEN SHILLINGS, PAID THE REPRESENTATIVES FOR THEIR TRAVEL, SERVICE AND ATTENDANCE IN THE GREAT AND GENERAL COURT IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-NINE; ALSO FOR ASSESSING THE TOWN OF SWANSEY, FIFTY POUNDS, BEING PART OF THE SUM OF THREE HUNDRED POUNDS LENT THE SAID TOWN IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-FOUR; ALSO FOR ASSESSING THE TOWN OF HINGHAM AND DISTRICT OF COHASSET, FOUR POUNDS SEVENTEEN SHILLINGS, IN THE FOLLOWING PROPORTION; TO WIT, THREE POUNDS EIGHT SHILLINGS AND SIXPENCE ONE FARTHING, ON HINGHAM, AND ONE POUND EIGHT SHILLINGS AND SIXPENCE THREE FARTHINGS, ON COHASSET, FOR THE SERVICE OF A COMMITTEE OF THE GENERAL COURT IN VIEWING THEIR SITUATION IN ORDER TO A DIVISION; ALSO FOR ASSESSING THE TOWN OF UXBRIDGE SIX POUNDS EIGHT SHILLINGS AND SEVENPENCE, FOR PAYING A COMMITTEE APPOINTED BY THE GENERAL COURT TO VIEW AND SETTLE THE LINE BETWEEN THE TOWNS OF SUTTON AND UXBRIDGE; ALSO FOR ASSESSING THE TOWN OF FRAMINGHAM THE SUM OF FIFTY-FOUR POUNDS THIRTEEN SHILLINGS AND THREEPENCE TWO FARTHINGS, ORDERED BY THE GENERAL COURT TO BE ADDED TO THEIR PROPORTION OF THE PROVINCE

TAX THIS YEAR, BEING ONE-HALF OF THE ARREARS OF THE PROPORTION OF THE PROVINCE TAX, SET ON THE SAID TOWN IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-FIVE, HITHERTO UNPAID BY REASON OF THE DEFICIENCY OF JOSEPH BUTLER, A COLLECTOR OF TAXES FOR THE TOWN IN THAT YEAR; AND ALSO FOR ASSESSING THE DRISTRICT OF GRANBY FORTY POUNDS TWELVE SHILLINGS AND NINEPENCE, BEING PART OF THE SUM SET ON THE DISTRICT OF SOUTH HADLEY IN THE PROVINCE TAX FOR THE LAST YEAR, WHICH OF RIGHT SHOULD HAVE BEEN SET ON THE SAID DISTRICT OF GRANBY, AND OF WHICH PART THE DISTRICT OF SOUTH HADLEY HAS BEEN DISCHARGED BY AN ORDER OF THE GENERAL COURT; AND ALSO FOR ASSESSING ON THE TOWNS OF IPSWICH, MIDDLETON, READING, BOXFORD AND DANVERS, THE SUM OF FIVE POUNDS SEVENTEEN SHILLINGS, IN THE FOLLOWING PROPORTION; VIZ., ON THE TOWN OF IPSWICH, THE SUM OF FIFTY-THREE SHILLINGS AND EIGHTPENCE THREE FARTHINGS; ON THE TOWN OF MIDDLETON, EIGHT SHILLINGS AND FIVEPENCE; ON THE TOWN OF READING, NINETEEN SHILLINGS AND TWO FARTHINGS; ON THE TOWN OF BOXFORD, ELEVEN SHILLINGS AND NINEPENCE THREE FARTHINGS; ON THE TOWN OF DANVERS, TWENTY-FOUR SHILLINGS,—TO PAY A COMMITTEE OF THE GENERAL COURT APPOINTED AT THEIR REQUEST, TO VIEW IPSWICH RIVER, AND BY THE SAID COURT ORDERED TO BE PAID BY SAID TOWNS IN THE AFORESAID PROPORTIONS; AND ALSO FOR ASSESSING THE TOWN OF SHERBURNE, IN THE COUNTY OF NANTUCKET, THE SUM OF THREE HUNDRED NINETY-EIGHT POUNDS SEVEN SHILLINGS AND SEVENPENCE, BEING ONE-HALF THE SUM THAT TOWN IS IN ARREARS ARISING BY THE DEFICIENCY OF THOMAS ARTHUR, A COLLECTOR OF TAXES FOR THE YEARS ONE THOUSAND SEVEN HUNDRED AND SIXTY-FIVE AND ONE THOUSAND SEVEN HUNDRED AND SIXTY-SIX; ALSO FOR ASSESSING THE FOLLOWING TOWNS THE SUMS AFFIXED TO THEM, RESPECTIVELY, BEING FINES IMPOSED ON THEM FOR THEIR NEGLECT IN NOT CHUSING SOME PERSON, SEVERALLY, TO REPRESENT THEM IN THE GREAT AND GENERAL COURT; VIZ., CHELSEA, SEVEN POUNDS; WENHAM, FOUR POUNDS; MIDDLETON, SEVEN POUNDS; METHUEN, EIGHT POUNDS; SHERBURNE, IN THE COUNTY OF MIDDLESEX, SIX POUNDS; LITTLETON, EIGHT POUNDS; WESTFORD, EIGHT POUNDS; TOWNSEND AND DISTRICT OF ASHBY, FIVE POUNDS; WILMINGTON, FIVE POUNDS; DRACUT, FIVE POUNDS; BEDFORD, SIX POUNDS; HOLLISTON, FIVE POUNDS; TEWKSBURY, SIX POUNDS; DUNSTABLE, FIVE POUNDS; LINCOLN, FIVE POUNDS; NORTHFIELD, FIVE POUNDS; EASTON, FIVE POUNDS; DUDLEY, FOUR POUNDS; SOUTHBOROUGH, FIVE POUNDS; UPTON, FIVE POUNDS; WESTON, EIGHT POUNDS; WESTMINSTER, SIX POUNDS; NORTH YARMOUTH, FIVE POUNDS; SCARBOROUGH, TEN POUNDS; GORHAM, SIX POUNDS; GEORGETOWN, TEN POUNDS; RICHMONT AND LENOX, FIVE POUNDS; LANESBOROUGH, FIVE POUNDS; ALSO FOR ASSESSING THE DISTRICTS OF SHELBURNE AND CONWAY THE SUM OF FOUR POUNDS SEVEN SHILLINGS AND TENPENCE, BEING PART OF THE SUM SET ON DEERFIELD, LAST YEAR, FOR PAY OF THEIR REPRESENTATIVE, AND WHICH OUGHT TO HAVE BEEN SET ON SAID DEERFIELD AND THE TWO DISTRICTS ABOVE MENTIONED, IN PROPORTION TO THEIR PROVINCE TAX; VIZ., ON SHELBURNE, TWO POUNDS TEN SHILLINGS AND FOURPENCE, AND ON CONWAY, THIRTY-SEVEN SHILLINGS AND SIXPENCE.

WHEREAS the great and general court or assembly of this province, in their session in May, one thousand seven hundred and sixty-nine, by the act aforesaid, intitled "An Act for supplying the treasury with the sum of eighty-eight thousand one hundred and fifty-eight

1769-70, chap. 5, §§ 6, 7 and 8.

pounds to be thence issued for discharging the public debts, and drawing the same into the treasury again," among other things, did grant unto his most excellent majesty a tax of ninety-two thousand five hundred pounds, to be levied on polls, and estates both real and personal, within this province, according to such rules, and in such proportions on the several towns, districts, parishes and other places within this province, as should be agreed on and ordered by the general court or assembly at their sessions in May last, and to be paid into the publick treasury on or before the thirty-first day of March, in the year of our Lord one thousand seven hundred and seventy-one; and further, by the same act, provided and enacted "that if the general court, at their session in May, one thousand seven hundred and seventy, and some time before the twentieth day of June in said year, should not agree and conclude upon an act apportioning the sums which by said act were engaged to be paid in said year, that then in such case each town, district and parish and other place within this province shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of said sum as the same town, district or other place was taxed by the general court in the tax then last preceeding;" and the province treasurer was thereby fully impowered and directed, some time in the month of June in the same year, one thousand seven hundred and seventy, to issue his warrants, directed to the assessors or selectmen of each town or district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before mentioned agreed and directed to be assessed, to be paid into the treasury at or before the last-mentioned time; *and whereas* the court did not in their sessions in May last, nor at any other time before the twentieth day of June last past, agree or conclude upon any act apportioning the sums which by said act are engaged to be paid into the province treasury this year, and thereupon the province treasurer, pursuant to authority granted him by said act, did, in the month of June last past, issue and send forth his warrants, directed to the assessors or selectmen of each town or district, for their respective parts or proportions of the sum so directed and agreed to be assessed and paid into the treasury on or before the thirty-first day of March, one thousand seven hundred and seventy-one; *and whereas*, by the said act it is provided and directed that the assessors and persons assessed shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act; *and whereas* the circumstances of the inhabitants of this province are such that the assessing, levying and paying into the treasury so large a sum this present year must necessarily reduce them to great and needless distress; *and whereas* many of the possessors of the government securities, for the redemption of which the aforesaid sum of ninety-two thousand five hundred pounds is to be applied, are willing to continue their money upon loan, payable at a future period, which, with the tax of twenty-five thousand pounds now agreed to be assessed and levied this present year, will be sufficient to redeem the government securities, with the interest thereon; and this court, in consideration thereof, have determined to supply the treasury of this province in another manner, with the sum of seventy-six thousand pounds, part of the said sum of ninety-two thousand five hundred pounds, and that only the sum of twenty-five thousand pounds, part of the said sum of ninety-two thousand five hundred pounds, together with the other sums before mentioned, shall be levied and assessed on

the inhabitants of this province, this present year; and that the act aforesaid so far as respects the assessing, levying and paying in the said sum of ninety-two thousand five hundred pounds, and the warrants, aforesaid, issued and sent forth for that purpose, should be wholly superceeded and repealed, —

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

[SECT. 1.] That the two last paragraphs in the above-mentioned act, so far as respects the assessing and levying the said sum of ninety-two thousand five hundred pounds on the polls, and estates real and personal, within this province, be and hereby are superceeded and repealed; and that the selectmen and assessors of the several towns and districts within this province, to whom the treasurer has directed his warrants as aforesaid, are hereby directed and required to surcease any further proceeding in obedience to, or by virtue of, such warrants for assessing and levying the same, and shall be and hereby are excused and indemnified in omitting to assess the same.

And be it further enacted,

[SECT. 2.] That if in any of the towns or districts within this province, the assessors shall have so far proceeded already as to assess the same, in such case said assessment is hereby declared to be null and void.

And for the ordering, directing and effectually drawing in the sum of twenty-eight thousand two hundred and ninety-four pounds one shilling, and to the end that the same may be apportioned, assessed and levied in the easiest manner we are able, for the benefit of his majesty's subjects, and also that his majesty's government within this province may have the better and more speedy effect of said grant, we, his majesty's most dutiful and loyal subjects, the representatives in general court assembled, pray that it may be enacted, —

And be it accordingly enacted by the Lieutenant-Governor, Council and House of Representatives,

[SECT. 3.] That each town, district, parish or other place within this province, be assessed and pay, as such town, district, parish or place's proportion of the said sum of twenty-eight thousand two hundred and ninety-four pounds one shilling, the several sums following; that is to say, —

IN THE COUNTY OF SUFFOLK.

	REPRESENTATIVES' PAY.	N. B. — The several fines and other sums order'd by this act to be levied and assessed on the several towns and other places mentioned in the preamble of this act, are put in the second column of figures and are carried into and make part of the third column.	PROVINCE TAX.	SUM TOTAL.
Boston,	£69 5s. 0d.		£2,823 4s. 7d.	Two thousand eight hundred and ninety-two pounds nine shillings and sevenpence, £2,892 9s. 7d.
Roxbury,	17 15 0		306 13 4	Three hundred and twenty-four pounds eight shillings and fourpence, 324 8 4
Dorchester,	19 15 0		189 15 10	Two hundred and nine pounds ten shillings and tenpence, 209 10 10
Milton,	17 5 0		125 0 10	One hundred and forty-two pounds five shillings and tenpence, 142 5 10
Braintree,	23 0 0		244 5 5	Two hundred and sixty-seven pounds five shillings and fivepence, 267 5 5
Weymouth,	19 10 0		121 0 3	One hundred and forty pounds ten shillings and threepence, 140 10 3
Hingham,	16 11 11	£3 8s. 6d.	179 13 5	One hundred and ninety-six pounds five shillings and fourpence, 196 5 4
District of Cohasset,	6 18 1	1 8 6	74 15 3	Eighty-one pounds thirteen shillings and fourpence, 81 13 4
Dedham,	22 0 0	0 0 0	215 0 0	Two hundred and thirty-seven pounds, 237 0 0
Medfield,	19 0 0	0 0 0	98 4 7	One hundred and seventeen pounds four shillings and sevenpence, 117 4 7
Wrentham,	23 15 0	0 0 0	188 1 7	Two hundred and eleven pounds sixteen shillings and sevenpence, 211 16 7
Brookline,	14 10 0	0 0 0	84 12 4	Ninety-nine pounds two shillings and fourpence, 99 2 4
Needham,	20 17 6	0 0 0	84 15 4	One hundred and five pounds two shillings and tenpence, 105 2 10
Stoughton,	10 19 0	0 0 0	113 14 9	One hundred and twenty-five pounds thirteen shillings and fourpence, 125 13 4
Stoughtonham District,	5 6 0	0 0 0	54 17 6	Sixty pounds thirteen shillings and sixpence, 60 13 6
Medway,	20 10 0	0 0 0	69 5 5	Eighty-nine pounds fifteen shillings and fivepence, 89 15 5
Bellingham,	0 0 0	0 0 0	43 10 7	Forty-three pounds ten shillings and sevenpence, 43 10 7
Hull,	0 0 0	0 0 0	25 5 4	Twenty-five pounds five shillings and fourpence, 25 5 4
Walpole,	10 10 0	0 0 0	73 15 0	Eighty-four pounds five shillings, 84 5 0
Chelsea,	0 0 0	7 0 0	73 9 7	Seventy-three pounds nine shillings and sevenpence, 73 9 7
	£337 7s. 6d.		£5,189 19s. 11d.	Five thousand five hundred and twenty-seven pounds seven shillings and fivepence, £5,527 7s. 5d.

IN THE COUNTY OF ESSEX.

Salem,	£40 0s. 0d.	£0 0s. 0d.	£467 7s. 11d	Five hundred and seven pounds seven shillings and elevenpence, £507 7s. 11d.
Danvers,	23 0 0	1 4 0	207 19 5	Two hundred and thirty pounds nineteen shillings and fivepence, 230 19 5
Ipswich,	21 15 0	2 13 9	465 12 1	Four hundred and eighty-seven pounds seven shillings and one penny, 487 7 1
Newbury,	24 5 0	0 0 0	355 9 0	Three hundred and seventy-nine pounds fourteen shillings, 379 14 0
Newburyport,	19 10 0	0 0 0	284 2 9	Three hundred and three pounds twelve shillings and ninepence, 303 12 9

IN THE COUNTY OF ESSEX — *Continued.*

	REPRESENTATIVES' PAY.		PROVINCE TAX.	SUM TOTAL.	
Marblehead,	£27 0*s.* 0*d.*	£0 0*s.* 0*d.*	£410 16*s.* 8*d.*	Four hundred and thirty-seven pounds sixteen shillings and eightpence,	£437 16*s.* 8*d.*
Lynn,	22 0 0	0 0 0	198 17 0	Two hundred and twenty pounds seventeen shillings,	220 17 0
Andover,	21 15 0	0 0 0	314 15 9	Three hundred and thirty-six pounds ten shillings and ninepence,	336 10 9
Beverly,	23 10 0	0 0 0	195 16 8	Two hundred and nineteen pounds six shillings and eightpence,	219 6 8
Rowley,	24 0 0	0 0 0	193 12 11	Two hundred and seventeen pounds twelve shillings and elevenpence,	217 12 11
Salisbury,	17 15 0	0 0 0	150 2 1	One hundred and sixty-seven pounds seventeen shillings and one penny,	167 17 1
Haverhill,	24 5 0	0 0 0	240 8 4	Two hundred and sixty-four pounds thirteen shillings and fourpence,	264 13 4
Glocester,	21 5 0	0 0 0	301 7 1	Three hundred and twenty-two pounds twelve shillings and one penny,	322 12 1
Topsfield,	20 15 0	0 0 0	84 13 9	One hundred and five pounds eight shillings and ninepence,	105 8 9
Boxford,	23 15 0	0 11 9	102 4 11	One hundred and twenty-five pounds nineteen shillings and elevenpence,	125 19 11
Almsbury,	24 15 0	0 0 0	153 2 6	One hundred and seventy-seven pounds seventeen shillings and sixpence,	177 17 6
Bradford,	23 15 0	0 0 0	113 0 8	One hundred and thirty-six pounds fifteen shillings and eightpence,	136 15 8
Wenham,	0 0 0	4 0 0	66 7 11	Sixty-six pounds seven shillings and elevenpence,	66 7 11
Middleton,	0 0 0	7 8 5	79 18 5	Seventy-nine pounds eighteen shillings and fivepence,	79 18 5
Manchester,	0 0 0	0 0 0	53 0 5	Fifty-three pounds and fivepence,	53 0 5
Methuen,	0 0 0	8 0 0	89 15 5	Eighty-nine pounds fifteen shillings and fivepence,	89 15 5
	£403 0*s.* 0*d.*		£4,528 11*s.* 7*d.*	Four thousand nine hundred and thirty-one pounds eleven shillings and sevenpence,	£4,931 11*s.* 7*d.*

IN THE COUNTY OF MIDDLESEX.

Cambridge,	£19 5*s.* 0*d.*	£0 0*s.* 0*d.*	£226 0*s.* 10*d.*	Two hundred and forty-five pounds five shillings and tenpence,	£245 5*s.* 10*d.*
Charlestown,	19 5 0	0 0 0	221 7 1	Two hundred and forty pounds twelve shillings and one penny,	240 12 1
Watertown,	20 10 0	0 0 0	90 18 9	One hundred and eleven pounds eight shillings and ninepence,	111 8 9
Woburn,	18 10 0	0 0 0	163 2 6	One hundred and eighty-one pounds twelve shillings and sixpence,	181 12 6
Concord,	23 5 0	0 0 0	149 17 11	One hundred and seventy-three pounds two shillings and elevenpence,	173 2 11
Newton,	18 10 0	0 0 0	154 12 8	One hundred and seventy-three pounds two shillings and eightpence,	173 2 8

Reading,	22	10	0	0	19	1	164	18	3	One hundred and eighty-seven pounds eight shillings and threepence,	187	8	3
Marlborough,	11	0	0	0	0	0	183	19	2	One hundred and ninety-four pounds nineteen shillings and twopence,	194	19	2
Billerica,	21	15	0	0	0	0	121	7	3	One hundred and forty-three pounds two shillings and threepence,	143	2	3
Framingham,	21	7	6	54	13	3½	195	11	7½	Two hundred and sixteen pounds nineteen shillings and one penny halfpenny,	216	19	1½
Lexington,	22	15	0	0	0	0	100	6	5	One hundred and twenty-three pounds one shilling and fivepence,	123	1	5
Chelmsford,	23	5	0	0	0	0	105	12	6	One hundred and twenty-eight pounds seventeen shillings and sixpence,	128	17	6
Sherburne,	17	2	6	6	0	0	72	5	0	Eighty-nine pounds seven shillings and sixpence,	89	7	6
Sudbury,	21	2	6	0	0	0	185	12	7	Two hundred and six pounds fifteen shillings and fivepence,	206	15	5
Malden,	19	5	0	0	0	0	89	7	6	One hundred and nine pounds two shillings and sixpence,	109	2	6
Weston,	21	17	6	0	0	0	91	5	0	One hundred and thirteen pounds two shillings and sixpence,	113	2	6
Medford,	19	5	0	0	0	0	105	18	9	One hundred and twenty-five pounds three shillings and ninepence,	125	3	9
Littleton,	23	5	0	8	0	0	88	4	2	One hundred and eleven pounds nine shillings and twopence,	111	9	2
Hopkinston,	20	10	0	0	0	0	82	1	8	One hundred and two pounds eleven shillings and eightpence,	102	11	8
Westford,	13	10	0	8	0	0	103	5	11	One hundred and seventeen pounds five shillings and elevenpence,	117	5	11
Shirley,	4	5	0	0	0	0	30	6	8	Thirty-four pounds eleven shillings and eightpence,	34	11	8
Waltham,	22	7	6	0	0	0	84	13	9	One hundred and seven pounds one shilling and threepence,	107	1	3
Townshend,	18	0	0	3	15	0	40	16	8	Fifty-eight pounds sixteen shillings and eightpence,	58	16	8
Stow,	22	17	0	0	0	0	70	18	4	Ninety-three pounds fifteen shillings and fourpence,	93	15	4
Stoneham,	0	0	0	0	0	0	37	1	8	Thirty-seven pounds one shilling and eightpence,	37	1	8
Groton,	12	0	0	0	0	0	123	10	10	One hundred and thirty-five pounds ten shillings and tenpence,	135	10	10
Wilmington,	0	0	0	5	0	0	69	3	8	Sixty-nine pounds three shillings and eightpence,	69	3	8
Natick,	0	0	0	0	0	0	36	5	7	Thirty-six pounds five shillings and sevenpence,	36	5	7
Dracut,	0	0	0	5	0	0	59	13	9	Fifty-nine pounds thirteen shillings and ninepence,	59	13	9
Bedford,	0	0	0	6	0	0	56	2	8	Fifty-six pounds two shillings and eightpence,	56	2	8
Holliston,	21	12	6	5	0	0	67	1	8	Eighty-eight pounds fourteen shillings and twopence,	88	14	2
Tewksbury,	0	0	0	6	0	0	74	10	10	Seventy-four pounds ten shillings and tenpence,	74	10	10
Acton,	0	0	0	0	0	0	57	14	2	Fifty-seven pounds fourteen shillings and twopence,	57	14	2
Dunstable,	0	0	0	5	0	0	63	2	6	Sixty-three pounds two shillings and sixpence,	63	2	6
Pepperrell,	6	5	0	0	0	0	46	16	8	Fifty-three pounds one shilling and eightpence,	53	1	8
Lincoln,	0	0	0	5	0	0	67	10	0	Sixty-seven pounds ten shillings,	67	10	0
Ashby,	3	12	6	1	5	0	9	13	9	Thirteen pounds six shillings and threepence,	13	6	3
	£508	14*s.*	6*d.*				£3,691	9*s.*	4*d.*	Four thousand two hundred pounds three shillings and tenpence,	£4,200	3*s.*	10*d.*

IN THE COUNTY OF HAMPSHIRE.

	REPRESENTATIVES' PAY.		PROVINCE TAX.	SUM TOTAL.	
Springfield,	£26 5s. 6d.	£00 0s. 0d.	£274 11s. 4d.	Three hundred pounds sixteen shillings and tenpence,	£300 16s. 10d.
Northampton,	18 5 0	0 0 0	142 4 2	One hundred and sixty pounds nine shillings and twopence,	160 9 2
Southampton,	4 10 0	0 0 0	33 6 8	Thirty-seven pounds sixteen shillings and eightpence,	37 16 8
Hadley,	7 5 0	0 0 0	64 13 9	Seventy-one pounds eighteen shillings and ninepence,	71 18 9
South Hadley,	5 5 0	0 0 0	38 10 5	Forty-three pounds fifteen shillings and fivepence,	43 15 5
Amherst,	5 10 0	0 0 0	47 7 11	Fifty-two pounds seventeen shillings and elevenpence,	52 17 11
Hatfield,	12 10 0	0 0 0	94 14 5	One hundred and seven pounds four shillings and fivepence,	107 4 5
Westfield,	20 7 6	0 0 0	110 6 5	One hundred and thirty pounds thirteen shillings and elevenpence,	130 13 11
Deerfield,	12 16 6	0 0 0	46 17 5	Fifty-nine pounds thirteen shillings and elevenpence,	59 13 11
Shelburne,	2 18 6	2 10 4	13 2 10	Sixteen pounds one shilling and fourpence,	16 1 4
Greenfield,	6 10 6	0 0 0	24 7 6	Thirty pounds eighteen shillings,	30 18 0
Sunderland,	12 1 0	0 0 0	41 9 2	Fifty-three pounds ten shillings and twopence,	53 10 2
Montague,	9 14 0	0 0 0	29 9 7	Thirty-nine pounds three shillings and sevenpence,	39 3 7
Northfield,	0 0 0	5 0 0	44 13 9	Forty-four pounds thirteen shillings and ninepence,	44 13 9
Brimfield,	7 5 0	0 0 0	63 0 0	Seventy pounds five shillings,	70 5 0
South Brimfield,	4 0 0	0 0 0	38 11 6	Forty-two pounds eleven shillings and sixpence,	42 11 6
Monson,	3 10 0	0 0 0	23 14 2	Twenty-seven pounds four shillings and twopence,	27 4 2
Pelham,	0 0 0	0 0 0	46 17 6	Forty-six pounds seventeen shillings and sixpence,	46 17 6
Greenwich,	0 0 0	0 0 0	36 9 2	Thirty-six pounds nine shillings and twopence,	36 9 2
Blanford,	0 0 0	0 0 0	30 14 7	Thirty pounds fourteen shillings and sevenpence,	30 14 7
Palmer,	0 0 0	0 0 0	46 19 7	Forty-six pounds nineteen shillings and sevenpence,	46 19 7
Granville,	0 0 0	0 0 0	55 8 4	Fifty-five pounds eight shillings and fourpence,	55 8 4
New Salem,	0 0 0	0 0 0	32 15 10	Thirty-two pounds fifteen shillings and tenpence,	32 15 10
Belcherstown,	0 0 0	0 0 0	28 4 7	Twenty-eight pounds four shillings and sevenpence,	28 4 7
Colrain,	0 0 0	0 0 0	19 13 9	Nineteen pounds thirteen shillings and ninepence,	19 13 9
Ware,	0 0 0	0 0 0	12 5 10	Twelve pounds five shillings and tenpence,	12 5 10
Enfield,	0 0 0	0 0 0	106 5 3	One hundred and six pounds five shillings and threepence,	106 5 3
Somers,	0 0 0	0 0 0	81 2 2	Eighty-one pounds two shillings and twopence,	81 2 2
Warwick,	0 0 0	0 0 0	0 0 0		0 0 0
Bernardston,	0 0 0	0 0 0	6 8 9	Six pounds eight shillings and ninepence,	6 8 9
Charlemont,	0 0 0	0 0 0	2 10 0	Two pounds ten shillings,	2 10 0
Shutesbury,	0 0 0	0 0 0	18 8 9	Eighteen pounds eight shillings and ninepence,	18 8 9*
Chesterfield,	0 0 0	0 0 0	2 10 0	Two pounds ten shillings,	2 10 0
Suffield,	0 0 0	0 0 0	175 10 1	One hundred and seventy-five pounds ten shillings and one penny,	175 10 1
Willbraham,	3 17 0	0 0 0	41 3 9	Forty-five pounds and ninepence,	45 0 9

Ashfield,	0	0	0	0	0	0	4	10	11	Four pounds ten shillings and elevenpence,	4	10	11
Conway,	2	7	0	1	17	6	9	16	2	Twelve pounds three shillings and twopence,	12	3	2
Granby,	8	2	6	40	12	9	70	2	0	Seventy-eight pounds four shillings and sevenpence,	78	4	7
	£173	0*s.*	0*d.*				£1,958	17*s.*	1*d.*	Two thousand one hundred and thirty-one pounds seventeen shillings and one penny,	£2,131	17*s.*	1*d.*

IN THE COUNTY OF PLYMOUTH.

Plymouth,	£13	17*s.*	6*d.*	£0	0*s.*	0*d.*	£161	7*s.*	1*d.*	One hundred and seventy-five pounds four shillings and sevenpence,	£175	4*s.*	7*d.*
Scituate,	17	7	6	0	0	0	263	17	1	Two hundred and eighty-one pounds four shillings and sevenpence,	281	4	7
Duxbury,	24	5	0	0	0	0	89	5	6	One hundred and thirteen pounds ten shillings and sixpence,	113	10	6
Marshfield,	21	12	6	0	0	0	120	8	4	One hundred and forty-two pounds and tenpence,	142	0	10
Bridgwater,	22	5	0	0	0	0	332	5	10	Three hundred and fifty-four pounds ten shillings and tenpence,	354	10	10
Middleborough,	20	17	6	0	0	0	243	0	5	Two hundred and sixty-three pounds seventeen shillings and elevenpence,	263	17	11
Rochester,	21	15	0	0	0	0	150	15	8	One hundred and seventy-two pounds ten shillings and eightpence,	172	10	8
Plympton,	24	5	0	0	0	0	97	1	8	One hundred and twenty-one pounds six shillings and eightpence,	121	6	8
Pembroke,	0	0	0	0	0	0	116	19	7	One hundred and sixteen pounds nineteen shillings and sevenpence,	116	19	7
Kingston,	0	0	0	0	0	0	68	2	6	Sixty-eight pounds two shillings and sixpence,	68	2	6
Hanover,	0	0	0.	0	0	0	68	16	11	Sixty-eight pounds sixteen shillings and elevenpence,	68	16	11
Abington,	23	12	6	0	0	0	89	1	3	One hundred and twelve pounds thirteen shillings and ninepence,	112	13	9
Halifax,	0	0	0	0	0	0	48	2	8	Forty-eight pounds two shillings and eightpence,	48	2	8
Warham,	0	0	0	0	0	0	31	11	4	Thirty-one pounds eleven shillings and fourpence,	31	11	4
	£194	17*s.*	6*d.*				£1,880	14*s.*	10*d.*	Two thousand and seventy-five pounds twelve shillings and fourpence,	£2,075	12*s.*	4*d.*

IN THE COUNTY OF BARNSTABLE.

Barnstable,	£22	2*s.*	6*d.*	£0	0*s.*	0*d.*	£159	11*s.*	8*d.*	One hundred and eighty-one pounds fourteen shillings and twopence,	£181	14*s.*	2*d.*
Sandwich,	21	2	6	0	0	0	139	15	10	One hundred and sixty pounds eighteen shillings and fourpence,	160	18	4
Yarmouth,	11	10	0	0	0	0	124	5	5	One hundred and thirty-five pounds fifteen shillings and fivepence,	135	15	5
Eastham,	25	5	0	0	0	0	87	7	9	One hundred and twelve pounds twelve shillings and ninepence,	112	12	9
Harwich,	12	17	6	0	0	0	99	13	9	One hundred and twelve pounds eleven shillings and threepence,	112	11	3
Chatham,	19	15	0	0	0	0	70	14	0*	Ninety pounds nine shillings,	90	9	0

* The pence in this and the following line were transposed in the printed act: probably a typographical error.

IN THE COUNTY OF BARNSTABLE — *Continued.*

	REPRESENTATIVES' TAX.		PROVINCE TAX.	SUM TOTAL.	
Truro,	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£57 19*s.* 1*d.*	Fifty-seven pounds nineteen shillings and one penny,	£57 19*s.* 1*d.*
Falmouth,	22 15 0	0 0 0	86 8 6	One hundred and nine pounds three shillings and sixpence,	109 3 6
Wellfleet,	23 10 0	0 0 0	45 2 4	Sixty-eight pounds twelve shillings and fourpence,	68 12 4
	£158 17*s.* 6*d.*	£0 0*s.* 0*d.*	£870 18*s.* 4*d.*	One thousand and twenty-nine pounds fifteen shillings and tenpence,	£1,029 15*s.* 10*d.*

IN THE COUNTY OF BRISTOL.

Taunton,	£32 15*s.* 0*d.*	£0 0*s.* 0*d.*	£227 5*s.* 10*d.*	Two hundred and sixty pounds and tenpence,	£260 0*s.* 10*d.*
Rehoboth,	24 10 0	0 0 0	266 9 2	Two hundred and ninety pounds nineteen shillings and twopence,	290 19 2
Swanzey and Shawamet,	15 10 0	50 0 0	217 19 5	Two hundred and thirty-three pounds nine shillings and fivepence,	233 9 5
Dartmouth,	23 0 0	0 0 0	429 1 10	Four hundred and fifty-two pounds one shilling and tenpence,	452 1 10
Norton,	14 3 4	0 0 0	102 0 10	One hundred and sixteen pounds four shillings and twopence,	116 4 2
District of Mansfield,	7 1 8	0 0 0	50 18 0	Fifty-seven pounds nineteen shillings and eightpence,	57 19 8
Attleborough,	23 0 0	0 0 0	143 5 7	One hundred and sixty-six pounds five shillings and sevenpence,	166 5 7
Dighton,	18 10 0	0 0 0	98 8 9	One hundred and sixteen pounds eighteen shillings and ninepence,	116 18 9
Freetown,	16 7 6	0 0 0	100 12 1	One hundred and sixteen pounds nineteen shillings and sevenpence,	116 19 7
Raynham,	4 17 6	0 0 0	50 15 6	Fifty-five pounds thirteen shillings,	55 13 0
Easton,	0 0 0	5 0 0	69 15 1	Sixty-nine pounds fifteen shillings and one penny,	69 15 1
Berkley,	0 0 0	0 0 0	55 18 9	Fifty-five pounds eighteen shillings and ninepence,	55 18 9
	£179 15*s.* 0*d.*	£0 0*s.* 0*d.*	£1,812 10*s.* 10*d.*	One thousand nine hundred and ninety-two pounds five shillings and tenpence,	£1,992 5*s.* 10*d.*

IN THE COUNTY OF YORK.

York,	£26 5*s.* 0*d.*	£0 0*s.* 0*d.*	£229 5*s.* 5*d.*	Two hundred and fifty-five pounds ten shillings and fivepence,	£255 10*s.* 5*d.*
Kittery,	11 15 0	0 0 0	238 8 3	Two hundred and fifty pounds three shillings and threepence,	250 3 3
Wells,	22 5 0	0 0 0	121 5 0	One hundred and forty-three pounds ten shillings,	143 10 0
Berwick,	7 10 0	0 0 0	188 8 8	One hundred and ninety-five pounds eighteen shillings and eightpence,	195 18 8
Arundell,	0 0 0	0 0 0	62 5 10	Sixty-two pounds five shillings and tenpence,	62 5 10

Biddeford,	£6	0	6	0	0	0	67 16 2	Seventy-three pounds sixteen shillings and eightpence,	73 16 8
District of Pepperrellborough,	4	4	6	0	0	0	47 1 11	Fifty-one pounds six shillings and fivepence,	51 6 5
Narraganset Number One,	0	0	0	0	0	0	14 15 10	Fourteen pounds fifteen shillings and tenpence,	14 15 10
Lebanon,	0	0	0	0	0	0	0 0 0	. . . . .	0 0 0
Sanford,	0	0	0	0	0	0	0 0 0	. . . . .	0 0 0
	£78	0*s.*	0*d.*				£969 7*s.* 1*d.*	One thousand and forty-seven pounds seven shillings and one penny,	£1,047 7*s.* 1*d.*

IN THE COUNTY OF DUKES COUNTY.

Edgartown,	£0	0*s.*	0*d.*	£0	0*s.*	0*d.*	£67 10 0*d.*	Sixty-seven pounds ten shillings,	£67 10*s.* 0*d.*
Chilmark,	8	10	0	0	0	0	72 4 4	Eighty pounds fourteen shillings and fourpence,	80 14 4
Tisbury,	0	0	0	0	0	0	49 1 3	Forty-nine pounds one shilling and threepence,	49 1 3
	£8	10*s.*	0*d.*				£188 15*s.* 7*d.*	One hundred and ninety-seven pounds five shillings and sevenpence,	£197 5*s.* 7*d.*

IN THE COUNTY OF NANTUCKET.

Sherburne,	£12	15*s.*	0*d.*	£398	7*s.*	7*d.*	£693 11*s.* 9*d.*	Seven hundred and six pounds six shillings and ninepence,	£706 6*s.* 9*d.*

IN THE COUNTY OF WORCESTER.

Worcester,	£23	17*s.*	6*d.*	£0	0*s.*	0*d.*	£152 2*s.* 0*d.*	One hundred and seventy-five pounds nineteen shillings and eightpence,	£175 19*s.* 8*d.*
Lancaster,	23	17	6	0	0	0	191 14 6	Two hundred and fifteen pounds twelve shillings,	215 12 0
Mendon,	24	5	0	0	0	0	146 0 10	One hundred and seventy pounds five shillings and tenpence,	170 5 10
Woodstock,	0	0	0	0	0	0	202 7 0	Two hundred and two pounds seven shillings,	202 7 0
Brookfield,	24	12	6	0	0	0	132 15 3	One hundred and fifty-seven pounds seven shillings and ninepence,	157 7 9
Oxford,	17	10	0	0	0	0	82 1 0	Ninety-nine pounds eleven shillings,	99 11 0
Charlton,	5	15	0	0	0	0	26 5 0	Thirty-two pounds,	32 0 0
Sutton,	23	12	6	0	0	0	155 12 8	One hundred and seventy-nine pounds five shillings and twopence,	179 5 2

IN THE COUNTY OF WORCESTER—*Continued.*

	REPRESENTATIVES' PAY.		PROVINCE TAX.	SUM TOTAL.	
Rutland,	£6 2*s.* 8*d.*	£0 0*s.* 0*d.*	£80 13*s.* 1*d.*	Eighty-six pounds fifteen shillings and ninepence,	£86 15*s.* 9*d.*
Oakham,	1 3 0	0 0 0	14 15 1	Fifteen pounds eighteen shillings and one penny,	15 18 1
District of Rutland,	3 18 8	0 0 0	49 7 1	Fifty-three pounds five shillings and ninepence,	53 5 9
Hubbardston,	0 18 2	0 0 0	8 7 3	Nine pounds five shillings and fivepence,	9 5 5
New Braintree,	0 0 0	0 0 0	41 0 4	Forty-one pounds and fourpence,	41 0 4
Leicester,	10 8 0	0 0 0	74 14 8	Eighty-five pounds two shillings and eightpence,	85 2 8
District of Spencer,	6 0 0	0 0 0	44 11 2	Fifty pounds eleven shillings and twopence,	50 11 2
District of Paxton,	4 14 6	0 0 0	37 9 1	Forty-two pounds three shillings and sevenpence,	42 3 7
Southborough,	19 2 6	5 0 0	75 10 5	Ninety-four pounds twelve shillings and elevenpence,	94 12 11
Westborough,	13 15 0	0 0 0	69 16 10	Eighty-three pounds eleven shillings and tenpence,	83 11 10
Northborough,	8 5 0	0 0 0	41 17 7	Fifty pounds two shillings and sevenpence,	50 2 7
Shrewsbury,	21 17 6	0 0 0	118 2 2	One hundred and thirty-nine pounds nineteen shillings and eightpence,	139 19 8
Lunenburg,	17 12 6	0 0 0	79 9 0	Ninety-seven pounds one shilling and sixpence,	97 1 6
Fitchburg,	5 10 0	0 0 0	17 0 2	Twenty-two pounds ten shillings and twopence,	22 10 2
Uxbridge,	24 10 0	6 8 7	97 2 4	One hundred and twenty-four pounds twelve shillings and fourpence,	124 12 4
Harvard,	16 17 6	0 0 0	83 15 0	One hundred pounds twelve shillings and sixpence,	100 12 6
Dudley,	0 0 0	4 0 0	56 7 11	Fifty-six pounds seven shillings and elevenpence,	56 7 11
Bolton,	21 2 6	0 0 0	79 14 10	One hundred pounds seventeen shillings and fourpence,	100 17 4
Upton,	0 0 0	5 0 0	40 3 2	Forty pounds three shillings and twopence,	40 3 2
Sturbridge,	11 10 0	0 0 0	58 11 11	Seventy pounds one shilling and elevenpence,	70 1 11
Leominster,	0 0 0	0 0 0	52 10 0	Fifty-two pounds ten shillings,	52 10 0
Hardwick,	12 7 6	0 0 0	66 5 0	Seventy-eight pounds twelve shillings and sixpence,	78 12 6
Holden,	0 0 0	0 0 0	37 10 0	Thirty-seven pounds ten shillings,	37 10 0
Western,	0 0 0	8 0 0	58 0 0	Fifty-eight pounds,	58 0 0
Douglass,	0 0 0	0 0 0	24 12 2	Twenty-four pounds twelve shillings and twopence,	24 12 2
Grafton,	20 17 6	0 0 0	67 5 10	Eighty-eight pounds three shillings and fourpence,	88 3 4
Petersham,	10 5 0	0 0 0	54 14 8	Sixty four pounds nineteen shillings and eightpence,	64 19 8
Royalston,	0 0 0	0 0 0	0 0 0		0 0 0
Westminster,	0 0 0	6 0 0	43 19 11	Forty-three pounds nineteen shillings and elevenpence,	43 19 11
Athol,	0 0 0	0 0 0	19 13 9	Nineteen pounds thirteen shillings and ninepence,	19 13 9
Templeton,	0 0 0	0 0 0	12 5 10	Twelve pounds five shillings and tenpence,	12 5 10
Princetown,	0 0 0	0 0 0	18 8 9	Eighteen pounds eight shillings and ninepence,	18 8 9
Ashburnham,	0 0 0	0 0 0	11 0 10	Eleven pounds and tenpence,	11 0 10
Winchendon,	0 0 0	0 0 0	12 5 10	Twelve pounds five shillings and tenpence,	12 5 10
	£380 7*s.* 6*d.*		£2,736 1*s.* 1*d.*	Three thousand one hundred and sixteen pounds eight shillings and sevenpence,	£3,116 8*s.* 7*d.*

IN THE COUNTY OF CUMBERLAND.

Falmouth,	£17 15s. 0s.	£0 0s. 0d.	£221 1s. 0d.	Two hundred and thirty-eight pounds sixteen shillings,	£238 16s. 0d.
Cape Elisabeth,	10 5 0	0 0 0	124 4 0	One hundred and thirty-four pounds nine shillings,	134 9 0
North Yarmouth,	0 0 0	5 0 0	66 11 9	Sixty-six pounds eleven shillings and ninepence,	66 11 9
Scarborough,	28 5 0	10 0 0	142 0 9	One hundred and seventy pounds five shillings and ninepence,	170 5 9
Brunswick,	0 0 0	0 0 0	54 16 11	Fifty-four pounds sixteen shillings and elevenpence,	54 16 11
Harpswell,	0 0 0	0 0 0	41 5 7	Forty-one pounds five shillings and sevenpence,	41 5 7
Gorham,	28 15 0	6 0 0	30 12 2	Fifty-nine pounds seven shillings and twopence,	59 7 2
Windham,	0 0 0	0 0 0	12 5 10	Twelve pounds five shillings and tenpence,	12 5 10
Piersontown,	0 0 0	0 0 0	0 0 0	. . . . .	0 0 0
	£85 0s. 0d.	£0 0s. 0d.	£692 18s. 0d.	Seven hundred and seventy-seven pounds eighteen shillings,	£777 18s. 0d.

IN THE COUNTY OF LINCOLN.

Pownallborough,	£0 0s. 0d.	£0 0s. 0d.	£47 5s. 4d.	Forty-seven pounds five shillings and fourpence,	£47 5s. 4d.
Georgetown,	0 0 0	10 0 0	93 15 0	Ninety-three pounds fifteen shillings,	93 15 0
Newcastle,	0 0 0	0 0 0	34 5 5	Thirty-four pounds five shillings and fivepence,	34 5 5
Topsham,	0 0 0	0 0 0	21 5 0	Twenty-one pounds five shillings,	21 5 0
Woolwich,	0 0 0	0 0 0	30 15 2	Thirty pounds fifteen shillings and twopence,	30 15 2
Bristol,	0 0 0	0 0 0	0 0 0	. . . . .	0 0 0
Bowdoinham,	0 0 0	0 0 0	0 0 0	. . . . .	0 0 0
Boothbay,	0 0 0	0 0 0	0 0 0	. . . . .	0 0 0
	£0 0s. 0d.		£227 5s. 11d.	Two hundred and twenty-seven pounds five shillings and elevenpence,	£227 5s. 11d.

IN THE COUNTY OF BERKSHIRE.

Sheffield,	£9 5s. 0d.	£0 0s. 0d.	£82 13s. 2d.	Ninety-one pounds eighteen shillings and twopence,	£91 18s. 2d.
Great Barrington,	4 15 0	0 0 0	47 13 2	Fifty-two pounds eight shillings and twopence,	52 8 2
Egremont,	3 2 6	0 0 0	15 6 3	Eighteen pounds eight shillings and ninepence,	18 8 9
Stockbridge,	8 0 0	0 0 0	18 1 6	Twenty-six pounds one shilling and sixpence,	26 1 6
Pittsfield,	19 10 0	0 0 0	18 8 9	Thirty-seven pounds eighteen shillings and ninepence,	37 18 9
New Marlborough,	0 0 0	0 0 0	28 3 6	Twenty-eight pounds three shillings and sixpence,	28 3 6

IN THE COUNTY OF BERKSHIRE — *Continued.*

	REPRESENTATIVES' PAY.	FINES.	PROVINCE TAX.	SUM TOTAL.	
Richmont,	£0 0*s.* 0*d.*	£3 14*s.* 8*d.* / 2 10 0	£8 15*s.* 4*d.*	Eight pounds fifteen shillings and fourpence,	£8 15*s.* 4*d.*
Tyringham,	0 0 0	0 0 0	19 13 9	Nineteen pounds thirteen shillings and ninepence,	19 13 9
Lanesborough,	0 0 0	5 0 0 / 3 15 0	13 15 0	Thirteen pounds fifteen shillings,	13 15 0
Sandisfield,	0 0 0	0 0 0	19 13 9	Nineteen pounds thirteen shillings and ninepence,	19 13 9
Williamstown,	0 0 0	3 15 0	8 15 0	Eight pounds fifteen shillings,	8 15 0
Becket,	0 0 0	3 15 0	8 15 0	Eight pounds fifteen shillings,	8 15 0
Lenox,	0 0 0	1 5 0 / 1 5 4	3 8 6	Three pounds eight shillings and sixpence,	3 8 6
	£44 12*s.* 6*d.*		£293 2*s.* 8*d.*	Three hundred and thirty-seven pounds fifteen shillings and twopence,	£337 15*s.* 2*d.*

N. B. — £15 is deducted from Egremont and laid on the following towns; viz., On Lanesborough, £3 15*s.* 0*d.*; on Becket, £3 15*s.* 0*d.*; on Williamstown, £3 15*s.* 0*d.*; on Richmont, £2 10*s.* 0*d.*; on Lenox, £1 5*s.* 0*d.*; which sums, though included in the middle column, are part of the Province Tax; viz., of the £25,000.

	REPRESENTATIVES' PAY.		PROVINCE TAX.	SUM TOTAL.	
Suffolk,	£337 7*s.* 6*d.*	£0 0*s.* 0*d.*	£5,189 19*s.* 11*d.*	Five thousand five hundred and twenty-seven pounds seven shillings and fivepence,	£5,527 7*s.* 5*d.*
Essex,	403 0 0	0 0 0	4,528 11 7	Four thousand nine hundred and thirty-one pounds eleven shillings and sevenpence,	4,931 11 7
Middlesex,	508 14 6	0 0 0	3,691 9 4	Four thousand and two hundred pounds three shillings and tenpence,	4,200 3 10
Hampshire,	173 0 0	0 0 0	1,958 17 1	Two thousand one hundred and thirty-one pounds seventeen shillings and one penny,	2,131 17 1
Plymouth,	189 17 6	0 0 0	1,880 14 10	Two thousand and seventy pounds twelve shillings and fourpence,	2,070 12 4
Barnstable,	158 17 6	0 0 0	870 18 4	One thousand and twenty-nine pounds fifteen shillings and tenpence,	1,029 15 10
Bristol,	179 15 0	0 0 0	1,812 10 10	One thousand nine hundred and ninety-two pounds five shillings and tenpence,	1,992 5 10
York,	78 0 0	0 0 0	969 7 1	One thousand and forty-seven pounds seven shillings and one penny,	1,047 7 1
Dukes County,	8 10 0	0 0 0	188 15 7	One hundred and ninety-seven pounds five shillings and sevenpence,	197 5 7
Nantucket,	12 15 0	0 0 0	693 11 9	Seven hundred and six pounds six shillings and ninepence,	706 6 9
Worcester,	380 7 6	0 0 0	2,736 1 1	Three thousand one hundred and sixteen pounds eight shillings and sevenpence,	3,116 8 7
Cumberland,	85 0 0	0 0 0	692 18 0	Seven hundred and seventy-seven pounds eighteen shillings,	777 18 0
Lincoln,	0 0 0	0 0 0	227 5 11	Two hundred and twenty-seven pounds five shillings and elevenpence,	227 5 11
Berkshire,	44 12 6	0 0 0	293 2 8	Three hundred and thirty-seven pounds fifteen shillings and twopence,	337 15 2
	£2,559 17*s.* 0*d.*	£0 0*s.* 0*d.*	£25,734 4*s.* 0*d.*	Twenty-eight thousand two hundred and ninety-four pounds one shilling,	£28,294 1*s.* 0*d.*

And be it further enacted,

Treasurer to issue his warrants to the selectmen or assessors.

[SECT. 4.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town, district, parish or other place within this province, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town, district, parish or other place, in manner following; that is to say, to assess all rateable polls above the age of sixteen years, within their respective towns, districts, parishes or other places, or next adjoining to them, belonging to no other town or place, at three shillings and fourpence; and proportionably in assessing the additional sum paid out of the treasury, to the representatives for their travel and attendance aforesaid; also in assessing the several fines and other sums set on particular towns by this act, and mentioned in the preamble of the same (excepting the governor, lieutenant-governor and their families, the president, fellows, professors, Hebrew instructor and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well from being taxed for their polls, as for their estates being in their own hands, and under their actual management and improvement; as also the estate pertaining to Harvard College); and other persons, if such there be, who, through age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards public charges, they may exempt their polls or estates, or abate part of what they are set at, as in their prudence they shall think fit and judge meet.

Rules for assessment.

[SECT. 5.] And the justices in their general sessions, in the respective counties assembled, in granting a county tax of assessment, are hereby ordered and directed to apportion the same on the several towns, districts, parishes and other places in such county, in proportion to the province tax; and the assessors of each town in the province are also directed, in making an assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying within the limits of such town, district, parish or other place, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession the same is or shall be found, and also the incomes or profits which any person or persons, except as before excepted, do or shall receive from any trade or faculty, business or employment whatsoever, and all profits which shall or may arise by money, or commissions of profits, in their improvement, at twelvepence per pound; and to abate or multiply the same, if need be, so as to make up the sum set and ordered hereby for each town, district, parish or other place to pay, and in making the said assessment, to estimate houses and lands at the amount of six years, yearly rent, whereat the same may be reasonably set, or let for, in the place where they lye, the said houses and lands to be taxed to such persons as shall appear to have been the actual tenants thereof upon the first day of September last: *saving* all agreements between landlord and tenant, and where no agreement is, the landlord to re-imburse one-half of the tax set upon such houses and lands (new cleared lands for tillage not to be rated until the first crop be taken off); and to estimate negro, Indian and molatto servants proportionably as other personal estate, according to their sound judgment or discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow or heifer of three years old and upwards, at thirty shillings; and every horse and mare of three years old and upwards, at forty shillings; and every swine of one year old and upwards at eight shillings; goats and sheep of one year old and upwards, at three shillings each; the live-stock above mentioned to be taxed to their

respective owners or occupants, by the assessors of the town in which the owners or occupants dwell: likewise requiring the assessors to make a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty, and if as guardian, or for any estate, in his or her improvement, in trust, to be distinctly expressed; and the list or lists, so perfected, and signed by them, or the major part of them, to commit to the collector or collectors, constable or constables of any such town, district, parish or other place, and to return a certificate of the name or names of such collector or collectors, constable or constables, with the sum total to each of them committed, unto himself, some time before the last day of December next.

Lists to be committed to constables or collectors.

[Sect. 6.] And the treasurer, for the time being, on receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector or collectors, constable or constables of such town, district, parish or other place, requiring him or them respectively to collect the whole of each respective sum assessed on each particular person, and to pay in their collection, and to issue their accompts of the whole, at or before the thirtieth day of April, which will be in the year of our Lord, one thousand seven hundred and seventy-one.

Treasurer to issue his warrants to constables or collectors.

And be it further enacted,

[Sect. 7.] That the assessors of each town, district, parish or other place, respectively, in convenient time before their making of the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town, district, parish or other place, or notify the inhabitants some other way, where such seasonable warning or notification has not already been given, to give and bring in to the assessors true and perfect lists of their polls and rateable estate they were possessed of, on the first day of September last, and income by trade or faculty, and gain by money at interest, which they are to render to the assessors, on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are impowered to doom them; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of said assessors, in bringing in a false list; the said fines to be for the use of the poor of such town, district, parish or place where the delinquent lives, to be levied by warrant from the assessors, directed to the collectors or constables, in manner as is directed for gathering the town assessments, to be paid into the town, district or parish treasury, for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief as in the case of being over rated. And if any person or persons shall not bring in a list of their estate as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

Notice to be given to the inhabitants to bring in a true list of polls, and estate in possession the first day of September last.

[SECT. 8.] And if the person be not convicted of any falseness in the list, by him presented, of the polls, rateable, estate or income by trade or faculty, business or employment, which he does or shall exercise, or in gain by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

And forasmuch as, oftentimes, sundry persons, not belonging to this province, bring considerable trade and merchandize into the same, and by reason that the tax or rate of the town where they come to is finished and delivered to the constable or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, though, in the time of their residing here, they reaped considerable gain by trade, and had the protection of the government, —

Be it therefore enacted,

Transient traders to be rated.

[SECT. 9.] That when any person or persons shall come and reside in any town within this province, and bring any merchandize, or trade to deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons, according to their circumstances, pursuant to the rules and directions of this act provided, though the former rate may have been finished, and a new one not perfected, as aforesaid.

And be it further enacted,

Merchants to be rated for carrying on trade in any town besides where they dwell.

[SECT. 10.] That when any merchant, trader or factor, shall set up a store, or traffick, or carry on any trade or business, in any town within this province, not being an inhabitant of such town, the assessors of such town where such trade and business shall be carried on as aforesaid, be and hereby are impowered to rate and assess all such merchants, traders and factors, their goods and merchandize, for carrying on such trade and business and exercising their faculty in such town, pursuant to the rules and directions of this act: *provided*, before any such assessors shall rate such persons, as aforementioned,

Selectmen to transmit a list of such persons before they are rated.

the selectmen of the town where such trade is carried on shall transmit a list of such persons as they shall judge may and ought to be rated, within the intent of this act, to the assessors, of such town or district.

[SECT. 11.] And the constables or collectors are hereby enjoined to levy and collect all such sums committed to them, and assessed on persons who are not of this province, or are resident in other towns than those where they carry on their trade, and pay the same.

And whereas, it has been the practice of some of the inhabitants of the town of Boston to remove to some other town in this province, and there reside for some months, to avoid paying their part of the taxes in the town of Boston, to which they really belong, to the great injury of the said town, —

Be it therefore enacted,

Inhabitants of Boston, who remove out of town and return in a year, to pay their tax in Boston.

[SECT. 12.] That when any inhabitant of the town of Boston shall remove to any other town in this province, and shall, in one year after, remove back to said Boston, and shall have been taxed in the said town, shall be subject to pay the said taxes in like manner as he would have been had he not have removed from said Boston (*saving* so much as he shall be taxed in the town removed to), anything in this act to the contrary notwithstanding. [*Passed November* 17.

CHAPTER 8.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF SEVENTY-SIX THOUSAND POUNDS, TO BE THENCE ISSUED FOR DISCHARGING THE PUBLIC DEBTS, AND DRAWING THE SAME INTO THE TREASURY AGAIN.

Preamble.

Whereas it is necessary, in order to support the faith and credit of the government, that provision be made by the general court for discharging the grants and allowances that may be made the present year; also to enable the treasurer to redeem the government securities that will become due in June, one thousand seven hundred and seventy-one, —

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

Treasurer empowered to borrow £76,000.

[Sect. 1.] That the treasurer of the province be, and he hereby is, impowered and directed to borrow, from such person or persons as shall be willing to lend the same, from time to time, as he shall have occasion for the money, a sum not exceeding seventy-six thousand pounds, in mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intitled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government;" and the sum so borrowed shall be applied in manner as in this act is hereafter directed; and for the said sum the treasurer shall give his receipt or obligation payable at the following periods; viz., twenty-six thousand pounds to be paid in, the twentieth of June, in the year one thousand seven hundred and seventy-two; twenty-five thousand pounds to be paid on or before the twentieth day of June, in the year one thousand seven hundred and seventy-three; and twenty-five thousand pounds to be paid in, on or before the twentieth day of June, in the year one thousand seven hundred and seventy-four, in the form following; viz., —

1749-50, chap. 19.

Form of the note.

Province of Massachusetts Bay, the day of , A.D. .
Borrowed and received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer, to repay the said or his order, the day of , A.D. one thousand seven hundred and seventy, the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English half pence and farthings, may pass within the government," and according to the rates therein mentioned, with interest, annually, at five per cent.

Witness my hand, H. G., Treasurer.

A. B.,
C. D., } Committee.
E. F.,

Regulation of the sum, and manner of issuing the notes. 1761–62, chap. 23.

[Sect. 2.] And the treasurer, in issuing said receipts or obligations, and the committee chosen to countersign them, shall observe and be governed by the rules and directions given by an act of this province, made in the second year of his present majesty's reign, intituled "An

Act to supply the treasury with the sum of twenty-five thousand pounds."

And be it further enacted,

Appropriations.

[SECT. 3.] That the sum of eight thousand five hundred pounds, part of the aforesaid sum of seventy-six thousand pounds, when received into the treasury, shall be issued in the manner and for the purposes following; that is to say, the sum of fifteen hundred pounds, part of the aforesaid sum of seventy-six thousand pounds, shall be applied for the payment of the expences of the forts and garrisons within this province; viz., for Fort Pownall this present year, and the late garrison at Castle William, from the twenty-first day of May, to the tenth day of September last: and the further sum of two hundred pounds, part of the aforesaid sum of seventy-six thousand pounds, shall be applied for the purchasing provisions and the commissary's disbursements for the several forts and garrisons within this province; and the further sum of two thousand pounds, part of the aforesaid sum of seventy-six thousand pounds, shall be applied for the payment of the grants made or to be made by this court; and the further sum of two thousand five hundred pounds, part of the aforesaid sum of seventy-six thousand pounds, shall be applied for the discharge of debts owing from this province to persons that have served and shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned for that purpose, and for writing, printing and paper for this court, and such repairs of the province house, court-house and lighthouse, as shall be made by order of the general assembly; and the further sum of two thousand three hundred pounds, part of the aforesaid sum of seventy-six thousand pounds, shall be applied for the payment of his majesty's council and the members of the house of representatives serving in the great and general court during the several sessions of the present year.

And be it further enacted,

Treasurer to pay out of appropriation, directed by warrant.

[SECT. 4.] That the treasurer pay the aforesaid sums of eight thousand five hundred pounds, out of such appropriations as shall be directed by warrant, and no other.

And be it further enacted,

£67,500 for redemption of government securities.

[SECT. 5.] That the sum of sixty-seven thousand five hundred pounds, being the remainder of the sum ordered to be borrowed by this act, when received into the treasury, be applied by the treasurer for the redemption of government securities that will become due the twentieth day of June, one thousand seven hundred and seventy-one.

And in order to draw said money into the treasury again, and to enable the treasurer effectually to discharge the receipts and obligations (with the interest that may be due thereon), by him given in pursuance of this act, —

Be it enacted,

Tax granted of £83,550 to be paid on or before the 31st of March, 1772.

[SECT. 6.] That there be and hereby is granted to his most excellent majesty a tax of eighty-three thousand five hundred and fifty pounds, to be levied on polls, and estates both real and personal, within this province, in manner following; that is to say, twenty-seven thousand three hundred pounds, part thereof, according to such rules and in such proportion on the several towns and districts, parishes and other places within this province, as shall be agreed upon and ordered by the general court or assembly at their session in May, one thousand seven hundred and seventy-one, and to be paid into the public treasury on or before the last day of March next after; and the further sum of twenty-seven thousand five hundred pounds, according to such

rules, and in such proportions on the several towns and districts, parishes and other places aforesaid, as shall be agreed on and ordered by the general court at their session in May, one thousand seven hundred and seventy-two, and to be paid into the treasury on or before the last day of March next after; and the further sum of twenty-eight thousand seven hundred and fifty pounds, according to such rules, and in such proportion on the several towns, districts, parishes and other places aforesaid, as shall be agreed on and ordered by the general court at their session in May, one thousand seven hundred and seventy-three, and to be paid into the treasury on or before the last day of March next after.

And be it further enacted,

General court to apportion the sum in the years 1771, 1772, and 1773, or otherwise be paid as in the preceding tax act.

[Sect. 7.] That if the general court, at their session in May, one thousand seven hundred and seventy-one, or at their session in May, one thousand seven hundred and seventy-two, or at their session in May, one thousand seven hundred and seventy-three, and sometime before the twentieth day of June in each year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be, in each of said years, assessed and levied, that then and in such case each town, district, parish and other place within this province shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sums as the said towns, districts, parishes and other places were taxed by the general court in the tax act then last preceeding.

Treasurer empowered to issue his warrants, accordingly.

[Sect. 8.] And the province treasurer is hereby fully impowered and directed, some time in the month of June, in each of the years aforesaid, to issue and send forth his warrants, directed to the selectmen or assessors of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury at the aforementioned times; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the last preceeding tax act. [*Passed November* 17; *published November* 20.

CHAPTER 9.

AN ACT FOR REPEALING THE SEVERAL LAWS NOW IN FORCE WHICH RELATE TO THE LIMITATION OF PERSONAL ACTIONS, AND FOR THE LIMITATION OF PERSONAL ACTIONS FOR THE FUTURE, AND FOR AVOIDING SUITS AT LAW.

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

The several laws relating to limitation of personal actions repealed.
1692-3, ch. 42, § 9.
1693, ch. 7, § 2.
1693-4, ch. 2.
1698, ch. 10, § 13.
1700-1, ch. 6, § 2.
1718-19, chap. 10.
1723-4, chap. 1.
1740-41, chap. 4.
1748-49, chap. 17.
1752-53, chap. 1.
1753-54, chap. 34.
1755-56, chap. 22.
1757-58, chap. 9.
1759-60, chap. 15.
1761-62, chap. 41.
1766-67, chap. 20.

[Sect. 1.] That the several laws and the several paragraphs and clauses of all and every of the laws, of this province, heretofore made and enacted, any ways relating to the limitation of personal actions, be and hereby are repealed, and declared null and void, and shall never hereafter be pleaded or pleadable in bar of any action brought or to be brought.

And, for avoiding suits in law, —

Be it further enacted,

Actions described.

[Sect. 2.] That all actions of trespass *quare clausum fregit*; all actions of trespass, detinue, action sur trover, and replevin for taking

away goods and cattle; all actions of account and upon the case, other than such accounts as concern the trade of merchandize between merchant and merchant, their factors or servants; all actions of debt grounded upon any lending or contract, without specialty; all actions of debt for arrearages of rent; and all actions of assault, menace, battery, wounding and imprisonment,—or any of them,—which shall be sued or brought at any time after the first day of December, one thousand seven hundred and seventy, shall be commenced and sued within the time and limitation hereafter expressed, and not after; that is to say, the said actions upon the case (other than for slander), and the said action[s] of account, and the said actions of trespass, debt, detinue and replevin for goods or cattle, and the said action of trespass *quare clausum fregit*, within six years from the first day of December, one thousand seven hundred and seventy, or within six years next after the cause of such actions or suits, and not after; and the said actions of trespass, of assault, battery, wounding, imprisonment, or any of them, within one year, next after the first day of December aforesaid, or within four years next after the cause of such actions or suits, and not after; and the said actions upon the case, for words, within one year after the first day of December aforesaid, or within two years next after the words spoken, and not after.

How limited.

And, nevertheless,—

Be it enacted,

A new action may be commenced in certain cases.

[SECT. 3.] That if [in] any [*of*] the said actions or suits, judgment be given for the plaintiff, and the same be reversed by error, or a verdict pass for the plaintiff, and, upon matter, alledged in arrest of judgment, the judgment be given against the plaintiff that he take nothing by his plaint, writ or bill; that in all such ca[u]ses, the party plaintiff, his executors or administrators, as the case shall require, may commence a new action or suit, from time to time, within a year after such judgment reversed, or such judgment given against the plaintiff, and not after.

And be it further enacted,

A disclaimer allowed in certain cases.

[SECT. 4.] That in all actions of trespass *quare clausum fregit*, hereafter to be brought, wherein the defendant or defendants shall disclaim, in his or their plea, to make any title or claim to the land in which the trespass is, by the declaration, supposed to be done, and the trespass be by negligence, or involuntary, the defendant or defendants shall be admitted to plead a disclaimer, and that the trespass was by negligence, or involuntary, and a tender or offer of sufficient amends for such trespass before the action brought; whereupon, or upon some of them, the plaintiff or plaintiffs shall be enforced to join issue; and if the said issue be found for the defendant or defendants, or the plaintiff or plaintiffs shall be nonsuited, the plaintiff or plaintiffs shall be clearly barred from the said action or actions, and all other suit concerning the same.

And be it further enacted,

Costs limited to the sum recovered in damages, when under forty shillings.

[SECT. 5.] That in all actions upon the case for slanderous words, all actions of assault and battery, all actions for false imprisonment, and all actions for malicious prosecution, to be sued or prosecuted in any of the courts of record within this province, if the jury upon the trial of the issue in such action, or the jury that shall enquire of the damages, do find or assess the damages under forty shillings, then the plaintiff or plaintiffs in such actions shall have and recover only so much costs as the damages so found or assessed amount unto, without any further increase of the same.

Provided, always, —

And be it further enacted,

[Sect. 6.] That this act shall not be understood to barr any infant, *feme covert*, person imprisoned, beyond the seas, or *non comp*[o][*i*]*s mentis*, from bringing either of the actions before mentioned, within the term before set and limited for bringing such action, reckoning from the time that such impediment shall be removed. Infants, &c., not barred.

And be it further enacted,

[Sect. 7.] That if any person or persons against whom there is or shall be any such cause of suit, or action of trespass, detinue, action sur trover, or replevin, for taking away goods or cattle; or of action of account, or upon the case, or of debt grounded upon any lending or contract, without specialty; of debt for arrearages of rent; or assault, menace, battery, wounding and imprisonment, or any of them, be or shall be at the time of any such cause of suit or action given or accrued, fallen or come, without this province, that then such person or persons who is or shall be entitled to any such suit or action, shall be at liberty to bring the said actions against such person and persons, after their coming or return in[to] this province, so as they take the same, after their coming or return into this province, within such times as are, respectively, limited for the bringing of the said actions before by this act. Actions against persons without the province may be brought within the limited time after their return.

Provided, always, —

And be it further enacted,

[Sect. 8.] That this act shall not extend, or be construed to extend, to limit or barr any action upon the case hereafter to be brought upon any note in writing, made and signed by any person or persons and attested by one or more witnesses, whereby such person or persons have promised, or shall promise, to pay to any other person or persons any sum of money mentioned in such a note; but all action or actions upon any such note or notes shall be maintained and maintainable as if this act had never been made, anything herein contained to the contrary notwithstanding. [*Passed November* 20. Proviso with regard to notes of hand, witnessed. 19 Pick., 45.

CHAPTER 10.

AN ACT TO EXEMPT THE PEOPLE CALLED QUAKERS AND ANTIPEDOBAPTISTS FROM PAYING TAXES FOR THE SUPPORT OF MINISTERS SETTLED BY THE LAWS OF THIS PROVINCE, AND FOR THE BUILDING AND REPAIRING MEETING-HOUSES, OR PLACES OF PUBLIC WORSHIP, WHERE SUCH MINISTERS OFFICIATE.

Whereas the act for exempting persons commonly called Quakers and Anabaptists, within this province, from being taxed for and towards the support of ministers, will expire on the thirtieth day of January next, — Preamble. 1757-58, chap. 20. 1768, chap. 5.

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

[Sect. 1.] That from and after the thirtieth day of January, one thousand seven hundred and seventy-one, none of the persons who are either of the perswasion of the people called Quakers or of the perswasion of the people called Antipedobaptists, who alledge a scruple of conscience as the reason of their refusal to pay any part of the proportion of such taxes as are, from time to time, assessed for the support of the minister or ministers of any church settled by the Quakers and Antipedobaptists, who allege a scruple of conscience, exempted from taxes for building meeting-houses, or supporting ministers.

laws of this province, shall have their polls, or estate real or personal in their own hands and under their actual improvement, taxed towards the settlement or support of such minister or ministers; nor for building or repairing any meeting-house, or place of public worship.

And to the intent that it may be better known what persons are of the perswasion of the people called Quakers who are to be exempted by this act, —

Be it enacted,

None to be deemed Quakers, but such whose names shall be exhibited to the assessors, in lists signed by three or more of the principal members.

[SECT. 2.] That no person in any town, district, precinct or parish within this province shall, for the future, be esteemed or taken to be of the perswasion of the people called Quakers, and have his poll or polls, or any estate to him or her belonging, exempted by virtue of this act from paying a proportionable part of the ministerial taxes and other taxes in this act mentioned, that shall be assessed therein at any time before the twentieth day of July next, but such whose name is contained in a list or lists which have been exhibited to the assessors of such town, district, precinct or parish, or one of them, on or before the twentieth day of July last, and within the year one thousand seven hundred and seventy; or that shall be assessed therein after the twentieth day of July next, within any year to come, from and after the first day of January next, but such whose names shall be contained in a list or lists which shall be exhibited to the assessors of such town, district, precinct or parish, or one of them, within the same year in which taxes shall be assessed, on or before the first day of September in that year, and signed by three or more of the principal members of that meeting to which he, she or they belong; who shall therein certify that the persons whose names are inserted in the said list or lists, are really belonging thereto, and that they verily believe them to be conscientiously of their perswasion, and that they do frequently and usually, when able, attend their meetings for the worship of God on the Lord's Day.

And to the intent that it may be better known what persons are of the perswasion of the people who are denomited* Antipedobaptists, who are to be exempted from taxes by this act, —

Be it enacted,

List of Baptists also to be certified as above, or by the minister.

[SECT. 3.] That no person in any town, district, precinct or parish within this province, shall be so accounted or taken to be an Antipedobaptist as to have his or her poll or polls, or any estate to him or her belonging, exempted, by virtue of this act, from paying a proportionable part of the ministerial taxes, and other taxes in this act mentioned, that shall be assessed therein at any time before the twentieth day of July next, but such whose name is contained in a list or lists which have been exhibited to the assessors of such town, district, precinct or parish, or one of them, on or before the twentieth day of July last, and within the year one thousand seven hundred and seventy; or that shall be assessed therein, after the twentieth day of July next, within any year to come, from and after the first day of January next, but such whose names shall be contained in a list or lists which shall be exhibited to the assessors of such town, district, precinct or parish, or one of them, within the same year in which such taxes shall be assessed, on or before the first day of September in that year, and signed by three principal members of the Antipedobaptist congregation to which he or she belongs, and the minister thereof (if any there be) who shall therein certify that the persons whose names are contained in the said list or lists are really belonging thereto, that they verily believe them to be conscientiously of their

* *Sic.*

perswasion, and that they do frequently and usually, when able, attend the public worship of God in such congregation on the Lord's Day.

Provided, nevertheless, —

And be it further enacted,

[Sect. 4.] That it shall always, hereafter, during the continuance of this act, be in the power of any town, district, precinct or parish, where any person or persons dwell or have any rateable estate, who profess themselves to be either Quakers or Antipedobaptists, at any meeting of such town, district, precinct or parish lawfully assembled by virtue of any warrant or notification in which a clause for this purpose shall be inserted, by the vote of the major part of the qualified voters, other than those who profess themselves to be Quakers or Antipedobaptists, to exempt and excuse from ministerial taxes, or taxes for building or repairing any meeting-house or place of public worship, the polls and estates, respectively, of any person or persons dwelling, or having any rateable estate, in such town, district, precinct or parish, who profess themselves to be Quakers or Antipedobaptists, altho no such list or lists as is before mentioned in this act should be exhibited to the assessors of such town, district, precinct or parish, or any one of them; and that in every such case it shall not be lawful for the assessors of any town, district, precinct or parish to assess any person or persons so exempted, to any ministerial taxes, or taxes for building or repairing any meeting-house or place of public worship, during the time for which they shall be exempted, anything in this act to the contrary hereof notwithstanding.

Proviso.

Any towns, &c., may, at a lawful meeting, exempt such Quakers or Baptists.

And be it further enacted,

[Sect. 5.] That no person or persons shall be allowed to have any vote in any matter relating to the settlement or support of any minister, or building or repairing any meeting-house or place of public worship, towards the settlement or support of which minister, or towards the building or repairing of which meeting-house or place of public worship, such person or persons shall, by virtue of this act, in any way be exempted from paying or being taxed.

No such Quakers or Baptists to vote in matters relating to building meeting-houses or support of ministers.

[Sect. 6.] This act to be in force for the space of three years from and after the thirtieth day of January, one thousand seven hundred and seventy-one, and from thence to the end of the then next session of the great and general court, and no longer. [*Passed and published November* 20.

CHAPTER 11.

AN ACT FOR REVIVING AND CONTINUING AN ACT, INTITULED "AN ACT FOR ALLOWING NECESSARY SUPPLIES TO THE EASTERN INDIANS, AND FOR REGULATING TRADE WITH THEM, AND PREVENTING ABUSES THEREIN."

Whereas the act intitled "An Act for allowing necessary supplies to the eastern Indians, and for regulating trade with them, and preventing abuses therein," made in the fifth year of his present majesty's reign, is expired, and having been found by experience very beneficial for regulating the trade with the said Indians, —

Preamble. 1764-65, chap. 30.

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

That the act aforesaid be revived and continued, with all and every

Act for regulating the Indian trade continued one year.

article, clause, matter and thing therein contained, and shall be in force, for the term of one year from the twentieth day of November, one thousand seven hundred and seventy, and from thence to the end of the then next session of the general court, and no longer. [*Passed and published November* 20.

CHAPTER 12.

AN ACT FOR IMPOWERING THE COMMISSIONERS AND ASSIGNEES OF THE ESTATES OF CONCEALED AND ABSCONDING DEBTORS, AND ALL OTHERS CONCERNED, TO COMPLEAT THE BUSINESS ASSIGNED THEM BY AN ACT MADE AND PASSED IN THE THIRTY-FIRST YEAR OF THE REIGN OF HIS LATE MAJESTY KING GEORGE THE SECOND, INTITLED "AN ACT PROVIDING REMEDY FOR BANKRUPTS AND THEIR CREDITORS."

Preamble. 1757-58, chap. 12. 1760-61, chap. 16.

WHEREAS an act of this province was made in the thirty-first year of the reign of his late majesty King George the Second, intitled "An Act providing remedy for bankrupts and their creditors;" *and whereas*, within the time that the said act was in force, sundry concealed and absconding debtors, by virtue thereof had their goods, chattles and estates attached and seized, and committed into the hands of commissioners, to be by them disposed of according to the direction of the said act; and who, having by the said commissioners been declared bankrupts, had surrendered themselves and conformed to the directions of the same act, yet, by reason that the same act was disallowed of by his said late majesty before the said commissioners and their assignees could compleat the business assigned them, thereby the said debtors (in such manner declared bankrupts and proceeded against) could never take the benefit of the said act according to the provision and intent thereof, —

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

Commissioners and assignees of the estates of bankrupts, empowered to proceed on business by them begun, in consequence of an act that hath been disallowed.

[SECT. 1.] That all persons whose goods, chattles or estates were taken, attached or seized, or committed into the hands of commissioners, according to said act, and who were by said commissioners declared bankrupts and proceeded against as such, and who could not obtain their discharge, or take the benefit of the said act, for the reasons aforesaid, shall now be proceeded with according to the direction of the said act notwithstanding the disallowance of the same as aforesaid; and the said commissioners and all others are hereby impowered and directed to do and transact all matters relating to such debtors and their estates as they might have done and transacted while the same act was in force; and all such doings and transactions shall have the same force and effect, to all intents and purposes, as they would have had before the expiration of the said act, or before the same was disallowed or disapproved of by his said majesty.

[SECT. 2.] This act to be in force for the term of two years from the first day of December, *Anno Domini* one thousand seven hundred and seventy, and no longer. [*Passed and published November* 20.

CHAPTER 13.

AN ACT FOR REVIVING AND CONTINUING AN ACT INTITLED "AN ACT FOR ESTABLISHING AND REGULATING THE FEES OF THE SEVERAL OFFICERS, WITHIN THIS PROVINCE, HEREAFTER MENTIONED."

Whereas the act intituled "An Act for establishing and regulating the fees of the several officers, within this province, hereafter mentioned," made in the fifth year of his present majesty's reign, is expired, and having been found useful and beneficial, — Preamble. 1764-65, chap. 26.

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

That the act aforesaid be revived and continued, with all and every article, clause, matter and thing therein contained, and shall be in force, for the term of one year from the twentieth day of November, one thousand seven hundred and seventy, and from thence to the end of the then next session of the general court, and no longer. [*Passed and published November* 20. Act for establishing fees, continued for one year.

CHAPTER 14.

AN ACT FOR ANNEXING TO, AND INCORPORATING WITH, THE DISTRICT OF LENOX, IN THE COUNTY OF BERKSHIRE, A NUMBER OF THE INHABITANTS LIVING ON GRANTS OF LAND ADJOINING TO THE SAID DISTRICT, AND THEIR LANDS.

Whereas it has been represented to this court by a number of persons living on lands adjoining to the district of Lenox, that they and their lands being annexed to, and incorporated with, the said district of Lenox would greatly contribute to the growth thereof, and remedy many inconveniences to which they may otherwise be subjected, — Preamble.

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

That all the lands hereafter described and mentioned, and the persons thereon living; to wit, from the south line of the grant made to Captain Lar[*r*]ibee, begin[*n*]ing at the river called Housatonnack River, where the said Larribee's south line strikes said river, and run-[*n*]ing west, as the said line runs, and continuing the same course of the said south line of said Larribee's grant, to the east line of the town of Stockbridge, and that the whole of Samuel Whe[*l*][*e*]pley's farm whereon he now lives be included therein, and annexed to said district; and that they and each of them do duties, and receive privileges as fully and amply as the inhabitants of said district. [*Passed November* 20. Certain lands adjoining to Lenox, incorporated therewith.

CHAPTER 15.

AN ACT FOR SETTING OFF NATHANIEL LITTLEFIELD AND AMARIAH HARRIS, OF THE SOUTH PRECINCT IN STOUGHTON, WITH THEIR LANDS, FROM SAID SOUTH PRECINCT IN STOUGHTON, AND ANNEXING THE SAME TO THE NORTH PRECINCT IN BRIDGWATER.

Preamble.

WHEREAS it hath been represented to this court that the lands of Nathaniel Littlefield and Amariah Harris, of the south precinct in Stoughton, in the county of Suffolk, together with their habitations, lye much nearer the place of public worship in the north precinct in Bridgwater than to the place of public worship in Stoughton, and will be better accommodated to be set off from said south precinct in Stoughton and annexed to said north precinct in Bridgwater, and in consideration thereof the said south precinct in Stoughton and the said north precinct in Bridgwater have consented thereto; and the said Nathaniel Littlefield and Amariah Harris have humbly petitioned this court for the purpose aforesaid, —

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

Nathaniel Littlefield and Amariah Harris set off from Stoughton to Bridgewater:

[SECT. 1.] That the said Nathaniel Littlefield, and Amariah Harris, with their lands, be and hereby are set off from the south precinct in Stoughton, to the north precinct in Bridgwater; there to do precinct duties and receive precinct privileges as others of its inhabitants.

And be it further enacted,

— they to pay towards grants that have been made by Stoughton.

[SECT. 2.] That the said Nathaniel and Amariah shall and they hereby are enjoined to pay their respective proportions of all such grants as have been made by said south precinct in Stoughton for defreying the necessary charges thereof. [*Passed November* 20.

CHAPTER 16.

AN ACT FOR ENABLING THE PROPRIETORS OF A TRACT OF LAND CALLED THE LISBURN PROPRIETY, TO RAISE MONEY FOR MAKING RECOMPENCE TO SUNDRY PROPRIETORS WHO HAD THEIR SUPPOSED RIGHTS CUT OFF, IN PART, BY THE LATE RUN[N]ING OF THE LINES OF THE TOWN[S] OF NEW SALEM AND SHUTESBURY; AND FOR PAYING OTHER PROPRIETARY DEBTS AND CHARGES, AND FOR ENABLING THEM TO LEVY AND COLLECT THE SAME.

Preamble.

WHEREAS a part of the lands formerly supposed to belong to that tract of land in Pelham, in the county of Hampshire, commonly known by the name of the Lisburn Propriety, by a late run[*n*]ing and ascertaining of the line dividing the said propriety from the towns of New Salem and Shutesbury, is taken off into said towns, whereby some proprietors have not their due proportion of land as was intended in the division of lands by the said proprietors among themselves; and, likewise, whereas the said proprietors have been involved in sundry lawsuits, in some of which judgment has been rend[*e*]red against them, and one whereof is still depending in court; *and whereas* the said proprietors have made their application to this court, praying that they may be empowered to raise money, by a tax on the proprietors, for the

purpose of doing justice to such proprietors whose lands were taken off as aforesaid; and also for paying and satisfying all such judgments as have been rend[*e*]red against them, or may be rend[*e*]red against them in any action now depending in court, and all charges that have arisen, or may arise, in such suits, in prosecuting or defending the same, or which are or may be incurred by them either on any original or judicial writs whatever, —

Be it therefore enacted by the Lieutenant-Governor, Council and House of Representatives,

Proprietors of Lisburn Propriety empowered to raise money.

[Sect. 1.] That the said proprietors, at any meeting duly called and convened, shall have power to grant and raise monies for the above-recited purposes, as they might do by the laws of this province for the payment of any proprietary charges; and also to appoint a suitable number of persons belonging to such propriety, to proportion such sum or sums as shall be thought necessary to be raised for the ends and uses aforesaid, with such further sum as shall be sufficient to pay the charges of collection, upon the several proprietors, according to their several interests therein, and to appoint a collector or collectors to gather in and collect the same; which collector or collectors, shall be and hereby are fully authorized and empowered to levy and collect the sum or sums set and apportioned for such proprietors to pay, in the same manner as constables of towns within this province are empowered to levy and collect the public[k] rates or taxes; and to pay in the same, to the treasurer of the said proprietors, at such time as shall be appointed for payment thereof by the warrant or warrants to him or them committed with such rate or assessments: which warrant the said assessors shall be empowered to issue to the said collector or collector[*s*], in the same form, *mutatis mutandis*, as is by law established for warrants of assessors for collecting town rates. And such treasurer shall be accountable to the said proprietors therefor, and shall pay out the same for the purposes aforesaid as by the said proprietors shall be ordered at any of their legal meetings; the person or persons so assessing the said proprietors, and the collector or collectors that shall be appointed for the gathering and collecting the sum or sums granted and agreed upon by the said proprietors to be assessed and collected as aforesaid, shall be under oath for the true and faithful performance of their services, respectively; which oath shall be administred to them as the law provides for swearing town officers.

And be it further enacted,

Assessors empowered to relieve persons overrated.

[Sect. 2.] That if any proprietor be assessed more than his just proportion, it shall be in the power of the assessors to relieve him. [*Passed November* 20.

CHAPTER 17.

AN ACT TO ENABLE THE ASSESSORS OF THE DISTRICT OF HUBBARDSTON TO COLLECT THE TAXES GRANTED ON THE LANDS IN SAID HUBBARDSTON.

Preamble. 1767–68, chap. 2, § 3.

Whereas the general court, at their session in the year one thousand seven hundred and sixty-seven, ordered that a tax of one penny per acre for the term of one year be granted upon all the lands of the non-resident proprietors lying in said district, to make and repair roads; *and whereas* the assessors of said district have made the said

tax, and sufficiently published the same, and some persons who are owners of said lands neglect or refuse to pay the same, —

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

Assessors of Hubbardston empowered to sell lands of delinquent proprietors, after notice given.

[SECT. 1.] That the assessors of the said district of Hubbardston, for the time being, be and are hereby directed and impowered to sell so much, and no more, of the delinquent owners' or proprietors' lands, as neglect or refuse to pay the said penny per acre, as is necessary to pay and satisfy the said tax of one penny per acre, and other necessary and intervening charges; they posting up the same in some public place in the said district of Hubbardston, and in the shire town in the county of Worcester; and also the said assessors shall be obliged, for the notification of the said non-resident proprietors, to adverti[z][s]e in Draper's, Edes and Gill's, and Fleet's newspapers, three several weeks, the intended sale, at least three months before the said lands are sold. And it shall and may be lawful for said assessors, at a public vendue, to sell and execute absolute deeds, in the law, for the conveyance of such lands of the owners aforesaid, to the person or persons who shall give most for the same; which deeds shall be good and valid, to all intents and purposes, in the law, for conveying such estates to the grantees, their heirs and assigns, forever; reserving, nevertheless, to the said non-resident proprietors, their heirs or assigns, liberty of redemption of their lands so sold, they paying to the grantees, or their heirs, respectively, within one year afterwards, the sums for which said land[s] were sold, with charges of sale, and costs laid out in making improvements thereon, with the further sum of twelve pounds for each hundred pounds of money produced by said sale, and proportionably for any other sum.

Proviso, for the redemption of such lands within one year after the sale.

And be it further enacted,

Order for disposing of the purchase-money.

[SECT. 2.] That the said assessors for the said year shall pay the money arising by the said sale, to the treasurer of the said district for the said year; and the said treasurer is directed to attend the orders of the said assessors for the said year, for the payment of the money arising by the sale of said lands for the payment of the said penny tax, and charges, according to the intention and meaning of the said grant. [*Passed and published November* 20.

CHAPTER 18.

AN ACT TO ENABLE THE PROPRIETORS OF THE TOWN OF WESTMINSTER TO COLLECT CERTAIN TAXES.

Preamble.

WHEREAS the general court, at their session in the year one thousand seven hundred and sixty-eight, ordered that a tax of one penny halfpenny per acre, for one year, be granted upon all the lands in the town of Westminster; *and whereas* the said proprietors, at their legal meeting on the first day of June, one thousand seven hundred and fifty-seven, granted two taxes; one of six shillings, the other of four shillings, on each proprietor's right in said town, to defrey their debts, also two taxes of eight shillings each; the one granted the fourth day of May, one thousand seven hundred and fifty-eight, the other granted the fifteenth day of November following; also one other tax granted in December, one thousand seven hundred sixty-seven; *and whereas* the assessors of the said proprietors of Westminster have made said

taxes, and sufficiently published the same, and some persons who are owners of the said lands neglect or refuse to pay the same, —

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

Assessors of Westminster empowered to sell lands of delinquent proprietors, after notice given.

[Sect. 1.] That the assessors of the town of Westminster, for the time being, be and hereby are impowered and directed to sell so much, and no more, of the delinquent owners,' or proprietors' lands, as neglect or refuse to pay the taxes aforesaid, as shall be sufficient to pay and satisfy said taxes and other intervening charges; they posting up the same in some public place in the town of Westminster aforesaid, and in the shire town in the county of Worcester; and also the said assessors shall be obliged, for the notification of the non-resident proprietors of said Westminster, to adverti[z][s]e in two of the Boston newspapers; viz[t]., Edes and Gill's, and Draper's, three weeks successively, the time and place of the intended sale, three months at least before said lands are sold; and it shall and may be lawful for said assessors, at a public vendue, to sell said lands as aforesaid, and to execute absolute deed or deeds, in the law, for the conveyance of such lands of owners or proprietors aforesaid, to the person or persons who will give most for the same; which deeds shall be good and valid to all intents and purposes in the law, forever: reserving, nevertheless, to any of the said proprietors, their heirs or assigns, liberty of redemption of their lands so sold, they paying to the purchasers of said lands, or their heirs, respectively, within one year afterwards, the sums for which said lands were sold, with charges of sale and charges laid out in making improvements thereon, with the further sum of twelve pound[s] for each hundred pounds of money produced by said sale, and proportionably for any other sum.

Proviso, for the redemption of such lands within one year after the sale.

And be it further enacted,

Order for disposing of the purchase money.

[Sect. 2.] That the said assessors for the said year shall pay the money arising by the said sale, to the treasurer of the said proprietors for the said year; and the treasurer of said proprietors is hereby directed to attend the orders of the assessors in paying out the money arising by said sale, for the purposes for which said taxes were originally granted. [*Passed and published November* 20.

CHAPTER 19.

AN ACT TO ENABLE THE INHABITANTS OF THE TOWN OF SHERBOURN, IN THE COUNTY OF NANTUCKET, TO CHOOSE A COLLECTOR TO COLLECT THE SEVERAL RATES OR TAXES, NOT COLLECTED, IN A LIST OF PROVINCE TAXES, SET ON SAID TOWN, COMMITTED TO THOMAS ARTHER, A DELINQUENT COLLECTOR, FOR THE YEAR[S] ONE THOUSAND SEVEN HUNDRED AND SIXTY-FIVE, AND ONE THOUSAND SEVEN HUNDRED AND SIXTY-SIX.

Preamble.

Whereas it is represented to this court that the town of Sherbourn are under great difficulty by means that their taxes for the year one thousand seven hundred and sixty-five and the year one thousand seven hundred sixty-six are not collected, which were set and ordered upon them by the general court, and Thomas Arther, their collector, to whom said taxes were committed, being delinquent and unable to collect the same; for remedy whereof, —

Be it enacted by the Lieutenant-Governor, Council and House of Representatives,

Town of Sherburne empowered to choose a collector of taxes in the room of Thomas Arther.

[SECT. 1.] That the inhabitants of said town are hereby impowered, at a meeting any time hereafter to be called by the selectmen for that purpose, to choose a collector, which person so chosen and sworn shall be and hereby is impowered to receive of the said Thomas Arther the list of such taxes as were committed to him to collect; and the said person so chosen and sworn shall be enabled to collect all such taxes as are now outstanding and unpaid, by force and virtue of such warrants as were directed to the said Thomas Arther; which collector so to be chosen shall be accountable to the treasurer of the town of Sherbourn for all such sums he shall so levy and collect.

And be it further enacted,

Assessors empowered to enforce the payment.

[SECT. 2.] That the assessors of said town be and accordingly hereby are fully impowered to issue their warrants for the commitment of any person or persons who shall fail of paying their respective taxes, as fully as they could, by law, in case the said list had been originally committed to such collector. [*Passed November* 20.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT CAMBRIDGE, ON THE THIRD DAY OF APRIL, A. D. 1771.

CHAPTER 20.

AN ACT TO AUTHORIZE AND IMPOWER THE NORTH PARISH IN THE TOWN OF HAVERHILL TO GRANT CERTAIN LAND TO THE REV'D GYLES MERRILL.

Preamble.

WHEREAS it has been represented to this court that it would be beneficial to the said Gyles, as also to the said north parish and the town of Plastow where he officiates as minister of the gospel, that the said Gyles should hold and enjoy, forever, a certain tract of land, with the buildings on the same, in addition to his present support, containing about three acres and an-half; lying on the southerly and easterly sides of Ann Cushing's land in said Haverhill, extending so far northerly as to make a streight line with the said Ann Cushing's northerly line; which is part of a parsonage lot formerly granted by the proprietors of Haverhill to said parish, —

Be it enacted by the Governor, Council and House of Representatives,

Persons empowered to execute a deed and give sufficient title.

That the inhabitants of the said north parish in Haverhill be, and they hereby are, accordingly, authorized and impowered, at a meeting legally called for that purpose (either by themselves, or such other persons as they, at such meeting, shall see cause to appoint for that purpose), to make and execute a legal deed of the premises to the said Gyles, his heirs and assigns forever; which deed being so made, executed and delivered to him, the said Gyles, and registred in the register's office for the county of Essex, shall be deemed a good and sufficient title, in fee simple, to the same. [*Passed April* 23; *published April* 26, 1771.

CHAPTER 21.

AN ACT FOR REGULATING THE ALEWIVE FISHERY IN THE TOWN OF PEMBROKE.

Be it enacted by the Governor, Council and House of Representatives,

Inhabitants empowered to farm out the privilege of taking fish. 133 Mass., 69.

[SECT. 1.] That it shall and may be lawful for the inhabitants of the said town of Pembroke, qualified by law to vote in town meeting, and they are hereby impowered, some time in the month of April current, and annually, hereafter, in the month of March, during the continuance of this act, in a meeting of the said inhabitants lawfully assembled, by any committee chosen and appointed by the major part of such inhabitants for that purpose, to let or farm out the privilege of taking and disposing of the fish in the said town, called alewives.

And be it further enacted,

Purchasers to give security.

[SECT. 2.] That the person or persons purchasing the said privilege shall give sufficient security to the treasurer of the said town, for the time being, for the payment of such sum or sums of money as the said privilege shall be sold for, to be improved for the use and benefit of the inhabitants of the said town.

And be it further enacted,

Penalty.

[SECT. 3.] That the purchaser or purchasers of the said privilege shall conform him-, or themselves to such times and places for taking the said fish as shall be appointed by the said inhabitants, or any committee by them chosen for that purpose, under the penalty of twenty shillings.

And be it further enacted,

Purchasers to supply fish at certain rates.

[SECT. 4.] That the said purchaser or purchasers shall not ask or take, of any person applying to him or them to buy the said fish, more than one shilling per hundred, and so in proportion for a greater or less number, nor refuse or deny to supply any person or persons with the said fish when it shall be in their power to supply them (they being ready to pay for the same), under the penalty of twenty shillings for each offence.

And be it further enacted,

Penalty on taking fish otherwise.

[SECT. 5.] That if any person or persons other than the said purchaser or purchasers, or those employed by them, shall presume to take the said fish, in the said town of Pembroke, such person shall be liable to pay the penalty of twenty shillings. All the penalties and forfeitures mentioned in this act shall be recoverable by action of debt to be therefor brought, with full costs of suit, before any justice of the peace for the county of Plymouth: one moiety of such penalty shall be to the person who shall sue for the same, and the other moiety to the use of the poor of the said town. And any inhabitant of the said town of Pembroke, other than the plaintiff himself, shall be admitted a witness in any action to be brought for such penalty.

Continuation.

[SECT. 6.] This act to continue and be in force for the space of five years from the last day of April instant, and no longer. [*Passed April* 24; *published April* 26, 1771.

CHAPTER 22.

AN ACT FOR ERECTING THE NORTHERLY PART OF THE TOWN OF HATFIELD, IN THE COUNTY OF HAMPSHIRE, INTO A TOWN BY THE NAME OF WHATELY.

Preamble.

WHEREAS the inhabitants of the northerly part of the town of Hatfield, in the county of Hampshire, have made application to this court that the northerly part of the said town may be incorporated into a distinct and seperate town, —

Be it enacted by the Governor, Council and House of Representatives,

Bounds of the town of Whately.

[SECT. 1.] That the northerly part of the said town of Hatfield, which is contained within the lines and limits following; that is to say, begin[*n*]ing at the north-east corner of the general field, there called the North Meadow and Farms; thence, in the north line of the said general field, to the north-west corner thereof; from the said north-west corner of that field, the said line to run, in a direct course,

to the south-east corner of the mill swamp, which belongs to Moses Dickinson; thence, in the south line of the same mill swamp, to the south-west corner thereof, adjoining, there, to the east side of that way called the Chesnut-Plain Road; then[s][*c*]e, south, on the east side of the said way, to a point where a line at right angles with the east line of the said way, and one rod south of the bridge there, called the West-Brook Bridge, would inter[sec] [*es*]t the [*the*] aforesaid east line of the said way; from the said point of intersection, to continue such right-angular line, as aforesaid, to the west side of the said way; thence, to the north-east corner of the lot laid out to Samuel Kellog, in the third division of commons; thence, west, in the north line of the said lot, to a point at which a line parral[*l*]el to, and half a mile distant from, the east line of the Three Miles Additional Grant, so called, would inte[sec]r[*es*]t the said north line of the lot last mentioned; thence, in such parrallel line last mentioned, to the district of Conway; then, in the line dividing between Hatfield and the town of Deerfield and district of Conway, to Connecticut River; thence, on the west side of the said river, to the station first mentioned,—be and hereby is erected into a seperate town by the name [of] Whately: and that the inhabitants of the said town be and hereby are invested with all the powers, privileges and immunities that towns in this province enjoy by law, that of sending a representative to the general court only excepted; and that the said town of Whately shall have full right and liberty, from time to time, to join with the town of Hatfield in the choice of representatives, to be chosen of the town of Hatfield, or the said town of Whately, indifferently, to represent them at the general assembly; and that the said town of Whately shall, from time to time, bear their proportion of the expence of such representatives, with the said town of Hatfield, according to their respective proportion of the province tax: and the freeholders and other inhabitants of the said town of Whately shall be notified of the time and place of election, by a warrant from the selectmen of Hatfield, directed to the constable or constables of the said town of Whately, requiring such constable or constables to warn the freeholders and other inhabitants of the said Whately, qualified to vote in the choice of a representative, to meet at the time and place of election; which warrant shall be returned by such constable or constables, with certificate of his or their doings there[o][*i*]n, to the selectmen of the town of Hatfield, before the time for holding every such meeting.

Provided, nevertheless, —

And be it enacted,

Town of Whately to pay their proportion of county and town taxes.

[SECT. 2.] That the inhabitants of the said town of Whately shall pay their proportion of all such province, county, and town, taxes as are already set on them by the town of Hatfield, in like manner as though this act had not been made; and the constables chosen by the town of Hatfield, at their annual meeting in March, *Anno Domini* one thousand seven hundred and seventy, are hereby fully authorized and [e][*i*]mpowered to levy and collect all such taxes assessed upon the inhabitants and lands in the said town of Whately, and are directed to pay in the same, in the same manner they would, and ought, by law, to have done, had not this act been made.

Provided, nevertheless,—

And be it further enacted,

Town of Hatfield to refund to Whately a proportion of £30.

[SECT. 3.] That the treasurer of the town of Hatfield be, and he is hereby, [e][*i*]mpowered and directed to pay the town treasurer of the said town of Whately, and for the use of the said town, such a proportion of the sum of thirty pounds, which was

raised by the town of Hatfield at their meeting on the first Monday in December last, for providing preaching in the said town of Hatfield in the year then next ensuing, as has been assessed upon the inhabitants and lands within the limits of the said town of Whately, agre[e]able to the list last taken by the assessors of Hatfield; and the treasurer of the said town of Whately is hereby fully authorized and [e][*i*]mpowered to demand and receive of the treasurer of the town of Hatfield, such proportion of the said thirty pounds as aforesaid.

And be it further enacted,

First meeting of the town, how to be called.

[SECT. 4.] That William Williams, Esq[r]., be and hereby is [e][*i*]mpowered and directed to issue his warrant to some principal inhabitant of the said town of Whately, requiring him to warn the inhabitants of the said Whately, qualified as is hereinafter mentioned, to meet, at some suitable time and place in said town, to chuse such officers as towns in this province are [e][*i*]mpowered and enjoined, by law, to chuse in the month of March, annually, which they are hereby impowered to chuse at such meeting.

And be it further enacted,

Qualification of voters.

[SECT. 5.] That the inhabitants of the said town of Whately, who, in the last tax in the town of Hatfield, were rated one-half part so much for their estates and faculties as for a single poll, shall be allowed to vote in their first meeting, and such other meetings as may be called in the said town of Whately until a valuation of estates shall be made by assessors there.

And be it enacted,

Return of certificate and warrant, to be made.

[SECT. 6.] That the persons to whom such warrant for calling the first meeting in the said town of Whately shall be directed, [d][*i*]o make return thereof, with certificate of his doings thereon, unto the said meeting, the same to be entered and recorded with the records of the said town.

And be it also further enacted,

Who are legal inhabitants of the towns of Hatfield and Whately.

[SECT. 7.] That no person happening to reside or be within the limits of the said town of Whately at the end of the present session of this court, who would not then have become an inhabitant of Hatfield had not this act been made, shall become an inhabitant of the said town of Whately, or have legal claim or right to any of the privil[e][*i*]ges of an inhabitant there, anything hereinbefore contained to the contrary notwithstanding; and the said town of Whately shall be and hereby is fully [e][*i*]mpowered to proceed with all such persons residing there, who, at the end of the said present session of this court, would not have been inhabitants of Hatfield, in the same manner the town of Hatfield then, or at any time before, might have proceeded with them touching their removal. [*Passed April* 24; *published April* 26, 1771.

CHAPTER 23.

AN ACT TO ERECT THE DISTRICT OF PRINCETOWN INTO A TOWN BY THE NAME OF PRINCETON.

Preamble. 1759-60, chap. 6.

WHEREAS the inhabitants of the district of Princetown have petitioned this court to be incorporated into a town, that they may enjoy the privileges of other towns in this province, —

Be it therefore enacted by the Governor, Council and House of Representatives,

That the district of Princetown, in the county of Worcester, with all the lands adjoining to said district not included within any other town or district, be and hereby is incorporated into a town by the name of Princeton: and that the inhabitants thereof be and hereby are invested with all the powers, privileges and immunities which the inhabitants of the several towns within this province do enjoy. [*Passed April* 24; *published April* 26, 1771.

District of Princetown made a town by the name of Princeton.

CHAPTER 24.

AN ACT FOR ERECTING THE WESTERLY PART OF THE TOWN OF HATFIELD, IN THE COUNTY OF HAMPSHIRE, INTO A DISTRICT BY THE NAME OF WILLIAMSBURGH.

Whereas the inhabitants of the westerly part of the town of Hatfield labour under great difficulties, on account of their distance from the place of public[k] worship, and that of holding their public[k] meetings in the said town, and thereupon have applied to the said town, and obtained their consent, and likewise have addressed this court, to be erected into a town or district, and vested with the powers, privileges and immunities which towns in this province enjoy, —

Preamble.

Be it [therefore] *enacted by the Governor, Council and House of Representatives.*

[Sect. 1.] That the westerly part of the said town of Hatfield, as hereafter d[e][*i*]scribed; viz[t]., bounding south, on Northampton; west, on Chesterfield; north, on Conway; and east, by a line par[*r*]allel to, and at the distance of half a mile from, the east line of the Three Miles Additional Grant, so called, in Hatfield,—be and hereby is incorporated into a seperate district by the name of Williamsburgh: and that the inhabitants thereof be vested with all the powers, privile[d]ges and immunities which the inhabitants of any town in this province do, or by law ought to, enjoy, excepting only the privilege of sending a representative to the general assembly; and that Samuel Fairfield and Andrew Gates, and the lands and farms they, respectively, now own, not included within the bounds aforesaid; and also that part of the farm[s] which John Nash and John Meekins now own, not included within the said bounds; also Russell Kellog, John Wait, Elijah Wait, Joshua Warner, Jonathan Warner, Downing Warner, Thomas Warren, William Warren, Mather Warren, and the widow Warren, mother of the Warrens above named (with the lands they now respectively own there, which lie east of the aforesaid east bound[a][*e*]r[*l*]y line of the said district, and westward of a line run[*n*]ing from the north line of Northampton to the south line of Conway, par[*r*]allel to the east line of the said Three Miles Addition, and striking the most easterly part of the farm of the said Warren's o[n][*r*] Horse Mountain, so called), together with the lands of John Millar, of Northampton, which lie west of the top of the aforesaid mountain,—shall be and hereby are annexed to the said district, so far as to do duty, and receive privileges, there, as fully, in every respect, as if they and their said lands were included within the bounds of the said district; and that the inhabitants of the said district, together with the above-named persons thereto annexed, or those that may hereafter own and dwell upon their said lands, shall have

Bounds of the district of Williamsburg.

Samuel Fairfield and others, with their estates, annexed to the district.

Persons annexed, to join with Hatfield in the choice of representatives.

liberty, from time to time, to join with the town of Hatfield in the choice of a representative or representatives; which representative[s] may be chosen, indifferently, from the said town of Hatfield, the said district of Williamsburgh, or any other town or district that has or may have the like liberty and privilege of joining with the town of Hatfield in the choice of a representative or representatives; the pay or allowance of such representatives to be borne by the said town of Hatfield, the said district, and any other town or district which may join with them in such choice, according to their respective proportions of the province tax; and that the selectmen of the town of Hatfield, as often as they shall call a meeting for the choice of a representative or representatives, shall, from time to time, make and deliver their warrant to the constable or constables of the said district, for the time being, a reasonable time before the time set for holding the said meeting, requiring him or them to warn such of the inhabitants of the said district, and the inhabitants of the other lands by this act annexed thereto, as shall be qualified to vote in the choice of a representative, that they assemble at the time and place appointed for mak[*e*]ing [the] said choice: which constable or constables shall be holden to execute and return the said warrant according to the direction thereof.

Representatives, how to be paid.

Constables, how to notify the choice of representatives.

Provided, nevertheless, —

And be it further enacted,

[SECT. 2.] That the said district, and the persons thereto annexed as aforesaid, shall pay their proportion of all province, county, and town, charges already granted to be raised in the town of Hatfield.

Proviso respecting taxes.

Provided, also, —

And be it enacted,

[SECT. 3.] That the said district shall not be liable to maintain any person or persons who have been legally warned out of the town of Hatfield; but by virtue of such warning shall have the same privilege and power of removing such person or persons as the town of Hatfield might have had, by law, in case they had remained therein; and the said district is also hereby fully [e][*i*]mpowered and enabled to proceed with such other persons now living within the limits of the said district, who are not by law inhabitants of the town of Hatfield, in the same manner, as to their removal, as the said town might, by law, have proceeded with them if they had remained therein.

District not liable to the maintenance of persons warned out of Hatfield:

— empowered to warn persons.

Provided, also, —

And be it enacted,

[SECT. 4.] That neither the said district, nor the persons annexed thereto as aforesaid, shall have any right or interest to, or in, the money or estate devoted and sequestered by the town of Hatfield for and towards the support and maintenance of a school in Hatfield, or vote or join in any order[s], vote or act of the said town respecting the same.

District not to have an interest in the estate, sequestered to the town of Hatfield:

Provided, also, —

And be it enacted,

[SECT. 5.] That the said district, and the inhabitants above named, thereto annexed as aforesaid, shall forever hereafter be at the sole cost and charge of repairing and amending all the public[k] and private ways that now are, or hereafter shall be, established between the south line of the town or district proposed to be erected in the northerly part of the town of Hatfield, and the town of Northampton, and west of the bridge across Beaver Brook, so called, and west of the east line of the above-named Warren's land; and the said district, together with the people annexed as aforesaid, shall have full power, and are hereby required, to repair the same, and shall be and hereby

— subjected to the cost of maintaining ways within certain limits.

are subjected to the same penalties for not keeping them in repair, as if the said ways were within the limits of the said district.

And be it further enacted,

Place for public worship, how to be determined.

[Sect. 6.] That the proprietors of the land in the said district, as well non-resident, as resident, there, together with the inhabitants annexed as aforesaid, shall have full power to determine and fix the place where the first meeting-house for public[k] worship shall be erected, in the said district; the vote to be determined by the major part of the interest of those that shall be present at a meeting of the proprietors, to be called and held for this purpose, in the said district; the said meeting to be called in manner as is provided in and by the act made and passed in the twelfth year of Queen Ann, intitled "An Act directing how meetings of proprietors of land lying in common may be called:" *saving* that a notification shall be posted up in some public[k] place in the town of Hatfield, fourteen days before the time for holding said meeting, setting forth the time, place and occasion or business thereof; and the place for such meeting-house being so fixed, the said district and inhabitants thereto annexed, as aforesaid, shall there erect and finish the same.

1712-13, chap. 9.

And be it further enacted,

W. Williams, Esq., to issue his warrant for calling the first meeting.

[Sect. 7.] That William Williams, Esq[r]., be and hereby is [e][*i*]mpowered and directed to issue his warrant, directed to some principal inhabitant in said district, requiring him to warn all the inhabitants thereof, qualified as is hereinafter expressed, and those persons annexed thereto as aforesaid, who are so qualified, to meet, at such time and place in said district as he shall think proper, to chuse all such officers as towns in this province are by law empowered and required to chuse, annually; such warrant, together with [a] [*the*] certificate thereon (under the hand of the person to whom it shall be directed) that he has given the warning required thereby, to be lodged with the clerk of the said district, and by him entered with the records of the said district.

Be it also enacted,

Qualification of voters in the first meeting.

[Sect. 8.] That the inhabitants of the said district, and those annexed as aforesaid, who, in the last tax in the town of Hatfield were rated one-half part so much for their estates and faculties as for one single poll, shall be taken and holden to be qualified, and be allowed, to vote in their first meeting for the choice of officers, and such other meetings as may be called in said district, until a valuation of estates shall be made by assessors there. [*Passed April* 24; *published April* 26, 1771.

CHAPTER 25.

AN ACT FOR REPEALING AND MAKING VOID AN ACT INTIT[*U*]LED "AN ACT FOR DISCONTINUING TWO OF THE COURTS, AND FOR ALTERING THE TIME OF HOLDING ONE OF THE COURTS OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURTS OF COMMON PLEAS, WITHIN AND FOR THE COUNTY OF BERKSHIRE," MADE AND PASSED IN THE SEVENTH YEAR OF HIS MAJESTY'S REIGN; AND FOR ALTERING THE TIME OF HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURT OF COMMON PLEAS, IN SAID COUNTY; AND FOR ESTABLISHING TWO MORE COURTS OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURT OF COMMON PLEAS, WITHIN AND FOR THE COUNTY OF BERKSHIRE, FOR THE FUTURE.

Preamble.

WHEREAS the holding and keeping, within the county of Berkshire, yearly, and in every year, two courts of general sessions of the peace and inferior court of common pleas, and no more, is, by experience, found inconvenient, and much time, travel and expence is unnecessarily incurred thereby; for remedy whereof, —

Be it enacted by the Governor, Council and House of Representatives,

Act repealed. 1766-67, chap. 14.

[SECT. 1.] That the said act, made and passed in the seventh year of his present majesty's reign, and every article therein contained, shall be and hereby is repealed, determined, made void, and of none effect, forever.

And be it further enacted,

Places and times for holding courts in the county of Berkshire.

[SECT. 2.] That, from and after the last day of August next ensuing, there shall be held and kept, within the said county of Berkshire, yearly, and in every year, until the further order of this court, four courts of general sessions of the peace, and inferior courts of common pleas; viz., two at Great Barrington, on the third Tuesday of August and third Tuesday of May; and two at Pittsfield; viz., on the last Tuesday of November, and last Tuesday of February. [*Passed April* 24; *published April* 26, 1771.

CHAPTER 26.

AN ACT FOR SETTING OF* JOHN HOLBROOK AND OTHERS, OF UXBRIDGE, WITH THEIR LANDS, TO THE SOUTH PRECINCT IN MENDON.

Preamble.

WHEREAS it hath been represented to this court that the lands of John Holbrook, Silvanus Holbrook, James Blake, Ephraim Kimpton, Micah Holbrook, Lydia Holbrook, John Kimpton, John Holbrook, jun'r, and Joseph Blake, inhabitants of the south-easterly part of the town of Uxbridge, in the county of Worcester, together with their dwelling-houses, are situated and ly much nearer to the place of public[k] worship in the south precinct in Mendon than to the place of publick worship in the town of Uxbridge, and, in all respects, will be better accommodated to be set off from the said town of Uxbridge and annex[ed] to the south precinct in Mendon, in precinct affairs only; and the said town of Uxbridge have consented thereto, —

Be it therefore enacted by the Governor, Council and House of Representatives, —

John Holbrook and others, with

[SECT. 1.] That the said inhabitants, with their lands and estates lying in Uxbridge aforesaid, be and are hereby set off and annexed to

* *Sic.*

the south precinct in Mendon aforesaid; and that the said inhabitants be and hereby are enabled to join with the inhabitants of the said south precin[c]t in Mendon in all precinct affairs, and are hereby invested with all the powers and privileges, and subjected to all duties that the said precinct by law, are invested with and subjected to

their estates, annexed to the south precinct in Mendon.

Provided, nevertheless,

[SECT. 2.] That the said inhabitants set off to the said south precinct in Mendon as aforesaid, shall, and are hereby held to, pay all ministerial rates and charges which have been heretofore lawfully assessed upon them by the said town of Uxbridge, anything in this act to the contrary notwithstanding. [*Passed April* 24; *published April* 26.

Proviso, respecting ministerial rates and charges.

CHAPTER 27.

AN ACT FOR INCORPORATING A CERTAIN TRACT OF LAND IN THE COUNTY OF LINCOLN, INTO A TOWNSHIP BY THE NAME OF HALLOWELL.

WHEREAS the inhabitants of a certain tract of land lying on the east and west sides of Kennebeck River, in the county of Lincoln, are desirous of enjoying the privileges that will arise to them by being incorporated into a town, —

Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[SECT. 1.] That the tract of land aforesaid, butted and bounded as follows; viz[t]., begin[n]ing on the east side of Kennebeck River, at the north line of James Winslow's land, lying within a thirty-two-hundred-acre lot, number twelve, and to run, east-south-east, five miles from said river; from thence, to run, northerly, about nine miles, more or less, on such a course as that it may meet the easterly end of a line run[n]ing, east-south-east, five miles from Kennebeck River, along the northerly side of the lot number fifty; then, to run west-north-west, on the last-mentioned line, to Kennebeck River; and to run, on the same west-north-west course, across said river, to the end of five miles on the west side thereof; from thence, to run, southerly, such a course as to strike the most easterly part of the northerly end of Cobbeseconte Great Pond; from thence, to run, on the easterly side of said pond, to the stream issuing out of the same, called Cobbeseconte Stream; from thence, to run, southerly, on the easterly side of said stream, till it meets a west-north-west line run[n]ing from Kennebeck River, along the southerly line of Mr. William Bowman's land, — which is the northerly half of a thirty-two-hundred-acre lot, number twenty; from thence, to run, east-south-east, on the last-mentioned line, to Kennebeck River; and, over said river, to the first-mentioned bound, — be and hereby is erected into a township by the name of Hallowell: and that the inhabitants thereof be and hereby are invested with all the powers, privileges and immunities which the inhabitants of any of the towns within this province, respectively, do, or by law ought to, enjoy.

Bounds of the town of Hallowell.

And be it further enacted,

[SECT. 2.] That James Howard, Esq[r]., be, and he hereby is, empowered to issue his warrant, directed to some principal inhabitant in said town, requiring him to notify and warn the inhabitants in [the] said town, qualified by law, to vote in town affairs, to meet, at such time and place as shall be therein set forth, to ch[oo][u]se all such officers as shall be necessary to manage the affairs of said town.

James Howard, Esq., empowered to call the first meeting of the inhabitants.

And be it further enacted,

Inhabitants to vote for register of deeds, and treasurer for the county of Lincoln.

[SECT. 3.] That the freeholders of the said town shall be and hereby are empowered, at their first meeting, to proceed to bring in their votes for a register of deeds, and also for a treasurer, for the said county of Lincoln, qualified according to law; and the votes for such register and treasurer shall be, at the same time, sealed up by a constable of said town (who may then be chosen and sworn), and by him returned unto the court of general sessions of the peace, to be holden in June next, at Pownalborough, for said county, in the same manner as is provided by law in like cases for other towns within this province; which court is hereby authorized and required to receive the said votes; which votes, with the votes of the other towns of the said county, shall be opened, sorted and counted, as the law directs for the determining the choice of such register and treasurer: and such choice shall be to all intents and purposes valid and effectual in law.

And be it further enacted,

William Cushing, Esq., empowered, in case, etc.

[SECT. 4.] That if by reason of sickness, or any other means, the said James Howard, Esq[r]., shall be prevented from performing the business, or any part thereof, to which he is appointed by this act, then, in that case, William Cushing, Esq[r]., shall be and hereby is empowered to transact the whole, or any part of said business, as fully and effectually as the said James Howard, Esq[r]., is, by the several clauses of this act, empowered to transact the same. [*Passed and published April* 26, 1771.

CHAPTER 28.

AN ACT TO [E][*I*]MPOWER THE INHABITANTS OF THE TOWN OF DARTMOUTH TO REGULATE THE TAKING OF FISH, WITHIN THE HARBOURS AND COVES OF SAID TOWNSHIP OF DARTMOUTH.

Preamble.

WHEREAS there are sundry harbours and coves within the said township which have contained great numbers of various kinds of fish, but, by the drawing of seines under no regulation or restriction, the fish have been greatly diminished therein, to the great inconvenience of said inhabitants and injury of the poor; wherefore, —

Be it enacted by the Governor, Council and House of Representatives,

Inhabitants empowered to regulate.

[SECT. 1.] That the inhabitants of the said town of Dartmouth are and they accordingly shall be hereby fully empowered, at a meeting or meetings to be called for that purpose, to regulate, order and direct the taking of fish, by seining, in any coves or harbours within the limits of said township, in such manner as to them or the major part of them shall seem meet.

And be it further enacted,

Penalty on taking fish otherwise.

[SECT. 2.] That if any person or persons, during the continuance of this act, shall take any fish, by a seine or seines, within any harbour or cove in said township of Dartmouth, in any other way or manner than what shall be allowed and approved of by the inhabitants of said town, at a meeting for that purpose legally called, such person or persons so offending shall forfeit and pay the sum of five pounds for each offence, to be recovered, with costs of prosecution, in any court of record proper to try the same; the one moiety thereof to be to the use of the poor of said town of Dartmouth, the other moiety to him or them who shall sue for the same.

[SECT. 3.] This act to continue and be in force for the space of three years from and after the first day of May, one thousand seven hundred and seventy-one, and no longer. [*Passed and published April* 26, 1771. Continuation.

CHAPTER 29.

AN ACT TO ENABLE THE PROPRIETORS OF THE GREAT BRIDGE OVER YORK RIVER, IN THE FIRST PARISH IN SAID TOWN, TO TAKE TOLL FOR THE REPAIR AND AMENDMENT THEREOF.

WHEREAS the great bridge over York River, in the first parish in said town, built in the year one thousand seven hundred and sixty-one, appears to be of general use and publick utility; *and whereas* the proprietors of the said bridge have represented that the same is now in great want of repair and amendment, and will very soon, without it, become useless, and have petitioned this court for liberty to take a reasonable toll of such persons as may have occasion to pass and repass the said bridge, for the repair and amendment thereof, — Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives,

[SECT. 1.] That the said proprietors shall, and hereby are authorized and empowered to, demand and rec[ie][*ei*]ve the several rates and fees hereafter expressed, which every passenger is required to pay before they have liberty to pass; viz[1]., for every footman who shall pass the said bridge, two-thirds of a penny; for every man and horse, twopence; for every two-wheel chaise, chair or sleigh, and horse, with the travellers therewith, the sum of fourpence; for every four-wheel carriage, including the passengers, sixpence; for every man with team, cart or sled, the sum of twopence; for all horse-kind, or neat cattle, two-thirds of a penny; for sheep or swine fourpence a dozen, and so in proportion for a greater or lesser number. Rates established.

And be it further enacted,

[SECT. 2.] That the said proprietors be and hereby are empowered to appoint some suitable person to receive said toll, from time to time, as there shall be occasion, who shall be approved of by the court of general sessions of the peace for the county of York, and who shall give such security as the said court shall, from time to time, order and direct; and the person so appointed and approved, as aforesaid, shall faithfully and diligently attend upon his duty, and at all times, between the hours of five in the morning and nine in the evening, be ready to admit any person to pass the said bridge, upon the penalty of twenty shillings for any neglect; and in case he shall not be present to admit persons to pass the bridge, between the hours of nine in the evening and five in [the] morning, he shall leave the passage free and open. And the person so appointed and approved as aforesaid, shall, from time to time, as often as the said proprietor[s] shall order and direct, exhibit an account of the monies he shall rec[ie][*ei*]ve as aforesaid, on oath, if required, to the said proprietors, or their treasurer, duly by them appointed, and shall pay the said sum to him or them accordingly; to be applied by the said proprietors for the repair and amendment of said bridge, as they, or the major part of them, shall order and direct. Toll-gatherer appointed.

And be it further enacted,

[SECT. 3.] That the passage of said bridge shall be kept open and free for the governor, the lieutenant-governor, and speaker of the Governor, &c., exempted.

house of representatives, for the time being; all persons travelling to or from publick worship on Lord's Days; for the inhabitants of the town of York, going to or from publick meetings of the town or parish; post-riders, ministers of the gospel, on all occasions; constables and collectors of taxes, and all other officers of the said town and parish, while doing the town or parish business; and members of the general court, going to or returning from the same.

And be it further enacted,

Vessels to pass free.

[SECT. 4.] That no fee or reward shall be demanded or taken for drawing up and opening the bridge for the passing and repassing of vessels; and the same shall be made and kept as convenient as may be for that purpose, as hath always been heretofore accustomed.

And be it further enacted,

Penalty, for exacting more than the rates specified.

[SECT. 5.] That if the keeper of said bridge shall at any time demand or receive a greater toll than what is allowed by this act, he shall, for every such offence, be subject to the penalty of twenty shillings. And the said proprietors shall keep, and exhibit to this court, under oath, when required, an account of the sums taken and received for toll, as well as an account of the sums advanced for the repair and amendment of the said bridge.

Disposition of forfeitures.

[SECT. 6.] And all fines and forfeitures arising by this act shall be, one moiety to him or them that shall sue for the same, and the other moiety to his majesty, to and for the use of the province.

Continuation.

[SECT. 7.] This act to be in force for the space of seven years from the publication thereof, and no longer. [*Passed and published April* 26, 1771.

CHAPTER 30.

AN ACT FOR INCORPORATING A CERTAIN TRACT OF LAND CALLED PONDTOWN, IN THE COUNTY OF LINCOLN, INTO A TOWNSHIP BY THE NAME OF WINTHROP.

Preamble.

WHEREAS the inhabitants of a certain tract of land called Pondtown, lying on the west side of Kennebeck River, in the county of Lincoln, are desirous of enjoying the privileges that will arise to them by being incorporated into a town, —

Be it enacted by the Governor, Council and House of Representatives,

Bounds of the town of Winthrop.

[SECT. 1.] That the tract of land aforesaid, butted and bounded as follows; viz[1]., begin[n]ing on the west side of Cobbesconte Great Pond, at the easterly end of the southerly line of a two-hundred-acre lot, number one; from thence, to run, a west-north-west course, five miles; from thence, to run, a north-north-east course, about nine miles, till it meets a line run[n]ing west-north-west from the north-west corner of the town of Hallowell; from thence, to run, east-south-east, on the last-mentioned line, seven miles, more or less, to the north-west corner of the said town; and from thence, to run, southerly, on the westerly line of the said town, as far as the northerly end of Cobb[i][e]seconte Great Pond; from thence, to run, westerly, on the northerly end of said pond, to the west side thereof; then, to run, southerly, on the westerly side of said pond, to the first-mentioned boundary — including, also, the said pond as far south as the said boundary,— be and hereby is erected into a township by the name of Winthrop: and that the inhabitants thereof be and hereby are invested with all the powers, privileges and

immunities which the inhabitants of any of the towns within this province do, or by law ought to, enjoy.

And be it further enacted,

James Howard, Esq., empowered to call the first meeting of the inhabitants.

[SECT. 2.] That James Howard, Esq[r]., be and hereby is [e][*i*]mpowered to issue his warrant, directed to some principal inhabitant in said township, requiring him to notify and warn the inhabitants in said township, qualified, by law, to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all such officers as shall be necessary to manage the affairs of the said township.

And be it further enacted,

Inhabitants to vote for register of deeds, and treasurer, for the county of Lincoln.

[SECT. 3.] That the freeholders of the said town shall be, and hereby are, empowered at their first meeting to proceed to bring in their votes for a register of deeds, and also for a treasurer, for the said county of Lincoln, qualified according to law; and the votes for such register and treasurer shall be, at the same time, sealed up by a constable of said town (who may then be chosen and sworn), and by him returned unto the court of general sessions of the peace to be holden in June next, at Pownalborough, for the said county, in the same manner as is provided by law in like cases for other towns within this province; which court is hereby authorized and required to receive the said votes: which votes, with the votes of the other towns of said county, shall be opened, sorted and counted, as the law directs for the determining the choice of such register and treasurer; and such choice shall be, to all intents and purposes, valid and effectual in law.

And be it further enacted,

William Cushing, Esq., empowered, in case, &c.

[SECT. 4.] That if, by reason of sickness, or any other means, the said James Howard, Esq[r]., shall be prevented from performing the business, or any part thereof, to which he is appointed by this act, then in that case William Cushing, Esq[r]., shall be and hereby is empowered to transact the whole or any part of said business as fully and effectually as the said James Howard [*Esq.*] is by the several clauses of this act empowered to transact the same. [*Passed and published April* 26, 1771.

CHAPTER 31.

AN ACT FOR CHARGING THE COUNTY OF HAMPSHIRE WITH THE COST AND EXPENCE OF ERECTING AND MAINTAINING A BRIDGE, OVER WARE RIVER, IN THE ROAD IN THE DISTRICT OF WARE, IN THE SAID COUNTY OF HAMPSHIRE, LATELY LAID OUT, LEADING FROM THE GREAT ROAD IN THE SAID WARE, CALLED THE BAY ROAD, TO THE GREAT ROAD IN WESTERN, IN THE COUNTY OF WORCESTER, CALLED THE POST ROAD FROM SPRINGFIELD TO BOSTON; THE SAID ROAD, LATELY LAID OUT, BEING PARTLY IN THE SAID COUNTY OF HAMPSHIRE, AND PARTLY IN THE SAID COUNTY OF WORCESTER.

Preamble.

WHEREAS, by order of the justices of the court of general sessions of the peace for the said county of Hampshire, and by order of the justices of the court of general sessions of the peace for the said county of Worcester, a road has been lately laid out and established, communicating with the great roads above mentioned, whereby the steep, long and very difficult hill, called Coy's Hill, in the said great road, called the Bay Road, is avoided,—which will very much facilitate

the travelling from Hadley to Boston, especially with carriages; but as that part of the said road, lately laid out as aforesaid, which lies in the said district of Ware, in the said county of Hampshire, crosses Ware River, which river, where the said road crosses the same, cannot be forded in many seasons of the year, and therefore a bridge, over the said river, in that part thereof, is absolutely necessary for obtaining the great advantages to the public which were proposed by the laying out the said road; and as the inhabitants of the said district of Ware, by reason of their extream and well-known poverty, are altogether unable either to erect or maintain such a bridge, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Expense of building a bridge over Ware River, to be paid by the county of Hampshire.

That from and after the last day of May in this present year, one thousand seven hundred and seventy-one, the erecting, maintaining and upholding of a cart-bridge, over Ware River, in the said road lately laid out, as aforesaid, in the district of Ware aforesaid, shall be and hereby is made a proper county charge of the said county of Hampshire; and the justices of the court of general sessions of the peace for the said county of Hampshire are hereby impowered and required, in their general sessions, from time to time, to make such orders as shall be necessary and sufficient for the erecting, maintaining and upholding such bridge, and to order the assessing the charges and costs thereof on the inhabitants of the said county of Hampshire, and levying the same, in like manner as, by law, they may other proper and lawful county charges. [*Passed and published April* 26, 1771.

CHAPTER 32.

AN ACT TO PREVENT THE TAKING OF THE FISH CALLED BASS, IN THE RIVER PARKER, IN THE TOWN OF NEWBURY, IN A CERTAIN SEASON OF THE YEAR.

Preamble.

WHEREAS it has been found that the taking and destroying the fish called bass, in the river Parker, in the town of Newbury, in the winter season, hath been very injurious to the inhabitants of said town and the adjacent towns, and almost destroyed that sort of fish in said river; wherefore, —

Be it enacted by the Governor, Council and House of Representatives,

Penalty, for destroying fish.

[SECT. 1.] That if any person or persons shall at any time hereafter, during the continuance of this act, between the fifteenth day of November and the fifteenth day of April, annually, take or destroy any of the fish called bass, within the said river Parker, he or they shall forfeit and pay the sum of thirty shillings for each offence, to be recovered, with costs of prosecution, before any of his majesty's justices of the peace for the county of Essex; the one half of such forfeiture to be applied to and for the use of the person or persons who shall sue for the same, and the other half to the use of the poor of the said town of Newbury.

Continuation.

[SECT. 2.] This act to continue and be in force five years from and after the first day of May, one thousand seven hundred and seventy-one, and no longer. [*Passed and published April* 26, 1771.

CHAPTER 33.

AN ACT FOR INCORPORATING A CERTAIN TRACT OF LAND IN THE COUNTY OF LINCOLN, INTO A TOWNSHIP BY THE NAME OF VASSALLBOROUGH.

Preamble.

WHEREAS the inhabitants of a certain tract of land lying on the east and west sides of Kennebeck River, in the county of Lincoln, are desirous of enjoying the privileges that will arise to them by being incorporated into a town, —

Be it enacted by the Governor, Council and House of Representatives,

Bounds of the town of Vassalborough.

[SECT. 1.] That the tract of land aforesaid, butted and bounded as follows; viz[t]., begin[n]ing on the east side of Kennebec[k] River, on the north line of lot[t] number fifty, and run[n]ing, from Kennebeck River, on said line, an east-south-east course, five miles (being bounded thus far by the town of Hallowell); from thence, to run, northerly, about eight miles, more or less, on such a course as to meet the east end of a line run[n]ing, five miles, east-south-east, from Kennebeck River, along the southerly side of lot number one hundred and two, fronting on said Kennebeck River; from thence, to run, west-north-west, on the last-mentioned line, to Kennebeck River; and to [*ru**]n, on the same course, across the said river, to the end of five miles on the west side thereof; from thence, to run, southerly, to the north-westly corner of the town of Hallowell [*aforesai**]d; from thence, to run, east-south-east, five miles, on the northerly side of said town, to Kennebeck River, and over said river to the first-mentioned bounds,— be and hereby is erected into a [*township**] by the name of Vassallborough; and that the inhabitants thereof be and hereby are invested with all the powers, privileges and immunities which the inhabitants of any of the [*towns within**] this province, respectively, do, or by law ought to. enjoy.

[*And be it**] *further enacted*,

James Howard, Esq., empowered to call the first meeting of the inhabitants.

[SECT. 2.] That James Howard, Esq[r]., be, and he hereby is, empowered to issue his warrant, directed to some principal inhabitant of said town, requiring him [*to notify and warn**] the inhabitants in said town, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all such officers [*as shall be necessary to**] manage the affairs of said town.

[*And be it furth**]*er enacted*,

Inhabitants to vote for register of deeds, and treasurer, for the county of Lincoln.

[SECT. 3.] That the freeholders of the said town shall be and hereby are [i][*e*]mpowered, at their first meeting, to proceed to bring in their votes for a [*register of deeds, and also for**] a treasurer, for the said county of Lincoln, qualified according to law; and the votes for such register and treasurer shall be, at the same time, sealed up [*by a constable of said town, (who**] may then be chosen and sworn), and by him returned unto the court of general sessions of the peace to be holden in June next, at Pownalborough, for [*said county, in the same manner**] as by law in like cases is provided for other towns within this province; which court is hereby authorized and required to receive the said votes: which [*votes, with the votes of the other tow**]ns of said county, shall be opened, sorted and counted as the law directs for the determining the choice of such register and treasurer; and such [*choice shall be, to all intents and**] purposes, valid and effectual in law.

* The parchment is imperfect.

[*And be it further enacted*,*]

William Cushing, Esq., empowered, in case, &c.

[SECT. 4.] That if, by reason of sickness, or any otner means, the said James Howard, Esq[r]., shall be prevented from performing the business, or any part [*thereof, to which he is appointed by this**] act, then in that case William Cushing, Esq[r]., shall be and hereby is empowered to transact the whole or any part of said [*business as fully and effectually as the said Jam**]es Howard, Esq[r]., is by the several clauses of this act empowered to transact the same. [*Passed and published April* 26, 1771.

CHAPTER 34.

AN ACT FOR INCORPORATING A CERTAIN TRACT OF LAND IN THE COUNTY OF LINCOLN, INTO A TOWN BY THE NAME OF WINSLOW.

Preamble.

WHEREAS the inhabitants of a certain tract of land lying on the east and west side[*s*] of Kennebec[*k*] River, in the county of Lincoln, are desirous of enjoying the privileges that will arise to them by being incorporated into a town, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Bounds of the town of Winflow.

[SECT. 1.] That the tract of land aforesaid, butted and bounded as follows; viz[t]., begin[*n*]ing on the east side of Kennebec[*k*] River, at an hemlock-tree standing on the bank of said river,— and one rod west-north-west of a large rock, and two miles and half a mile, on a north-[north]-east course, from Fort Hal[l]ifax,—and from said tree, to run, east-south-east, five miles, to a beach-tree, marked; thence, to run, south-south-west, five miles and one hundred and seventy-eight poles; thence, west-north-west, to the north-east corner of the town of Vassallborough; thence, on the northerly line of said town, west-north-west, five miles, to Kennebec[*k*] River; thence, to run across said river, the same course, to the end of five miles on the west side of said river,— butting, thus far, on the same northerly line of the said town of Vassallborough; thence, northerly, on such a course, so far as to meet the west end of a line run[*n*]ing, from the hemlock-tree above mentioned, west-north-west, five miles from Kennebec[*k*] River; thence, to run, east-south-east, on the last-mentioned line, five miles, to said Kennebec[*k*] River; thence, across said river, to the hemlock-tree aforesaid, the first-mentioned bounds,—be and hereby is erected into a town by the name of Winslow; and that the inhabitants thereof be and hereby are invested with all the powers, privileges and immunities which the inhabitants of any of the towns within this province, respectively, do, or by law ought to, enjoy.

And be it further enacted,

James Howard, Esq., empowered to call the first meeting of the inhabitants.

[SECT. 2.] That James Howard, Esq[r]., be, and he hereby is, [e][*i*]mpowered to issue his warrant, directed to some principal inhabitant in said town, requiring him to notify and warn the inhabitants thereof, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all such officers as shall be necessary to manage the affairs of the said town.

And be it further enacted,

Inhabitants to vote for register of deeds, and

[SECT. 3.] That the freeholders of the said town shall be and hereby are empowered, at their said first meeting, to bring in their

* The parchment is imperfect.

votes for the choice of a register of deeds, for the county of Lincoln, also for a treasurer, for said county, qualified according to law; and the votes for such register and treasurer shall, at the same time, by a constable (who may be then chosen and sworn), be sealed up and by him returned unto the court of general sessions of the peace to be holden in June next, at Pownalborough, for the said county, in [*the*] like manner as is provided by law in like cases for other towns within this province; which court is hereby authorized and required to receive the said votes: which, with the votes of the other towns of said county, shall be opened, sorted and counted as the law directs for the determining the choice of such register and treasurer; and such choice shall be, to all intents and purposes, valid and effectual in law. treasurer, for the county of Lincoln.

And be it further enacted,

[SECT. 4.] That if, by reason of sickness, or any other means, the said James Howard, Esq[uire], shall be prevented from performing the business, or any part thereof, to which he is appointed by this act, then [and] in that case William Cushing, Esq[r]., shall be and hereby is empowered to transact the whole or any part of such business, as fully and effectually as the said James Howard, Esq., is, by the several clauses of this act empowered to transact the same. [*Passed and published April* 26, 1771. William Cushing, Esq., empowered, in case, &c.

CHAPTER 35.

AN ACT FOR BUILDING AND MAINTAINING A LIGHTHOUSE OR HOUSES ON THATCHER'S ISLAND [OR] [*ON*] THE MAINLAND OF CAPE ANN.

WHEREAS the headland of Cape Ann projects itself into the main ocean in such manner as to form two deep bays; one, to the northward, commonly called Ipswich Bay, and another, to the southward, called the Massachusetts, or, more commonly, Boston Bay; that there are two very dangerous ledges of rocks which lay off from the headland, which, for want of some guide, frequently prove fatal to vessels; and it being generally thought that a lighthouse, or houses, erected on Thatcher's Island, or the mainland of Cape Ann, would be very serviceable to the navigation and commerce of this province, and be a means of preserving the lives and estates of a great number of his majesty's subjects, by directing the distressed, in stormy and tempestuous weather, into a safe harbour; therefore, — Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[SECT. 1.] That there be a lighthouse or houses erected at the charge of the province, either on Thatcher's Island or the mainland of Cape Ann (as shall appear most convenient to a committee appointed by this court), to be kept lighted from sun-setting to sun-rising; that from and after the building of the said lighthouse or houses, and kindling a light or lights therein, there shall be paid to the receiver of impost, by the masters of all ships and vessels belonging to or entering any of the harbours in the province, to whom the said light shall be useful, the like duty or light-money as, by an act of this province, passed in the first year of King George the First, intit[*u*]led "An Act for building and maintaining a lighthouse upon the Great Brewster, called Beacon Island, at the entrance of the harbour of Boston," the ships and vessels entering into or going out of the harbour of Boston Lighthouse to be built either on Thatcher's Island or the mainland. Light-money, the same as by the act of King George the First, 1715-16, chap. 4.

are held to pay; and in case any vessels belonging to any of the harbours above referred to shall arrive at the harbour of Boston, and there pay the light-money to the impost officer, the said officer to give his certificate to his deputies that he has received the said light-money, so that it shall not be demanded again.

— not to be paid more than once.

And be it enacted,

[SECT. 2.] That the commissioner or receiver of impost be and hereby is [e][*i*]mpowered, by himself, or his deputy by him appointed, to receive the said duties, and to recover the same, and give a certificate therefor, in the same way and manner as by the aforerecited act is provided.

Receiver of impost to give a certificate, in case.

And be it further enacted,

[SECT. 3.] That no ship or vessel belonging to the aforesaid ports (coasters excepted) shall be cleared by the naval officer, until a certificate be produced that the duty of the lighthouse be paid; and the ship or vessel, with the master, shall stand charged with the duty thereof till paid to the commissioner of impost.

Naval officer not to clear vessels until he receive a certificate.

And be it further enacted,

[SECT. 4.] That the person appointed by this court to keep the said lighthouse, or houses, shall be under the same rules and directions with respect to his duty, and also under the same penalty for neglecting the same, and the fines shall be recovered in the same way and manner, as in and by the aforerecited act is provided.

Lighthouse keepers subject to the same penalties as provided by another act.

And be it further enacted,

[SECT. 5.] That a committee of this court be appointed to build the said lighthouse, or houses, of such dimensions, and in such manner, as they may be directed by the said court. [*Passed and published April* 26, 1771.

Committee to be appointed.

NOTES. — There were four sessions of the General Court this year. These were held at Cambridge, against the nearly unanimous protest of both the Council and the House, and contrary to the general wish of the people. No acts were passed during the first two sessions, which were chiefly spent in a controversy between the Lieutenant-Governor and the Assembly, on the question of the legality of assembling the Legislature at any other place than in the town-house in Boston — the Representatives having resolved, at the first session, and reaffirmed it at the second session, that, so long as the Assembly was constrained to remain at Cambridge, it was "by no means expedient to proceed to business."

Opposition to convening the Assembly at Cambridge was manifested throughout the province as soon as it appeared that such was the intention of the Lieutenant-Governor; and, after writs had been issued for convening the General Court, an objection was made in the Board of Overseers of Harvard College, — which had been designated as the place of meeting, — to the use of their halls for that purpose. In the following letter to Lord Hillsborough, dated May 3, 1770, Hutchinson gives an account of this proceeding: —

"My Lord, At a Meeting of the Overseers of Harvard College on the 1st Instant, it was moved by one of the Ministers of Boston that inasmuch as I had issued Writs for calling an Assembly to meet at the College which he looked upon to be an Invasion of their rights, therefore measures should be taken by a Remonstrance or in some other way to assert their right and to prevent the Court from being held there. This was seconded by another of the Ministers and after some debate I represented to them the imprudence and indecency of this motion, that whatever the pretence might be of maintaining their right, the construction would be that they were engaging in the Dispute between the Kingdom from which they had received such great Benefactions and the Colonies and were obstructing measures which were judged proper for me to take, that indeed there was no other place in Cambridge where the Assembly could so conveniently meet as in the publick Rooms of the College, but at all events, they should meet in Cambridge, because I knew it was His Majesty's pleasure they should meet there: Before another Session I would represent to His Majesty's Secretary of State that it was not agreeable to the Overseers of the College that the Assembly should meet there, for they had generally expressed themselves to be of that mind, and I doubted not I should have Orders to prorogue it to some other Town, seeing without the use of the College Buildings they could not conveniently sit at Cambridge. I advised them not to insist upon the Question being put, but, it being pressed by the movers, I proposed the previous Question. The Board of Overseers consists of the Governor, Lieutenant Governor & Council and the Ministers of Boston and five other Towns together with the President of the College. One half of the Council and one half of the Ministers present were for the Question and it lay with me to give my voice against it. It plainly appeared that this was a piece of management of the Representatives of Boston to embarrass the public business one of their Ministers in

the Debate having inadvertently mentioned that they had let him know their opinion upon the point.

I gave them no room to expect I should be at liberty to carry the Court to Boston.

I have troubled Your Lordship with this detail in compliance with my promise and because I humbly apprehend that it may be convenient to have liberty to meet the Court or Assembly at Salem, Concord or other place than Cambridge until it shall be thought proper for it to be held at Boston again and that directions may be given on this head; for notwithstanding the frivolous exceptions taken by the Assembly to the Governor's being held to follow his Instructions, it makes a great odds in any unpopular matter, when he is able to say that he knows what he does is agreeable to His Majesty's pleasure, or that he is pursuing the Instructions or orders which he has received, and the clamour would have been ten times as great upon the late removal of the Court, if I had done it merely from my own opinion of the utility of the measure." — "*Mass. Bay, B. T.*," *vol.* 81.

The House having resolved, under protest, to proceed to business, nineteen acts were passed during the third session, which continued from the 26th of September to the 20th of November. These were duly certified for transmission, in December, — apparently before the 21st, the date of Hutchinson's letter to Secretary Pownall, which accompanied them. The package containing this letter, the acts, and the remarks of the Lieutenant-Governor upon them, was conveyed by Sir Francis Bernard's lady, who returned to England, a passenger in the Tweed.

All the acts of this session were printed, — the tax act separately; but the engrossments of the following chapters are missing: 2, 5, 7, 8, 10, 11, 12, 13 and 15. These appear to have been read in the Council, Feb. 7, 1771. They were then sent to the Board of Trade, where, thirteen days later, they were read, and ordered to be transmitted to Mr. Jackson, for his opinion thereupon in point of law. By the 10th of May, they had been returned to the Board, accompanied by Mr. Jackson's report. On that day, they were again read, as also was the report, in which Mr. Jackson expresses the opinion that these acts "are proper in point of law," and only hints the slight objection which appears in the note to chapter 2, *post*.

At the fourth session, which continued from April 3, to April 26, 1771, sixteen acts were passed, all of which were printed. The engrossments of chapters 21 and 32 are missing. These acts were certified for transmission, May 17, 1771. They were accompanied by a letter from the Governor to Secretary Pownall, dated May 16, as follows: —

"Sir, Under cover with this you will receive the several Laws which passed the last Session of the Court, all which relate to our interior affairs and seem to require no remarks nor explanation, unless it should be thought necessary for me to apologize for my consenting to so many New Towns without excepting a Privilege of sending Representatives. They are all made out of new Territory which never was before incorporated and my consent is warranted by the practice of my Predecessor in consequence of directions he received. As there is a prospect of many such Townships being incorporated every year the House of Representatives will soon swell to an enormous size. The Journal of the House of Representatives is not yet printed. As soon as it is out of the Press I will transmit it. I am, Sir,

Your most obed^{t} humble Servant

Tho: Hutchinson." — *Ibid.*, *O. o.*, 16.

The package containing these papers is endorsed "Rec^{d} July 12. Read Dec. 12, 1771.— 16 Acts." This memorandum appears to have been made in the office of the Board of Trade; for they were not delivered to the clerk of the Privy Council, in waiting, until the fifth of September. Twenty days later they were referred to the committee on plantation affairs, by whom they were sent back to the Board of Trade, on the fourth of October. They next appear in the latter Board, Dec. 18th; when they were read, together with Mr. Jackson's report, dated Dec. 13th, in which he expresses the opinion "that the said Acts are proper in point of Law." They were again read and considered by the Board, Feb. 27, 1772, when there were ordered to be prepared the draught of a report to the committee of the Council, and the draught of a letter to the Governor, containing the Board's observations on chapter 25, which are given in the note to that chapter, *post*. On the 4th of March, 1772, these draughts had been prepared and were signed by members of the Board.

At the third session a bill granting £325 for the support of the Lieutenant-Governor, was reported in the House. The enacting clause of this bill contained the words, "in General Court assembled." On the next day, in a message to both Houses, the Lieutenant-Governor gave notice that he could not give his assent to any bill in which the enacting clause varied from the form prescribed in his instructions; namely, "'By the Governor, Council and House of Representatives,' and no other." — [See note to act 1769–70, chap. 8, *ante*.]

The Lieutenant-Governor expected that permanent provision for his support would be made by act of parliament; but this he deemed it discreet to withhold from the Assembly, and the only objection he offered to the bill making the above-named grant, was the insertion of the additional words in the enacting clause.

What other bills, if any, containing this altered clause, were passed at this session cannot be discovered from the archives. Only one of the engrossed acts that are preserved, shows that it originally contained the objectionable words, which, however, were cancelled before the act was signed and sealed.

In his character as historian the Lieutenant-Governor subsequently animadverts on the conduct of the House in insisting "upon a point so frivolous and unimportant in itself, and supported by such feeble pretences," which he adds, "put a stop to the chief business of the Assembly a whole week, and the members of the first characters for knowledge in the law were much engaged in it." This looks like an adroit shifting of responsibility.

Some account of the royal instruction which the Lieutenant-Governor made a pretext

for objecting to the additional words, has been already given in the marginal note to the act of 1742-43, chap. 1, *ante*. As there stated, the purpose of this instruction appears to have been to deprive of all appearance of royal sanction, any possible claim to autonomy by the provincial legislature, — a claim which could be more confidently asserted if the Privy Council should assent to acts, in the enacting clauses of which the only authority professed was that of the General Court.

Hutchinson gives other conjectural reasons for this instruction; but his inferences are clearly drawn from false premises. He supposes, for instance, that the words "His Excellency," which, he intimates, were introduced in the time of Gov. Bellomont, were for certain reasons, objectionable; when in point of fact, this title appears in the enacting clauses of several acts passed in the administration of Sir Wm. Phips, and the title itself, which was first given to Sir Edmond Andros, continued to be used in the preambles and bodies of acts, wherein the governor was referred to, even after it had disappeared from the enacting clause. This title which, it is to be observed, was first given, successively, to two knights, and then to an earl, holding the office of governor, survived the Revolution, and continues to be the title of the chief executive of the Commonwealth, upon whom it is expressly conferred by the Constitution.

The instruction, moreover, was not first issued to Shirley, as Hutchinson intimates, but to Dudley, and, thereafter, it was regularly repeated to each succeeding governor.

The words which the House inserted, no doubt with the approval, if not at the suggestion, "of the members of the first character for knowledge in the law," seem entirely proper, and are, now, imperatively required by chap. 6, art. 8, of the second part of the Constitution of this Commonwealth. Nor was the use of these words unprecedented; for, before 1742 there were but five acts, in the enacting clause of which these words do not appear, and even after that date, certainly as many as ten acts were passed with enacting clauses containing these words, and four others where the objectionable words, though not in the principal enacting clause, were retained in the subsidiary clauses before certain paragraphs or sections; and still one other act (1742-43, chap. 6) which contains both the words "in General Court assembled," and "by the authority of the same." All these acts, it may be added, received the assent of the executive, and the approval of the Privy Council. Indeed, if these words had been retained in the clause as amended through the exertions of Gov. Shirley, there is no reason to doubt that the amendment would, nevertheless, have been deemed by the Privy Council a substantial compliance with his instructions.

Whether intended to have such an effect or not, this controversy helped to divert the Assembly from pushing inquiries on the subject of the Lieutenant-Governor's receiving his support from the crown, which was so soon to agitate the province and to aid in precipitating the Revolution.

Chap. 1. The Lieutenant-Governor, in his remarks to the Lords of Trade, observes "The Tax Act, so called, is in the usual form," and then adds, "So is the Act for making a District by the name of Southwick." — *Dec.* 21, 1770: "*Mass. Bay, B. T.*," *vol.* 81, *O. o.*, 7.

Chap. 2. "This Act is in the usual form except that in the former Acts the Naval Officer used to be required not to grant a pass at the Castle to any Ship or Vessel until &c. whereas it is now expressed that he shall not clear any Vessel &ca. This alteration was occasioned by particular persons who were angry at the exchange of the Garrison at the Castle but being of no consequence I thought it deserved no notice for the Province Law establishes a fee at the Naval Office." — *Ibid.*

§ 15. "There is a seeming indecorum in a clause in the Impost Act, requiring the Naval Officer (who does not depend on the Government of the Province) not to grant clearances, till the Duties paid, which yet I think amounts to no substantial objection, because this Direction I understand relates only to a fee given him by the Province on this Occasion, which they may give on what terms they please." — *Extract from report of R. Jackson, Apr.* 6, 1771: *ibid., O. o.*, 12.

Chap. 3. "Apr. 20, 1770. A Petition of the Towns of Bridgwater, Middleborough and Halifax — Setting forth — That the Fish called Alewives for a long time, even beyond the memory of man, have taken their course out of the Sea up into Taunton great River and so into the Towns aforesaid (in the Spring of the year) into the Fresh Ponds to cast their Spawn, which have been a great advantage especially to the Poor of the said Towns — That the Act made in the year 1765 enabling the Town of Taunton to take the said Fish with Seans has in its operation tended greatly to diminish the said Fish, to the great detriment of the Towns aforesaid. And praying that the said Act may be repealed.

In the House of Representatives. Resolved that the Petitioners serve the Town of Taunton with an attested Copy of this Petition by leaving it with the Clerk of said Town that they may shew cause on the third Tuesday of the next Session of the General Assembly why the prayer thereof should not be granted.

In Council, Read and Concurred." — *Council Records, vol. XXVIII., p.* 186.

"Oct. 22, 1770. A Petition of *Josiah Edson*, Esq[r]; and others, in Behalf of the Town of *Bridgwater*, praying that they may be empowered by a Law to let to farm the Alewive Fishery in said Town.

Read and committed to Mr. *Sprague*, Dr. *Wadsworth* and Capt. *Sprout*." — *House Journal, p.* 107.

"Oct. 23, 1770. A Petition of the Towns of Bridgwater, Middleborough and Halifax as entered the 20[th] day of April last.—

In Council, Read and Ordered That this Petition be revived, and that Artemas Ward, and James Humphrey Esq[rs]. with such as the hon[ble]. House shall join be a Committee to take this petition in consideration hear the parties and make Report what they think proper this Court shall do thereon.

In the house of Representatives, Read and Concurred and Major Forster, Capt White and Capt Mellen are joined with the Committee of the hon^ble Board." — *Council Records, vol. XXVIII., p.* 327.

"Nov. 1, 1770. The Committee appointed the 23^d of October on the petition of the Towns of Bridgwater, Middleborough, and Halifax reported verbally, and the following order passed Viz^t.

In Council. The Committee upon the petitions of the Towns of Bridgwater, Middleborough and Halifax having reported to the Board that the Agents for said Towns beg leave to withdraw their petition — Voted that they have liberty to withdraw said Petition accordingly. Sent down for Concurrence." — *Ibid.,p.* 347.

"An Act of the same tenor with divers others, respecting other Towns, already in force." — *Lieut.-Gov. Hutchinson to the Lords of Trade, Dec.* 21, 1770: "*Mass. Bay,B. T.,*" *vol.* 81, *O. o.*, 7.

Chap. 4 "The provision made by this Act has been found beneficial in several other places alike circumstanced." — *Ibid.*

Chap. 5. "The Laws mentioned in this Act were in the first draught all made perpetual I intimated that as there would not be sufficient time for me to consider them all fully therefore I would not consent to it, if it should be laid before me. The two Houses therefore altered the Clause and made the Laws Temporary." — *Ibid.*

Chap. 6. "All the Laws in this and the preceding Act have been approved of by His Majesty, I know of none that are exceptionable. That for preventing Stage plays has been complained of as unnecessarily restraining the use of innocent amusements.

It did not appear to me to be advisable to refuse my consent at this time and thereby increase the ill humours among the People." — *Ibid.*

Chap. 7. "Gentlemen of the House of Representatives. —

In order to conform to the Laws of the province and to maintain the public Faith, it was necessary the Treasurer should Issue his Warrants for the Assessment of the whole province Debt the current year. If these warrants have not been so far executed as to render any alteration impracticable and you shall be of opinion that the burthen will be too great for the people to bear, I am willing to consent to an Act for affording the necessary Releif by easing the present year of part of this Tax and chargeing the same Sum upon a future year." — *Extract from Lieut.-Gov. Hutchinson's speech, Sept.* 27, 1770: *Council Records, vol. XXVIII., p.* 310.

"Oct. 10, 1770. Upon a Motion, *Ordered*, That Major *Hawley*, Col. *Worthington*, Capt. *Heath*, Capt. *Barret* and Mr. *Batchelor*, be a Committee to consider what may be proper to be done to prevent the whole of the Debt of the Province being assess'd upon the Inhabitants the present Year: And also to consider what Sum is necessary to be rais'd by a Tax, and report." — *House Journal, p.* 92.

"Oct. 16, 1770. It was mov'd that the House now take into Consideration the Sum proper to be rais'd by Way of Tax on Polls and Estates the present Year. And after Debate thereon, *Ordered*, That the Sum of *Twenty-five Thousand Pounds* be rais'd.

Upon a Motion, *Ordered*, That the Treasurer be directed to call in the Outstanding Debts.

It was mov'd that a Committee be appointed to bring in a Tax Bill; and Mr. *Pickering*, Mr. *Gardner* of *Stow*, Mr. *Billing*, Capt. *Darby* and Mr. *Rawson*, were appointed accordingly." — *Ibid., p.* 98.

"Oct. 17, 1770. A Petition of *Joseph Buckminster*, Esq; in Behalf of the Town of *Framingham*, praying that an Assessment ordered to be levied on said Town to make good the Deficiency of a late Constable may be remitted. Read, and the Petitioner had Leave to withdraw this Petition." — *Ibid., p.* 101.

"Oct. 19, 1770. A Petition of *Samuel Culver*, and others, Selectmen of *Egremont*, setting forth that the Inhabitants thereof pay an unequal Part of the Province Tax, and praying the Consideration of this Court.

Read and committed to Mr. *Greenleaf*, Mr. *Phillips* and Capt. *Davis* of *Barnstable*." — *Ibid., p.* 103.

"Oct. 22, 1770. *Ordered*, That Capt. *Dagget* be of the Committee on the Petition of *Samuel Culver*, and others, in the Room of Mr. *Greenleafe*, absent." — *Ibid., p.* 108.

"Oct. 23, 1770. Upon a Motion, *Ordered*, That Mr. *Allen*, Mr. *Oliver* and Mr. *Remington*, examine the Precepts for the Return of Members, and report to the House such Towns as have return'd no Members." — *Ibid., p.* 109.

"Oct. 27, 1770. The Committee on the Petition of *Samuel Culver*, &c. reported.

Read and accepted, and *Ordered*, That the Prayer be so far granted, as that the Sum of *Fifteen Pounds* be taken off from the Tax of the District of *Egremont* the present Year; and that the same Sum be placed on the several Towns, and in the Proportion following, *viz.* the Sum of *three Pounds fifteen Shillings*, Part of said Sum of *fifteen Pounds*, on the Town of *Lanesborough*; the Sum of *three Pounds fifteen Shillings*, Part of said Sum of *fifteen Pounds*, on the Town of *Becket*; the Sum of *three Pounds fifteen Shillings*, Part of said Sum of *fifteen Pounds*, on the Town of *Williamstown*; the Sum of *two Pounds ten Shillings*, Part of said Sum of *Fifteen Pounds*, on the Town of *Richmond*; and the Sum of *one Pound five Shillings*, Part of said Sum of *fifteen Pounds*, on the District of *Lenox*." — *Ibid. p.* 118.

"Nov. 5, 1770. In the house of Representatives. Whereas it appears to this Court that the Town of Deerfield was Taxed the sum of fifteen pounds, ten shillings the whole of the Representatives pay for the Town of Deerfield the Districts of Shelburne & Conway for the last year: and whereas it appears that part of said Sum of £15. 10s. to wit, £2. 10. 4. ought to have been set to and laid upon the District of Shelburne and also £1. 17. 6.

part of said Sum of £15. 10s. ought to have been set to and laid upon the District of Conway but the same was inadvertently omitted: therefore Resolved and ordered that the Treasurer and Receiver General of this province be and is hereby directed to discharge the said Town of Deerfield from the sum of four pounds seven shillings and ten pence and that the same be sent to and laid upon the said Districts in their respective proportions aforesaid. — { In Council, Read and Concurred
{ Consented to by the Lieut Governor. — *Council Records, vol. XXVIII., p.* 354.

"June 18, 1771. a Petition of Joseph Read in behalf of the Town of Westford — Setting forth —That a Fine was laid on them of Eight pounds for not sending a Representative to the General Court the last year — and as the said Town was at the expence of Building a new meeting house the last year, Praying that the said Fine may be remitted.

In the House of Representatives — Resolved that the prayer of this Petition be granted, and that there be allowed and paid out of the Province Treasury to Mr Joseph Read for the use of the said Town of Westford the Sum of Eight pounds accordingly. In Council, Read and Concurred, Consented to by the Governor.

a Petition of Joseph Twitchel in behalf of the Town of Sherbourn Setting forth — That a Fine of Six pounds was laid on them for not sending a Representative to Court the last year — and as the said Town was at great expence in rebuilding their meeting house and in settling a minister the last year, Praying that the said Fine may be remitted.

In the House of Representatives — Resolved that the prayer of the foregoing Petition be granted, and that there be allowed and paid out of the Treasury of the Province the sum of Six pounds to Mr Joseph Twitchel for the use of the said Town of Sherbourn. In Council, Read and Concurred, Consented to by the Governor.

a Petition of Timothy Brigham in behalf of the Town of Southboro' Setting forth — That a Fine of five pounds was laid on them for not sending a Representative to Court the last year — and as the said Town was, the last year, at greater expence than usual in supporting their Poor, in making and repairing Bridges and Roads — Praying that the said Fine may be remitted.

In the House of Representatives — Resolved that the prayer of this Petition be granted and that there be allowed and paid out of the Province Treasury to Timothy Brigham Esqr. for the use of the said Town of Southborough the Sum of five pounds accordingly. In Council, Read and Concurred, Consented to by the Governor.

a Petition of Thomas Pratt in behalf of the Town of Chelsea — Setting forth, the smallness of the said Town and the poverty of its Inhabitants: And praying that a Fine of Seven pounds laid on them the last year for not sending a Representative to Court may be remitted.

In the House of Representatives — Resolved that the prayer of this Petition be granted, and that there be allowed and paid out of the Province Treasury to Mr. Thomas Pratt for the use of the said Town of Chelsea, the sum of Seven pounds accordingly. In Council, Read and Concurred, Consented to by the Governor.

a Petition of James McCobb in behalf of the Town of George Town — Setting forth — That a fine of Ten pounds was laid on them for not sending a Representative to Court the last year — and as the Inhabitants of said Town were in very distressing circumstances the last year occasioned by the destruction of their Grass by Worms; many Persons having thereby lost four fifths of their Crops and in consequence a great part of their Stock of Cattle in the Spring, by which means they were greatly impoverish'd — Praying that the said Fine may be remitted.

In the House of Representatives — Resolved that the prayer of this Petition be granted, and that there be allowed and paid out of the public Treasury the Sum of Ten pounds into the hands of James McCobb Esqr for the use of the said Town of George Town accordingly. In Council, Read and Concurred, Consented to by the Governor." — *Ibid., vol. XXIX., p.* 51.

"June 28, 1771. a Petition of the Selectmen of the Town of Upton — Setting forth, That the said Town was fined in the sum of five pounds for not sending a Representative to Court the last year — and as the said Town was, the last year, at great expence in building a meeting house and have a prospect of further expence in purchasing Roads to the said House, Praying that the said Fine may be remitted and the Town excused from sending a Representative for the present.

In the House of Representatives. Read and Resolved that the prayer of the Petition be so far granted as that the sum of five pounds be allowed and paid out of the public Treasury into the hands of Mr Edward Rawson for the use of said Town of Upton accordingly.

In Council, Read and Concurred, Consented to by the Governor." — *Ibid., p.* 92.

"The Tax Act so called is in the usual form." — *Lieut.-Gov. Hutchinson to the Lords of Trade, Dec.* 21, 1770; "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 7.

Chap. 8. "July 5, 1771. In the House of Representatives — Resolved that the Treasurer be and he hereby is directed to suspend the issuing or sending forth his Warrants (which he was by the last Act for supplying the Treasury impowered and directed to issue and send forth some time in the month of June last directed to the Selectmen or Assessors of each Town and District within this Province requiring them to Assess the Polls and Estates both Real and Personal within their several Towns & Districts for their respective parts and proportions of the sum of Twenty seven thousand three hundred pounds to be paid into the Treasury on or before the last day of March next after the Session of the General Court or Assembly in May One thousand seven hundred and seventy one to be assessed by such rules as given in the last preceeding Tax Act) till the first day of Novemr next. In Council, Read and Concurred." — *Council Records, vol. XXIX., p.* 124.

"This Act became necessary from the alteration made in the funds for Government

securities by what is called the Tax Act passed the same Session. The whole of the Province Debt which before lay upon one year is now charged upon three years. The Creditors of the Government wish to have it continued for a much longer term as they cannot find so good security for their principal and a certainty of their interest being regularly paid in any other way so that no body complains and I was the rather induced to consent to this alteration because if the whole had been charged upon one year it would be necessary to convene the General Court when perhaps there will be no other occasion for it whereas the Taxes may now be levied of course and there will be no pretence for calling the Court in order to an alteration." — *Lieut.-Gov. Hutchinson to the Lords of Trade, Dec.* 21, 1770: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 7.

Chap. 9. "Are you willing the Act for Limitation of Suits at Law, which has been repeatedly suspended, should now take Place? To omit the mention of many other Laws, which I believe you judge necessary to be continued or revived." — *Message of Lieut.-Gov. Hutchinson, to the House, June 7,* 1770: *House Journal, p.* 23.

"There was an Act for limitation of personal actions passed near twenty years ago. It has been repeatedly suspended before it could have any operation. This Act being very conformable to the Statute of Limitations in England, it now seems to be resolved shall not be suspended and if the People will not expect and prepare for it they must take the consequences. It is a most salutary Law and I am humbly of opinion that an Instruction not to consent to the Repeal or Suspension of it without special license would be a great kindness to the people for without this they will notwithstanding all the present professions neglect preparing for it and force a suspension whereas if there be an Instruction they will despair of it and govern themselves accordingly. — This is not a Temporary Law but placed among them through inattention which must be corrected." — *Lieut.-Gov. Hutchinson to the Lords of Trade, Dec.* 21, 1770: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 7.

Chap. 10. "The substance of this Act has been in force many years. There is some small alteration intended in favour to the Baptists." — *Ibid.*

"Their old certificate law being out of date, a new one was framed, which changed their title to Antipædobaptists, and changed the time of giving in certificates to the first of September; which were to be signed by three or more principal members, and the minister, if there be any. The word Congregation was to be used instead of the word Church; and the parishes were empowered to vote the Baptists clear, if they pleased, without certificates. But the word *Conscientiously* was still retained, and the certificates were required to be given in annually to parish assessors.

Mr. Davis, clerk of their committee, now called them together; and, upon examination, they declared themselves not satisfied with this law." — *Backus's History of the Baptists,* 2 *ed., vol.* 2, *p.* 156.

For further proceedings on the petitions of the Baptists, at this and the next session, see the note to 1768, chap. 5. (*ante*, vol. IV., pp. 1039-45.)

Chap. 11. "The Revival of this Law for one year only does not agree with the letter of one of the Royal Instructions, but this Instruction by preceding Governors has always been understood to extend to such Acts only as have not before had his Majesty's approbation. The trade which it is intended to regulate is become of little importance. If His Majesty's Proclamation for restraining all persons from trading with the Indians unless licensed by the Governors had been in force by an Act of Parliament the revival of this Act would have been unnecessary and improper." — *Lieut.-Gov. Hutchinson to the Lords of Trade, Dec.* 21, 1770: "*Mass. Bay, B.T.,*" *vol.* 81, *O. o*, 7.

Chap. 12. "There are very few persons who can be affected by this Act but the tendency of it is to promote justice as far as the Act extends." — *Ibid.*

Chap. 13. "This Act has been frequently revived for a short term after attempts to lessen the Fees of Officers. It happens that there is a standing Law which establishes better fees and this Law is a suspension of the operation of the other. The House rather than the standing law should take place revived the other but they will do it for a short time only flattering themselves that they shall be able to establish even less fees than the Temporary Act allows." — *Ibid.*

Chap. 14. "Apr. 3, 1770. A Petition of Elias Willard and others — Setting forth — That they have purchased and settled upon the Lands called the Ministers Grants and other Grants of Lands adjoining to the same without the Bounds of any Town, and are not in circumstances to make a Society by themselves: And praying that they may be annexed to the District of Lenox, there to do duty and receive privilege. —

In the House of Representatives. Read and Ordered that the Petitioners notify the District of Lenox and each of the Non Petitioners who are Proprietors of said Ministry Lands by serving the Clerk of said District and each of the said non petitioners with a Copy of this Petition to shew cause, if any they have, on the third Wednesday of the next May Session of the General Assembly why the prayer should not be granted. In Council, Read and Concurred." — *Council Records, vol. XXVIII., p.* 122.

"Oct. 27, 1770. a petition of Elias Willard and others, praying to be Annexed to the District of Lenox, as Entd the 3d day of April last.

In Council, Read again and no objection Appearing against the prayer of the within petition: Ordered that the said petition be revived and that the petitioners have leave to bring in a Bill for the purposes therein mentioned. In the House of Representatives, Read and Concurred." — *Ibid., p.* 339.

[After stating that certain acts are "in the usual form,"** "so is Also the Act for

annexing Lands to the District of Lenox and Another Act for annexing lands which lay in a precinct in Stoughton to a precinct in Bridgwater.

These two Acts [chaps. 14 and 15] all parties interested aequiesced in." —*Lieut.-Gov. Hutchinson to the Lords of Trade, Dec.* 21, 1770: "*Mass. Bay, B.T.,*" *vol.* 81, *O. o.*, 7.

Chap. 15. "Nov. 7, 1770. A Petition of *Nathaniel Littlefield* and *Amariah Harris,* praying to be set off to a certain Precinct in *Bridgwater.*

Read and *Ordered,* That the Member for *Dedham* bring in a Bill for the Purpose of the Petition." — *House Journal, p.* 143.

See note to chapter 14, *supra.*

Chap. 16. "June 7, 1771. a Petition of William Harkness and others, owners of particular Lots and Tracts of Land lying within that Tract of Land in the Town of Pelham in the County of Hampshire called the Lisburne propriety — Setting forth — That the General Court at their Session at Cambridge the last year, made and passed an Act intituled 'An Act for enabling the Proprietors of a Tract of Land called the Lisburne Propriety to raise money for making recompence to sundry Proprietors who had their supposed Rights cut off in part, by the late runing of the Lines of the Towns of New Salem and Shutesbury and for paying other Proprietary debts and charges and for enabling them to levy and Collect the same.'— And, as the said Act was passed without notifying the Petitioners and will if executed be highly injurious to them, Praying that the same may be repealed.

In the House of Representatives, Read and Resolved that the Petitioners notify the Proprietors of the Tract of Land called the Lisburne propriety of their Petition by serving the Clerk of the said Proprietors with a Copy of the same attested by the Secretary, that the said Proprietors may shew cause, if any they have, on the second Wednesday of the next sitting of this Court, why the prayer thereof should not be granted. In Council, Read and Concurred." — *Council Records, vol. XXIX., p.* 28.

"June 6, 1772. a Petition of William Harkness & others, owners of particular Lotts & Tracts of Land lying within that Tract of Land in the Town of Pelham in the County of Hampshire called the Lisburne propriety — Praying as entred the 7. day of June last.

In Council, Read again & revived & Ordered that Thomas Sanders and Samuel Phillips Esq^rs^ with such as the hon^ble^ House shall join, be a Committee to take the same with the Answer into consideration & report.

In the House of Representatives, Read & Concurred & Major Hawley, Doctor Tufts and M^r^ Bigelow of Worcester, are joined."— *Ibid., p.* 245.

"June 17, 1772. The Committee appointed the 6^th^ Instant on the Petition of William Harkness and others, owners of certain lotts and Tracts of Land in severalty lying within that tract of Land in the Town of Pelham called the Lisburn propriety, praying that a certain act or Law of this Province made and passed in the Year 1770 intituled 'an Act for enabling the proprietors of a Tract of Land called the Lisburn propriety to raise money for making recompence to sundry proprietors who had their supposed Rights cut off, in part by the late running of the Lines of the Towns of New Salem and Shutesbury and for paying other proprietary debts and charges and for enabling them to levy and collect the same,' might be repealed — having considered the said Petition and Answer, and fully heard the parties, Reported sundry Facts together with their Opinion that the Act aforesaid be repealed, and the sufferers left to their remedy at Law."

The Council accepted this report, and ordered a bill to be brought in, accordingly. The House concurred, but ordered the bill "to lie, for a full House."

"There are besides four other Acts [chaps. 16, 17, 18 and 19] to enable Towns or Districts to raise and collect monies for particular uses agreeable to many Precedents in like cases to which no exception has been made." — *Lieut.-Gov. Hutchinson to the Lords of Trade, Dec.* 21, 1770: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 7.

Chap. 17. See note to chapter 16, *ante.*

Chap. 18. "Feb. 23, 1768. A Petition of Elisha Marsh agent for the proprietors of Westminster — setting forth that at a meeting of said Proprietors held at Westminster 30^th^

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Dec. 1767, it appeared that they were in debt the sum of 142 ,, 0 ,, 9¼, almost 50 whereof is on a judgment of Court now in force against them & in order to discharge the said debts, they impowered the petitioner to make application to this Court for a tax on all the lands in Westminster viz. On the first, second & third divisions 60 acres each as a standard, the fourth or undivided land at 20 acres each & the meadow lots at 3 & the farm land so called at 500 acres computed at two original rights, & praying that a tax may be laid on said lands accordingly & that execution on the judgment aforesaid may be stayed till the money can be raised. In the House of Representatives, Resolved that the prayer of the petition of E. Marsh be so far granted that the proprietors of Westminster in the County of Worcester be and hereby are impowered to tax all the lands mentioned in said petition

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at 1½ per acre amounting to the sum mentioned in said petition of 142 ,, 0 ,, 9 & 9 for paying of said Marsh & for levying & collecting said tax & the said proprietors are hereby impowered to choose Assessors & Collector or Collectors respectively to assess & collect the same, which Collector or Collectors are hereby impowered to collect said tax in the same manner & by the same rules as Province taxes are collected from time to time. Also it is hereby to be understood that each proprietor's whole right in said propriety contains 203 acres. And whereas there was a tax laid on the Proprietors' lands in Westminster by the General Court in Act. 1762 & afterwards set aside by the Court & whereas some of said Proprietors paid said tax although set aside as aforesd it is hereby to be

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understood that when the tax abovesaid is collected of 1½ per acre that then those per-

sons, who have paid the former tax that was set aside aforesaid, be reimbursed the sum or sums they then paid out of the sum that may be collected by the present tax of 1½ D per acre. In Council Read & Concurred. Consented to by the Governor."—*Council Records, vol.* XXVII.

Chap. 19. See note to chapter 16, *ante.*

Chap. 20. "Province of the Massachusetts Bay } To his Excellency Thomas Hutchinson Esq. Governor & Commander in Chief, The Honble his Majesty's Council & House of Representatives of sd Province in General Court assembled April 3d 1771.—Humbly shews—

Giles Merrill of Haverhill in ye County of Essex & Province aforesd Clerk, that he was Settled, & now officiates as ye minister of ye north Parish in sd Haverhill & of ye Town of Plastow in ye Province of New-Hampshire—that ye sd north Parish is Poor & very Small consisting of but about—25 Families—that ye sd Town of Plastow is in such form that it is improbable ye Parsonage House, where your Petitioner now dwells, will ever accommodate any minister that may Settle with them hereafter, or that ye sd Town & Parish will ever Join in ye Settlement of another minister, or that ye sd Parish will be able to Support a minister for themselves—that ye sd Parsonage House would not have been habitable at this time, if your Petitioner had not in some measure repaired ye same—that a thorô repair of ye same House will be a great expence, & great difficulties arise between ye sd Parish & Town about raising Monies for that Purpose—that your Petitioners annual Support is very Small, & therefore he stands in need of some encouragement in his ministerial Labours—in Consideration of all which, the Inhabitants of sd Parish at a legal Meeting called for that Purpose, & ye Inhabitants of sd Town at a like meeting respectively voted to give to your Petitioner all their right & Title to ye sd Parsonage House & a Small Piece of land adjoining of about Three Acres & half lying on ye Southerly & easterly Sides of ye widw Anne Cushings land so far northerly as to make a Strait line with ye sd Mrs Cushings northerly Line, your Petitioner to free ye sd Town & Parish from any charge for repairing ye same for ye future, as by ye respective votes of ye sd Town & Parish, Copies whereof are herewith exhibited, more fully will appear—But your Petitioner being doubtful of ye Power of ye sd Town & Parish to alienate ye same lands in fee Simple—therefore he humbly Prays ye Aid of your Excellency & Honours in ye Premisses, & that ye sd Town & Parish or one of them, may be enabled to give to your Petitioner a legal Title to ye same House & land or afford such other Assistance as may seem meet—& as in Duty bound shall ever pray &cs.

Gyles Merrill

The Committee appointed to consider of this Petition, have attended that Service, and beg Leave to report, that the Prayer of it be so far granted that a Committee be appointed, to bring in a Bill to enable the North Precinct in the Town of Haverill, to grant the Premisses within described, to the Revd Mr Gyles Merrill, the Petitioner his Heirs & assigns forever, in Fee simple, notwithstanding any former Vote or Votes of the Town or Proprietors of Haverill, upon the Conditions mentioned in the Petition."—*Mass. Archives, vol.* 14, *p.* 620.

"To the Freeholders and other Inhabitants of the North Parish in Haverhill qualified to vote in Parish Affairs as the Law directs—

This is To notify and warn you to meet together at the House of Mr Mark Emerson on Monday the fifteenth Day of this Instant October at three of the Clock in the Afternoon to act upon the following Particulars

To see if the Parish will give the Revd Gyles Merrill all our Right & Title to the Parsonage Land lying upon the southerly and Easterly sides of the Land of ye late Revd Mr James Cushing now in Possession of ye Wido Ann Cushing with the Buildings thereon or so much of said Land as ye Parish shall see Cause when met—or To See if the Parish will Join with the Town of Plastow to repair said Buildings and raise money to defray the Charges of repairing said Buildings

Haverhill October ye 1st 1770 Nathaniel Rolfe } Committee to
Benja Clement } warn Meetings.

At a Meeting of the Freeholders and Other Inhabitants of ye North Parish in Haverhill at ye House of Mr Mark Emerson on the 15th Day of Oct. 1770—Nathl. Rolfe chosen Moderator

Then voted to give the Revd Gyles Merrill all our Right and Title to that part of ye Parsonage Land which lies on the Southerly & easterly sides of ye Wido Ann Cushing's Land—so far northerly as a straight line with Mrs Cushing's northerly Line which will come out to the Road near Mr Stephen Harriman's House, together with the Buildings thereon—He freeing us from any Charge in repairing them for the future—

A true Copy Attest. Isaac Snow Parish Cle.

Haverhill 21 Janry. 1771."—*Ibid., p.* 623.

"Province of New-Hampshire } In Obedience to a Warrant from the Select Men of the Town of Plastow to me directed—I do hereby notify and warn all the Freeholders & and other Inhabitants of said Town Qualified by Law to vote in Town Affairs—To meet at the Meetinghouse in said Town, on Tuesday the Thirtieth Day of this instant October at 3 o'Clock in ye after noon to act on the following Particular—vizt

To see if the Town will give the Revd Mr Gyles Merrill our part in the Parsonage Buildings where he now dwells with some Land adjoining thereto—

Ezekiel Gile { Constable for Plastow

Plastow October ye 16th 1770.

At a legal Town Meeting holden at ye Meeting-house in Plastow October ye 30th 1770—

Then Capt. William Ayer was chosen Moderater — The Meeting adjourn'd to Thursday Nov. y^e 1^st at 4 o'Clock in the afternoon —

Met according to adjournment —

Voted to give the Rev^d M^r Gyles Merrill, our Right and Title of the Parsonage Buildings where he now dwells with the Land adjoining thereto — viz^t — The Land on the Southerly & Easterly Side of the Wid^o Ann Cushing's Land so far northerly as a straight Line with M^rs Cushing's Northerly Line which will come out to the Road near m^r Stephen Harriman's House — Agreeable to the Vote of y^e North Parish in Haverhill on the south side of y^e Line — He freeing us from any Charge in Repairing them for the future.

Taken out of the Town Book of Records in Plastow —

A True Coppy Attes^t. JONATHAN KIMBALL Town Clerk

Plastow Janry 21. 1771." — *Ibid., p.* 622.

Chap. 24. "Oct. 25, 1770 a petition of a Number of the Inhabitants of Westerly part of the Town of Hatfield living cheifly on that Tract of land called the three mile addition — Setting forth — That they live from five to Eight miles distance from the place of public Worship in the said Town, and, consisting of near fifty Families, apprehend they are able to support the public Worship of God among themselves and praying that they may be Incorporated into a Town or District by certain bounds and limits in the said petition mentioned, and that sundry Persons with their Estates, part of whose Farms are included within the said Bounds, may be annexed thereto; and also praying that all those lands that were reserved for ways by the said Town, in said three Mile Addition may be confirmed to the New proposed Town or District and be at their disposal, and that they may have a Certain proportion of the Monies appropriated for the Use of a School in the Said Town of Hatfield.

In the house of Representatives, Read and ordered that the within named petitioners notify the Town of Hatfield of the Contents of this petition that they may shew cause if any they have on the second Thursday of the next setting of this Court why the prayer hereof should not be granted, and that such notice be given them by the said petitioners serving the Town Clerk of the Town of Hatfield with a Copy of this Petition and this order hereon attested by the Secretary fourteen days before the abovesaid second Thursday of the next setting of this Court In Council Read and Concurred." — *Council Records, vol. XXVIII., p.* 334.

Chap. 25. "Sir, We have read and considered the Laws passed by you in April June and July 1771 and have the satisfaction to find that they do not in general contain any matter that appears to us to be exceptionable; We observe however that amongst these Laws, there are two [1770-71, chap. 25, and 1771-72, chap. 2.] by which several Acts heretofore existing are repealed; that these Laws are made to take effect, before the King's pleasure be known, and that in one of them the Acts repealed are described by general Words of reference without any recital either of their Titles or Dates, The Inconveniencies which resulted from the want of some restriction in both the Cases to which the foregoing observation applies, have been the foundation of very positive and explicit Instructions on those heads to all His Majesty's Governors in America; and as they are inserted in Your General Instructions, Articles 6 and 7 It is our duty upon this occasion to point them out to you not doubting that for the future you will think fit to take such steps as may prevent the like irregularities" — *Lords of Trade to Gov. Hutchinson, Mar.* 4, 1772: "*Mass. Bay, B. T.*," *vol.* 86, *p.* 313.

"My Lords, The mail by the March packet arriving yesterday, I have the opportunity of acknowledging the receipt of Your Lordships letter of the 4^th of March.

I must confess my inattention in one point, not observing that the Title and Date of a Law or Laws repealed was not inserted. I have in a multitude of instances caused this and many other inaccuracies in Bills to be corrected after they have been presented to me. The two Houses will not employ a proper person or persons to draw or revise their Bills but leave it to any Member who obtains leave to bring in a Bill and seldom observe the form of a Committee

With respect to the other point I beg leave to observe to Your Lordships that I had my Instruction upon my mind and conceived that I was not departing from the spirit and intention of it. I imagined it did not extend so far as to prevent an alteration or amendment of any Clause or part of a Law Such alterations, amendments and additions have been constantly practised ever since the Instruction was first given. When they cannot well be expressed without periphrasis or great circumlocution I have thought it best for the sake of brevity and perspicuity to repeal any former law or laws and at the same time re-enact all parts of them except such as the proposed amendment made it necessary to omit. My Predecessors have been occasionally in this practice & I remember some of them have asked my opinion upon it when I was of the Council & I gave it with candour.

In the latitude with which the Instruction is construed the Assembly have been very backward in passing any other than temporary Laws. When it is more straight they will be apt to be still more backward. A great deal of time will be spent in the revival of an infinite number of laws from time to time and it will become necessary to meet the Assembly for that purpose when otherwise it would not be convenient

Having given these reasons for my conduct in this instance, if they have not that weight with Your Lordships which they had with me I shall give up my own opinion and govern myself by that of Your Lordships." — *Gov. Hutchinson to the Lords of Trade, Mar.** 11, 1772: *ibid., vol.* 81, *O. o.*, 38.

Chap. 29. "No record exists that this was ever a toll bridge, and the advantages derived are to be credited principally to the old parish. * * * *

* May ?

The building of this bridge caused quite a sensation in the architectural world at the time, and Major Sewall was engaged soon after to build a similar one between Boston and Charlestown. From this first bridge the idea of building pier or pile bridges, now practised, came in vogue." — *Emery's History of York, pp.* 170, 172.

Chap. 30. "Province of the Massachusetts Bay } To his Excelency Thomas Hutchinson Esq[r] Governor and Commander in Chief the Hon[ble] his Majestys Council and the Honorable House of Representatives of the province aforesaid in General Court Assembled at

The petition of the Inhabitants of a plantation called Pondstown Humbly Sheweth, That we the Subscribers inhabitants of s[d]: pondstown on the west side of Kennebeck River within the plymouth purchase might enjoy the Blessings of the Gospel and good Government amongst our selves, and be enabled to settle a minister & School. We therefore most Humbly pray your Excelc[y] and Honors to incorporate us into a Town with all the previledges & Immunitys, with* other towns within this province have, by the name of as your Exc[y] & Hon[rs] shall think proper by the following butts and bounds viz[t] begining on the West side of Cobbisecontee great pond at the Easterly end of Lott N[o]: One, from thence to run a West north West course five miles from thence to run a north north East course about† miles from thence to run an East South East seven miles or untill it meets the Westerly line of the township N[o]: One, — being five miles from Kennebeck river & from thece to run Southerly untill it meet with the North Easterly end of Cobbisecontee Great pond, from thince to run Westerly on the northly end of s[d]: pond to the West side thereof — then to run Southerly on the Westerly side of s[d]: pond to the first mentiond bounds, as appears by plan annexd — As this Country is at present but little cultivated it will oblige us to be at a great Expence in clearing roads & to build a House for the publick Worship of God, a ministerial house as well as a School & settleing & supporting the Gospel, and many other charges will Naturly arise in a new Country and being poor in general, therefore we most Humbly Pray your Exc[y] and Honours to Exempt us from paying province taxes for ten years to come and otherwise relive your petitioners as in Duty Bound shall ever pray

Kennebeck December 1770 —

JOHN CHANDLER	ELISHA SMITH	JOHN CHANDLER JUNER
SQUIER BISHUP	JAMES PULLEN	STEPHEN PULLEN
JONATHAN EMERY	ICHABOD HOW	JOSEPH BROWN
JAMES CRAIGG	JOHN BLUNT	SAMUEL STEVENS
ROBERT WAUGH	AMOS STEVENS	MOSES GRELE
RICHARD HUMPHREY	SETH DELANO	JOSEPH DAVENPORT
MOSES AYER	SAMUEL FROST	JOSEPH GRELE
JOSEPH CHANDLER	BENJAMIN FAIRBANKS	WRIGHT BROWN
GIDEON LAMBART	JOSEPH STEVENS	AUTHER DUN
		NATHENEL EMRY."—*Mass. Archives, vol.* 118, *p.* 476.

Chap. 31. "In the House of Representatives Nov[r] 8 1770 Resolvd that Maj Joseph Hawley & Elisha Porter Esquires with such as the Hon. Board shall joyn be a Committee to make Sale to the highest Bidder at publick Vendue, of a certain Island in Connecticutt River within this Province, lying between that part of the Town of North Hampton called old Rainbow and that part of the Town of Hadley called Fort Meadow, consisting of three or four Acres of good improveable Land, and about as much more that is likely in a short time to be fit for Improvement: And that the said Com[te] be and they hereby are authorizd in Behalf of this Province to convey the said Island by Deed to the highest bidder; and to give to the Purchaser, such Credit or Day of Payment of the Purchase Consideration or part thereof on good Security to the Province Treasurer for the use of the Province, and upon Interest from the time of Sale, as they shall judge will be most for the Interest of the Province

Sent up for Concurrence. T CUSHING Spk[r] In Council Nov[r] 10. 1770 — Read and Concurred and John Worthington Esq is joined in the Affair — A OLIVER Sec

Consented to T HUTCHINSON." — *Mass. Archives, vol.* 118, *p.* 474.

This bill was reported in the House, Nov. 19, 1770, when the following proceedings were had thereon:

"Read the first time & referrd for Consideration till the next Session of this Court.—And Order'd That the several Towns in the said County of Hampshire be notified of this Bill by the posting up a true Copy hereof with this Order thereon in the Towns of Springfield and Northampton Thirty Days before the Second Wednesday of the next Sessions of this Court. — And also that the same shall be publickly read by the Clerk of the General Sessions of the Peace for the s[d] County, at the next Court of General Sessions of the Peace to be held in and for the said County, and that the said several Towns shew Cause (if any they have) on the said second Wednesday of the next Sessions of this Court, why this Bill should not be enacted — And that M[r] Elisha Porter be directed to post up s[d] Copy in the said Towns and procure the same to be read by the said Clerk of the Peace as is above directed — Sent up for Concurrence T CUSHING Spk[r]

In Council Nov[r]. 20th 1770 — Read and Concurred JN[o] COTTON D. Secry

In Obedience to the foregoing Order I have posted up a true Copy of the foregoing Bill

* *Sic*, which?

† The word "seven," cancelled, follows, in the MS., but the accompanying plan shows the length of this line to be nine miles. The writing in both instances appears to have been done by another hand and with different ink from that in the body of the petition.

with the Order thereon at Springfield on the 13th Day of December last, & at Northampton on ye 14th Day of ye same December — & have also procured the same to be publickly read by the Clerk of General Sessions of the Peace, at ye same Court held at Northampton in the said County on the Second Tuesday of February last —

ELISHA PORTER.

In the House of representatives

April read the first time April 13 read the second time." — *Ibid.*, *vol.* 121, *p.* 484.

"Apr. 10, 1771. Upon a Motion, *Ordered*, That the Secretary attend this House.

The Secretary attended accordingly, and the Question being put by the Speaker to the Secretary, whether any of the Towns in the County of *Hampshire* had sent in Objections to a Bill bro't into the House the last Session, for charging the Court of General Sessions of the Peace for said County with the Cost of erecting and maintaining a Bridge over *Ware*-River? The Secretary answered in the Negative, and then withdrew." — *House Journal*, *p.* 202.

"Province of the } To his Excellency Thomas Hutchinson Esqr Captain General and
Massachusetts Bay } Commander in Chief in and over the said Province To the Honble
his Majesty's Council, and the Honble House of Representatives in
General Assembly at Cambridge on the Third Day of April 1771 —

Humbly shews John Worthington and Joseph Hawley Esqrs Benjamin Day, David Field, Elisha Porter, John Ingersoll, and William Billing Gentlemen, all of the County of Hampshire in the Province aforesaid — That the said County of Hampshire is particularly and distinguishly burthened with County Bridges by reason that there are many Rivers crossing the publick Roads in new Townships, the Inhabitants whereof are extremely poor and unable to make the necessary Bridges over such Rivers, the number of Bridges maintain'd by the said County not being less than Seven or Eight, and that there is a Bill now depending in this Honble Court to charge the County with another Bridge over Ware River, and the said Bridges are so large as that the Prime Costs of erecting the said Bridges at a moderate Computation will exceed One Thousand Pounds Lawful Money so that the Burden Occasioned by the Towns in the said County by making and supporting the said Bridges which are frequently broken by the Ice in high Freshets is much beyond any of the like kind in any other Part of the Province. — They also beg leave to shew that most of the said Bridges are not only necessary for the Inhabitants of the said County but very necessary for the Province in General as they are in Roads as Publick and generally travelled as any in the Province at the like Distance from the Capital — And as the Goverment have lately made the Sum of One Hundred Pounds Lawful Money by the Sale of an Island in Connecticut River between the Towns of Northampton and Hadley within the said County of Hampshire which Island has arisen in ye sd River within the memory of man, and so this Increase of the Estate of the Province has wholly grown out of the Loss of the Inhabitants of ye sd County — The said Petitioners therefore humbly Supplicate your Excellency and Honors would grant the Sum made by the Sale of the said Island to the said County of Hampshire the better to enable the said County to support the Charge and Expence of maintaining the said Bridges.—And they as in Duty bound shall ever pray

J. WORTHINGTON BENJA DAY ELISHA PORTER
JOSEPH HAWLEY DAVID FIELD WM BILLINGS
JOHN INGERSOL

In the House of Representatives Apl 12th 1771 Read and Resolved that the Prayer of the within Petition be granted & that the Treasurer of the Province be, and hereby is directed to deliver over unto John Worthington Esqr the Security & money by him recd as the Produce of the Sale of the Island within mentioned to be deliverd to ye Treasurer of the County of Hampshire for use of the sd County & for the Purpose in the Petition mentioned Sent up for Concurrence

THOMAS CUSHING Spkr

In Council April 15th 1771 Read & Concurred

THOS FLUCKER Secry.

Consented to — T HUTCHINSON." — *Mass. Archives*, *vol.* 121, *p.* 486.

Chap. 32. "Apr. 15, 1771. A Petition of *Joseph Gerrish*, Esq; in Behalf of the Town of *Newbury*, praying that an Act may pass to prevent the Destruction of Fish called Bass, in the River *Parker*, in said Town.

Read and *Ordered*, That the Petitioner have Leave to bring in a Bill." — *House Journal*, *p.* 217.

Chap. 35. "To His Excellency Thomas Hutchinson Esqr Captain, General, & Commander in Cheif in & over His Majesty's Province of the Massachussetts Bay in New England. — To the Honourable His Majesty's Council, —And To The Honourable House of Representatives in General Court Assembled —

May it please your Excellency & Honours

We, whose names are hereunto Subscribed being a Committee legally chosen by the Inhabitants of Marblehead To petition the Great & General Court of this Province, To build one or more Lights on some part of the Cape Ann Shore, Would humbly present To your Excellency & Honours, Our Petition for that purpose, wherein we beg leave to Shew — That the Headland of Cape Ann Projects itself into the main Ocean in Such a manner, as to form two deep Bays, one to the Northward, commonly called Ipswich Bay; & another to the Southward, called the Massachusetts, or more commonly Boston Bay. — That there are in these two Bays the following Seaport Towns viz Newbury Port, Ipswich, Gloucester, Manchester, Beverly, Salem, Marblehead, Boston, — Plimouth, & divers smaller ones lying between Boston & Plimouth — That all Merchant Ships coming from abroad & all Fishing Vessells coming from the Banks to any of the aforementioned Ports, do generally endeavour to fall in with, & make the aforesaid Headland of Cape Ann —

That all ye Vessells employed in bringing wood, Lumber, Lime &c from the Eastern parts of this Province To any of the Towns afores^d must of necessity pass very near the Headland afores^d in their passages backwards & forwards — That there are two very dangerous Ledges of Rocks, w^ch lay right off from the Headland afores^d One commonly called the *Salvages* The other, Thatcher's Island Ledge; w^ch frequently prove fatal to Vessells, by their running upon them, in dark Nights — That in great Storms when the Wind is Easterly, Vessells have, very often in long nights, been driven by distress of weather, past The headland afores^d into one or other of s^d Bays, & not being able by reason of ye darkness to See the Land at the Time they have passed by, (whence they might have judged whereabouts they were) have afterwards been driven ashore, where they have either miserably perished, or been greatly damaged — That at other times when the Gales of wind have not been so severe, but that Vessells might venture to run for the Land, They have either mistook the Headland afores^d for some other part of the Bay; Or some other part of the Bay for said Headland; w^ch has proved equally fatal — That all Such misfortunes might in most cases be for the future escaped, If there should be some distinguishing Lights erected upon some proper part of the Shore of the Headland afores^d by w^ch it might be certainly known — That the Coasting Business to & from the Eastern parts of this Province would be thereby carried on, w^th more safety & expedition; And all Mariners & Fishermen coming into any of the Ports afores^d from the sea would then have a sure & certain land mark for w^ch they might venture to run by night, equally as well as by day — Wherefore, In behalf of the Inhabitants of Marblehead afores^d We humbly pray your Excellency & Honours To take the matter into consideration, & order & do therein, as to your Excellency & Honours Shall seem best; And We your Petitioners as in duty bound Shall ever Pray —

Marblehead April 2. 1771

Jeremiah Lee
Ben: Marston
Azor Orne
} Committee." —

Mass. Archives, vol. 66, *p.* 485.

"Apr. 9, 1771. A Petition of *Jeremiah Lee*, Esq; and others, Inhabitants of *Marblehead*, praying that a Light-House may be erected on the Head Land of *Cape-Ann* or *Thatcher's* Island.

Read and committed to Major *Hartwell*, Capt. *Darby*, Mr. *Hancock*, Mr. *Allen*, and Major *Gallison*, to prepare and bring in a Bill." — *House Journal*, *p.* 198.

"Apr. 10 1771. The Committee on the Petition of *Jeremiah Lee*, Esq; and others, reported, That the Prayer be granted — *Ordered*, That Mr. *Allen*, Mr. *Hancock*, and Major *Gallison* be a Committee to bring in a Bill accordingly." — *Ibid.*, *p.* 200.

"Apr. 26, 1771. In the House of Representatives· Ordered that Capt Allen, Majr Reed and Capt Darby be, with such as the hon^ble Board shall join, a Committee to take the care of the Building a Light house on Thachers Island or the head Land of Cape Ann agreable to an Act passed the present Session and Report their proceedings to the General Assembly.

In Council, Read and Concurred and John Erving Esqr and Capt Partrick Tracy are joined in the affair. Consented to by the Governor." — *Council Records, vol. XXVIII., p.* 560.

"June 7, 1771. In the House of Representatives. Ordered That Capt Allen, Majr Reed and Capt Darby with such as the hon^ble Board shall join be a Committee to take the care of Building a Light House or Houses on Thachers Island or the Head Land of Cape Ann agreable to an Act passed the last Session and report their proceedings thereon to the General Assembly.

In Council, Read and Concurred and John Erving Esqr and Captain Patrick Tracy are joined in the affair." — *Ibid., vol. XXIX., p.* 27.

"June 11, 1771. The following Report was made by the Committee appointed for the purpose therein mentioned viz^t —

The Committee appointed to place or build a Light house or Light Houses on the Eastermost part of Cape Ann or on Thachers Island, have attended that service and viewed the Coast for some miles and also took the proper bearing and distance of the Sea shore by the Compass as well as it could be done there; and being very anxious the Light Houses should be properly and advantageously placed for the benefit of the public, we requested of the Marine Society in Boston that some of them would take a view of it by Water, and accordingly five experienced Masters of Vessels went there in a Vessel and went on shore upon said Island and join in opinion with the Committee that said Thachers Island is the properest place to erect Light houses on, and their Report is hereunto annexed. The owners of the Island we did not see, but they have sent their proposals in the Letters accompanying this Report. — All which is humbly submitted —

John Erving & Order

Upon which the following Order passed viz^t.

In Council, Read and sent down.

In the House of Representatives. Read and recommitted and the Committee are hereby directed to ascertain the lowest terms upon which the Island mentioned in the Report may be hired or purchased, and also to make enquiry into the quantity and quality of the Land of which the said Island consists and make Report as soon as may be. In Council, Read and Concurred." — *Ibid.*, *p.* 31.

"Glocester June 15th 1771

Sir We Rec^d yours of the 12th of this Instant and note the contents have waited on Nath^l Allen Esq^r & Major Reed to Thachers Island who have taken the Measure of the same and will Inform as to the contents of it, you desire that we would Ascertain the Price that we will take for said Island we hereby Inform you that the price we set on it is Five Hundred Pounds as it will bring the Interest of that sum annually, as to renting it we cant comply with that as we suppose it will be ever Useless to us after it is improv'd for a Light House — You desire to be inform'd of the number of Creatures it will feed

we have now fourteen Oxen on it at this time which is not a full Stock but it is capable of a much greater improvement the Gentlemen above named can Inform you as to the quality as well as the quantity of the land we are Sir with Respect your Obedient Servants

WILLIAM ELLERY
SAM^L PLUMER
JOHN LOW

To the Honourable John Ervin Esq^r." — *Mass. Archives, vol. 66, p. 503.*

"June 22, 1771. The following Report was made by the Committee appointed for the purposes therein mentioned viz^t.

The Committee appointed to ascertain the price of Thachers Island &c have attended that service upon the Island and find it to contain about eighty Acres of excellent Land and abounding with fine square Stone for building. The present owners are averse to letting it for the purpose of building a Light-house upon, and the price they ask is £500 as by their written proposals herewith exhibited will appear. All which is submitted

JOHN ERVING *p'* order

In Council, Read and sent down

In the House of Representatives. Resolved that Nathaniel Allen, Richard Reed and Richard Darbey Esq^rs with such as the hon^ble Board shall join, be a Committee to purchase an Island called Thachers Island for the use of the Province on the best terms they can in order to erect a Light house or Lighthouses thereon, provided the price does not exceed five hundred pounds and that they immediately proceed to erect said Lighthouse or Lighthouses on said Island agreable to an Act passed the last Session of the General Court, and likewise provide a convenient House for the Keeper of the Lights, and report their proceedings to the General Assembly.

In Council, Read and Concurred and John Erving and Thomas Sanders Esq^rs are joined in the affair. Consented to by the Governor." — *Council Records, vol. XXIX., p. 75.*

"July 5, 1771. Advised and Consented that a Warrant be made out to the Treasurer to pay unto the Hon^ble John Erving Esq^r and Committee appointed to build a Lighthouse or Houses, on Thachers Island, the sum Five Hundred Pounds, allowed by the General Court, to enable them to purchase the said Island." — *Executive Records of the Council, 1765-1774, p. 575.*

"Sept. 12, 1771. Advised and Consented that a Warrant be made out to the Treasurer to pay unto the Hon^ble John Erving Esq^r and Committee appointed to build a Lighthouse or Houses on Thachers Island, the sum of Two Hundred Pounds, to enable them to proceed in that business; they to be accountable." — *Ibid., p. 584.*

"Nov. 15, 1771. Advised and Consented that a Warrant be made out to the Treasurer to pay unto the Committee for building a Lighthouse or Houses on Thachers Island, the sum of Four Hundred Pounds; they to be accountable." — *Ibid., p. 595.*

"Apr. 25, 1772. The Committee, to whom was referred the Examination of the Committee's Accounts, who were appointed by the General Court to carry forward the Building the Light-Houses and Dwelling-House, on *Thatcher's* Island, and Purchase of said Island, reported that the Charge thereof amount to *Two Thousand seven Hundred and thirty-five Pound, nineteen Shillings and six Pence half Penny;* of which the said Committee have received *Eleven Hundred Pounds*, so there remains, *One Thousand six Hundred and thirty-five Pounds thirteen Shillings and six Pence half Penny, due to said Committee.* And this Committee find upon Examination thereof, that the several Accounts are reasonable and just, and are right cast and well vouched.

The above Report was read and accepted, and thereupon,

Resolved, That the Sum of *One Thousand six Hundred and thirty-five Pounds nineteen Shillings and six Pence half Penny*, be paid out of the Treasury to the Committee appointed to build the Light Houses and Dwelling House on *Thatcher's* Island; which Sum, together with *Eleven Hundred Pounds* already received by said Committee, is in full for the same, together with the Purchase Price of the Island. Sent up for Concurrence." —*House Journal, p. 187.*

"Apr. 25, 1772. Advised and Consented that a Warrant be made out to the Treasurer to pay unto the Hon^ble John Erving Esq^r and Committee, appointed by the General Court for building a Lighthouse or Houses on Thachers Island, the sum of Twelve Hundred Pounds, to enable them to proceed in said business; they to be accountable."— *Executive Records of the Council, 1765-1774, p. 626.*

"May 12, 1772. Advised and Consented that a Warrant be made out to the Treasurer to pay unto the Hon^ble John Erving Esq^r and Committee, appointed for building a Lighthouse or Houses on Thachers Island, the sum of Four Hundred and thirty-five Pounds nineteen shillings and six pence, to enable them to compleat the same; they to be accountable." — *Ibid., p. 629.*

"Sept. 9, 1772. Advised and Consented that a Warrant be made out to the Treasurer to pay unto Nathaniel Allen Esq^r the sum of Eighteen Pounds six shillings and ten pence, to discharge his account for two rolls of Lead supplied the Committee for building a Lighthouse on Thachers Island." — *Ibid., p. 662.*

"Nov. 19, 1772. Advised and Consented that a Warrant be made out to the Treasurer to pay unto the Hon^ble John Erving Esq^r and Committee for building a Lighthouse on Thachers Island, the sum of One Hundred and Fifty Pounds; they to be accountable." — *Ibid., p. 673.*

"Feb. 24, 1773. Advised and Consented that a Warrant be made out to the Treasurer to pay unto the Hon^ble John Erving Esq^r the sum of Two Hundred and Eighty Pounds, to enable him to discharge sundry accounts for building the Light House at Thachers Island." — *Ibid., p. 698.*

"Feb. 26, 1773. Advised and Consented that a Warrant be made out to the Treasurer to pay unto the Hon^ble John Erving Esq^r the sum of Forty five Pounds three shillings and one penny, the balance due on sundry accounts for building the Light Houses on Thachers Island." — *Ibid., p. 699.*

"Mar. 24, 1773. Advised and Consented that a Warrant be made out to the Treasurer to pay unto the Hon^ble John Erving Esq^r and Committee for building a Light house or Houses on Thachers Island, the sum of Fifty Pounds, to enable them to proceed in that business; they to be accountable." — *Ibid., p.* 708.

"Province of the Massachusetts Bay } To his Excellency Thomas Hutchinson Esq^r Captain General and Governor in Chief, The Hon^ble his Majesty's Council and Hon^ble House of Representatives of the Province aforesaid in General Court Assembled at Boston

The Petition of James Kirkwood Humbly Sheweth,

That in the month of December 1771 your petitioner undertook to go to Thatchers Island to take care of, and look after two Light houses that had been Lately Erected on said Island for the benefit of navigation, the Island being at some distance from the Main Land and much exposed to hard Gales of Wind & Extream Cold in the Winter which together with the Light houses & dwelling House not being quite finished made it a very uncomfortable habitation, and attended with great difficulty as the Lighthouses stand at a great distance from one another (thô very properly placed for the Safety and benefit of Trade.

That the ruffness of the way makes it very difficult and dangerous passing and repassing from one Light House to the other especially a nights in the Winter Season, being Obliged to do it at ten at night and two in the morning to the endangering of their Livès and Limbs.

That it is a full mile from said Island to the main Land, and sometimes for Three and four Weeks they have not daired to venture ashore by reason of the Boisterousness of the Sea, so that at such times (though they should be in the utmost distress) they can't get any assistance or Supplies from the Shore.

That your pet^r and the two men employed in taking care of said Lights were hardly sufficient, when they were all Well for so difficult a task and when any of them were laid up, and no other assistance could be had their Duty was very fatiguing.

That there is due to one of his Assistants for his Service from the 11^th Decem: 1771 to 11^th June 1773 being Eighteen months at five Dollars ℔ month the Sum of Twenty seven pounds. And for the other Assistants Service from 1^st July 1772 to the 1^st of June 1773 at four Dollars ℔ month the sum of Thirteen pounds four shillings amounting in the whole to the sum of Forty pounds four shillings. —

That your pet^r hath faithfully attended his Duty (thô a very hard one) ever since the month of December 1771 being Eighteen months and has never had any Allowance except his Provisions. —

He therefore humbly prays your Excellency & Honours would be pleased to take his case into your Wise & Serious Consideration and be pleased to make a grant of the aforesaid Sum due to the two Assistants And also that you would be pleased to make him such Allowance for his time aforesaid as your Excellency and Honors shall think he reasonably deserves for his hard Services aforesaid. And as in duty bound shall ever pray &c.

JAMES KIRKWOOD." — *Mass. Archives, vol.* 66, *p.* 533.

"June 29, 1773. A Petition of James Kirkwood Keeper of the Light House on Thachers Island — Praying an allowance for his service and the services of his two Assistants in taking the care of the said Lighthouse from Decem^r 1771 to this time.

In the House of Representatives. On the Petition of James Kirkwood keeper of the Lighthouse on Thachers Island; Resolved that the sum of eleven pounds be paid out of the Treasury to the Petitioner, which sum, together with the sum of eighty nine pounds, six shillings by him already received and also his Wood, be in full for his and his two assistants, service as Keeper of said Lighthouse from the month of December A D 1771 to this time. In Council, Read and Concurred, Consented to by the Governor.

In the House of Representatives. Ordered that Cap^t Darby and M^r Allen with such as the hon^ble Board shall join, be a Committee to take the care of the Light Houses on Thachers Island, and to give directions respecting the Lights and the Island on which they stand, until the further Order of this Court. In Council, Read and Concurred, and John Erving Esq^r is joined, Consented to by the Governor." — *Council Records, vol.* XXX., *p.* 97.

"Watertown June 16^th 1775

These may Certify that in the year 1773 I was Appointed by the House of Representatives one of a Committee to take into consideration the Petition of Cap^t James Kirkwood relative to his taking care of y^e Light Houses on Thatchers Island if I remember right he was Allowed for one years service the Sum of Sixty pounds Lawfull money.

BENJ^A LINCOLN." — *Mass. Archives, vol.* 157, *p.* 476.

"June 16, 1775. Col. Coffin, Mr. Stephen Hall and Col. Davis, were chosen a committee to consider the petition of James Kirkwood." — *Printed Journals of the Provincial Congress*, 1774-5, *p.* 343.

"June 22, 1775. *Ordered*, That Mr. Pickering be appointed, in the room of Col. Coffin, to consider the petition of Mr. Kirkwood, keeper of the lighthouse on Thatcher's island."* —*Ibid., p.* 374.

"June 23, 1775. *Ordered*, That the account of Capt. Kirkwood, be recommitted to the committee appointed to take that matter into consideration, and that Major Whittemore, and Mr. Glover, be added to the committee." — *Ibid., p.* 378.

"June 24, 1775. The committee appointed to take into consideration the petition of

* "James Kirkwood represented, that he had been deprived of his salary for two years, and had not been remunerated for his disbursements in maintaining the lights on Thatcher's island, and prayed relief from the pecuniary difficulties he experienced by reason of the postponement of the payments due for his services and expenses."—[*Note by the editor of the Province Journals.*

James Kirkwood, keeper of the lights on Thatcher's island, reported: the report was accepted, and is as follows, viz.:

Resolved, That there be allowed and paid, out of the public treasury, to Capt. James Kirkwood, sixty pounds, for one year's salary as keeper of the light-houses on Thatcher's island, and also eighteen pounds, eighteen shillings more, being for his disbursements, in repairing buildings, and other work done there, box of medicines, and several other necessaries, as per his account, herewith exhibited: and the receiver general is, accordingly, hereby directed to pay the said Capt. Kirkwood, the aforesaid sums, amounting to seventy-eight pounds, thirteen shillings, the same to be paid in bills of credit of this colony." — *Ibid., p.* 386. — See, also, *ante*, note to 1767-68, chap. 22, vol. IV., pp. 1004, 1005.

"May 5, 1780. In the House of Representatives It being represented to this Court that the two Light Houses at or near Glocester are in danger of being destroyed and the materials thereof lost for want of some proper Person to take care of them — therefore,

Resolved, that Stephen Choate Esq^r^ be and hereby is appointed a Committee who is hereby directed to examine into the Situation of the said Light Houses and make return thereof to the Honorable Council — and also to take such Measures for securing the said Houses & the materials thereof as he may judge necessary, and lay his Accounts before the Hon^ble^ Council for allowance, who are hereby requested to grant Warrants on the Treasury for the payment of such Sum as they judge reasonable for said Service — In Council Read and Concurred Consented to by fifteen of the Council." — *Council Records, vol. XL, p.* 435.

"June 23, 1780. In the House of Representatives — Whereas it appears to this Court that sundry articles being the property of this State have been taken from the Light houses on Thatchers Island by some person or persons having no right to the same & that sundry other articles still remain in danger of being taken away in the same manner & that the said Island may be leased out to the advantage of the State. — Therefore —

Resolved that the Honorable Stephen Choate Esquire be & he hereby is fully authorized, empowered, & directed in behalf of this State to discover by all proper means any person or persons who have taken from Thatcher's Island aforesaid any article or articles whatsoever being the property of this State & to settle with them upon just & reasonable terms or if need be to prosecute any such persons* or persons to final judgment & exicution — also —

Resolved that the said Stephen Choate be & he hereby is authorized, empowered & directed to take under his care any article or articles being the property of this State that now remains on said Island or that has been taken therefrom as aforesaid & to make out & lodge in the Secretary's Office a proper inventory of the same & also annually to lease out the aforesaid Island for as much as the same will fetch till the further order of the General Court he to be accountable & make report to the General Court for the time being. — In Council read & concurred Consented to by fifteen of the Council." — *Ibid., p.* 533.

* *&c.*

ACTS,

PASSED 1771–72.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT CAMBRIDGE, ON THE TWENTY-NINTH DAY OF MAY, A. D. 1771.

CHAPTER 1.

AN ACT FOR ANNEXING CERTAIN LANDS, LYING IN THE TOWN OF BELCHERSTOWN* IN THE COUNTY OF HAMPSHIRE, WITH THE INHABITANTS THEREON, TO THE TOWN OF GREENWICH, IN THE SAME COUNTY.

Preamble.

WHEREAS it has been represented to this court, by a number of the inhabitants of that part of the town of Belcherstown lying east of the west branch of Swift River, and south of Pelham, that it is with great difficulty they enjoy town privileges there, and that they can more commodiously enjoy such privileges in the town of Greenwich; and the said town of Belchersto[w]n having consented that the inhabitants aforesaid should be annexed to Greenwich, the town of Greenwich has consented to receive them, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Lands annexed to Greenwich.

[SECT. 1.] That all the lands in Belcherstown, in the county of Hampshire, lying east of the west branch of Swift River, and south of Pelham, be and hereby are annexed to the town of Greenwich, in the same county, together with all the inhabitants that now do, or that shall hereafter, dwell thereon; who hereby are and shall be subjected to do duty and intitled to receive privilege equal with other inhabitants of the said town of Greenwich, to all intents and purposes whatsoever.

And be it further enacted,

Proportion of taxes to be paid.

[SECT. 2.] That the inhabitants annexed as aforesaid, shall pay their proportion of all such province, county, and town, taxes as are already set on them by the town of Belchersto[w]n, in like manner as though this act had not been made.

Provided, also, —

And be it further enacted,

Bridge over Swift River, to be maintained.

[SECT. 3.] That the bridge over the west branch of Swift River, in the county road, be maintained, repair[e]d and rebuilt, from time to time, as there shall be occasion, equally, at the expence of Greenwich and Belcherstown. [*Passed June* 22†; *published July* 5.

* As originally engrossed, the name was Belcherston; but this was changed to Belcherstown, by inserting "w," with a caret, apparently in the handwriting of Gov. Hutchinson, wherever the name occurs in the engrossment.

† Signed July 5, according to the record.

CHAPTER 2.

AN ACT FOR REPEALING THE SEVERAL ACTS RELATIVE TO THE HOLDING AND SETTING OF THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURT OF COMMON PLEAS, IN AND FOR THE COUNTY OF BERKSHIRE, AND FOR DETERMINING THE TIMES AND PLACES FOR HOLDING THE SAID COURTS FOR THE FUTURE.

Be it enacted by the Governor, Council and House of Representatives,

Laws repealed. 1769-70, chap. 18. 1770-71, chap. 25.

[SECT. 1.] That the several laws, and the several paragraphs and clauses of all and every of the laws, of this province, heretofore made and enacted, so far forth as they have relation to the times and places for the setting and holding of the court of general sessions of the peace and inferior court of common pleas, in and for the county of Berkshire, be and hereby are repealed, and declared null and void.

And be it further enacted,

Times and places for holding of the courts.

[SECT. 2.] That a court of general sessions of the peace and an inferior court of common pleas, shall set and be held, in and for the said county of Berkshire, at Great Barrington, on the first Tuesday of September next, and, from and after the holding the same courts, there shall set and be held, annually, in and for the said county of Berkshire, a court of general sessions of the peace and an inferior court of common pleas, at Pittsfield, on the last Tuesday of November, and on the last Tuesday of February, and at Great Barrington, on the third Tuesday of May, and on the third Tuesday of August.

And be it further enacted,

Actions returnable.

[SECT. 3.] That all causes, writs, executions, recognizances, presentments, indictments, warrants, appeals, processes, matters and things whatsoever, that are or shall be made returnable to, or had, or would have had, day, and been adjudged, determined and acted upon at or by either of the said courts to be held at Great Barrington, on the first Tuesday of September next, or at Pittsfield, on the last Tuesday of November next, shall be returnable, have day, be adjudged, determined and acted upon in like manner as they ought to and shou'd have been in case the acts, made and passed in the seventh and in the current years of his present majesty's reign, for the ordering and determining the holding of said courts, had never been repealed, notwithstanding the same acts are hereby declared to be repealed and to be null and void. [*Passed June* 29*; *published July* 5.

CHAPTER 3.

AN ACT FOR ENQUIRING INTO THE RATEABLE ESTATES OF THIS PROVINCE.

Preamble. 1767-68, chap. 15.

WHEREAS the rateable estates of the several towns and districts in this province are much altered since the last valuation, —

Be it enacted by the Governor, Council and House of Representatives,

Assessors to return a list of

[SECT. 1.] That the assessors of each town and district within this province, chosen for the year one thousand seven hundred and

* Signed July 5, according to the record.

seventy-one, shall, on oath, take, and lodge in the secretary's office, by the first day of October next, a true and perfect list, according to their best skill and understanding, agreeable to a list settled by the general court and recorded in the secretary's office (a printed copy of which list shall be, by the treasurer of the province, sent to the clerk of each town and district), therein containing an account of all male polls, of sixteen years old and upwards, whether at home or abroad, distinguishing such as are exempt from rates; and of all rateable estate, both real and personal, lying within or adjacent to, their respective towns and districts, and by whom occupied, and what each person's real estate may rent for by the year, taking one year with another; particularly mentioning dwelling-houses, and shops under the same roof or adjoining to them, shops seperate from them, still-houses, tann-houses, slaughter-houses, pot-, and pearlash works, ware-houses, wharves, grist-mills, fulling-mills, saw-mills, iron-works and furnaces, and all other buildings and edifices; and what all of said estates, including the lands, may rent for by the year, in the judgment of said assessors, without any deduction for more than ordinary annual repairs; and of all Indian, negro or molatto servants for life, from fourteen to forty-five years of age; and the number of tons of vessels, of every kind, upwards of ten tons burthen (to be given in, in carpenters' tonnage), whether at home or abroad; and each person's whole stock in trade, including all goods, wares and merchandize, at home or abroad, of their own property, paid for or not; also including those in their hands by factorage; money at interest which any person has more than he or she pays interest for; and also of all horses, oxen, cows, goats, sheep and swine, at the respective ages in said list. And said assessors, in taking said valuation, shall distinguish the different improvements of land, and return their list in the following manner; viz., the number of acres of pasture, and the number of cows the same will keep, with the after-feed of the whole farm; number of barrels of cyder that can be made upon the farm, one year with another; the number of acres of tillage land, bushels of grain and corn, including all sorts the same will produce by the year; number of acres of salt marsh, with the tons of hay produced therefrom by the year; numbers of acres of English, and upland, and fresh-meadow mowing-land, with the tons of hay, of each sort, produced therefrom by the year: excepting that the governor, lieutenant-governor, president, fellows, professors, tutors and students of Harvard College, settled ministers and grammer-school masters, with their families, — for their polls, and for their estates in their own actual improvement, — as also all the estate pertaining to Harvard College, under their own actual improvement, shall be exempted out of this act; and said assessors shall cause all the columns of the several articles contained in their several lists, to be carefully cast up and footed; and before they enter on this work, shall take the following oath; viz., —

ratables into the secretary's office by the 1st day of October next.

List of ratables.

The governor and other persons exempted.

The assessor's oath:

You, A. B., being chosen an assessor for the town of B., for the year one thousand seven hundred and seventy-one, do swear that you will faithfully and impartially, according to your best skill and judgment, do and perform the whole duty of an assessor, as directed and enjoined by an act of this province, made in the present year, intitled "An Act for enquiring into the rateable estates of the province," without favour or prejudice. So help you God.

— by whom to be administered.

— which oath, in such towns or districts where no justice of the peace dwells, shall be administered by the town or district clerk, who is hereby impowered and directed to administer the same, on penalty

of ten pounds; and every assessor who shall have been chosen by any town or district, in the year one thousand seven hundred and seventy-one, and accepted such office, that shall refuse to take such oath, shall forfeit and pay the sum of forty pounds; or, taking the same, shall neglect or refuse to do the duty required by this act, or shall any way act deceitfully therein, shall, for each of these offences, forfeit and pay a fine of fifty pounds.

Penalty on assessors for refusing to take said oath, or neglecting duty.

Persons to give in their lists to the assessors, on oath, if required.

[SECT. 2.] And every person not necessarily out of the province; viz., on and from the twentieth day of August next, to the twentieth day of September next (in which cases they shall be doomed by the assessors as hereafter expressed), refusing or neglecting to give such assessor or assessors, in writing, and on oath if required (which the assessors respectively are empowered to administer), a true account of his rateable estate and improvements, agreeable to the true intent of this act, shall be doomed by the assessors, according to their best skill and judgment; and shall, for each offence, forfeit and pay the sum of fifty pounds: which oath shall be in the following form; viz., —

Form of the oath.

You, C. D., do swear that the account now exhibited by you, is, to the best of your knowledge and judgment, a full account of all your rateables, agreeable to the list now exhibited to you. So help you God.

Allowance of the assessors:

— and every assessor shall be allowed, out of the treasury of his respective town or district, the sum of four shillings for every day he shall be necessarily employed in doing the duty enjoined by this act.

And be it further enacted,

— who are to transmit copies, on oath, of the valuation and state-bill.

[SECT. 3.] That the assessors of each town and district in this province, for the year one thousand seven hundred and seventy, shall, by the aforesaid first day of October, transmit to the secretary's office a true and perfect copy, on oath, of the valuation and state-bill, by which they made the taxes in their particular towns and districts, for that year, particularly mentioning how, and at what rate, they estimated real estates; that is to say, at how many years' income; also a true copy of the province tax made by such list and valuation; on penalty that each assessor neglecting his duty therein shall forfeit and pay twenty pounds.

Penalty for neglect.

And be it further enacted,

In case of death, the rest of the assessors to act.

[SECT. 4.] That if, in any of the towns and districts aforesaid, it shall so happen that any of the assessors for the year one thousand seven hundred and seventy, be dead or removed, in that case, the remaining part of said assessors shall and are hereby impowered to act in all cases touching the valuation and state-bill and copy of the province tax aforesaid, as fully as if there had been no such death or removal.

Fines, how to be recovered and applied.

[SECT. 5.] And all fines and forfeitures arising by this act may be recovered by action of debt, presentment or indictment, at any of his majesty's courts within this province, proper to try the same; and shall be applied, one moiety to him or them who shall sue for the same, and the other moiety to his majesty to and for the use of this government.

Preamble.

And whereas it may happen that some rateable estate, by shifting hands, may be liable to be given, in twice, to the assessors, or not given in at all, —

Be it further enacted,

Ratables to be given in, as possessed on the 10th of August next.

[SECT. 6.] That every person in each town and district within this province, in giving in to the assessors a list of his rateables, shall estimate such rateable estate, agreeable to this act, as he is possessed of

on the twentieth day of August, one thousand seven hundred and seventy-one.

And whereas the people called Quakers profess to be, in their consciences, scrupulous of taking a * oath in the form by law required, — Preamble.

Be it therefore enacted,

[Sect. 7.] That all such people who call and profess themselves Quakers, on giving, in writing as aforesaid, a true account of his or her rateable estate and improvements, agreeable to the aforesaid act, shall, instead of taking the oath in form aforesaid, if required, be permitted to make his or her solemn affirmation or declaration, in the words following; viz.,— Quaker's affirmation allowed.

You, C. D., do solemnly and sincerely affirm and declare, under the pains and penalties of perjury, that the account now exhibited by you, is, to the best of your knowledge and judgment, a full account of all your rateables, agreeable to the list now exhibited to you. The affirmation.

[*Passed July* 4†; *published July* 5.

CHAPTER 4.

AN ACT TO PREVENT DAMAGE BEING DONE TO THE PROPRIETORS OF THE MEADOW, UPLAND AND BEACH, CALLED GREAT AND LITTLE SCIPUISZET, IN THE TOWN OF FALMOUTH AND COUNTY OF BARNSTABLE.

Whereas divers persons have made it their practice to mow the beach-grass between Hogg Island and the land of David Shiverick, and to turn in cattle and horses to graze on said beach, whereby said beach is broken, and the sand is blown on said meadow and upland, and the harbour adjacent partly filled up with sand, to the great damage of said propriety, and, unless speedily prevented, there is reason to fear that the land and meadow adjoining to said beach will be entirely ruined, and the said harbour filled with sand; for remedy whereof, — Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That from and after the publication hereof, no person or persons shall presume to turn, or drive on, any neat cattle, horse-kind or sheep, upon the beach called Great and Little Scipuiszet Beach, or upon the meadow or upland adjoining, on penalty of ten shillings an head for neat cattle or horses, and three shillings for each sheep, that shall be turned in on said beach, meadow or upland; which penalty shall be recovered by one or more of said proprietors, to be chosen in manner as shall be hereafter expressed, or any other person that shall inform or sue for the same; one half of said forfeiture to him or them that shall inform or sue for the same, the other half to be to and for the use of the said town of Falmouth. No person to drive cattle, horse-kind or sheep, upon Sipperwisset Beach. Penalty.

And be it further enacted,

[Sect. 2.] That if any neat cattle, horse-kind or sheep shall, at any time, be found feeding on said beach, meadow or upland, that it shall and may be lawful for any person to impound the same, immediately giving notice to the owner or owners of the same; and the poundkeeper shall relieve the said creatures with suitable food and If found feeding on said beach, to be impounded.

* *Sic.* † Signed July 5, according to the record.

water while impounded; and if the owner thereof appear, he shall pay two shillings and sixpence for each neat beast or horse, and eightpence for each sheep, and the reasonable cost of relieving them, besides the poundkeeper's fees; and if no owner appear within the space of three days, to redeem the said cattle, horse-kind or sheep so impounded, and to pay the cost and damage occasioned by impounding the same, then and in every such case the person impounding such cattle, horse-kind or sheep, shall cause the same to be sold at public vendue, and pay the cost and charge arising about the same,— public notice of the time and place of such sale being given in the said town of Falmouth, and in the towns of Barnstable and Sandwich, forty-eight hours beforehand; and the overplus, if any there be, arising by such sale, to be returned to such owner or owners of such cattle, horse-kind or sheep at any time within twelve months next after such sale, upon his demanding the same; but if no owner appear within twelve months, then the said overplus shall be, one half to the person impounding, and the other half to be returned to the treasurer of the said town of Falmouth, for the use of the poor of said town.

Provided,—

Proviso.

[SECT. 3.] Nothing in this act shall be construed to prevent any of the owners of said beach, meadow and upland, or any improving under them, from turning on the horse they ride, or cattle improved in their teams, to feed on said beach, meadow or upland while they are cutting or carting their hay off said beach or meadow.

Preamble.

And whereas sundry disorderly and evil-minded persons have, of late years, unnecessarily departed from the ancient cartway, and drove their loaded teams in different places over the said beach and meadow, to the great hurt and damage of said proprietors, —

Be it therefore further enacted,

Loaded teams to be driven in the ancient way.

[SECT. 4.] That from and after the publication of this act, whoever shall presume to drive, or suffer to be drove, their loaded team or teams over said beach or meadow, in any other than the ancient known and common way over the same, shall forfeit and pay the sum of ten shillings, to be recovered and applied in manner as is expressed in this act.

And be it further enacted,

Penalty for mowing grass on said beach.

[SECT. 5.] That if any person or persons, from and after the publication of this act, shall presume to mow any of the beach-grass upon the aforementioned beach between Hogg Island and the lands of David Shiverick, he or they shall, for every such offence, forfeit the sum of forty shillings; to be recovered and applied in the same manner as is before expressed in this act.

And be it further enacted,

Persons to be annually chosen to prevent breaches.

[SECT. 6.] That it shall be in the power of said proprietors, at a meeting to be holden some time in the month of March, annually, to chuse one or more person or persons whose duty it shall be to see this act executed, and to prosecute the breakers thereof, who shall be sworn to the faithful discharge of their office; and in case any person so chosen shall refuse to be sworn, he shall forfeit and pay the sum of ten shillings for the use of the poor of the town of Falmouth; and upon said refusal said proprietors may proceed to a new choice of such officer or officers: and the said propriety, at a meeting warned for that purpose, may, at any time, chuse such officers, who shall continue in their said office till their next annual meeting in March.

And be it further enacted,

Notice to be given.

[SECT. 7.] That it shall be in the power of any five or more of said propriety to call a meeting, by posting up notification thereof,

under their hands, at least fourteen days beforehand, in some public place in said town, for the several purposes before mentioned.

[Sect. 8.] This act to be in force for the space of seven years from the publication thereof, and no longer. [*Passed July* 4*; *published July* 5. Continuation.

CHAPTER 5.

AN ACT IN ADDITION TO THE SEVERAL ACTS OR LAWS OF THIS PROVINCE, IMPOWERING THE SELECTMEN OR OVERSEERS OF THE POOR OF TOWNS TO BIND POOR CHILDREN APPRENTICES.

Whereas the acts or laws of this province, heretofore made, impowering the selectmen or overseers of the poor of the several towns in this province to place and bind poor children apprentices, do not impower them to bind and place any poor children apprentices other than such as belong to, and are chargeable for support on, the particular towns for and by which such selectmen or overseers are chosen; *and whereas* it often happens that poor children and minors do come, or are brought into, and found dwelling in, towns to which they do not belong, and thereby much charge and expence is occasioned and incurred, either for the removal of such children and minors to the places where they belong (either within or without the province), or for their support in the places where they are found, when, at the same time, they might be placed and bound apprentices in the towns where they are found dwelling, as much to their own benefit, and the benefit of the public, as in any other place, — Preamble. 1740-41, chap. 20. 1741-42, chap. 4.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That from and after the first day of August, one thousand seven hundred and seventy-one, it shall be lawful for the overseers of the poor of any town or district within this province where any poor children or minors, whether male or female, shall come, be left, or found dwelling, whose circumstances shall be such as to require that such town or district should incur any immediate expence, either for their support [or] in order to their removal; and such overseers are hereby fully impowered, with the assent of two justices of the peace for the county in which such town or district lyes, from time to time, to place and bind apprentices, any such poor children or minors (although such poor children or minors are not by law the proper charge of such town or district), for their support in case they should stand in need: *provided*, such poor children and minors shall be, at the time of placing and binding them apprentices, in other respects, in such circumstances as that, if they belonged to such town or district where they shall be found, they would be subject and liable, by virtue of any act or law of this province heretofore made and yet in force, to be placed and bound apprentices by such overseers of the poor. Overseers, with the consent of two justices, empowered to bind poor children.

Provided, also,—

[Sect. 2.] That the males shall not be bound for a longer term than until[*l*] they [shall] come to the age of twenty-one years, and the females shall not be bound for a longer term than until[*l*] they shall Ages ascertained.

* Signed July 5, according to the record.

come to the age of eighteen years; and that provision [shall] be made in the indentures whereby the males shall be bound out, for their being instructed in reading, writing and cyphering; and in the indentures whereby the females shall be bound out, for their being instructed in reading and writing, if they shall be capable.

To be instructed in reading, writing and ciphering.

Provided,

Towns not to be subjected to their support.

[SECT. 3.] That no proceedings of the selectmen or overseers of the poor in binding out any such children or minors as apprentices, nor their serving an apprenticeship, either in the same, or in any other town or district, shall be construed or understood to subject the town or district to which such selectmen or overseers shall belong, or the town or district wherein such apprentices[hip] shall be served, to the support of such children or minors, in case they shall afterwards stand in need; but the inhabitants of the town or district to which any such child or minors doth or shall properly belong previous to his or her being bound out, shall, when known, be liable and held to afford such relief as by law they would have been subject to in case this act had never been made. [*Passed July* 4*; *published July* 5.

CHAPTER 6.

AN ACT FOR ERECTING THE NEW PLANTATION CALLED NUMBER FOUR, IN THE COUNTY OF BERKSHIRE, INTO A TOWN BY THE NAME OF GAGEBOROUGH.

Preamble.

WHEREAS the erecting the new plantation called No. 4, in the county of Berkshire, into a town, will greatly encourage and forward the further settlement thereof, and remove many difficulties the inhabitants settled there at present labour under, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Bounds.

[SECT. 1.] That the new plantation called Number Four, in the county of Berkshire, bounding, easterly, on the new township called Number Five; southerly, partly on the new township called Number Two, and partly on Ashuelot Equivalent, so called; westerly, on Lanesborough; and northerly, on that tract of land which was called Number Six (being a township, which, by a committee of this court, was, in the year one thousand seven hundred and sixty-two, sold at public vendue, to Mr. Noah Nash), — be and hereby is made a town by the name of Gageborough: and the inhabitants thereof are hereby invested with all the powers, privile[*d*]ges and immunities that the inhabitants of other towns within this province by law enjoy.

And whereas the said Noah Nash purchased the lands of the said township, from the province, for himself and divers other persons, as original purchasers; and the said purchasers afterwards surveyed and laid out great part of said lands into lots; and in their meetings as proprietors, have divided the greater part thereof among themselves, to hold the same in severalty; and in order to bring forward and compleat the settlement of the same lands, and for fulfilment and performance of the conditions of the grant thereof, the purchasers have been disposing of such lots to persons who have engaged to settle thereon, who have convenanted with the original purchasers, to do the

Original purchasers' covenant with the settlers.

* Signed July 5, according to the record.

duties of settlers, and to pay certain proportions of the cost and charge of building a meeting-house and settling a minister there, —

Be it enacted,

[Sect. 2.] That the inhabitants of said town, such of them as have undertaken to settle such lots and to contribute any part or proportion towards the building a meeting-house and settling a minister, as aforesaid, together with such of the original purchasers of said lands who have not engaged a sufficient number of settlers in proportion to their original share in said town, be, and they are hereby, impowered, at a meeting, to be called for that purpose agre[*e*]able to the directions of an act of this province, made in the twelfth year of the reign of her late majesty, Queen Ann[*e*], intitled "An Act directing how meetings of proprietors of land[s] lying in common may be called," to chuse a clerk, treasurer, assessors and collectors, and any other officer or officers that proprietors of common lands may chuse; the votes always to be collected according to interest; and at such meeting, and at any future meeting called agre[*e*]able to the directions of this act aforesaid, may agree upon and grant any sum or sums of money they may think proper for either of the purposes aforesaid, to be assessed on the several original purchasers, or their assignees, of land there, as aforesaid, according to their interest therein and the contracts and obligations they have made thereabout.

Inhabitants empowered to choose officers.

1712-13, chap 9.

Grant of money to be assessed on the original purchasers or their assignees.

And to the end that the proportions of the several original purchasers in said lands, and the assignees to whom they have, respectively, conveyed any part of the same under contract of doing any share of the settling duties aforesaid, may be the better known in the said town, —

Be it enacted,

[Sect. 3.] That each and every of the original purchasers, by themselves, their heirs, executors or administrators, shall file, with the clerk of the said town, within three months after his choice and acceptance of said office, an account of his original share in the said township, and the share or proportion of said duties which he has engaged to perform, and a list of the names of the several persons to whom he has conveyed any part of his lands there under contract of doing any settling duties there, with [*an*] account of what proportion of such duties each assignee has engaged to perform; and that such account and list shall be the rule by which the assessors shall proceed in making such assessments against any person[s] as original purchasers, or assignees of such original purchasers; and if an[y] such original purchasers shall not make return, to such clerk, of a number of assignees engaged to do and perform such duties of settlement as shall be his proportion of duties, according to his share of said lands there, the assessors shall assess what remains, on his own lands, till such original purchaser[*s*] shall make further return, to such clerk, of any other or new assignee of any of his lands who shall have engaged the performance of any part of his duty of settlement; in which case, such part shall, for the future, be set upon such assignee.

Original purchaser to file an account of his share, with the clerk.

And be it further enacted,

[Sect. 4.] That if an[y] such original purchaser, or any of their assignees, shall refuse, or neglect, to pay any taxes that may be set on them, or their lands, agre[*e*]able to this act, for either of the purposes aforesaid, the assessors of such taxes, that shall be from time to time, shall be and are hereby impowered to make sale of such delinquents' lands there, for the payment thereof; they conforming therein to the directions and regulations spec[e][*i*]fied and contained in an act of this province, now expired, that was made in the

Assessors, empowered.

1761–62, chap. 44.

second year of his present majesty's reign, intitled "An Act to subject the unimproved lands within this province to be sold for payment of and taxes assessed on them by order of the great and general court, and votes and agreements of the proprietors thereof, and to enable proprietors of new plantations to levy province and county taxes laid upon them;" reserving to all the said proprietors, whose lands may be sold as aforesaid, whether living within this province or otherwise, their heirs or assignees, a liberty of redemption of such, their lands, they paying, for the purposes in this act mentioned, within one year from and after such sale made, the sums for which such lands shall have been sold, with double damages until the same shall be redeemed.

Liable.

And to prevent any injustice to any of the inhabitants of the said town, or other proprietors of lands there, by means of any false returns against him, by any original purchaser, as his assignee liable and subject, by contract, to any duty of settlement which he has not undertaken, and thereby being subjected to an unreasonable assessment upon him in consequence of such false return, —

Be it enacted,

Penalty in case of a false return.

[SECT. 5.] That if any such original purchaser shall falsely return any person as his assignee of any lands in the said town, and as liable and engaged to do any duty of settlement on his behalf, which such person is not liable or engaged to perform, and such person shall, by means thereof, be subjected to any unjust assessment, against the true design of this act, and shall actually suffer any loss or damage thereby, he shall be and is hereby intitled to treble damages he shall so suffer; to be recovered, with costs, against such original purchasers, by action of debt, to be bro't by virtue of this act.

And be [it] *further enacted*,

Perez Marsh, Esq., empowered.

[SECT. 6.] That Perez Marsh, Esq[r]., be and hereby is impowered to issue his warrant, directed to some princip[a]l[e] inhabitant of the said town, requiring him to call a meeting of said inhabitants, in order to chuse officers as, by law, towns are impowered to chuse in the month of March, annually; at which said first meeting all the then present inhabitants shall be admitted to vote. [*Passed July* 4*; *published July* 5.

CHAPTER 7.

AN ACT FOR ERECTING THE NEW PLANTATION CALLED NO. 2, IN THE COUNTY OF BERKSHIRE, INTO A TOWN BY THE NAME OF PARTRIDGEFIELD.

Preamble.

WHEREAS the erecting of the new plantation called No. 2, in the county of Berkshire, into a town, will greatly encourage and forward the further settlement thereof, and remove many difficulties the inhabitants already settled there at present labour under, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Bounds.

[SECT. 1.] That the new plantation called No. 2, in the county of Berkshire, bounding, easterly, partly on Worthington, and partly on No. 5; westerly, partly on Ashuelot Equivalent, and partly on the new township called Hartwo[o][r]d; northerly, partly on the new

* Signed July 5, according to the record.

townships called No. 4 and No. 5; and, southerly, on said Hartwood (being the township which, by a committee of this court, was, in the year one thousand seven hundred and sixty-two, sold at public[k] vendue to Elisha Jones, Esq[r]., in behalf of himself and others), — be and hereby is made a town by the name of Partridgefield: and the inhabitants thereof are hereby invested with all the powers, privileges and immunities that the inhabitants of other towns within this province enjoy.

Original proprietors' agreement with the settlers.

And whereas the said Elisha Jones, Esq[r]., purchased the lands of the said township, from the province, for himself, Sir Francis Bernard, Bar[*one*]t, and Oliver Partridge, Esq[r]., to hold the same in the following proportion; viz[t]., the said Sir Francis Bernard, one third part thereof; the said Elisha Jones, one third part thereof; and the said Oliver Partridge, one third part thereof; and by deeds, between themselves, mutually executed, settled the same among themselves in that proportion, excepting three publick rights, or three sixty-third parts of the said township, as also three hundred acres, yet undivided: and the said purchasers have surveyed and laid out great part of the said lands into one-hundred-and-fifty-acre and two-hundred-acre lot[t]s; and in order to bring forward and comple[*a*]t[e] the settlement of the same lands, and for the fulfilment and performance of the conditions of the grant thereof, the said purchasers have, each of them, been disposing and conveying such lots to persons who have engaged to settle thereon, and have convenanted with said original purchasers, respectively, to do the duty of set[*t*]lers, and to pay certain proportions of the cost and charge of building a meeting-house and settling a minister and making necessary roads there,—

Be it enacted,

Empowered to choose town officers, —

[Sect. 2.] That the inhabitants of said town, such of them as have undertaken to settle such rights, and to contribute any part or proportion towards the building a meeting-house and settling a minister and making roads, as aforesaid, together with such of the original purchasers of said lands who have not engaged a sufficient number of settlers in proportion to their original share in said town, be, and they are hereby, empowered, at a meeting, to be called for that purpose agre[*e*]able to the direction[s] of an act of this province made in the twelfth year of the reign of her late majesty, Queen Anne, intitled "An Act directing how meetings of proprietors of lands lying in common may be called," to chuse a clerk, treasurer, assessors, collector and committee, and any other officer or officers that proprietors of common lands may chuse; the votes always to be collected according to the interest; and at such meeting, at or any future meeting, called agre[*e*]able to the directions of the act aforesaid, may agree upon and grant any sum or sums of money they may think proper for any of the purposes aforesaid, to be assessed on the several original purchasers, or their assign[e]s, of the lands there, as aforesaid, according to their several interests therein and the contracts and obligations they have made thereabout.

1712–13, chap. 9.

— and to grant money.

And to the end that the proportions of the several purchasers aforesaid, in said lands, and the assignees to whom they have, respectively, conveyed any part of the same under contract of doing any share of the settling duties aforesaid, may be the better known in said town, —

Be it enacted,

Original purchaser to file an account of his share, with the clerk.

[Sect. 3.] That each and every of the original proprietors aforesaid, their agents or attornies, shall file, with the clerk of the said town, within three months after his choice and acceptance of said office, an account of each original proprietor's share, and a list of the

names of the several persons to whom he has conveyed any part of his lands there under contract of doing any settling duties there, with an account of what proportion of such duties each assignee has engaged to perform; and that such account and list shall be the rule by which the assessors shall proceed in making such assessments against any persons [as] [*or*] assignees of said original purchasers; and if any such original purchasers the[i]r[*e*], their agents or attornies, shall not make return, to such clerk, of such a number of assignees engaged to do and perform such duties of settlement as shall be his proportion of duties, according to his share of said lands there, the assessors shall assess what remains, on his own lands, till such original purchaser[*s*], his agent or attorney, shall make further return, to such town clerk, of any other or new assignee of any of his lands who shall have engaged the performance of any part of his duty of settlement, in which case such part, for the future, shall be set upon such assignee.

And be it further enacted,

Assessors empowered to make sale of delinquent lands.

[SECT. 4.] That if any such original purchaser, or any of their assignees, shall refuse or neglect to pay any taxes that may be set on them or their lands, agreable to this act, for either of the purposes aforesaid, the assessors of such taxes, that shall be from time to time, shall be and are hereby [e][*i*]mpowered to make sale of any such delinquent's lands there, for the payment thereof; they conforming therein to the directions and regulations specified and contained in an act of this province, now expired, that was made in the second year of his present majesty's reign, intitled "An Act to subject the unimproved lands within this province to be sold for payment of taxes assessed on them by order of the great and general court, and votes and agreements of the proprietors thereof, and to enable proprietors of new plantations to levy province and county taxes laid upon them;" reserving to all the said proprietors, whose lands may be sold as aforesaid, whether living within this province or otherwise, their heirs [or] [*and*] assigns, a liberty of redemption of such their lands, they paying, for the purposes in this act mentioned, within one year from and after such sale made, the sums for which such lands shall have been sold, with double damages until the same shall be redeemed.

1761-62, chap. 44.

Injustice occasioned by false returns, how to be remedied.

And to prevent any injustice to any of the inhabitants of the said town, or other proprietors of lands there, by means of any false return against him, by any original purchaser, as his assignee liable and subject, by contract, to do any duty of settlement, which he has not undertaken, and thereby being subjected to an unreasonable assessment upon him in consequence of any such false return, —

Be it enacted,

Entitled to treble damage, in case.

[SECT. 5.] That if any such original purchaser shall falsely return any person as his assignee of any lands in said town, and as liable and engaged to do any duty of settlement on his behalf, which such person is not liab[*e*]l[e] or engaged to perform, and such person shall, by such means, be subject[ed] to any unjust assessment, against the true design of this act, and shall actually suffer any damage or loss thereby, he shall be and is hereby intitled to treble [the] damages he shall so suffer; to be recovered, with costs, against such original purchaser, by action of debt, to be brought by virtue of this act.

And be it further enacted,

Wm. Williams, Esq., empowered.

[SECT. 6.] That William Williams, Esq[r]., be and hereby is [e][*i*]mpowered to issue his warrant, directed to some princip[a]l[*e*] inhabitant of said town, requiring him to call a meeting of said inhab-

itants, in order to chuse such officers as, by law, towns are [e][*i*]powered to chuse in the month of March, annually; at which said first meeting all the then present inhabitants shall be admitted to vote. [*Passed July* 4*; *published July* 5.

CHAPTER 8.

AN ACT FOR REVIVING AND CONTINUING AN ACT MADE TO PREVENT DAMAGE BEING DONE ON THE LANDS CALLED NOBSCUSSET, IN THE TOWNSHIP OF YARMOUTH.

Preamble. 1757–58, chap. 6.

Whereas the act made and passed in the thirtieth year of his late majesty, King George the Second, intitled "An Act to prevent damage being done on the lands lying in the township of Yarmouth, called Nobscusset," which act has been found useful and beneficial, is expired, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Act of 30th George II., revived.

[Sect. 1.] That the aforesaid act, and every clause, matter and thing therein contained, be and the same is, hereby, revived and shall continue in force until the first day in July, which will be in the year of our Lord one thousand seven hundred and eighty-one, and to the end of the then next session of the general court, and no longer.

And be it further enacted,

Persons chosen at Yarmouth, empowered.

[Sect. 2.] That such person or persons as may have been chosen at the anniversary meeting of the inhabitants of the town of Yarmouth, in March last, to see to the observance of said act and to prosecute the breakers thereof, or that may, at any time during the continuance of the said hereby-revived act, be chosen or appointed by said town for that purpose, are hereby as fully impowered (being first sworn to the faithful discharge of such trust) to take effectual care that said act be duly observed, and the transgressors thereof duly prosecuted, as if said act had not expired; and upon his or their refusing to accept of and be sworn to such office or trust, shall be subject to the same forfeiture, to be applied to the same use, as is therein mentioned; and upon such refusal the inhabitants of said town may, and they are hereby, authorized to appoint another person or persons to that trust, and so, *toties quoties*, during the continuance of said act. [*Passed July* 4*; *published July* 5.

CHAPTER 9.

AN ACT FOR ERECTING TWO PUBLICK MAGAZINES FOR THE SAFE KEEPING OF POWDER; THE ONE IN THE TOWN OF BOSTON, AND THE OTHER IN THE TOWN OF WATERTOWN.

Preamble.

Whereas it is with good reason apprehended that the present situation of the magazine or powder-house on the common or training-field in Boston is unsafe for lodging and keeping the great quantities of gun-

* Signed July 5, according to the record.

powder which are commonly placed therein, and that it is also expedient to have another public magazine out of the town of Boston, in addition to that in Charlestown, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Two powder-houses to be built; one in Boston, one in Watertown.

[SECT. 1.] That two public[k] magazines, or powder-houses, be built of stone or brick, and suitably finished, as soon as may be, at the publick expence, fit for stor[*e*]ing and safe keeping of gunpowder; the one in the town of Boston, behind, or at the north-western end of, the hills on the northern side of the common, or training-field, there; and the other, within the town of Watertown, in the county of Middlesex, in such place in said town as may be agreed upon by a committee that may be appointed by the general assembly to build said magazine; and that from and after the finishing such new magazines, all the gunpowder in the present magazine[*s*] shall, without delay, at the expence of the respective owners thereof, be removed from thence into one of the new magazines, or into both of them, or into the magazine at Charlestown, in such proportions as the commander-in-chief shall order; and that all the gunpowder which shall be imported and landed, in the port of Boston aforesaid, after finishing such new magazines, or either of them, shall be carried into and placed in one or both of them, or in the magazine at Charlestown, according to such order as aforesaid, and not el[e]s[*e*]where, on pain of forfeiting all such gunpowder as shall be lodged or kept in any other place; one moiety thereof to and for the use of this province, and the rest, to the informer; to be recovered by bill, plaint or information in any court of record in this province. And the owner or owners of such gunpowder shall also forfeit the sum of ten pounds for every half-barrel of such gunpowder, and after that rate for every greater quantity, lodged in any other place; to be recovered by action of debt, in any court proper for the trial thereof, by him that shall sue for the same: *saving*, *nevertheless*, that the ordinary town stocks of gunpowder, of each and every town or district within this province, may be placed and kept in any other suitable place or places, as the selectmen thereof, respectively, shall appoint; and that a quantity of gunpowder, not exceeding five-and-twenty pounds, may be kept in any shop for sale (provided it be kept in brass or tin tunnels): *saving*, likewise, all needful stocks and gunpowder for any fort, fortress or garrison within this province; which may, nevertheless, be lodged and kept in such fortress: *saving*, *also*, all such public[k], or provincial, stocks of gunpowder as by the commander-in-chief, for the time being, shall be ordered to be lodged in any other place or places.

Powder to be removed as the commander-in-chief shall direct.

Forfeiture, in case.

Town stocks to be under the direction of the selectmen.

Quantity that may be kept in private shops.

And be it further enacted,

Keeper to be appointed by the commander-in-chief;

[SECT. 2.] That a keeper shall, from time to time, be appointed by the commander-in-chief, [by] for each of the said magazines, who shall duly attend, each one, his respective magazine, at such hours and times as shall be directed and ordered by the commander-in-chief, for taking in and delivering out, all such gunpowder as shall, from time to time, be wanted by the respective owners thereof; and whose duty it shall be, in all respects, to take due care of all the gunpowder therein, for the preservation thereof, and not to neglect turning the same, once [in] every month, at least, as long as it shall remain therein: and that no powder be taken in or delivered out, but between the hours of sun-rising and sun-s[i][*e*]tting.

—his duty;

And be it further enacted,

—his allowance.

[SECT. 3.] That for all gunpowder which shall be put into the said magazines, or either of them, *saving* such as belong to the public

stock, there shall be paid into the hands of the respective keepers thereof, for the use of the province, one shilling for each barrel, upon receipt thereof; and sixpence for each barrel, by the month, for three months after the first month from the receipt thereof; and fourpence for each barrel, for every month afterwards; as long as it shall remain therein: which monies, to be received by the several keepers of the said magazines, respectively, they shall each of them account for, upon oath, to the commander-in-chief and the council; and the same shall be applied towards defr[e]aying the charges of keeping and attending the said magazines, managing and taking due care of the gunpowder therein; and if there shall, at any time, be a deficiency for those purposes, it shall be made up and paid out of the province treasury; and if, at any time, there should be a surplusage, it shall be paid into the province treasury. [*Passed and published July 5.*

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT CAMBRIDGE, ON THE EIGHTH DAY OF APRIL, A. D. 1772.

CHAPTER 10.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF EIGHT THOUSAND FIVE HUNDRED POUNDS.

Preamble.

WHEREAS there was no provision made by this court at their last session, for support of government for the then ensuing year, and whereas the treasurer has represented to this court that he has a sufficiency in the treasury for that purpose, which is not appropriated, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Appropriations of £8,500.

That the treasurer be and he hereby is directed and impowered to apply the aforesaid sum of eight thousand five hundred pounds to discharge such warrants as shall be drawn on him by the governor, with advice of council, to be paid out of the following appropriations; viz., the sum of three thousand pounds, part of the aforesaid sum of eight thousand five hundred pounds, shall be applied for the payment of the grants made, or to be made, by this court; and the further sum of three thousand eight hundred pounds, part of the aforesaid sum of eight thousand five hundred pounds, shall be applied for discharge of debts owing from this province to persons that have served and shall serve them, by order of this court, in such matters and things where there is no establishment, nor any certain sum assigned for that purpose, and for writing, printing and paper for this court, and such repairs of the province-house, court-house and lighthouses, as shall be made by order of the general assembly, and for the lighthouses built on Thacher's Island; and the further sum of one hundred pounds, part of the aforesaid sum of eight thousand five hundred pounds, shall be applied for commissaries' disbursements; and the further sum of six hundred pounds, part of the aforesaid sum of eight thousand five hundred pounds, shall be applied for the payment of the expences of Fort Pownall; and the further sum of one thousand pounds, part of the aforesaid sum of eight thousand five hundred pounds, shall be applied for the payment of his majesty's council and the members of the house of representatives, serving in the great and general court in the present year. [*Passed April* 25, 1772.

CHAPTER 11.

AN ACT FOR CONTINUING AN ACT INTITLED "AN ACT FOR ESTABLISHING AND REGULATING THE FEES OF THE SEVERAL OFFICERS, WITHIN THIS PROVINCE, HEREAFTER MENTIONED."

Whereas the act intitled "An Act for establishing and regulating the fees of the several officers, within this province, hereafter mentioned," made in the fifth year of his present majesty's reign, is near expiring, and having been found useful and beneficial, — Preamble. 1764-65, chap. 26.

Be it therefore enacted by the Governor, Council and House of Representatives,

That the act aforesaid be continued, with all and every article, clause, matter, and thing therein contain'd, and shall be in force from the end of the present session of the general assembly, to the end of the next session of the general assembly, and no longer. [*Passed April* 25, 1772. Continuation.

CHAPTER 12.

AN ACT FOR CONTINUING AN ACT INTITULED "AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TONNAGE OF SHIPPING."

Whereas the act intitled "An Act for granting unto his majesty several rates and duties of impost and tonnage of shipping," made in the eleventh year of his present majesty's reign, will expire at the end of the present session of the general court, — Preamble. 1770-71, chap. 2.

Be it therefore enacted by the Governor, Council and House of Representatives,

That the act aforesaid be continued, with all and every article, clause, matter and thing therein contained, and shall be in force for the term of one year from the twenty-seventh day of April, 1772, and no longer. [*Passed April* 25, 1772. Continuation.

CHAPTER 13.

AN ACT IN ADDITION TO AN ACT, MADE IN THE FIFTH YEAR OF THE REIGN OF HIS PRESENT MAJESTY, INTITLED "AN ACT TO PREVENT THE DESTRUCTION OF OYSTERS IN THE SEVERAL BAYS AND RIVERS, HEREAFTER MENTIONED, WITHIN THIS PROVINCE."

Whereas it has been the practice for some years past for persons to come, with their vessels and boats, into the rivers and bays lying either in the towns of Wellfleet, Freetown, Swanzey, Dartmouth, Barnstable, Yarmouth, and in other of the bays, ports and rivers within this province, then and there to rake the oyster-beds, carry away from thence large quantities of oysters, by means whereof said beds are almost destroyed, to the great prejudice both of the English and Preamble. 1764-65, chap. 25. Recital.

Indian inhabitants living in or near the towns aforesaid; which recited act is found insufficient to prevent the destruction of oysters in the district of Wellfleet, in the county of Barnstable, within the bay commonly called Billingsgate Bay, by reason that many persons in the district of Wellfleet, and in the towns adjacent to Billingsgate Bay make it a constant practice to take, rake and sweep the oyster-beds lying within said Billingsgate Bay, principally in said district of Wellfleet but partly in the township of Eastham, at unreasonable times, for the sake of gain, by carrying oysters to Boston and other ports, in hot weather, — in which season the oysters so taken are not so wholesome, but it more especially prevents their growth by taking them in the time of their spawning — so that the valuable branch of business of taking oysters in the bay aforementioned is in great danger of being spoiled, and the oyster-beds totally ruined, to the great detriment of the district of Wellfleet and town of Eastham, to the prejudice of the public in general; for prevention whereof for the future, —

Be it enacted by the Governor, Council and House of Representatives,

Forfeiture, in taking oysters within the time limited.

[SECT. 1.] That if any person or persons shall, after the first day of May, and before the twentieth day of September, annually, during the continuance of this act, presume to take any oysters in Billingsgate Bay, before mentioned, in any part thereof, or to take or sweep said oyster-beds, within the times herein prohibited, he or they shall forfeit, for every offence, the sum of ten pounds, to be recovered by action of debt, or presentment of a grand jury, in the county of Barnstable; one half thereof to him or them that shall sue for the same, or inform the grand jury, and the other half to his majesty, for the use of this government.

— how to be recovered and applied.

Be it further enacted,

Forfeiture, for selling oysters so taken.

[SECT. 2.] That if any person or persons shall sell or dispose of any oysters taken contrary to this act, shall, for every offence, forfeit forty shillings, to be recovered by action of debt, or presentment of a grand jury, in any court of this province where the offence is committed; the last-mentioned forfeiture to be disposed of in manner as aforementioned.

Provided, always,

Proviso.

[SECT. 3.] That nothing in this act shall be construed to hinder and obstruct any of the inhabitants of the town of Eastham or district of Wellfleet, in taking oysters in said bay, to eat, fresh, in their own families, within the times mentioned in this act.

Continuation.

[SECT. 4.] This act to continue and be in force from the first day of May, 1772, to the first of November, 1775. [*Passed April* 25, 1772.

CHAPTER 14.

AN ACT TO DETERMINE THE SHARE WHICH THE POLLS IN THE DISTRICT OF GREENFIELD SHALL PAY OF THE SUMS TO BE ASSESSED, IN THE SAID DISTRICT, FOR THE TIME THEREIN LIMITED.

Preamble.

WHEREAS the inhabitants of the district of Greenfield are apprehensive that an assessment upon the inhabitants of the said district, agreeable to the general law of this province respecting the proportion of taxes on polls and estates, for want of a true and just valuation, will be very unequal and oppressive, and has for years past

been found productive of many evils to said district; for remedy whereof, —

Be it enacted by the Governor, Council and House of Representatives,

That the assessors of the district of Greenfield, for the time being, be and hereby are authorized and directed, from time to time, to assess on the inhabitants of said district, liable by law to be taxed, in the following manner, until a new valuation of the estates in this province shall be compleated, and a tax shall issue thereon; viz., that one moiety of all the taxes that shall hereafter be laid on said district, shall be assessed on the polls, the other, on the estates, real and personal, of the inhabitants of said Greenfield; the assessors observing the same rules and directions, in all other respects, as, by law, is already provided; and that every thing the said assessors shall do, agreeable to this act, shall be deemed good and valid, to all intents and purposes, with the restrictions above specified; any law or usage to the contrary notwithstanding. [*Passed April* 25, 1772. Specially empowered to tax, until a new valuation.

CHAPTER 15.

AN ACT TO PREVENT ANY PERSONS OBSTRUCTING THE FISH IN THEIR PASSING UP SPRUCE CREEK, SO CALLED, IN A BRANCH OF PISCATAQUA RIVER, THAT FLOWS INTO THE TOWN OF KITTERY, AND TAKING AND CATCHING THEM THEREIN WITH SEINES.

Whereas the method for taking and catching fish in a certain branch of Piscataqua River, flowing into said Kittery, called Spruce Creek, with seines, hath by experience been found greatly tending to obstruct the fish in their passing up into said creek, and thereby depriving the poorer sort of people of the necessaries of life; for remedy whereof, — Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That no person or persons whatsoever, from the first day of May next, during the continuance of this act, shall presume to take, kill, or hale ashore, any fish, with seines, in the said creek or any part thereof, upon pain of forfeiting, upon each and every offence, on due conviction thereof, the sum of thirty shillings, to be recovered by action, bill or plaint, before any of his majesty's justices of the peace for the county of York; the one half of the said forfeitures to be to and for the use of the said town of Kittery, the other half to him or them who shall sue for the same. Forfeiture, for taking fish contrary to this act.

[Sect. 2.] This act to continue and be in force for the space of three years from the first day of May next, and no longer. [*Passed April* 25, 1772. Continuation.

CHAPTER 16.

AN ACT FOR CONTINUING AN ACT INTITLED* "AN ACT FOR ALLOWING NECESSARY SUPPLIES TO THE EASTERN INDIANS, AND FOR REGULATING TRADE WITH THEM AND FOR PREVENTING ABUSES THEREIN."

Whereas the act intitled "An Act for allowing necessary supplies to the eastern Indians, and for regulating trade with them and for Preamble. 1764–65, chap 30.

* "Intituled," in one impression.

preventing abuses therein," made in the fifth year of his present majesty's reign, is near expiring, and the same having been found beneficial for regulating the trade with the same Indians, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Continuation.

That the act aforesaid be continued, with all and every article, clause, matter and thing therein contained, and shall be in force for the term of one year from the twenty-eighth of April, one thousand seven hundred and seventy-two, and from thence to the end of the then next session of the general court, and no longer. [*Passed April 25, 1772.*

CHAPTER 17.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED OR NEAR EXPIRING.

Laws revived and continued.

WHEREAS the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; viz., one act made in the thirteenth year of the reign of his late majesty King George the Second, intitled "An Act for the effectual preventing of horses, neat cattle, sheep and swine from running at large or feeding upon a certain island called Plumb Island, lying in Ipswich Bay in the county of Essex;" one act made in the fourteenth year of the same reign, intitled "An Act to prevent damage being done to the harbour of Cape Cod by cattle and horse-kind feeding on Provincetown land;" three acts made in the sixteenth year of the same reign; one, intitled "An Act in addition to an act for rendering more effectual 'An Act for regulating the assize of cask, and preventing deceit in packing of fish, beef and pork, for sale,' made in the fourth year of the reign of King William and Queen Mary; and also for preventing fraud and injustice in the measuring of grain;" another act, intitled "An Act to prevent damage being done unto Billingsgate Bay in the town of Eastham, by cattle and horse-kind and sheep feeding on the beach and islands adjoining thereto;" the other act, intitled "An Act to prevent the multiplicity of lawsuits;" two acts made in the seventeenth year of the same reign; one, intitled "An Act for preventing mischief by unruly dogs on the island of Nantucket;" the other act, intituled "An Act for preventing the destruction of white-pine trees within this province, and for encouraging the preservation of them for the use of the royal navy;" one act made in the eighteenth year of the same reign, intitled "An Act in addition to an act for preventing damage to the harbour of Cape Cod by cattle and horse-kind feeding on Provincetown lands;" one act made in the twentieth year of the same reign, intitled "An Act to prevent damage being done unto Nosset Meadow by cattle and horse-kind feeding on the beach adjoining thereto;" two acts made in the twenty-fourth year of the same reign, one, intitled "An Act providing for the support of ministers in new plantations;" the other act, intitled "An Act in addition to 'An Act for regulating fences, cattle, &c.;'" one act made in the twenty-seventh year of the same reign, intitled "An Act to empower the proprietors of the meeting-house in the first parish in Salem, where the Reverend Mr. Dudley Leavit now officiates, to raise money to defrey ministerial and other necessary

To prevent horses, &c., on Plumb Island, in Ipswich Bay. 1739–40, chap. 8.

To prevent damage to Provincetown lands. 1740–41, chap. 15.

Regulating assize of casks and preventing deceit in packing fish and measuring grain. 1742–43, chap. 4.

To prevent damage on Eastham Beach. 1742–43, chap. 11.

To prevent lawsuits. 1742–43, chap. 25.

To prevent mischief by dogs on the island of Nantucket. 1743–44, chap. 6.

White-pine trees. 1743–44, chap. 14.

To prevent damage to the harbor of Cape Cod. 1744–45, chap. 27.

To prevent damage to Nausset Meadow. 1746–47, chap. 27.

Support of ministers. 1750–51, chap. 21.

Act for regulating fences and cattle. 1750–51, chap. 22.

Act to empower the proprietors of the first parish in Salem. 1753–54, chap. 14.

charges;" three acts made in the twenty-eighth year of the same reign; one, intitled "An Act for the securing the growth and increase of a certain parcel of wood and timber in the township of Ipswich and Wenham, in the county of Essex;" another act, intitled "An Act for appointing assayers of potash and pearlash;" the other act, intitled "An Act to prevent damage being done on the beach, hamocks and meadows belonging to the town of Scituate, lying between the southerly end of the Third Cliff, so called, and the mouth of the North River;" two acts made in the thirtieth year of the same reign; one, intitled "An Act for further regulating the course of judicial proceedings;" the other act, intitled "An Act to prevent damage being done unto Billingsgate Bay, in the town of Eastham, by cattle and horse-kind and sheep feeding on the beach and islands adjoining thereto;" one act made in the thirty-first year of the same reign, intitled "An Act in addition to the several acts for the better regulating the Indians;" one act made in the thirty-second year of the same reign, intitled "An Act in addition to an act intitled 'An Act for the regulating of fences, cattle, &c.;'" one act made in the thirty-third year of the same reign, intitled "An Act to prevent damage being done on a beach at Monument Ponds, in the township of Plymouth, lying between the lands of the late Thomas Clark and Joseph Bartlet, deceased, and on a certain tract of marshy ground lying under water there;" two acts made in the first year of his present majesty's reign; one, intitled "An Act for preventing the stealing and clandestinely conveying sheep away from the island of Martha's Vineyard, in Dukes County;" the other act, intitled "An Act establishing a watch for the safety and better securing the good order of the town of Boston;" two acts made in the fourth year of the said reign; one, intitled "An Act to empower the proprietors of the meeting-house in the town of Newburyport, where the Reverend Mr. Jonathan Parsons officiates, to raise money to defray ministerial and other necessary charges;" the other act, intitled "An Act in addition to the act intitled 'An Act to prevent the unnecessary destruction of alewives in the town of Middleborough;'" one act made in the ninth year of the said reign, intitled "An Act to empower the east precinct in Salem, where the Reverend Mr. James Diman now officiates, to raise money for defreying ministerial and other necessary charges of said precinct," —

Be it therefore enacted by the Governor, Council and House of Representatives,

That such of the before-mentioned acts as are now expired be revived, and such of the said acts as are not yet expired be continued, with all and every clause, matter and thing therein respectively contained, and shall be in force until the first day of November, one thousand seven hundred and seventy-five, and from thence to the end of the then next session of the general court, and no longer. [*Passed April* 25, 1772.

Act for securing the growth of wood and timber in Ipswich and Wenham. 1754-55, chap. 21.
Act appointing assayers of pot-, and pearlash. 1754-55, chap. 26.
Act to prevent damage to the beach at Scituate. 1755-56, chap. 9.
Act to regulate the course of judicial proceedings. 1756-57, chap. 28.
Act to prevent damage to Billingsgate Bay in the town of Eastham. 1756-57, chap. 31.
Act for regulating Indians. 1758-59, chap. 6.
Act for regulating of fences, cattle, &c. 1758-59, chap. 33.
Act to prevent damage at Monument Ponds. 1759-60, chap 38.
Act to prevent stealing sheep at Martha's Vineyard. 1760-61, chap. 35.
Act establishing a watch in the town of Boston. 1761-62, chap. 5.
Act empowering proprietors of the meeting in Newburyport. 1764-65, chap. 7.
Act to prevent the destruction of alewives in Middleborough. 1764-65, chap. 10.
Act empowering the east precinct in Salem. 1769-70, chap. 7.
Continued to the 1st of Nov., 1775.

CHAPTER 18.

AN ACT TO APPOINT COMMISSARIES TO SETTLE A LINE OF JURISDICTION BETWEEN THIS PROVINCE AND THE PROVINCE OF NEW YORK.

Be it enacted by the Governor, Council and House of Representatives,

William Brattle, Esq., and others, appointed commissaries:

[SECT. 1.] That William Brattle, Joseph Hawley and John Hancock, Esquires, shall be commissaries on the part of this province, who shall be commissionated by the governor, and who shall have full power, and who are hereby authorized, to meet with commissaries who are or may be appointed, and in like manner authorized and impowered, by the governor, council and general assembly of the province of New York, at such time or times, place or places, as shall be agreed upon and determined by the governor of this province and the governor of the province of New York, then and there to agree upon a line of future jurisdiction between the said provinces, on the easterly part of the said province of New York, and from the south to the north boundaries of this province; the governors aforesaid being present. And such line, so agreed upon, and approved of, and consented to, by the said governors, shall be presented by the governors aforesaid, respectively, to his majesty, for his royal approbation; and being ratified and confirmed by his majesty, shall, at all times hereafter, be the line of jurisdiction between this province and the province of New York, in all and every part or place where the said province of New York, on its eastern boundary, shall adjoin on this province; the true and real extent or boundary of this province, by the royal charter, being in any wise to the contrary notwithstanding.

—their power.

And be it further enacted,

Commissaries to appoint surveyors, &c.

[SECT. 2.] That after such line shall be so agreed upon, approved, ratified and confirmed, the commissaries appointed by this act are hereby authorized and impowered to employ a surveyor or surveyors, chainbearers, and such and so many other persons that may be found necessary to perform the executive part, to run, mark and ascertain the said line, in conjunction with such as may be appointed by the province of New York, for that province. [*Passed April* 25, 1772.

CHAPTER 19.

AN ACT FOR INCORPORATING A NUMBER OF THE INHABITANTS IN THE WEST PARISH OF ROXBURY, WITH THEIR ESTATES, INTO A DISTINCT PARISH OR PRECINCT.

Preamble.

WHEREAS, at the request of Messieurs Eleazer Weld, Joseph Brewer, John Child, Edward Child, John Lowder, Nathaniel Wheaton, Nathaniel Weld, John Coburn, Nathaniel Brewer, Daniel Harris, Elijah Whitney, Jonathan Payson, William Pepperrel, Ezra Davis, Samuel Scarborough, William Williams, John Morey, John Lowder, jun'r, Ebenezer Weld, Isaac Williams, Jacob Davis, William Burroughs, Thomas Weld, John Foster, Joshua Loring, Walter Logan, Edward Bridge, Henry Williams, Samuel White, John Keys, George Woods, Lemuel Child, Ezra Davis, jun'r, Joseph Weld and Ebenezer Scott, —all inhabitants of the west precinct in Roxbury, to be, with their

lands, set off a distant* precinct or parish, — at a legal meeting of said west precinct, on the second day of October last, the said parish voted their desire, unanimously, that the persons aforementioned, with their estates within the bounds following, should be set off from them and erected into a seperate and distinct parish, and to join with said petitioners in petitioning the great and general court to ratify and confirm what said west precinct had done, by making it a distinct parish; viz., to begin at Sawmill-Brook Bridge, so called, and run up said brook until it comes even with the south-east corner of Mr. John Child's pasture; then, to run directly to said corner; then, to take the stone wall for said line, running westerly, until it comes to Mr. John Harris's pasture; then, to keep said course until it comes to Brookline line; then, to take the lane leading by Mr. Daniel Harris's, from the upper road to the lower road, to be the line; then, the nighest distance from the end of said lane to Stoney River, so called, to be the said line; then, to run up said river until it comes to Dorchester line, in a small swamp or meadow near Captain Atherton's pasture, above the bridge leading over said river to Mr. Stephen Chamberlain's house, — which will compleat the bounds and limits between said new proposed precinct or parish, and the other remaining part of the precinct, —

Bounds of the middle parish in Roxbury.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the persons aforementioned, inhabitants of the west precinct in Roxbury, with their estates, and all the lands within the bounds aforesaid, be and hereby are incorporated into a precinct; and that they shall and hereby have all the rights, privileges and immunities which, by law, precincts have heretofore been vested with.

Inhabitants of the west parish, set off to the middle parish.

And be it further enacted,

[Sect. 2.] That Samuel Dexter, Esq., be and hereby is empowered to issue his warrant, to some principal inhabitant of the said precinct, requiring him, in his majesty's name, to warn and notify the said inhabitants to meet together, at such time, and place in said precinct, as by said warrant shall be appointed, to chuse such officers as may be necessary to manage the affairs of said precinct; and the qualified inhabitants so met, shall be and hereby are empowered to chuse precinct officers, accordingly. [*Passed April* 25, 1772.

Samuel Dexter, Esq., empowered to issue warrants for calling the first meeting.

CHAPTER 20.

AN ACT FOR INCORPORATING THE OVERSEERS OF THE POOR OF THE TOWN OF BOSTON.

Whereas many charitably disposed persons have given and bequeathed considerable sums of money, and other interest and estate, to the poor of the town of Boston, and their use, and many other persons are well inclined to make charitable donations to the same good purpose, but the overseers of the poor of the same town not being incorporated, the good intentions of those who have made, and those who incline to make, such charitable donations, have been either wholly frustrated or not carried into full effect, —

Preamble. 22 Pick., 122.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the said overseers, for the time being, of the poor of the town of Boston, in the county of Suffolk and province of the

Overseers of the town, incorporated.

* *Sic:* distinct?

Massachusetts Bay, be created, made, erected and incorporated, into a body politic, by the name of the Overseers of the Poor of the Town of Boston in the Province of the Massachusetts Bay, in New England; and that they and their successors in said office have a perpetual succession by said name.

Be it further enacted,

—their power. [SECT. 2.] That all and singular sum and sums of money, interest and estate, real or personal, of what name or nature soever, heretofore given, or at any time hereafter to be given, granted, bequeathed or divised, by any way or means whatsoever, to the poor of the same town, or to their use, not exceeding the sums and value in this act after mentioned, be and the same hereby is and shall be, to all intents and purposes, vested in the same overseers and their said successors, in their said corporate capacity; and they are hereby enabled in the same capacity to receive, manage, lease, let and dispose the same, according to their best discretion, to and for the use and benefit of the poor of the said town.

Provided, *always*, —

And be it hereby enacted,

Proviso. [SECT. 3.] That the said overseers shall not be able to receive, or be capable of having or holding, any monies or personal estate of any kind or nature whatsoever, at any time, above and beyond the sum and amount of sixty thousand pounds lawful money of this province; accounting and reckoning the whole monies and value of all the personal estate, personal securities and choses in action, which they shall own or be vested withal in their corporate capacity, together: and that all gifts and bequests of money, or personal estate of any kind, made to the said corporation, or which by the tenor of this act they might take or be vested with, shall be utterly void at all times hereafter when their whole stock in monies, personal securities or choses in action, and personal estate which the said corporation shall have, own and be vested with the property of, shall, taken and reckoned together, amount to the said sum of sixty thousand pounds.

Be it further enacted,

To have perpetual succession. [SECT. 4.] That the said overseers and their successors in said office, by the name aforesaid, have a perpetual succession; by that name to sue or be impleaded; by its said corporate name to purchase lands, and hold them, not exceeding the sum of five hundred pounds, lawful money, by the year; and to manage, lease, bargain and sell, or otherwise dispose of, all or any part thereof, and do all other acts as natural persons may, as, from time to time, the said corporation shall judge best for the benefit, advantage and use of the said poor.

Be it further enacted,

To have a seal and make by-laws. [SECT. 5.] That the said corporation shall have a common seal; and power (and the said corporation is hereby authorized) to make by-laws and private statutes and ordinances, not repugnant to the laws of the land, for the better government of the said corporation and its finances; to chuse a treasurer, clerk and other subordinate officers, as, from time to time, shall be found necessary, and all or any of them again, at pleasure, to displace.

Be it further enacted,

Acts done by a major part, to be valid. [SECT. 6.] That all instruments which said corporation shall lawfully make, by the name aforesaid and sealed with their common seal, and all acts done, or matters passed upon, by the consent of a major part of the said overseers, for the time being, shall bind said corporation and be valid in law. [*Passed April* 25, 1772.

CHAPTER 21.

AN ACT TO INCORPORATE JONATHAN GARDNER, JUN'R, AND OTHERS THEREIN NAMED, INTO A SOCIETY BY THE NAME OF THE MARINE SOCIETY AT SALEM, IN THE COUNTY OF ESSEX, IN THE PROVINCE OF THE MASSACHUSETTS BAY, IN NEW ENGLAND.

Whereas a considerable number of persons who are or have been masters of ships, or other vessels, have for several years past associated themselves in the town of Salem; and the principal end of said society being to improve the knowledge of this coast, by the several members, upon their arrival from sea, communicating their observations, inwards and outwards, of the variation of the needle, soundings, courses and distances, and all other remarkable things about it, in writing, to be lodged with the society, for the making the navigation more safe; and also to relieve one another and their families, in poverty, or other adverse accidents of life, which they are more particularly liable to; and have for this end raised a considerable common stock; and the said persons associated, as aforesaid, finding themselves under difficulties and discouragements in carrying on the said designs without an incorporation; and Jonathan Gardner, jun'r, and others of them, having petitioned the great and general court of this province, in their present session, to be incorporated for the purposes aforesaid; and their intention appearing laudable, and deserving encouragement, — Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That Jonathan Gardner, jun., John Ropes, Samuel Webb, William Lylley,* Amos Mansfield, Michael Driver, Israel Obear, Edmund Needham, Robert Hale Ives, Larking* Dodge, William Bartlet, Joseph Lambert, Benjamin West, Edmund Giles, William Sluman,* Samuel Williams, Josiah Batcheldor,* John Battan, John Elkins, George Crowinshield,* Edward Gebbant,* Joseph Lee, Edward Allen, Samuel Grant, Jacob Crowinshield,* Josiah Orne, Ebenezer Ward, jun., Daniel Howthorne,* John Darby,* Cabot Gerrish, George Southard, David Masury, Nathaniel Knight, John Archer, John Berry, Habakkuk Bowditch, John Bowditch, Jonathan Webb, John Fisk, William Morgan, Robert Alwik,* Jonathan Mason, Stephen Cleveland, Benjamin Warren, Thomas Frye, Jonathan Lambert, jun., Henry Higginson and George Cabot, the members of said society, be incorporated and made a body politic for the purposes aforesaid, by the name of the Marine Society at Salem, in New England; and that they, their associates and successors, have perpetual succession by said name, and have a power of making by-laws for the preservation and advancement of said body, not repugnant to the laws of the government, with penalty — either of disfranchisement from said society, or of a mulct not exceeding twenty shillings, — or without penalties, as it shall seem most meet; and have leave likewise to make and appoint their common seal; and be liable to be sued, and enable to sue, and make purchases, and take donations of real and personal estate for the purposes aforesaid: *provided*, the rents of the real estate, together

Jonathan Gardner and others, incorporated.

—to have perpetual succession;

—power to make by-laws:

—to have a common seal; and hold estates,

* The following is believed to be the correct spelling of the names intended: William Lilly, Larkin Dodge, William Sleuman or Slewman, Josiah Batchelder, George Crowninshield, Edward Gibaut, Jacob Crowninshield, Daniel Hathorne, John Derby, Robert Alcock.

—not to exceed £500 per annum.

with the interest of the personal estate, shall not exceed the sum of five hundred pounds per annum; and to manage and dispose said estate as shall seem fit: and said society shall have a master, deputy-master, treasurer and clerk, and other officers they shall think proper.

Officers.

And be it therefore further enacted,

—their power at the first meeting.

[SECT. 2.] That the said Marine Society shall, on the second Thursday in June next, assemble to appoint their first master, deputy-master, treasurer and clerk, and other officers as they shall think proper, and their seal, and make by-laws; and said officers shall continue until the last Thursday in October next, on which day the said Marine Society shall meet, annually, afterwards on the said last Thursday of October, annually, at Salem aforesaid, to chuse a master, deputy-master, treasurer and clerk, and other officers as they shall think proper: and for the admission of new members, which shall be done by a major vote of the members present at said annual meeting; and to make, alter and annul their by-laws: and if, by reason of any emergency, the business of said annual assembly cannot be compleated on said day, they may adjourn once to a short day to finish it, and no more: And said society shall meet at said Salem, on the last Thursday of every month, for all other business. And whenever any of the officers of said society shall die, or be disabled, or remove out of the government, others shall be appointed or elected in their room, at the next monthly meeting. And all instruments which said society shall lawfully make, shall, when in the name of said society, and pursuant to the votes thereof, and signed and delivered by the master, and sealed with their common seal, bind said society, and be valid in law. [*Passed April* 25, 1772.

Power of adjourning, and appointing new officers, in case of death or removal.

Instruments, valid in law.

CHAPTER 22.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR THE SETTLEMENT OF THE BOUNDS, AND DEFREYING OF THE PUBLICK AND NECESSARY CHARGES ARISING WITHIN EACH RESPECTIVE COUNTY IN THIS PROVINCE," MADE AND PASSED IN THE FOURTH YEAR OF THE REIGN OF KING WILLIAM AND QUEEN MARY.

Preamble. 1692-93, chap. 27.

WHEREAS, in and by an act intitled "An Act for the settlement of the bounds, and defreying the publick and necessary charges arising within each county in this province," it is, among other things, enacted that the votes for a county treasurer shall be "in writing, and sealed up by the constable, by him to be kept and returned unto the next quarter sessions to be held for said county, there to be opened and sorted, by such as the court shall appoint, in the presence of the justices;* the person having the majority of the said votes shall be treasurer of such county for that year, and be sworn before said court"; *and whereas* divers and great inconveniencies have frequently arisen in consequence of the returning of the votes, for a county treasurer, being only by the constable of the then year; for remedy whereof, —

Be it enacted by the Governor, Council and House of Representatives,

Justices' and grand jurors'

[SECT. 1.] That for the future any of the justices of the county, or either of the grand jurors of the then present or next preceeding

* "and" omitted.

year, living in the same town, and they shall have the same power to return the votes of the several towns in the respective counties in this province for a county treasurer, as by said law the constables had and now have. power to return votes.

And be it further enacted,

[SECT. 2.] That the votes for county registers, collected and sealed up according to the law now in being, shall be returned from the several towns in each county, to the courts of general sessions of the peace in said counties, respectively, in the same manner as is provided for by this act, for the return of the votes for county treasurers. [*Passed April* 25, 1772. Each town to return votes for county register, to the court of general sessions.

NOTES. — There were two sessions of the General Court, this year, both held at Cambridge.

Between the date of issuing writs for the new Assembly, and the first day of the session, Gov. Hutchinson wrote to Lord Hillsborough suggesting that but for the uninterrupted practice, for eighty years, to the contrary, "it would have been well warranted and it would have strengthened Government if the Governor could have continued a House of Representatives that should be well disposed", — by omitting to issue the customary annual writs for the choice of representatives, since he could "find no Clause in the Charter which makes a new House of Representatives necessary every year."

At the first session, which began May 29th and ended July 5th, nine acts were passed, the engrossments of three of which — chapters 2, 3 and 4 — are missing. The second session began April 8th, and was dissolved April 25, 1772. During this session thirteen public acts were passed, of which none of the engrossments have been found. At this session, also, a private act was passed, the engrossment of which is preserved. It bears the following title: —

"An Act to change the Christian name of William Clark Tyler from William Clark to Royall." — [*Passed April* 25, 1772.

All the public acts of this year were printed.

The acts of the first session were duly certified for transmission July 9, 1771, and these, together with the Governor's letter accompanying his "remarks," and dated July 16, had been received by the Board of Trade sometime before the fifth of September, following, on which day, it appears, they were sent by the latter to the Privy Council. On the 25th, they were referred, in regular course, to a committee, and by this committee they were referred back to the Board of Trade, Oct. 4, 1771. They, together with the acts of the last session of the previous year, appear to have been read by the Board, Dec. 12, 1771, and immediately referred to Mr. Jackson, for his opinion thereon, who, on the next day, reported "I am humbly of opinion that the said Acts are proper in point of law." Mr. Jackson's report was received Dec. 18th, and was read and considered at a meeting of the Board, Feb. 27, 1772, when the draughts of a report to the lords of the committee of the Privy Council, and of a letter to Gov. Hutchinson, on chapter 25 of 1770–71, and chapter 2 of this year, were ordered to be prepared. This report of the Board of Trade, which is dated Mar. 4, 1772, concludes as follows: "We see no reason why Your Lordships may not if you think fit recommend to his Majesty, for his Majesty's Royal Confirmation such of these Laws as have not expired by their own limitation."

The acts of the second session were certified for transmission May 7, 1772, and, together with Gov. Hutchinson's letter dated May 8, which accompanied his remarks, were received by the Board of Trade on the seventeenth of June. They were read the next day, and immediately ordered to be delivered to the clerk, in waiting, of the Privy Council. On the 19th, they were referred to the committee on plantation affairs, by whom they were considered, July 1st, and, the same day, referred back to the Board of Trade. The Board of Trade received them July 6th; and, on the 29th, the order of the Privy Council referring them back, was read, and the acts, and this order, were ordered to be sent to Mr. Jackson, for his opinion thereupon. Mr. Jackson's report bears date July 14, 1772, which is fifteen days earlier than the date of the order of reference to him. There seems to be no error in this date, inasmuch as it is confirmed by the endorsement of the date of the reception of Mr. Jackson's report, by the Lords of Trade, which is July fifteenth. This report was read at the Board, March 18, 1773, when it was ordered that chapters 20 and 21 "should be taken into further consideration on Tuesday next." Accordingly, on that day, these acts were again considered, and chapters 20 and 21 specially referred to Mr. Jackson for reconsideration. This order, the letter accompanying it, and the report of Mr. Jackson, are given in full in the note to chapter 21, *post*.

Chap. 1. "June 18, 1765. A Petition of Isaac Stevenson, David Patterson and Isaac Hunter dwelling on that part of Belchertown that lies South of Pelham and between the West branch and middle branch of Swift River — Setting forth — That their belonging to Belchertown is attended with such difficulties, that they have applied to the said Town to set them off from them, and that the said Town have consented to set them off accordingly; and that the Town of Greenwich wherein they can be better accommodated, hath voted their Consent to receive them. And praying that the said Lands may accordingly be set off from Belchertown to the Town of Greenwich.

In the House of Representatives, Read and Resolved that the prayer of the petition be granted, and that the Petitioners with all the Lands South of Pelham, West of Greenwich and East of the West branch so called of Swift River be, and they are hereby annexed to

the Town of Greenwich, and hereafter do duty and enjoy priviledges with the other Inhabitants of said Town of Greenwich until the further order of this Court.

In Council, Read and Nonconcurred. And Ordered that the further consideration of this petition be referred to the second Wednesday of the next Session of this Court. In the House of Representatives, Read and Concurred." — *Council Records, vol. XXVI., p.* 41.

"Apr. 26, 1771. A Petition of Isaac Stevenson and others of Belcherston Praying to be set off to Greenwich — as entered the 18 day of June 1765 —

In the House of Representatives. Resolved that the prayer of the Petition aforesaid be granted, and that all the Lands in Belcherston lying East of the West Branch of Swift River and South of Pelham, together with the Inhabitants who now do, or hereafter may live on the same, be and hereby are annexed to the said Town of Greenwich, there to do duty and receive privilege, and that the Petitioners have leave to bring in a Bill accordingly at the next Session of the General Court. In Council, Read and Concurred." — *Ibid., vol. XXVIII., p.* 569.

"A Law for altering or extending the bounds of a Town." — *Remark of Gov. Hutchinson to the Lords of Trade, July* 16, 1771: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 18.

Chap. 2. The act of 1770–71, chapter 25, repealed the act of 1766–67, chapter 14, but did not repeal the act of 1769–70, chapter 18, which contained the same provisions for holding courts at Pittsfield and Great Barrington. To more effectually accomplish the purpose of the act of 1770–71, chapter 25, this act was passed, repealing all former laws relative to the holding and sitting of the Inferior Court of Common Pleas, and Court of Sessions, in Berkshire County, and establishing, for the future, the same times and places that were intended to be fixed in the act of the previous year, besides providing for an extraordinary session for the current year, at Great Barrington, on the first Tuesday of September. — See, *ante*, note to 1770–71, chap. 25.

"A Law for altering the time of holding Courts in a small remote County." — *Ibid.*

Chap. 3. "A Law for a valuation of the Estate of the several Towns in order to settle a rule for Taxation.

The like law has passed once in a few years ever since the Charter with no material variations." — *Ibid.*

Chap. 4. "Apr. 12, 1771. A Petition of a Number of the Proprietors of the Meadow, Upland and Beach, called *Great and Little Scipuisset*, praying that some effectual Method may be taken to prevent the Ruin of their Land, the Danger of which is set forth in the Petition.

Read and committed to Mr. *Billings*, Brigadier *Prebble*, and Mr. *Ingersol* of *Great-Barrington*." — *House Journal, p.* 211.

"Apr. 15, 1771. The Committee on the Petition of a Number of the Proprietors of the Beach Meadow and Upland called *Scipuisset*, reported.

Ordered, That the Petitioners have Leave to bring in a Bill for the Purpose of their Petition." — *Ibid., p.* 218.

"Laws [chaps. 4 and 8.] for the Regulation of the Inhabitants within the particular Town which they respect. Many Laws of the like tenor have been made for other Towns and found beneficial." — *Gov. Hutchinson to the Lords of Trade, July* 16, 1771: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 18.

Chap. 6. June 5, 1771. A Petition of the Proprietors of Lands called *No. Four*, praying to be incorporated.

Read and *Ordered*, That Major *Hawley* bring in a Bill." — *House Journal, p.* 24.

"Laws [Chapters 6 and 7.] for Incorporating Townships from new Settlements and are in usual form with power of sending Representatives to the General Court." — *Gov. Hutchinson to the Lords of Trade, July* 16, 1771: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 18.

The territory to which this act applies was the fourth of ten tracts or lots of the public domain, sold, June 11, 1762, and was purchased by Noah Nash, of Hatfield, for himself and his associates. Hence it derived the name, "Number Four," by which, as well as "Williamsburgh," it was known previous to its incorporation. In 1765, the Legislature ratified the proceedings of past meetings of the proprietors, and gave the latter authority to convey lands, and to take other measures looking to a speedy settlement of the lands as a township.

The petition for incorporation has disappeared from the public files; but a fuller account of previous and subsequent proceedings relating to the establishment of the town will appear in the note to 1778–79, chapter 23, *post*, by which its name was changed to Windsor.

Chap. 7. "June 5, 1771. A Petition of *Thomas Miller*, and others, Proprietors of certain Lands, called *No. Two*, praying to be incorporated.

Read and *Ordered*, That Major *Hawley* bring in a Bill accordingly." — *House Journal, p.* 23. — See note to chapter 6, *supra.*

Chap. 8. See note to chapter 4, *ante.*

Chap. 9. "Mar. 11, 1771. The Petition of a large number of the Inhabitants setting forth 'That on account of the many fatal Accidents that happen by the explosion of Magazines of Powder in large & populous Citys, they apprehend their lives and properties in common with the rest of their Fellow Citizins; to be very insecure from the Powder-house being situated where it now is, and therefore praying the Town to take the matter into Consideration and make such Application as they shall think effectual for its removal' was read and considered — whereupon the Question was put — Whether the Town will make Application for the removal of the Powder-house out of this Town to a place of greater safety — Passed in the Affermotive — also

Voted, that the Selectmen be and hereby are appointed a Committee to prepare a Petition to the General Court praying the removal of the Powder House out of this Town, and to Report at the Adjournment." — *Petition to the town, in Records of the Town of Boston*, 1767–1774, *p* 285.

"Mar. 27, 1771. By Order of the Town at their late Meeting the following Petition was delivered our Representative Mr Hancock in order to be presented at the ensuing Sessions —

To His Excellency Thomas Hutchinson Esq Governor in Chief, the Honble the Council & House of Representatives in General Court Assembled —

The Petition of the Freeholders & other Inhabitants of the Town of Boston in Town Meeting Assembled March 19, 1771 —

Humbly sheweth — That considering the many & fatal accidents that happen by the explosion of Magazines of powder in large & populous Citys your Petioners apprehend their lives and property, to be very insecure from the powder house being situate where it now is, more especially as they are informed it has at times contained several thousand, casks of gun powder

That they are apprehensive not only on account of what the Town may suffer if so terrible a Catastrophy should be realized but for the Community in general as near the whole quantity of powder in the Province would be thereby lost and perhaps at a time when we are upon the eve of a war —

Your Petitioners would therefore intreat that the Honble Court will be pleased to take this petition into their wise consideration, & order the removal of the powder of that magazine to a place or places of greater safety & as in duty bound &c —

By Order of the Town —

Mem sign'd by all the Selectmen except Mr Ruddock." — *Selectmen's Minutes* 1769–1773, *p.* 110.

"Apr. 5, 1771. A Petition of the Selectmen of the Town of *Boston*, setting forth the great Danger to the Inhabitants of said Town by Reason of the Magazine of Powder being kept there, and praying that the same may be removed.

Read and *Ordered*, That Brigadier *Ruggles*, Capt. *Darby*, Capt. *Heath*, Capt. *Thayer* and Mr. *Bigelow* of *Worcester*, consider this Petition and report." — *House Journal*, *p.* 190.

"Apr. 24, 1771. The Committee on the Petition of the Selectmen of the Town of *Boston*, praying that the Magazine of Powder in said Town may be remov'd to some Place of greater Safety to the Inhabitants, reported, that it would be for the Interest of the Province and Safety of the Town to remove the present Magazine; and that there be two Magazines, viz. the one in the Town of *Boston* on the Back of the Hills at the Bottom of the Common, and the other within the Bounds of *Watertown*, at such Place as may be agreed upon by a Committee to be appointed for the Purpose, and that the Petitioners have Leave to bring in a Bill accordingly. Accepted, and *Ordered*, That the Petitioners have Leave to bring in a Bill." — *Ibid.*, *p.* 239.

"July 4, 1771. In the House of Representatives. Ordered that Mr Hancock, Capt Thayer and Mr Remington with such as the honble Board shall join be a Committee in the recess of this Court to see to the Building two public Magazines for the safe keeping of powder, in pursuance of an Act of this Court passed in the present Session.

In Council, Read and Concurred and William Brattle and Thomas Hubbard Esqrs are joined in the affair. Consented to by the Governor." — *Council Records, vol. XXIX.*, p. 117.

"A Law for erecting new Magazines, the Inhabitants of Boston apprehending the present Magazine more likely to destroy great part of the Town in case of an explosion than where it is proposed to be placed. The whole direction of the Powder is reserved to the Governor more fully than by the former Act." — *Gov. Hutchinson to the Lords of Trade, July* 16, 1771: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 18.

Chap. 10. "Gentlemen of the House of Representatives —

Upon inquiry into the state of the Treasury I find there are surplusses of Funds which have been established for the payment of Sums borrowed for the charges of Government in past years and these, together with other unappropriated stock, are more than equal to the sum which is necessary to satisfy the present demands upon the Treasury and to provide for the service of the advancing year.

The Treasurer will lay before you the state of the Treasury and an estimate of the sum requisite for its supply. It is with you to originate such a Bill as you shall judge proper." — *Extract from speech of Gov. Hutchinson, Apr.* 8, 1772: *Council Records, vol. XXIX.*, *p.* 133.

"Apr. 22, 1772. In the House of Representatives. Whereas it is found upon enquiry that there is the sum of eight thousand five hundred pounds in ready money in the Treasury, which is more than sufficient to answer the demands on the Treasury until the begining of June next — Resolved that there be appropriated out of that sum the sum of six thousand seven hundred pounds for the purposes hereafter mentioned viz^{t} for Grants two thousand pounds; Commissarys disbursements one hundred pounds; Debts where there is no Establishment two thousand pounds; for Fort Pownall six hundred pounds; for the pay of the General Court two thousand pounds. And that the Province Treasurer is hereby directed in his payments to govern himself accordingly. In Council, Read and Concurred." — *Ibid.*, *p.* 188.

"Apr. 23, 1772. The Secretary went down to the House of Representatives with the following Message from his Excellency the Governor viz^{t}.

Gentlemen of the House of Representatives —

The Secretary has laid before me a Resolve of the House concurred by the Board for applying the sum of Six thousand seven hundred pounds to answer the present demands on the Treasury. There has been an Instruction from the Crown to the Governors of this Province for more than forty years, not to consent to any Resolves for supply of money

for the service of the Government, but that all such supplies be made by an Act or Acts. As no possible advantage can arise to the Province by this new method of Supply, I must recommend to the House to conform to what has been the practice ever since I have had any knowledge of the public affairs of the Province. T. HUTCHINSON." — *Ibid., p.* 190.

"I find upon inquiry into the state of the Treasury there are surplusses of former funds sufficient to defray the ordinary charges of Governmt at least for one year to come when they are appropriated to that purpose which I will recommend to the Assembly that I may keep off the dispute about the Tax in which the people in general are warmly though very erroneously engaged and I hope by giving them time they will grow more calm as they have done in other instances and that truth will finally prevail." — *Extract from letter of Gov. Hutchinson to Lord Hillsborough, Mar.* 12, 1772: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 41.

"This Law is only for appropriating Monies lying in the Treasury and is in a form of other Laws heretofore passed." — *Gov. Hutchinson to the Lords of Trade, May* 8, 1772: *ibid., O. o.*, 37.

Chap. 11. This chapter, "I do not conceive to come within the spirit of His Majesty's 14th Instruction which has been construed by my predecessors to extend to such Laws as have not from time to time been continued and received His Majesty's approbation and to no other. There was besides an unforeseen emergency in this case, there not being time to settle a table of fees before the Session must have been at an end and the Court dissolved by the Constitution." — *Ibid.*

Chap. 12. "Is the continuance of an Act made the last year." — *Ibid.*

Chap. 13. "July 4, 1771. Upon a Motion, *Ordered*, That Mr. *Otis*, Col. *Gilbert* and Mr. *Fisher*, prepare a Bill for the better Preservation of Oysters, by preventing the taking of them at any Time from the Middle of *May*, to the Middle of *August*, and report." — *House Journal, p.* 105.

"This provision appears to be necessary from the great scarcity of Oysters." — *Gov. Hutchinson to the Lords of Trade, May* 8, 1772: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 37.

"June 10, 1772. A Petition of Barnabas Freeman Agent for the District of Wellfleet, Praying that some further provision may be made for the preservation of Oysters in Billingsgate Bay; the Petitioner apprehending that the Act made the last Session for that purpose will not answer that design.

In the House of Representatives, Ordered that Mr. Bacon, Dr. Taylor Mr. Freeman of Harwich, Capt. Greenleaf, Mr. Phillips, Mr. Doane & Doctr. Tufts with such as may be joined by the Honble Board be a Committee to take this Petition into consideration and report. —

In Council, Read and Concurred and James Bowdoin, James Otis, James Pitts, Stephen Hall, Walter Spooner & Timothy Woodbridge Esqrs are joined." — *Council Records, vol. XXIX., p.* 252.

"July 14, 1772. The Committee appointed the 10th day of June last on the Petition of Barnabas Freeman Agent for the district of Wellfleet relative to Oysters, reported a Bill intituled 'a further Act to prevent the destruction of Oysters.'

In Council, Read a first and second time and the Question being put, whether this Bill should pass to be Engrossed. It passed in the Negative.

In the House of Representatives, Read & Noncurred & Resolved that the consideration of this Bill be referred to the next Session of the General Court." — *Ibid., p.* 345.

Chap. 14. "Apr. 11, 1772. a Petition of Samuel Hinsdale and others a Committee of the District of Greenfield — Setting forth — That they are apprehensive if the Taxes laid on the said District should be levied agreable to the Law of the Province, they will be very unequal and oppressive for want of a true valuation — and praying that the assessors of the said District may be impowered to levy one half of the Taxes on the Polls and the other half on the Real and Personal Estates, until a new valuation shall be compleated.

In the House of Representatives. On the Petition of the District of Greenfield Resolved and Ordered that the assessors of the said District for the time being be and hereby are authorized and directed from time to time to assess the Inhabitants of said District (liable to be taxed) in the following manner until a new valuation of Estates in this Province shall be compleated and a Tax shall issue thereon viz^t that the Taxes that shall hereafter be laid on said District, one moiety or half part thereof on the Polls, the other moiety or half part shall be levied on the Real and personal Estates of the Inhabitants of said District; the assessors observing the same rule and direction as by Law is already provided with respect to the proportion to be laid on Real and Personal Estate, and that every thing the assessors shall do agreable to this Resolve shall be as binding and obligatory upon the Persons assessed as if there had been no preceeding Law touching the proportion of the Tax to be laid upon Polls and Real and Personal Estate. In Council, Read and Concurred." — *Council Records, vol. XXIX., p.* 139.

"Respects a small District only and the substance of the Act was first laid before me in the form of a Resolve which as it established a rule of Law tho' for a particular Town only I declined signing my consent to it." — *Gov. Hutchinson to the Lords of Trade, May* 8, 1772: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 37.

Chap. 15. "To His Excellency Thomas Hutchinson Esqr Governor and Commander in Chief in and over his Majestys province of the Massachusetts Bay in New England The Honourable his Majestys Council and House of Representatives In general Assembly 1772 —

The humble Petition of us the Subscribers Inhabitants of Kittery in the County of York

and province aforesaid Shews That whereas a certain Branch of Piscataqua River flowing into said Kittery known by the name of Spruce Creek hath till of Late Years afforded Considerable quantities of Shad Elwives and other Small fish which after Spawning used to frequent said Creek and have been caught by the poorer Sort of people in said Kittery in the narrow Channels thereof at Low Water by small dip nets in such plenty that they were a greater part of thier Sustenance for Six Weeks at a Season of the year when other Provisions are generally Scarce But by the late Use of Seins the Number of said fish hath been gradually diminished and what hath been taken Engrossed by a few of the Richer part of the people and the poor deprived of the Supply of food they usually obtained from thence and the price raised to treble what they commonly Sold for when caught by dip nets the Scarcity and high price of said fish your Petitioners can ascribe to no other probable Cause but the novel Invention and use of said Seines which obstruct the Course of said fish up the said Creek and frighten away the multitude below. Another bad Consequence from said fish being caught by Seines is that the poor cannot advance the money necessary to purchase Seins when they can easily get dip nets, Besides the Engrossers of said fish having no Occasion to consume them in their families commonly barrel up and send them out of Town to market Wherefore your Petitioners humbly pray that the use of any Seines in said Creek for the future may be intirely prohibited in such a manner as your great Wisdom may Suggest and your Petitioners as in Duty bound shall ever pray.

Kittery, February 25th 1772 —

Benj[a] Parker	Samuel manson Juner	James Neall	Tho Hutchins Lewis
William Lewis	Thomas Rogers	John Stanley Jr	Ebenezer Spinney
Samu[ll] Weeks	Joseph Petegrow	Tobias Leighton	Joel Fernald
W[m] Leighton	John Godsoe	Samuel Leighton	Robert Haly
W[m] Dearing	John Place s[r]	Timothy Ferguson	Nath[l] Remick
Thomas Cutts	Simoun Keen	Edmund Willson	Thomas Lewis
Dennis Fernald	Isaac Keen	Japhet Emery	Benjam mugridge
Eliezer Fernald	John Marr	Josiah Paul	Thomas Clark
John Shapleigh	Tobias Fearnild	Tim[o] Fernald	John Weeks
John Rogers jr	Tho[s] Jackson	Samuel Hammond	Edmund Hammons
Edw[d] Ingraham	William Rogers	John Cutter	Moses Hanscom
Sam[el] Johnson jr	James Pickernell	Samuel Staple	Robert Cutts
Joseph Cutts	Thomas Cutts jun[r]	Edward Cutter	Nich[s] Weeks Jr
Richrad Rogers	Ebenezer Leach	John holmes	James Hutchins
Samuel Pickernell	Nathaniel Leach	Noah Parker	Richd Cutts
Sam[ll] manson	Joseph Curtis	John Elliss	Joseph Billing
Sam[ll] Fitts	Benjamin Hutchins	Christopher Hammond	Samuel Mitchell
William Pickernell	Joshua Hubbard	Tobias Fernald Jun[r]	John Gunnison
Joseph manson	John Gowen	Benj[a] Parker Jun[r]	Elihu Gunnison."—*Mass. Archives, vol.* 87, *p.* 530.

"To his Excellency the Governor of the Province of the Massachusetts Bay the Honb[le] his Majestys Council for said Province & the Honb[le] House of Representatives for Said Province in general Assembly Convend the 28th Day of March 1772 —

The Petition of the Subscribers Inhabitants of the Town of Kittery in the County of York, living at and near a place in Said Town called *Spruce Creek* Humbly Shew —

That whereas they are Given to understand that a Petition of Some of the Inhabitants of Said Town is preferred to Your Excellency and Honours to have a Prohibition laid, on Seining of Shad and alewives in the Said Creek called Spruce Creek, upon which they would be glad to observe. that to have the Fishing in Said Creek put upon some Regulation Your Petitioners are in no manner averse — But they Humbly Concieve that to absolutely Prohibet catching the Said Fish in Scienes, and at the same time to permit the Catching of them in wares and Hedges, as the manner has been of late — would be Inequitable, as these wares and Hedges are Usually made and Continued on the Flats,or shallows, which are claimed as the Property of the Propriators of the Land Contiguous and adjoining — their being but one Small Sciene made use of by a party that has no place Conveinant to Set up a ware or Hedges for the cetching Said Fish — that the distruction of the Fish is much more made by these wares than by Seining — as they are usually kept up all the fishing Season, and take all the Fish that come within them every Tide, — whereas Seining is generally made in the middle of the River and is only occasionally done to Catch Bait to Carry on the Cod fishery — that your Petitioners cannot but be apprehensive that the Prayer of the Said Petition before Referr[d] to, notwithstanding the pretences therein made for the Public Good, is Principally intended for the Emolument of Individuals and therefore Your Petitioners Humbly hope the Prayer thereof will not be Granted —

	THOM[S] CHASE
RICH[D] KEATING	JOHN SPINNEY y[e] 3[d]
ROB[T] CUTTS	JOHN SPINAY
BRADSTREET CHASE	JOHN CATOR
PARKER FOSTER	JOHN CHASE
JOHN TOTHERLY	MATTHEW GROVER
WILLIAM FERNALD	AMOS WITHAM."—*Ibid.*, *p.* 533.

"Apr. 9, 1772. A Petition of the Inhabitants of the Town of *Kittery*, praying that the Use of Seins for catching Fish in Spruce-Creek, may be prohibited.

Read and committed to Mr. *Hearsay*, Capt. *Bragdon* and Dr. *Holton*. * * * *

A Petition of *Thomas Chase*, and others, of *Kittery*, praying that the Use of Seins for catching Fish in Spruce-Creek, may not be prohibited.

Read and committed to Mr. *Hearsay*, Capt. *Bragdon* and Dr. *Holton*." — *House Journal*, *p.* 123.

"Apr. 11, 1772. The Committee on the Petition of a Number of the Inhabitants of *Kittery* reported, That the Prayer be granted, and that a Bill be brought in for the Purpose thereof.

Ordered, That the Member for *Kittery* bring in a Bill accordingly." — *Ibid.*, *p.* 129.
"Of the same nature with many other Laws in force." — *Gov. Hutchinson to the Lords of Trade, May* 8, 1772: "*Mass. Bay, B. T.*," *vol.* 81, *O. o.*, 37.

Chap. 16. "This Act is become almost useless, the Indians decreasing every day." — *Ibid.*

Chap. 17. "Revives a great number of Temporary Laws all of which have been before approved of." — *Ibid.*

Chap. 18. By recommendation of the king, the settlement of differences which had long existed respecting the boundary between the territories of Massachusetts Bay, New York and Connecticut, was left to the respective governments immediately interested. Commissaries appointed for that purpose, in 1768, agreeably to this recommendation (see chapter 23 of the acts of 1767-68, and the notes thereto), failed to conclude the treaty which they attempted to negotiate, and efforts were this year resumed, which resulted in a settlement of the controversy.

The letter of Governor Tryon proposing to renew negotiations, is dated "Fort George, New York 6 Novemr 1771." This was communicated to the Assembly by Governor Hutchinson on the eighth of April, 1772, and on the twenty-third of the same month, William Brattle, Joseph Hawley and John Hancock were chosen, by joint ballot, commissaries under this act. Further particulars of proceedings relating to this controversy, and its settlement, are reserved for the Appendix, of which it is proposed to devote a chapter to this subject.

"This Law is upon a Plan which I recommended to the Court and is more like to finish the controversy than any part* proceedings have been." — *Gov. Hutchinson to the Lords of Trade, May* 8, 1772: "*Mass. Bay, B. T.*," *vol.* 81, *O. o.*, 37.

Chap. 19. "Apr. 23, 1771. A Petition of Benjamin Pemberton Esqr and others of the first and second Precincts in Roxbury — Setting forth, That their attendance on the Public Worship of God in their respective Precincts being accompanied with many difficulties and inconveniences, they have lately built by Subscription a meeting house more commodious and nearer to their several habitations, where they have supported the Gospel by Contribution, notwithstanding which they are Taxed for the support of the Gospel in the said first and second Precincts. And praying that they may be made a separate Precinct, or that they may be otherwise relieved.

In the House of Representatives. Read and Ordered that the Petitioners notify the first and second Parishes in the Town of Roxbury by serving their respective Clerks with a Copy of this Petition to shew cause on the second Wednesday of the next sitting of the General Court why the prayer thereof should not be granted. In Council, Read and Concurred." — *Council Records, vol. XXVIII., p.* 539.

June 5, 1771. A Petition of Benjamin Pemberton Esqr and others Inhabitants of the first and second Precincts in Roxbury as entered the 23d day of April last.

In Council, Read again together with the answers of the first and second Parishes of the Town of Roxbury and Ordered that Harrison Gray & Timothy Woodbridge Esqrs with such as the honble House shall appoint, be a Committee to take the Petition and answers into consideration, hear the parties, and Report what they shall judge proper for this Court to do thereon.

In the House of Representatives, Read and Concurred and Mr Otis Capt Dix and Brigdr Preble are joined." — *Ibid., vol. XXIX., p.* 18.

"June 29, 1771. The following Report was offered to the Court by the Committee appointed the 12 instant, for the purpose therein mentioned viz^{t} —

The Committee to whom was referred the Petition of Benjamin Pemberton Esqr and others of the first and second Parishes in Roxbury, have considered the same together with the answers thereto; they have also fully heard the parties and now beg leave to report certain facts, the truth of which was not disputed by either of the parties. In the first place it appears that the East Parish in said Roxbury consists of 147 Families containing 287 Polls; 22 of which Polls are Episcopalians and 70, others are hired Men &c The West Parish consists of 102 Families, containing 163 polls besides 7 Families containing ten polls from Newton who attend Worship with them. The proposed new parish includes 35 Families containing 61 polls now belonging to the said West Parish 31 of which Families have desired to be set off and made a separate Parish — The said proposed new Parish also includes 23 Families containing 41 Polls from the East Parish, 6 of which Families containing 10 polls desire also to be set off; the rest, at least fifteen of the said East Parish within the proposed lines are utterly against it, as appears by a writing under their hands — There are also 20 persons who live in the middle of the West parish that have petitioned against a division, and it appears that these 20 pay more towards the parish Tax than all the rest of said Parish will do, after a division of the Parish, if that should take place.— A number of persons living in the upper part of the West Parish seemd disposed to consent to a division according to the proposed Plan — Mr Pemberton and his associates having made an offer to pay to the remaining part of said West parish five hundred pounds Sterling upon such division taking place. The number of Families, Polls &c abovementioned were taken from the rate List or state Bill for the year 1770 and includes all, whether Widows, Episcopalians, hired Servants or others liable to be taxed. Upon the whole the Committee are humbly of opinion that the said Petition be dismissed. Signed JAMES OTIS Jr^{s} Order —

In Council, Read and accepted and Ordered that the said Petition be dismissed, accordingly. In the House of Representatives, Read and Concurred." — *Ibid., p.* 97.

* *Sic:* past?

"Apr. 14, 1772. A Petition of Eleazer Weld and others Inhabitants of the Westerly Precinct in Roxbury — Setting forth — That at a legal meeting of the said Precinct on the second day of October last, in consideration of the sum of £666 : 13 : 4 to be paid them by the Petitioners and some of their friends, it was voted that they might be set off as a separate Precinct agreable to the bounds and limits mentioned in the said Vote — And praying that they may be made a separate Parish accordingly.

In the House of Representatives. Ordered that Mr. Phillips, Capt. Dix and Mr. Hobson with such as the honble Board shall join be a Committee to take this Petition together with a memorial of John Davis and others praying that this Petition may be dismissed, into consideration, and report what may be proper to be done thereon.

In Council, Read and Concurred and William Brattle and Harrison Gray Esqrs are joined."— *Ibid., p.* 145.

"Apr. 24, 1772. The Committee appointed the 14 instant to take into consideration the Petition of Eleazer Weld and others Inhabitants of the West Precinct in Roxbury praying to be erected into a separate Precinct, and also the Memorial of John Davis and others praying that the said Petition may be dismissed — having attended that service and fully heard the parties reported as their opinion, unanimously, that the prayer of the Petition be granted, and also reported a Bill for that purpose, intitled 'An Act for Incorporating a number of the Inhabitants in the West parish of Roxbury with their Estates, into a distinct Parish or Precinct.' In Council, Read a first and second time and passed to be engrossed.

In the House of Representatives — Read three several times and passed a concurrence to be Engrossed."— *Ibid. p.* 196.

"Has nothing distinguishing in it."— *Gov. Hutchinson to the Lords of Trade, May* 8, 1772: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 37.

Chap. 20. Mar. 9, 1772. The Town brought in their Votes for twelve Overseers of the Poor, and upon sorting them it appeared, that

John Barret Esq	Mr William Greanleaff	Capt Samuel Partridge
William Phillips Esq	William White Esq	Mr Samuel Whitwell
Mr Benjamin Dolbear	John Leveret Esq	Mr Samuel Abbot
Mr William Whitwell	John Gore Esq	Mr Daniel Waldo —

were chose Overseers of the Poor for the Year ensuing.—*Records of the Town of Boston, vol.* 5, *p.* 321.

"To His Excellency Thomas Hutchinson Esqr Governour & Commander in Chief in & over the Province of the Massachusetts Bay, The Honble His Majestys Council & the Honble the House of Representatives in General Court assembled 8th April 1772. —

The Petition of John Barrett & others; Overseers of the poor of the Town of Boston — Humbly Sheweth

That many charitably disposed Persons have given & bequeathed considerable Sums of Money & other Interest & Estate to the Poor of the Town of Boston and their use. And many other persons are well inclined to make charitable donations to the same good purpose: but your Petitioners the Overseers of the Town of Boston not being Incorporated, the good Intentions of those who have made & of those who incline to make such charitable donations have been either wholly frustrated or not carried into Effect. Wherefore your Petitioners humbly pray that the Overseers (for the time being) of the poor of the Town of Boston may be created, made, erected & incorporated into a Body politick, by the name of The Overseers of the Poor of the Town of Boston in New England and that they & their Successors in said office may have a perpetual succession by said Name for the purposes before mentioned. — And as in Duty bound shall ever pray &c

JNO BARRETT	JOHN LEVERETT
WM PHILLIPS	JNO GORE
BENJA DOLBEARE	SAML PARTRIDGE
WM WHITWELL	SAM WHITWELL
WM GREENLEAF	SAM ABBOT
WM WHITE	DANL WALDO."— *Mass. Archives, vol.* 118, *p.* 572.

"Apr. 9, 1772. A Petition of *John Barrett*, Esq; and others, Overseers of the Poor of the Town of *Boston*, praying to be incorporated, for Reasons set forth in the Petition.

Read and *Ordered*, That Major *Hawley*, Major *Godfrey* and Mr. *Dennie*, bring in a Bill for the Purpose of the Petition."— *House Journal, p.* 123.

The bill of this act, as originally drawn, contained the following final section: —

"*And Be it further enacted,* —

That the Governor of the Province be, and he hereby is, authorized & impowerd to give a Charter of Incorporation under the provincial Seal to the Overseers of the said Town of Boston for the time being, and their successors in said office Accordingly."

This was in conformity to the precedent established by the act to incorporate the Marine Society of Boston (1753–54, chap. 16); but the Governor refused to assent to the bill unless this "clause was taken out." His reasons for this objection will appear in the note to the next chapter, the bill of which was changed in like manner.

Chapter 21 having been first reported the previous year, and forwarded by the Governor, for submission to the Privy Council, before he would give his assent thereto, the fate of the present act was made dependent upon the fate of that; and as both were considered together, by the Board of Trade and the Privy Council, their action upon chapter 20 will also appear, in full, in the next note. Furthermore, it will be there seen that, notwithstanding the omission of the clause authorizing the Governor to give a charter, he seems to have supposed that he was at liberty to "delay giving a charter until he had opportunity of knowing the King's pleasure." This may not, necessarily, have involved the

claim of a right to exercise the royal prerogative notwithstanding the legislative act; for as keeper of the province seal, he might refuse to affix it to the engrossed bill, until the king's pleasure had been communicated to him. It is certain, however, that the corporators proceeded at once to organize under their respective acts, as if fully incorporated.

Chap. 21. The following extracts from the records of the Marine Society, at Salem show its condition before it was incorporated, and its organization under the charter: —

"LAWS

Of the *Marine Socity** at Salem in New-England.

March 25, 1766.

First, The members of this society, shall consist only of such persons who now are, or have been commanders of vessels, unless upon extraordinary occasions.

Secondly, That the members of this society, or so many of them as shall be at home, and not hindered by sickness, shall meet the last Thursday of every month throughout the year, at such house in *Salem*, as the society shall agree on, at six o'clock in the afternoon, from the twenty-first day of *September*, till the twenty-first day of *March*, and at seven the rest of the year.

Thirdly, That the master of the society shall be moderator of the meeting, in his absence the deputy master, the treasurer in the absence of both, and the eldest members present in the absence of all of them.

Fourthly, That each member shall pay into the box, for the use of the society, at the time of his entry, *Twenty Shillings* lawful money, and *Eight Pence* monthly, during such time as he shall belong to said society; which payments shall not be expended at any time by the society, but remain a stock in the box, for the intents and purposes herein after mentioned.

Fifthly, That no member of this society shall be entitled to any relief out of the box, untill he has belonged to the society for the space of six months, and paid *Eight Pence* lawful monthly as aforesaid.

Sixthly, That every member who shall become a proper object to be relieved out of the box, shall apply himself to the society at their monthly meeting in writing, and set forth the nature of his case; and the society shall have time, 'till the next meeting to consider of it, and then, if the society are agreed that he ought to be relieved out of the box, he shall be immediately paid so much as the society shall vote him: but in case any three of the members present will declare him a proper object of charity, the society shall that evening vote him immediate relief.

Seventhly, That such member or members as shall go a voyage to sea, and return successful, shall pay *Eight Pence* lawful into the box, for the use of the society, for each and every month that he hath been absent; but in case any member of this society shall happen to be taken by the enemy, cast away, or by any other misfortune impoverised and reduced, then such member or members shall, on his or their arrival or return, making application to the society, be excused from paying the said *Eight Pence* monthly, for the time he has been absent, and shall be relieved according to the nature of his misfortune, and the ability of the Box.

Eightly, That in case any member of this society, being a married man, shall be totally lost, or die on shore; then the society shall relieve the widow, child, or children of such member, if the society think them proper objects, according as the box can afford.

Ninthly, If any member of the society meet with any misfortune, so as to be reduced on shore by old age or sickness, or any other misfortune, he shall be entitled to such annual relief as the society shall think fit, after having been a member seven years, and paying his dues to the society.

Tenthly, That no monies belonging to the society shall be let at interest, but on bond, and collateral security of land, under a good title, and without any incumberance on it, at least of double the value of the sum let, and lying in this province, in or as near the town of *Salem* as may be.

Eleventhly, That no member of this society shall, at their monthly meetings, play, or promote the playing of cards, dice, or other gaming whatsoever, as it is probable the same may be of damage to themselves, or some other of the society.

Twelfthly, That the members of said society shall and will avoid all quarrels, needless contentions and debates, that may tend to create animosity, or disturb the good order, peace, friendship, and love, that each member should and ought to bear to the other; and in case any one or more of the society shall happen to quarrel, or begin a quarrel, there shall be three at least, or more of the society chosen to consider of the same, and to lay such fines on he or them, that they find guilty, as not to exceed *Twenty Shillings* lawful money, nor less than *Two*.

Thirteenthly, If any member of this society shall commit any notorious crime, or be a common drunkard, a quarrelsome person, disturbing the peace and good order of the society, or be guilty of any other vice, he shall be discharg'd from the society, by vote of the major part of the members present at the annual meeting, and shall be excluded from any benefit of the box, unless he be reclaimed; and in such case he may be admitted into the society again.

Fourteenthly, That if any member of this society be guilty of prophane swearing or cursing, or non-attendance of the monthly meeting, he shall for each of said offences, pay to the box *One Shilling* and *Four Pence* lawful.

Fifteenthly, That each and every member of this society (in case of the decease of any member or members thereof at *Salem*,) shall, on timely notice given to each of them from the clerk, by a porter to be employed by said clerk for that purpose, attend the funeral of such deceased member or members; and that each and every member neglecting to

* *Sic.*

attend, shall forfit and pay, the succeeding night's meeting *One Shilling* and *Four Pence* lawful money, for the use of the box; and the charge of such porter shall be paid by the society.

Sixteenthly, That every member of this society upon his arrival, from sea, shall communicate his observations inwards and outwards of the variation of the needle, the soundings, courses and distantces, and all other remarkable things about this coast in writing, to be examined and digested by the committee appointed by the society for that purpose, and lodged with the clerk of said society, in order to be recorded in the records of said society.

Seventeenthly, That the clerk of the society shall from time to time keep a fair and just account of all monies paid into the box and delivered out, and to whom, and when; and shall read over these laws distinctly to every new member or members, that shall be admitted into the society, at their admission or first appearance in it, and as often at other times as the society shall think proper."

The names of Thomas Eden, and 35 others, eighteen of whom signed the first year, appear, in print, on the back of the sheet on which these by-laws are printed.

"Whe the subscribers do promise to stand by & maintain these Laws wich are hear Seald into this Book as Witness our hands." — *Heading subscribed by the members, when the society was formed, in* 1766.

"Voted the 31st may 1770 that Jonathan Gardner jr Be Desired to Apply to the Great & Generall Court at this Present Sitting to be in Corporated

JON GARDNER jr Clark & Trear. — *Records of the Society.*

The petition, which is given next after the following extracts from the society's records, and which appears to have been prepared by Timothy Pickering, in April, 1771, seems to have been the earliest proceeding under the foregoing vote.

"Voted the 3thd April 1771 that Capts Wm Lilly Sam Williams Geo Crowinsheild Joseph Lambert & Geo Cabott should be a Committe to Draw up Rules & By Laws for the Better Regulations of this Society JONA GARDNER Socy Clark"

"Whereas it has allways been found necessary and of the Greatest Importance to Growing and Embodied Societies to have Rules or Established Bye Laws, for their Better Order, and Decorum While they Assemble, and to Pervent Unnecessary Altercations, which too often terminates in discord, And is utterly subversive of that harmony and Brotherly Love (that Necessary attendants of Peace and good order) that ought to subsist between Each Other.

1st That ye master of the society shall be moderater of the meeting and in his absence, (thou agreeable to our 3thd articules of printed Laws made in 1766) And that the said master be Annuall Chosen, out of such members Who do not go to sea, as also the Other Officeis.

2dy That the master on time of Business shall sett at the Head of the Table And all the members on his right hand according to their Seniority, giving Place to Officies and the Business of the meeting proceeded to the first thing

3thy That When any member address the master he shall stand up and shall not be Interupted in any Respect while he is speaking, but by the master only, nor by the master, While the member behaves Decent and Respectfully.

4thy That as the well Being of the Society and the good Report thereof Depends on the good behaviour of its members, no person shall be admitted amember thereof unless Approved of by the master and the members present Whome shall be Chosen by the major Vote.

5thy That the master shall have Power to Disolve the meeting and adjourn the same to any time not Exceeding twenty Eaight Days.

6thy That any members who shall absent himself from the Society six months, that Could attend, shall be Looked on as an unworthy member and after Eaight Days Notice from the master to attend the next meeting in Case of Refusall he shall then be Voted unworthy of any Dependence from the Society, and Excluded the Benifitt of the Box

7thy That If any member shall be admonished by the Society for any Breach of its Laws and will not be reclaimed the Society shall apoint a Committe of Eaight or not Less than three of the members to hear his Defence, and shall Report the same to the Society at the Next meeting.

8thy That as Each member of this Society we trust will Endevor to avoid all Causes of offence and Quarreling with Each Other, that what Ever disputes may arise at any time, that Can be amicablely adjusted Without going to Law, shall be Referrd to this Society or such a number of them as the Parties shall aprove themselves, Which may be desided with [more Equity and *] mutch Less Cost to the parties

9thy That if any member should Tattle and Discover any secret affairs of said Society shall be deamd an unworthy member of the Same

Voted the 30th may 1771 That the foregoing Articules should be Exceped and maintaind as By Laws and Rules for the better Regulations of this Society

JONA GARDNER jr Socy Cl"

"To his Excellency Thomas Hutchinson Esquire, Governour & Commander in chief, the honourable his Majesty's Council, & the honourable House of Representatives, of the province of Massachusets-Bay, in General Court assembled —

The Petition of Jonathan Gardner junr and others whose Names are hereto subscribed, & who are or have been Masters of Vessels, humbly sheweth —

That they, & sundry other persons now at Sea, have for a few years past, united in a voluntary Society for the purpose of raising a Fund wherewith to relieve such of their Members as thro' Misfortune at Sea, or otherwise, or by Reason of old Age or Sickness, stand in Need of Relief, & the necessitous Families of deceased Members; and also to communicate in Writing, to be lodged with the Society, the Observations they make at

* The words in brackets are cancelled. — See vote of June 11, *post*.

Sea of any Matters which may render Navigation, particularly on this Coast, easier & safer. And whereas for want of legal powers many Difficulties may arise in managing the Concerns of said Society — Your Petitioners humbly request your Excellency & Honours to erect & make them a *Corporate Society*, for the purposes aforesaid, by the Name of The *Marine Society* at *Salem* in New-England (or such other Name as your Excellency & Honours shall think fit;) and to grant, that they, their Associates & Successors, may have perpetual Succession by said Name, & have a power of making By-Laws, for the preservation and Advancement of said Body, with penalties, either of Disfranchisement, or pecuniary, or without penalties, as it shall seem most meet, and have Licence to make & appoint their common Seal; and be enabled to sue & defend, & make purchases, & take Donations of real & personal Estates for the purposes aforesaid to the amount of such Sum as to the Court in their wisdom Shall seem meet & to manage & dispose said Estate as shall seem fit; & to chuse a Master, Treasurer & other Officers they shall think proper; & such other Powers and Privileges as your Excellency & Honours shall deem necessary & beneficial for said Society.

And whereas the said Society have already raised a considerable common Stock, which, by their Treasurer they have placed out at Interest for the Benefit of necessitous Members, as beforementioned, & as a collateral Security for the payment of the Monies so placed at Interest, have taken Mortgages of real Estate: Your Petitioners pray your Excellency & Honours to grant that these Acts of the Treasurer of said Society be made valid & effectual, as if the said Society had been then actually incorporated. —

And as in Duty bound shall ever pray &c.

Salem April 12 .1771.	JONA GARDNER JR	ROBERT ALCOCK
	GE CROWNINSHIELD	SAMUEL WILLIAMS
	NATHEL KNIGHT	DANIEL HATHORN
	EDWARD ALLEN	JOHN BOWDITCH
	SAMEL GRANT	JOSEPH LAMBART." — *Mass.*

Archives, vol. 66, p. 491.

"At a meeting of the Marine Society of Salem New England Thursday June 11th 1772 — Present —

Capts Jonathan Gardner jr. Amos mansfield Edmond Giles Lark Dodge Edmond Needham Samuel Williams Jacob Crowinshield Cabot Gerish David Masury Habakcuk Bowditch Jonathan Webb William Morgan George Cabot Daniel Conant Ebenezer Ellingwood & Daniel Hathorne

Voted 1 That Samuel Williams be moderator for this meeting

2d That George Cabot be Clerk for this present meeting

3thd That Jonathan Gardner Junr be Master Clerk & Treasurer of this Socty untill the Last Thursday in October next

4ly That all the Laws By Laws and Votes made & subscribed to by us before incorporation are, & shall remain in full force

5ly That the Words 'with more Equity' be erased from the Last Clause of ou[r] 8th By Law

6ly That William Bartlett be Deputy Master and Clerk at Beverly untill Octob[er] Next

7ly That a Committee of three be Chosen to make a Seal for this Society.

8ly That Samuel Williams Jonathan Webb & Cabot Gerrish be a commit[te] for making a Seal for this Society agreable to Act of incorporation JONA GARDNER JR Scoy Clerk"

"At the Annuall meeting of the Merine Society of Salem New England mett at Salem the Last Thursday of October 1772 and Where present — Samuel Webb Joseph Lambert John Elkins Edward Gibuat Jacob Crowinsheild Ebenezer Ward Daniel Hathorne John Derby Cabot Gerish Jonathan Gardner jr Jonathan Webb Thomas Frye George Dodge jr & Peter Lander, and past the following Votes —

That Jonathan Gardner jr Should be master Treasurer & Clerk of this Society for the ensuing year —

That William Bartlett be Deputy Master & Clerk at Beverly for the year ensuing —

JONA GARDNER JR Scoy Clerk." — *Records of Salem Marine Society.*

"That for establishing a marine Corporation I refused because a Bill for establishing a Society for propagating the Gospel among the Indians had lately been disallowed by His Majesty after it had received the Governor's assent one reason of which disallowance I imagined to be the tendency of such an Act to call in question the power of the Crown by the Governor to grant Charters of Incorporation without the aid of the General Assembly. I do not [doubt?] that the persons interested in the Bill would not be content with such a Charter.

* * * *

I have reason to think these three Bills [*i.e.*, the bill above mentioned, another to prevent the importation of negro slaves, and another for rendering the militia law more effectual], will be again offered to me in another Session I having intimated that I would transmit them to England to know His Majesty's pleasure concerning them." — *Extract from letter of Gov. Hutchinson to Lord Hillsborough, May*, 1771: "*Mass. Bay, B. T.*," *vol.* 81, *O. o.*, 15.

"I was in doubt whether to give my assent to a Law of this nature [chapter 20, of this edition], but having sent a Copy of the next Law (Chap. 4) [chapter 21, of this edition] to England that I might know his Majesty's pleasure I conceive myself now at liberty to assent to each of them. The following observations may be worth considering before they receive his Majesty's approbation.

If there is nothing in the Constitution to abridge or restrain the Prerogative which is in the Crown of creating Corporations it may be more eligible to make them in that way than by a Legislative Act. The frequent passing such Legislative Acts will strengthen the exception that is taken to this part of the Prerogative. These Bills when they were laid before me had each of them a clause impowering the Governor to give a Charter under the Seal of the Province. I refused to assent to the Bills until the clause was taken

out. I shall now delay giving a Charter with the Law to support it, until I have opportunity of knowing the King's pleasure.

It is further observable with respect to Chap. 3d that the Corporation consists of 12 persons called Overseers of the Poor who are annually elected by the Inhabitants of the Town of Boston at a Town meeting and that the sum which they may be possessed of is very large. Although I was in doubt when I gave my assent yet I considered the Bill in the same light as if there had been a suspending Clause, for it can have no great effect until His Majesty's pleasure may be known and my dissent would have stirred the ill humours of the Town of Boston without any real service arising from it." — *Gov. Hutchinson to the Lords of Trade, May* 8, 1772: *ibid., O. o.*, 37.

"The Acts for incorporating the Overseers of the Poor of the Town of Boston' [chap. 20] and for 'incorporating Jonathan Gardner junr and others therein named into a Society by the name of the Marine Society at Salem' [chap. 21] though certainly proper legislative Acts are similar to some that Your Lordships and Your Predecessors have objected to in other Colonies because they were passed for a purpose which the power of the Crown was by itself competent to effect To which I beg leave however to add that the Government of the Province of the Massachusetts Bay in this respect differs from the Royal Governments, that the Governor though appointed by His Majesty nevertheless derives his power immediately from the Charter, which in many respects qualifies the power usually intrusted to his Majesty's Governors in other Colonies, besides which I observe the Act for incorporating the Overseers of the poor of the Town of Boston contains matter which the power of the Crown does not extend to." — *Extract from report of R. Jackson, July* 11, 1772: *ibid., O. o.*, 65.

"Sir, I am directed by the Lords Commissioners for Trade and Plantations to send you the two inclosed Acts [Chaps 20 and 21] passed in the Province of Massachusetts Bay and to desire you will reconsider the same, and report to their Lordships your opinion, whether by the principles and provisions of the Charter of the Province of Massachusetts Bay, the power of granting Patents of Incorporation is or is not thereby vested in the General Court." — *Secretary Pownall to R. Jackson, Apr.* 19, 1773: *ibid., vol.* 86, *p.* 322.

"In obedience to Your Lordships commands signified to me by Mr Pownall in his Letter of the 19th April 1773 inclosing two Acts [chaps. 20 and 21] passed in the Province of the Massachusetts Bay in April 1772, Intitled,

'An Act for incorporating the Overseers of the Poor of the Town of Boston'

'An Act to incorporate Jonathan Gardner Junr and others therein named into a 'Society by the name of the Marine Society at Salem in the County of Essex in the 'Province of the Massachusetts Bay in New England'

and desiring I would reconsider the same and report my Opinion whether *by the Principles and Provisions of the Charter of the Province of Massachusetts Bay the power of granting Patents of Incorporation is or is not thereby vested in the General Court.*

I have reconsidered the said Acts and have perused the said Charter and am of opinion that the power to incorporate, not by Patent but by Act of Legislature is vested in the General Court, under the negative of the Governor by the Principles and Provisions of the said Charter, inasmuch as the said Charter does not only grant full powers of Legislature to the General Court, of which the power to incorporate is a part, but has obviously in view the old Charter which it recites and under which this power was exercised frequently, for the constituting of Townships as it was evident it must still continue to be by somebody under the new one." — *Report of R. Jackson, Apr.* 13, 1774: *ibid., vol.* 82, *P. p.*, 47.

Chap. 22. "Is only to remove a small inconvenience to Towns which sometimes fail of having their votes received for County Officers." — *Gov. Hutchinson to the Lords of Trade, May* 8, 1772: "*Mass. Bay, B. T.*," *vol.* 81, *O. o.*, 37.

ACTS,

PASSED 1772–73.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT CAMBRIDGE, ON THE TWENTY-SEVENTH DAY OF MAY, A. D. 1772, AND HELD, BY ADJOURNMENT, AT BOSTON, ON THE SIXTEENTH* DAY OF JUNE FOLLOWING.

CHAPTER 1.

AN ACT FOR ALTERING THE TIME FOR HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURT OF COMMON PLEAS IN AND FOR THE COUNTY OF MIDDLESEX.

Preamble.

WHEREAS the holding of the courts of general sessions of the peace, and inferior courts of common pleas, within the counties of Middlesex and Worcester at one and the same time, is attended with many inconvenienc[*i*]es to both counties; for remedy whereof, —

Be it enacted by the Governor, Council and House of Representatives,

Times for holding inferior court at Concord, altered. 1769-70, chap. 18.

[SECT. 1.] That the court of general sessions of the peace and inferior court of common pleas, which by law are required to be held in and for the county of Middlesex, at Concord, on the first Tuesday of September next, shall be held there on the second Tuesday of the same month; and that a court of general sessions of the peace and an inferior court of common pleas shall, for the future, annually, be held in and for the same county, at Concord, on the second Tuesday of September.

And be it further enacted,

Writs, &c., to be returned accordingly.

[SECT. 2.] That all writs, executions, appeals, recognizances, warrants, indictments, presentments, causes, actions, suits, processes, matters and things, whatsoever, that are or shall be returnable into, or that should or might have been heard, adjudged, determined or acted upon at the said court of general sessions of the peace, or inferior court of common pleas, which wou[*l*]d, and by law ought to, have been held at Concord on the first Tuesday of September next, if this act had not been made, shall be returnable into, be heard, adjudged, determined and acted upon at the said court of general sessions of the peace, or inferior court of common pleas, respectively, to be held there, in and for the same county, on the second Tuesday of September next. [*Passed July* 14.

* Erroneously printed "eleventh," in the sessions-acts.

CHAPTER 2.

AN ACT FOR ALTERING THE TIME OF HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE, AND INFERIOR COURT OF COMMON PLEAS, IN THE COUNTY OF CUMBERLAND, FROM THE THIRD TUESDAY OF APRIL, AND THIRD TUESDAY OF OCTOBER, TO THE LAST TUESDAY OF MARCH, AND THE LAST TUESDAY OF OCTOBER, ANNUALLY; AND FOR ESTABLISHING ONE OTHER COURT OF GENERAL SESSIONS OF THE PEACE, AND INFERIOR COURT OF COMMON PLEAS, TO BE HELD IN SAID COUNTY, ANNUALLY, FOR THE FUTURE.

Preamble. 1769–70, chap. 18.

WHEREAS the inhabitants of the said county of Cumberland have represented to this court that it would be much for their convenience and advantage that the court of general sessions of the peace, and the inferior court of common pleas, that are now by law holden at Falmouth, in said county, on the third Tuesday of April, annually, should be held and kept there, for the future, on the last Tuesday of March, annually; and that the court of general sessions of the peace, and the inferior court of common pleas, which by law are now holden at said Falmouth, on the third Tuesday of October, annually, should, for the future, be holden and kept there on the last Tuesday of the same October, annually; and that there should be another term of each of the said courts, to be holden in said county, at said Falmouth, on [*the*] third Tuesday of July, annually; and have made their application to this court for the alteration and establishment of said courts accordingly, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Time for holding inferior court at Falmouth, altered.

[SECT. 1.] That the court of general sessions of the peace, and the inferior court of common pleas, which, by law, are to be holden at Falmouth, in the county of Cumberland, on the third Tuesday of April, annually, shall for the future be holden and kept at said Falmouth, on the last Tuesday of March, annually; and that the court of general sessions of the peace, and [the] inferior court of common pleas, which, by law, are to be held and kept at said Falmouth on the third Tuesday of October, annually, shall for the future be held and kept there on the last Tuesday of said October, annually; and that

Another court established.

from and after the first day of January next, another court of general sessions of the peace and inferior court of common pleas, shall be holden at said Falmouth, within and for said county, on the last Tuesday of July, annually.

[And] *be it further enacted,*

Writs, &c., to be returned accordingly.

[SECT. 2.] That all original writs, summons, warrants, issued or to be issued, recognizances, executions, processes, matters or things, whatsoever, returnable to, or that might have been adjudged, determined or tried, either in the said court of general sessions of the peace, or inferior court of common pleas, that, without the making of this act, should have been holden at said Falmouth, on the third Tuesday of October next, shall be returnable, and have day, in the same courts, respectively, by this law appointed to be holden, there, on the said last Tuesday of said October, and shall be then and there heard, adjudged and determined in like manner as, without the making this act, they might have been on the said third Tuesday of the same month. [*Passed July* 14.

CHAPTER 3.

AN ACT FOR ASCERTAINING AND LIMITING A TIME FOR THE RETURN OF EXECUTIONS THAT HAVE, OR MAY BE, ISSUED BY THE TREASURER OR RECEIVER-GENERAL OF THIS PROVINCE, AGAINST ANY DELINQUENT OR DEFECTIVE CONSTABLE OR COLLECTOR.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That all executions that already have been issued by the province treasurer or receiver-general, against any delinquent constable or collector, shall be returned into the office of the said treasurer, within four months from the first day of August next, by such officer as the same have been or may be delivered to; together with the monies collected or received thereon, if any, on penalty of eighteen per cent per annum, upon such deficient sum.

Executions already issued, to be returned in four months from the first day of August, on penalty.

And be it further enacted,

[Sect. 2.] That all executions that shall hereafter be issued, by such treasurer, against any constable or collector as aforesaid, shall be made returnable, and shall be returned, accordingly, together with the monies he hath or may receive thereon, if any, into the treasurer's office, within six months from the day of the date of said execution, on penalty of eighteen per cent per annum, as aforesaid.

Executions hereafter issued, to be returned in six months.

And be it further enacted,

[Sect. 3.] That all executions that have been, or may hereafter be, issued by the treasurer or receiver-general, against any constable or collector, which have been or may be delivered to the sheriff of any county within the province, and the constable or collector against whom the same hath been or shall be issued, doth make default in payment of the whole sum of such execution, — in such case the sheriff shall return said execution into the treasurer's office, within six months from the date of such execution, with his doings thereon, on penalty of twenty pounds.

Executions in part satisfied, to be returned in six months.

And be it further enacted,

[Sect. 4.] That all fines and forfeitures arising by this act, shall be recovered by the treasurer or receiver-general of this province, by action of debt, in any of his majesty's courts proper to try the same, for the use of the province; and that the treasurer or receiver-general be and hereby is directed, within three months from the return day of such executions as have been or shall be issued, as aforesaid, to prosecute all delinquent sheriffs for the penalties arising by virtue of this act, on penalty of incurring the displeasure of this court and of being considered as unfaithful in the discharge of his trust as treasurer or receiver-general of this province.

Fines and forfeitures, how to be recovered.

Delinquent sheriffs to be prosecuted.

And be it further enacted,

[Sect. 5.] That the interest of the several sums of money, in the aforesaid clauses of this act arising as penalties, are to be reckoned and considered as due from the return day of the aforesaid execution. [*Passed July* 14.

From what time interest is to be calculated.

CHAPTER 4.

AN ACT IN ADDITION TO, AND EXPLANATORY OF, THE SEVERAL LAWS ALREADY MADE RELATING TO THE REMOVAL OF POOR PERSONS OUT OF THE TOWNS WHEREOF THEY ARE NOT INHABITANTS.

1692-93, chap. 28, § 10.

1766-67, chap. 17, § 1.

Recital.

WHEREAS, in and by an act made in the fourth year of the reign of their majesties, King William and Queen Mary, intituled "An Act for regulating of townships, &c.," it is, among other things, enacted, "That any persons orderly warned to depart any town whereof he is not an inhabitant, and neglecting so to do by the space of fourteen days next after such warning given, may, by warrant of the next justice of the peace, be sent and removed, from constable to constable, unto the town where he properly belongs, or had his last residence;" and, by another act, passed in the seventh year of his present majesty's reign, relative to the removal of poor persons out of the towns whereof they are not inhabitants, it is, among other things, enacted, "That when and so often as any such person or persons are to be sent or conveyed out of this province, it shall and may be lawful, for any justice of the peace of the county from whence the person or persons are to be sent or conveyed, and he is hereby impowered, to grant a warrant for sending such person or persons out of the province, either by land or water, as he shall think will be most convenient or least liable to charge;" *and whereas*, the courts of general sessions of the peace for several counties have lately construed the aforementioned acts in such a manner as to adjudge that the removal of any person, from the town of which he is not an inhabitant, by virtue of a warrant from a justice of the peace residing in the same town, is illegal; whereby a number of towns in the province, more especially the town of Boston, have been put to much inconvenience and charge, and the expence of the province is likely to be greatly encreased; for prevention [w][*t*]hereof, —

Justices empowered to remove persons.

Be it enacted by the Governor, Council and House of Representatives, That from and after the publication of this act, the removal of any person, by a warrant obtained from one of his majesty's justices of the peace residing in the town from whence the person is to be sent or conveyed, to any other town, either in or out of the province, shall, to all intents and purposes, be deemed as legal a removal as if the warrant had issued from a justice of the peace living in any other town; and the charge arising thereupon borne and defrayed agreable to the former acts herein referred to. [*Passed July* 14.

CHAPTER 5.

AN ACT FOR ERECTING THE NORTH PART OF THE TOWN OF UXBRIDGE, IN THE COUNTY OF WORCESTER, INTO A DISTRICT BY THE NAME OF NORTHBRIDGE.

Preamble.

WHEREAS the inhabitants of the north part of the town of Uxbridge, in the county of Worcester, have represented to this court the great difficulties and inconveniences they labour under in their

present situation, and have earnestly requested that they may be incorporated into a district, —

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the said north part of Uxbridge, bounded as follows; viz[t]., begin[n]ing at a heap of stones in the town line between said Uxbridge and the town of Mendon, on the northerly side of the road leading from Stephen Aldrich's, of said Uxbridge, to Deacon Edward Rawson's, of said Mendon; thence, bounding on said road, to the bridge near said Aldrich's, over the West River; thence, with a direct line from said bridge, to the south-east corner of David Draper's farm, now in possession of James Hull; thence, on the southerly line of said farm, to Douglas[s] line; thence, bounded by the towns' lines of Douglas[s], Sutton, Grafton, Upton and said Mendon, to the first bounds mentioned, — be and hereby is erected into a district by the name of Northbridge. Bounds of the district of Northbridge.

Provided, —

[Sect. 2.] That David Draper, David Draper, jun'r, James Hull, Nicholas Baylies, Amaziah Preston, Joshua Wood, Gershom Chapin and Dexter Wood, with their polls, lands and other estates now in their possession,— although included within the bounds of the said district, — shall, nevertheless, be accounted as a part of the town of Uxbridge so long as they, or their heirs or assigns of the same lands, shall see cause to lye to said Uxbridge, and due duty and receive privilege there, and no longer; *and provided* the said David Draper, David Draper, jun'r, James Hull, Nicholas Baylies, Ama[z][r]iah Preston, Joshua Wood, Gershom Chapin and Dexter Wood, or their respective heirs or assigns of the same lands now in their possession, as aforesaid, or any or either of them, shall, at any time hereafter, refuse to lay to the town of Uxbridge, and pay their proportionable part of the taxes in said town, and that either of the said inhabitants so refusing, shall signify their intention of joining with said district in all district affairs for the future, by a writing under their hands to the town clerk of said Uxbridge (who is hereby directed immediately to transmit an attested copy of the same to the clerk of said district, who shall record the same in said district's records), which shall empower the inhabitants of said district to tax such inhabitant in all future taxes, as though he or they had been set off with the other inhabitants in this present act, — and shall be subjected to all duties, and invested with all privileges of said district, as the other inhabitants are subjected to or invested with, and shall be held to pay all such taxes as are or shall be laid upon them by the town of Uxbridge, at any time before such notification be given to the said town clerk of Uxbridge: and that the said district be and hereby is invested with all the privileges, powers and immunities that towns in this province do or may enjoy, that of sending a representative to the general assembly only excepted; and that the inhabitants of said district shall have the right, from time to time, to join with the town of Uxbridge in chusing a representative, and shall be notified by the selectmen of said town of Uxbridge of the time and place of election, by a warrant under their hands, or the hands of the major part of them, directed to the constable or constables of said district, for the time being, requiring him or them to warn the same; which constable or constables are hereby required forthwith to warn the inhabitants of said district accordingly; who shall make due return to the [said] selectmen of Uxbridge of their doings thereon: which representative may be chosen indifferently from said town or district, — the pay and

David Draper and others, with their estates, to be accounted as part of the town of Uxbridge, so long as they see cause:

— to notify the town clerk of Uxbridge when they shall choose to belong to the district:

— to be recorded in the district records.

Invested with the same powers and privileges that towns in this province enjoy, that of sending a representative, excepted.

To join with the town of Uxbridge in the choice of a representative.

allowance of such representative to be borne by said town and district in proportion as they shall, from time to time, pay to the province tax.

Provided, nevertheless, —

And be it further enacted,

To pay their proportion of all taxes already laid.

[SECT. 3.] That the said district shall pay their proportion of all town, county, and province, taxes already set on or granted to be raised by the town of Uxbridge, in like manner as if this act had not been made; and that the town of Uxbridge, aforesaid, be chargeable with all the roads and bridges lying within the lands of David Draper and others, herein exempted from said district, so long as they lay to the town of Uxbridge, and no longer.

Roads and bridges within the lands of David Draper and others, to be maintained by Uxbridge.

And be it further enacted,

Solomon Wood, Esq., empowered to issue this warrant.

[SECT. 4.] That Solomon Wood, Esq[r]., be and hereby is directed and empowered to issue his warrant, directed to some principal inhabitant within said district, requiring him to warn the inhabitants of said district, qualified to vote in town affairs, to assemble, at some suitable time and place, in said district, to chuse all such officers as the law requires, to manage the affairs of said district.

And be it further enacted,

Town clerk of Uxbridge to deliver a list of valuation of the inhabitants of Northbridge, to determine the qualification of voters.

[SECT. 5.] That the town clerk of [the town of] Uxbridge, before the first meeting of the said district of Northbridge, shall deliver to the person who shall be directed and empowered, as aforesaid, to warn said inhabitants, a copy of the last list of valuation of the real and personal estate of the inhabitants of said district of Northbridge, in order to determine the qualification of voters at said meeting; and that the inhabitants who shall appear by said list to be voters according to law, shall be allowed to vote. [*Passed July* 14.

CHAPTER 6.

AN ACT FOR INCORPORATING THE PROPRIETORS OF BOSTON PIER, OTHERWISE CALLED THE LONG WHARF, IN THE TOWN OF BOSTON.

Preamble.
5 Pick., 131.
7 Cush., 195.
3 Gray, 173.

WHEREAS the proprietors of Boston Pier, otherwise called the Long Wharf, in the town of Boston, have, by their petition preferred to the great and general court in their present session, set forth that, in the year 1715, the said wharf was, by deed under the hands and seals of the then proprietors, divided into twenty-four shares, in which deed it was, among other things, agreed to keep the said wharf in good and sufficient repair; and that, if any particular proprietor should neglect or refuse to repair their respective parts, it should be done by the proprietors' committee, and the cost and charge be deducted out of such particular proprietor's share of the common wharfage; and that, by said deed, they warranted to each proprietor his share as then allot[*t*]ed, "so nevertheless as always to be and continue subject to the rules and regulations for the management and improvement of the whole wharf or pier, and upholding the same in good order and repair, and in such method and manner as are already, or shall further be, agreed upon by the major part of the proprietors, and entered in their book;" that, in consequence of such agreement, the said pier or wharf has been kept in repair by the income thereof, ever since; but that, within a few years past, it was greatly gone to

decay, and in danger of being utterly lost; whereupon the proprietors agreed to build a stone head, further out towards the channel, in order to secure the whole interest, which they have in a great measure effected,—the said head still lying in common and undivided; but that the cost and charge of such work will amount to much more than the income of said wharf will defr[e][*a*]y, or reimburse, in many years to come; and that, in consideration of the premises, the proprietors of the said wharf did, at a meeting, duly warned, on the 29th of April, 1772—at which meeting the proprietors of seventeen shares and three-quarters were present—unanimously appoint a committee to prepare and prefer a petition to the great and general court, praying that they may be incorporated, in order more effectually to transact the business of the propriety, and empowered to subject the respective interests of the several proprietors, when it shall be found necessary, for defr[e][*a*]ying the charges of additions or repairs, which have been or hereafter may b[e][*y*] voted and ordered at any legal meeting, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Proprietors of Boston Pier incorporated for the purposes herein mentioned.

[Sect. 1.] That the proprietors of Boston Pier, otherwise called the Long Wharf in Boston, be created, made, erected and incorporated into a body politic for the purposes hereafter mentioned, by the name of the Proprietors of Boston Pier, or the Long Wharf in the town of Boston in New England; and that they, their heirs and assigns, have a perpetual succession by the said name, and by that name may sue or be impleaded, and manage, lease, bargain, sell or otherwise dispose of such part of the said propriety, whether divided or undivided, as shall be found necessary for defr[e][*a*]ying the cost [of] such additions or repairs as have been already voted and ordered, or hereafter may be voted and ordered, at any meeting of the proprietors, duly warned, for transacting the business of the propriety.

Provided, —

Proprietors' interest not to be sold unless the income of the wharf is insufficient.

[Sect. 2.] That no part of the said interest shall be sold, unless the income of the said wharf shall be deem[*e*]d insufficient, within the course of the then current year, to defr[e][*a*]y the cost of the work that may have been, by the proprietors, voted and ordered to be carried on and effected.

Be it further enacted,

Twenty-four shares, only, allowed to vote.

[Sect. 3.] That there shall be no more than twenty-four votes allowed in the said propriety, agre[*e*]able to the number of shares into which the said wharf was originally divided, notwithstanding any after divisions of the same; and that the proprietors of at least two third parts of the whole interest shall be always present, either in person, or by proxy, to constitute any meeting for the transacting of business (the whole number being previously warned, in such manner as they may agree), and that the votes of those present shall be estimated or reckoned according to their respective shares or interests.

Two-thirds of the whole interest to be always present at the meeting.

Provided, nevertheless, —

Proviso, in case two-thirds of the proprietors should not attend upon due notice.

[Sect. 4.] That if the proprietors of two third parts of the interest shall not appear at any meeting duly notified, another meeting shall be notified for the same purpose or purposes, with intimation that, if there shall not then be a full meeting, the proprietors who may be present will proceed upon the business of the meeting; and the votes and doings of the major part of those present shall be effectual, to all intents and purposes, as if the proprietors of two third parts of the interest had been present.

And be it further enacted,

Job Prince, the proprietors' clerk, empowered to notify a meeting on the first day of August.

[SECT. 5.] That Job Prince, who, at a meeting of the proprietors on the 29th day of April last, was chosen their clerk, be and hereby is empowered and directed to notify a meeting of the said proprietors to be held, at Boston aforesaid, on the first Wednesday in August next; which notification shall be inserted in two of the Boston newspapers that are usually circulated in the province; at which meeting the proprietors may determine and vote what monies shall be raised, when the same shall be paid in, and in what way and manner the same shall be levied and collected, in order to carry on and compleat such new work and repairs as have already been, or may then be, determined and voted to be effected.

And be it further enacted,

Proprietors' interest to be sold, when the income is not sufficient to pay the expense.

[SECT. 6.] That when the income of the said wharf shall be insufficient to defr[e][a]y the expence[s] of any work or repairs, then, and not otherwise, the proprietors may subject the interest itself in said wharf to be sold for that purpose. And every proprietor who shall refuse or neglect to pay such sum or sums of money as have been, or shall, from time to time hereafter, be, duly granted and voted to be raised and levied upon his right or share in said wharf, for the space of six months after such grant, and his proportion thereof, shall have been published in two of the Boston newspapers, as aforementioned; then the committee of the said proprietors, or the major part of them, their clerk or agent, may and hereby are fully empowered, from time to time, at a publick vendue, to sell and convey away so much of said delinquent proprietor's right or share in said wharf, whether divided or undivided, as will be sufficient to pay and satisfy his tax or proportion of such grant, and all reasonable charges attending such sale, to any person or persons who shall give most for the same,—notice of such sale being given in two of the Boston newspapers, as aforesaid, forty days at least before such sale, — and may accordingly execute and give a good deed or deeds, to the purchaser thereof, to hold in fee simple.

Committee empowered to sell delinquent proprietor's rights.

Notice to be given forty days before the sale.

Provided, —

Proprietors' rights to redeem in twelve months, paying twelve per cent, with charges.

[SECT. 7.] That the proprietor or proprietors whose interest in said wharf shall be so sold, shall have liberty to redeem the same, in twelve months after the said sale, by paying the sum it may be sold for, and charges, together with the further sum of twelve pounds for each hundred pounds produced by such sale, and so *pro ratâ* for any greater or lesser sum [*or sums*], and likewise all such further sum or sums that may have been voted in the meantime, by the proprietors, for carrying on any new work, or for repairs of said wharf. [*Passed July* 14.

CHAPTER 7.

AN ACT FOR ANNEXING CERTAIN LANDS LYING IN THE TOWN OF HARWICH, IN THE COUNTY OF BARNSTABLE, CALLED POATNAMICUT, WITH THE INHABITANTS THEREON, TO THE TOWN OF EASTHAM IN THE SAME COUNTY.

Preamble.

WHEREAS it has been represented to this court by a number of the inhabitants of that part of Harwich called Poatnamicut, that it is with great difficulty they enjoy town privileges there, and that they

can more commodiously enjoy such privileges in the town of Eastham; and the said town of Harwich having consented that the inhabitants aforesaid, including the estate and dwelling-house of Eleazer Rogers, should be annexed to Eastham, and the town of Eastham has consented to receive them, —

Be it therefore enacted by the Governor, Council and House of Representatives.

[Sect. 1.] That all the lands in Harwich, in the county of Barnstable, called Poatna[nna][*mi*]cut, begin[*n*]ing at the north bound, at the precinct line of said Eastham; then run[*n*]ing, southerly, as that precinct line runs, to the road that leads from Eastham to Chatham; thence, still southerly, by said Chatham road, to a hill called Stoney Hill, a little way southward of the now dwelling-house of Jesse Rogers; thence, south-easterly, to a rock below the bank at the head of the great bay, a little to the southward of a cedar swamp, including the estate and dwelling-house of Eleazer Rogers, whether he be within said line or not; thence, from said rock, as the channel now runs, to Po[*a*]t[et]n[u][*a*]mic[a][*u*]t Harbour, which is another bound between Eastham and Harwich, — be and are hereby annexed to the town of Eastham, in the same county, together with all the inhabitants that now do or that shall hereafter dwell thereon, and on the said Eleazer Rogers's estate; and they hereby are and shall be subjected to do duty, and intitled to receive privilege, equal with other inhabitants of the said town of Eastham, to all intents and purposes whatsoever. Bounds of the lands in Harwich, annexed to the town of Eastham.

And be it further enacted,

[Sect. 2.] That the inhabitants annexed, as aforesaid, shall pay their proportion of all such province, county and town, taxes as are already set on them by the town of Harwich, and of all debts that are now due, if any, from the said town, in like manner as though this act had not been made. [*Passed July* 14. Inhabitants annexed, to pay their proportion of all taxes already set on Harwich.

CHAPTER 8.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT TO PREVENT FRAUD IN CORD-WOOD EXPOSED TO SALE."

Whereas in and by an act made and passed in the fourth year of her late majesty Queen Anne, intitled "An Act to prevent fraud in cord-wood exposed to sale," it is enacted "That all cord-wood exposed to sale shall be four feet long, accounting to half the carf; and the cord being well and close laid together, shall measure eight feet in length, and four feet in heig[*h*]th;" notwithstanding which, great frauds and abuses have for several years past, and still are, daily committed, in bringing to many towns in this province, and there exposing to sale, great quantities of firewood, commonly called cord-wood, not more than three feet, or three feet and an-half long, whereby the inhabitants of such towns, and especially the poor thereof, are greatly injured and defrauded, there being no penalty annexed by said law to such persons as are guilty of the breach thereof; for remedy whereof, and for preventing the like abuses for the future, — Preamble. 1705–6, chap. 8, § 1.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That if any firewood, or wood designed for fewel[l], commonly called cord-wood, which be less in length than four feet, in- Wood, not four feet in length, to be forfeited.

cluding half the carf as aforesaid, shall, after the first day of August next, be brought by water into any towns of this province for sale, such wood shall be forfeited; two third parts thereof to the use of the poor of the town, and the other third part thereof to the sealer of wood who shall seize the same accordingly.

And be it further enacted,

Selectmen to appoint measurers and sealers of wood, under oath.

[SECT. 2.] That, in every town or district within this province where wood is usually sold by the cord, the selectmen shall, annually, or as occasion shall require, nominate and appoint some meet persons to by measure[r]s and sealers of wood, who shall be sworn, in like manner as other town officers, to the faithful and diligent discharge of their office; and the selectmen shall, from time to time, appoint such fees or allowance for their service as [as] they shall judge reasonable.

And be it further enacted,

Wharfinger or carter forbid to cart wood, except for their own use, that is less than four feet in length and measured by the officer, on penalty of six shillings.

[SECT. 3.] That no wharfinger or carter, shall, by himself or any for or under him, cart or carry any firewood, or wood commonly used or intended for fewel[l], from any wharf or landing-place in any town in this province, except for the proper use and consumption of such wharfinger or carter, that shall not be four feet in length, including half the carf, and until it hath been first measured by the officer appointed by the selectmen, as aforesaid, on penalty of forfeiting and paying six shillings for every load of wood so carried off; and every wharfinger shall be chargeable to the officer or person appointed to measure wood, as aforesaid, for his fees, if demanded, and be compelled by law to pay him the same.

And whereas frequent complaints are made that such of the inhabitants of the town of Boston as are poor, and usually purchase their firewood and charcoal in small quantities, are greatly defrauded in their measure, and not having the quantity bought; for preventing whereof, and for ascertaining the quantity of wood and charcoal bought, —

Be it enacted,

Carts and sleds to be marked and numbered, and registered by the town clerk.

[SECT. 4.] That each cart or sled employed by any wharfinger or common carter belonging to the town of Boston, be so marked and numbered by the sealer of wood, on some proper part of such cart or sled, as that it may thereby be known and seen what quantity of wood such cart or sled will contain and carry; and the marks and number of each cart or sled shall be registred by the town clerk of said town: and no wharfinger or carter, aforesaid, shall presume to carry any wood, unless for his own fire, in any cart or sled that shall not have been so marked, numbered and registred, and that shall not have, at the time of such carrying, the marks and number remaining visible thereon.

Provided, nevertheless, and it is the true intent and meaning of this act, —

Penalty for carting more than six feet of wood at a time, in the town of Boston.

[SECT. 5.] That when any person purchases a quantity of firewood for his own burning, and lands it [in][*on*] any wharf or landing besides a common wharfinger's, he may employ any cart or carts to carry off the same: *saving only* that such carter shall not carry within the town of Boston more than six feet at a time, under the penalty of six shillings for each offence; and no greater quantity than six feet shall, within the town of Boston, be carried at any one time; and every person offending in either of the particulars aforesaid shall forfeit and pay the sum of six shillings for each offence. And if any dispute shall arise between the buyer and seller as to the quantity of wood delivered, and the quantity bought or agreed for, and if on cording and sealing the same, at the place of delivery, it shall appear there is

Disputes between buyer and seller about the quantity of wood, how to be settled.

not the quantity of wood delivered which was bought or agreed for, the seller shall pay the buyer the costs of carting and sealing the wood the second time, as also the sum of four shillings for each offence.

And be it further enacted,

[Sect. 6.] That all baskets used and improved in measuring [of] charcoal brought into any town for sale, shall contain two bushels, and be of the following dimensions; viz[t]., seventeen inches and an-half deep, — measuring from the top of the basket to the highest part of the bottom, — and nineteen inches in breadth in every part thereof; and that the basket[s] be well heaped, and also be sealed by the sealer of the town where the person so using and improving the same shall usually inhabit or reside: and every person who shall measure [*the*] charcoal in any basket of less dimensions, or not sealed, as aforesaid, shall forfeit and pay for each offence the sum of three shillings, and the said basket shall be destroyed.

Dimensions of the baskets to be used in measuring of charcoal.

To be sealed.

Penalty, if neglected.

Provided, nevertheless, —

[Sect. 7.] That no person shall be obliged to measure charcoal where the quantity shall be agreed upon by the buyer and seller.

Proviso, in case of agreement between buyer and seller.

And be it further enacted,

[Sect. 8.] That the selectmen of any town where coal is usually sold, or the major part of them, be and hereby are fully empowered to appoint, as occasion shall require, such meet person as they shall judge proper, for seizing and securing all baskets improved for measuring coal, that are not of the dimensions aforementioned, and sealed as aforesaid, and prosecute such person or persons as shall be guilty of the breach of this act. All fines and forfeitures arising on the breach of this act (those forfeitures hereinbefore mentioned, which are otherwise appropriated being excepted) may be recovered by action, bill, plaint, information, or presentment of the grand jury, in any court of record, or before any of his majesty's justices of the peace, according to the nature of the offence: one moiety thereof shall be for the informer, and the other moiety for the use of the poor of the town where the offence shall be committed; *saving* to any person aggrieved by any judgment or sentence for a breach of this act, his right and liberty of appeal to the court, proper to try the same on appeal, in the county where the offence shall be committed. [*Passed July* 14.

Selectmen, empowered to appoint persons to prosecute offenders.

Forfeiture, how to be recovered.

Persons aggrieved, liberty of appeal.

CHAPTER 9.

AN ACT FOR CONFIRMING THE TITLES AND QUIETING THE POSSESSIONS OF THE PROPRIETORS OF THE TOWN OF TOWNSHEND.

Whereas the great and general court or assembly of this province, did, on the fourth day of December, 1719, grant a new township at a place called Turkey Hills, then called Northtown, now Townshend, which at that time was a frontier town, of six miles square; and said court did, on the seventh day of December, 1719, appoint and fully impower William Taylor, Samuel Thaxter, Francis Fullam, Esqrs., Capt. John Sheple and Mr. Benjamin Whittemore, a committee to allot and grant out the lands in said new town; which committee did afterwards, agreable to the order of said court, allot and grant out said new township, and make return of their proceedings into the secretary's office, as appears by the return of the committee, under

Preamble.

their own hands, on the proprietors' book; but the plan of each lot, with the then possessor's and proprietor's name that had the land confirmed to him, is not to be now found in the secretary's office, nor elsewhere, but is supposed to be burnt among the files when the late court-house in Boston was consumed by fire, — by which means the property of some hundreds of the good people of this province is rendered precarious, as the same lands have been brought to, out of a state of nature, and been improved, between forty and fifty years, and have passed, by sales, through a great number of hands, — so that, without the interposition of this court, the present possessors and their posterity, and others, are in great danger of the greatest difficulties and distresses relative to their property in said town; for preventing of which, —

Be it enacted by the Governor, Council and House of Representatives,

Committee and proprietors' doings herein, confirmed and made valid.

That said committee's proceedings allotting out and granting said lands in said Northtown, with the records and transfers of lots in said town which were delivered up to said proprietors by order of the general court in October the 16, 1728, be and are hereby confirmed, with the said proprietors' proceedings thereon ever since; and are hereby made valid, in the law, to all intents and purposes whatsoever. [*Passed July* 14.

CHAPTER 10.

AN ACT FOR INCORPORATING THE PLANTATION CALLED NARRAGANSET NUMBER ONE, IN THE COUNTY OF YORK, INTO A TOWN BY THE NAME OF BUXTON.

Preamble.

WHEREAS, it ha[s][*th*] been represented to this court that the plantation called Narraganset Number One, lying on the east side of Saco River, in the county of York, is competently filled with inhabitants, who labour under great difficulties and dis[couragements] [*advantages*] by means of their not being incorporated into a town, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Bounds of Buxton.

[SECT. 1.] That the said Narraganset Number One, bounded, southeasterly, at the heads of Bid[*d*]eford and Scarborough; south-westerly, by Saco River; northwesterly, by Pearsontown, so called; and northeasterly, by Gorham, — be and hereby is incorporated into a town by the name of Buxton; and that the inhabitants thereof be and hereby are invested with all the powers, privileges and immunities which the inhabitants of other towns in this province, by law, enjoy.

And be it further enacted,

Jeremiah Hill, Esq., empowered to call a meeting to choose officers.

[SECT. 2.] That Jeremiah Hill, Esq[r]., be and hereby is directed to issue his warrant to some principal inhabitant of said town, requiring him to warn the inhabitants thereof to meet at such time and place as shall be therein set forth, to chuse all such officers as towns are, by law, impowered to chuse in the month of March, annually; at which said meeting all the then present inhabitants shall be admitted to vote. [*Passed July* 14.

CHAPTER 11.

AN ACT IN ADDITION TO, AND IN EXPLANATION OF, AN ACT INTITLED "AN ACT FOR INCORPORATING THE SOUTHERLY PART OF RUTLAND AND THE NORTHERLY PART OF LEICESTER, IN THE COUNTY OF WORCESTER, INTO A DISTRICT BY THE NAME OF PAXTON."

Preamble. 1764–65, chap. 18, § 1.

Whereas, in and by an [*an*] act made and passed in the fifth year of his present majesty's reign, intitled "An Act for incorporating the southerly part of Rutland and the northerly part of Leicester, in the county of Worcester, into a district by the name of Paxton," among other things, it is enacted that certain lands and farms, together with all the lands that lie between the said farms, be incorporated into a district, provided such lands lying between the said farms do not extend so far north as the northerly line of [the] said farms; *and whereas* one James Brown, at the time of [the] said acts being passed, was the owner and possessor of lands lying between the farms aforesaid, — which lands one Seth Metcalf now is, and for a long time past has been, s[ie][*ei*]zed and possessed of; *and whereas*, the town of Rutland and the said district of Paxton, have severally claimed the jurisdiction of the said Seth Metcalf and his farm, owing to their different interpretation of the act aforesaid, and have taxed his poll and estate, in all the assessments made both in the said town and district for several years past, and have obliged him to pay the same, whereby much difficulty hath arisen, and may arise hereafter, to [the] said town and district, as well as to the said Seth Metcalf; for the prevention thereof for the future, —

Be it enacted by the Governor, Council and House of Representatives,

James Brown's farm, in the district of Paxton.

That the said James Brown's farm aforesaid, now owned and possessed by said Seth Metcalf, is and shall be adjudged to be within the jurisdiction of said district of Paxton, and not within the jurisdiction of Rutland; and that the said Seth Metcalf, and any other person or persons who may dwell thereon, shall, in future, do duty and be intitled to receive privilege in the said district of Paxton accordingly. [*Passed July* 14.

CHAPTER 12.

AN ACT TO ENABLE SHERIFFS, DEPUTY SHERIFFS, CORONERS AND THEIR DEPUTIES, AND CONSTABLES, TO MAKE SALE OF GOODS AND CHATTELS TAKEN BY EXECUTION.

Preamble.

Whereas a question has arisen upon the power of sheriffs, deputy sheriffs, coroners and constables, respecting the making sale of goods and chattels taken by execution, —

Be it enacted by the Governor, Council and House of Representatives,

Sheriffs and other officers empowered to sell goods and chattels taken by execution, giving four days' notice.

That all sheriffs, deputy sheriffs, coroners and their deputies, and constables, are hereby impowered to make sale, at a public vendue, of all goods and chattels taken by virtue of execution, for the satisfaction of the same; notice of such sale being posted up in some public place or places in the town wherein such sale shall be made, four days

Overplus to be restored to the owner.

beforehand; and the overplus of the proceeds thereof, if any there be, over and above the reasonable charges of taking and keeping them (which charge of taking and keeping shall be indorsed on the execution, with their fees), to be immediately restored to the owner or owners upon his or their demanding the same. [*Passed July* 14.

CHAPTER 13.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF TEN THOUSAND THREE HUNDRED POUNDS.

Preamble.

WHEREAS it is necessary that provision should be made for the support of government, —

Be it enacted by the Governor, Council and House of Representatives,

Treasury supplied with £10,300,

That the treasurer be, and he hereby is, directed and impowered to apply the sum of ten thousand three hundred pounds, out of such money as he has now or may have in the treasury during the course

—appropriated as follows:

of the present year, not otherwise appropriated, for the discharge of such orders as shall be drawn on him by the governor, with the advice of council, to be paid out of the following appropriations; to wit, the sum of three thousand four hundred pounds, part of the

—£3,400 for payment of grants and the bounty on wolves;

aforesaid sum of ten thousand three hundred pounds, shall be applied for the payment of grants made or to be made by this court, and the bounty on wolves; and the further sum of three thousand pounds,

—£3,000 for payment of debts where there is no establishment;

part of the aforesaid sum of ten thousand three hundred pounds, shall be applied for the discharge of debts owing from this province to persons who have served, and shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned for that purpose, and for writing, printing and paper for this court, and such repairs of the real estate belonging to this province as shall be made by order of the general assembly; and

—£300 for commissary's disbursements;

the further sum of three hundred pounds, part of the aforesaid sum of ten thousand three hundred pounds, shall be applied for commissary's disbursements; and the further sum of five hundred pounds,

—£500 for payment of the garrison at Fort Pownall;

part of the aforesaid sum of ten thousand three hundred pounds, shall be applied for the discharge of the establishment for the garrison at Fort Pownall; and the further sum of three thousand pounds, part

—£3,000 for payment of the court;

of the aforesaid sum of ten thousand three hundred pounds, shall be applied for the payment of his majesty's council and the members of the house of representatives serving in the great and general court

—£100 for contingencies.

the present year; and the further sum of one hundred pounds, being the remainder of the sum of ten thousand three hundred pounds, shall be applied for such contingent and unforeseen charges of government as may arise, and for no other purpose whatever. [*Passed July* 14.

CHAPTER 14.

AN ACT TO ENABLE THE PROVINCE TREASURER TO ISSUE HIS WARRANTS TO THE ASSESSORS OF THE SEVERAL TOWNS, DISTRICTS AND OTHER PLACES WITHIN THIS PROVINCE, AGREABLY TO THE VALUATION AND APPORTIONMENT AGREED UPON BY THE HOUSE OF REPRESENTATIVES AT THE SESSION OF THE GENERAL COURT IN MAY, ONE THOUSAND SEVEN HUNDRED AND SEVENTY-TWO.

Preamble. 1770–71, chap. 8, § 6.

Whereas, by an act of the great and general court made and passed in the eleventh year of his majesty's reign, the treasurer of the province is directed and empowered to issue forth his warrants directed to the selectmen or assessors of each town and district within this province, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and portions of twenty-seven thousand and five hundred pounds, in case the general court at their session in May, one thousand seven hundred and seventy-two, and some time before the twentieth day of June following, should not agree and conclude upon an act apportioning the said sum of twenty-seven thousand and five hundred pounds, — and the general court not having passed any act for that purpose; *and whereas*, the house of representatives have, at the present session of the general court, agreed upon and ordered a new valuation and apportionment of what each town, district and other place assessed shall pay to each thousand pounds, as recorded in the journals of the house,*—

Be it enacted by the Governor, Council and House of Representatives,

Treasurer, in apportioning the sum of £27,500, to be governed by the valuation agreed upon the present session.

That the province treasurer, in apportioning the aforesaid sum of twenty-seven thousand and five hundred pounds, shall observe and govern himself by the valuation and apportionment agreed upon by the house of representatives the present session; and the assessors of the several towns, districts and other places, in apportioning the sums assessed upon their respective towns, districts and other places, shall observe and be governed by the last tax act, and be subjected, for their neglect, to the penalties in the act of the fourth year of his

* On the 29th of May, 1772, a committee was appointed by the House to fix the proportion which each town should pay of the tax to be assessed this year, in accordance with the provisions of the valuation act of the previous year — 1771-72, chap. 3. This committee, which was composed of representatives from all the counties, made a report on the 2d of July, which was debated on the two following days, — the House, on the last day, having resolved itself into a committee of the whole. The report of the committee of the whole, that the report of the committee on valuation be referred to the next session, was not accepted, and the report of the latter committee was further considered, July 6th, when it was rejected, and the committee, some vacancies in which were supplied, was ordered to sit again. On the 11th of July, the committee made a second report, upon which an order passed allowing the members of the committee from each county to withdraw, and report such amendments, affecting only their respective counties, as should appear to them reasonable. This was accordingly done, and after all proposed amendments had been voted upon, and the amendments that were adopted had been incorporated, the following proceedings were had: —

"July 13, 1772. The Committee appointed on Saturday last to conform the Report of the Committee of Valuation to the several Amendments made in the House thereon, reported.

Read, and thereupon the House passed the following Resolve, *viz.*

Resolved, That the Tax of a *Thousand Pounds* upon the several Towns through the Province be in the following Proportion, *viz.*

late majesty, King George the Second, intitled "An Act directing how rates and taxes to be granted by the general assembly, as also county

Each town's proportion of a tax of £1,000.

COUNTY OF SUFFOLK.

	£	s.	d.
Boston,	92	5	10
Roxbury,	9	7	10¼
Dorchester,	6	14	10½
Milton,	3	16	2
Braintree,	8	4	11
Weymouth,	4	9	5¼
Hingham,	6	0	8
Cohasset,	2	0	8¾
Dedham,	7	3	4¼
Medfield,	2	17	8½
Wrentham,	7	5	1½
Brookline,	2	15	5¼
Needham,	2	18	6½
Stoughton,	5	13	5½
Stoughtonham,	2	11	11½
Medway,	2	18	7¼
Bellingham,	1	18	0
Hull,	0	13	4½
Walpole,	2	7	10¼
Chelsea,	1	18	4¾
	£174	2s.	3¼d.

COUNTY OF ESSEX.

	£	s.	d.
Salem,	26	11	3½
Danvers,	8	6	7½
Ipswich,	14	4	4½
Newbury,	13	3	10½
Newburyport,	13	11	6
Marblehead,	18	2	3¾
Lynn,	6	9	3½
Andover,	10	17	7¼
Beverly,	7	12	7¾
Rowley,	6	3	10
Salisbury,	5	8	1¾
Haverhill,	7	15	8¼
Gloucester,	11	3	2
Topsfield,	2	18	0½
Almsbury,	4	17	1½
Bradford,	4	7	7
Wenham,	1	15	2½
Manchester,	2	6	5¾
Methuen,	3	13	2½
Boxford,	3	13	4½
Middleton,	2	7	10½
	£175	9s.	3¼d.

COUNTY OF MIDDLESEX.

	£	s.	d.
Cambridge,	8	1	3¾
Charlestown,	8	0	0
Watertown,	3	7	3¾
Woburn,	5	10	4¾
Concord,	5	0	10½
Newton,	4	13	11¾
Reading,	5	7	4
Marlborough,	6	3	6½
Billerica,	4	4	0
Framingham,	4	17	7
Lexington,	3	7	4½
Chelmsford,	3	15	5
Sherburne,	2	8	0
Sudbury,	6	11	2¾
Malden,	3	2	6¼
Weston,	3	2	8¾
Medford,	4	0	0
Littleton,	3	1	5½
Hopkinton,	3	3	11½
Wesford,	3	9	2½
Waltham,	3	0	4¼
Stow,	2	15	5¾
Groton,	4	15	1¾
Shirley,	1	13	10½
Pepperell,	2	12	10
Townshend,	2	0	8
Ashby,	0	17	8
Stoneham,	1	3	8½
Wilmington,	1	18	4
Natick,	1	11	5¼
Dracut,	2	14	9½
Bedford,	2	3	10¼
Holliston,	2	12	7½
Tewksbury,	2	2	0½
Acton,	2	9	6½
Dunstable,	2	5	9¾
Lincoln,	2	5	1¾
	£130	11s.	6d.

COUNTY OF HAMPSHIRE.

	£	s.	d.
Springfield,	11	9	7
Willbraham,	2	8	8
Northampton,	5	9	4½
Southampton,	1	18	11¾
Hadley,	2	6	0
South Hadley,	1	15	9¾
Amherst,	2	11	8¾
Granby,	1	4	8
Hatfield,	2	14	9¾
Whately,	0	19	4
Williamsburgh,	0	13	10¾
Westfield,	3	18	1
Deerfield,	2	16	8¾
Greenfield,	1	16	4
Shelburne,	1	1	8
Conway,	1	4	7¾
Sunderland,	1	13	2¾
Montague,	1	9	9¼
Northfield,	2	0	4½
Brimfield,	3	7	2¼
South Brimfield,	2	0	3
Monson,	1	14	10
Pelham,	1	17	10
Greenwich,	1	17	8¼
Blanford,	1	7	8
Palmer,	1	18	6
Granville,	3	7	1¼
New Salem,	1	13	9¼
Belcherstown,	2	2	9
Colrain,	1	4	9½
Ware,	1	0	0
Warwick,	0	16	0
Bernardston,	1	1	10
Murrayfield,	1	4	8½
Charlemont,	0	17	9½
Ashfield,	1	0	3½
Worthington,	0	10	1½
Shutesbury,	1	1	9
Chesterfield,	1	12	9½
Southwick,	1	9	0¼
Suffield,	6	5	6
Enfield,	3	16	8
Somers,	3	0	5
	£96	2s.	10d.

COUNTY OF PLYMOUTH.

	£	s.	d.
Plymouth,	7	0	10¾
Scituate,	8	12	11
Duxbury,	3	2	10¾
Marshfield,	3	13	4¼
Bridgwater,	12	12	7¼
Middleborough,	10	15	10½
Rochester,	5	4	9½
Plympton,	4	0	2
Pembroke,	4	11	9¼
Kingston,	2	13	8¼
Abington,	3	4	2¼
Hanover,	2	9	11½
Halifax,	1	12	10¼
Wareham,	1	11	4¾
	£71	7s.	4¾d.

COUNTY OF BARNSTABLE.

	£	s.	d.
Barnstable,	6	9	6
Sandwich,	5	0	9½
Yarmouth,	4	10	11¾
Eastham,	3	7	3
Wellfleet,	2	13	2½
Chatham,	1	15	2¾

and* town and precinct charges,† shall be assessed and collected." [*Passed July* 14.

Assessors to be governed by the last tax act, and, for neglect, subject to certain penalties, &c. 1730, chap. 1.

	£	s.	d.
Harwich,	4	1	3
Falmouth,	3	14	0
Truro,	2	4	4½
	£33	16s.	6½d.

County of Bristol.

	£	s.	d.
Taunton,	7	18	11½
Rehoboth,	9	19	3¼
Swanzey,	4	12	0½
Dartmouth,	17	3	7¾
Norton,	3	12	1¾
Mansfield,	2	6	11½
Attleborough,	5	17	1
Dighton,	3	7	0¾
Freetown,	3	18	2¼
Rainham,	2	9	1¾
Easton,	2	14	10¾
Berkley,	1	18	2¼
	£65	17s.	6d.

County of York.

	£	s.	d.
York,	7	16	2½
Kittery,	8	11	5¼
Wells,	6	1	11
Berwick,	9	4	11
Arundel,	2	15	7
Biddeford,	3	4	3¾
Peperelborough,	2	6	10½
Lebanon,	0	17	4½
Sandford,	0	16	9¼
Naraganset No. 1,	0	14	11
	£42	10s.	3d.

County of Dukes County.

	£	s.	d.
Edgartown,	2	8	9d.
Chilmark,	3	0	2¾
Tisbury,	2	4	2¾
	£7	13s.	2½d.

County of Nantucket.

	£	s.	d.
Sherburne,	£11	16s.	0d.

County of Worcester.

	£	s.	d.
Worcester,	6	7s.	8¾d.
Lancaster,	7	19	2¼
Mendon,	5	18	1¾
Brookfield,	7	13	1¾
Oxford,	2	15	2½
Charlton,	2	15	6¾
Sutton,	7	12	1¾
Leicester,	2	16	2½
Spencer,	2	8	10¼
Paxton,	1	12	2¾
Rutland,	3	13	7¾
Oakham,	1	2	3
Hubbardston,	0	12	9¾
New Braintree,	2	10	9¼
Southborough,	2	16	11
Westborough,	2	18	1½
Northborough,	1	19	3
Shrewsbury,	5	7	10½
Lunenburgh,	3	18	9¾
Fitchburgh,	1	6	10¾
Uxbridge,	3	16	6¾
Harvard,	3	17	4¾
Dudley,	2	9	8¾
Rutland District,	3	4	7¾
Bolton,	3	14	2
Upton,	1	10	5
Sturbridge,	3	9	4¾
Leominster,	£2	18s.	3d.
Hardwick,	4	5	1¾
Western,	2	13	8¾
Holden,	2	0	7
Douglass,	1	13	5¾
Grafton,	2	17	3
Petersham,	2	17	9¾
Royalston,	0	12	4¾
Westminster,	2	9	0½
Athol,	1	11	8¾
Templeton,	1	18	9
Princeton,	1	16	4
Ashburnham,	0	17	5¼
Winchendon,	0	14	4¾
Woodstock,	7	7	9
	£133	1s.	11¼d.

County of Cumberland.

	£	s.	d.
Falmouth,	£10	4s.	6d.
North Yarmouth,	3	16	2¼
Scarborough,	3	17	9¼
Brunswick,	2	1	0
Gorham,	2	0	6¾
Harpswell,	1	18	4
Windham,	0	17	8¼
Cape Elizabeth,	3	15	7¾
New Gloucester,	0	14	11
Piersontown,	0	9	0
New Boston,	0	5	11
	£30	1s.	6½d.

County of Lincoln.

	£	s.	d.
Pownalborough,	£2	15s.	9d.
Georgetown,	3	13	7
Woolwich,	1	3	11
Newcastle,	1	2	4½
Topsham,	1	3	9½
Boothbay,	1	7	9½
Bristol,	1	9	3¾
Bowdoinham,	0	7	6¾
Medumcook,	0	7	9½
Hallowell,	0	9	7¾
Broadbay,	0	19	3¾
Vassallborough,	0	8	8½
St. Georges,	0	19	0½
Winthrop,	0	6	7¾
Winslow,	0	6	10
Gardner's Town,	0	12	1¼
	£17	14s.	1¾d.

County of Berkshire.

	£	s.	d.
Sheffield,	£4	3s.	10d.
Great Barrington,	2	9	0
Stockbridge,	2	0	1½
Pittsfield,	2	9	2
New Marlborough,	2	7	3
Egremont,	0	19	4½
Richmond,	1	14	10
Lenox,	1	2	5
Tyringham,	1	0	0½
Tyringham Equivalent,	0	3	9
Lanesborough,	2	9	8
Sandisfield,	1	14	11½
Williamstown,	1	10	10½
Becket,	0	14	0
Gageborough,	0	16	3¾
Partridgefield,	0	10	10½
Easthoosuck,	0	15	10
Jericho,	0	7	0
Plantation No. 5,	0	10	0
Plantation No. 7,	0	10	0
Plantation Hartwood,	0	4	5¾
	£28	13s.	9d.

— *House Journal, p.* 114.

* This word is not in the title of the act. † "Rates," in the title.

CHAPTER 15.

AN ACT FOR CONTINUING AN ACT INTITULED "AN ACT FOR ESTABLISHING AND REGULATING THE FEES OF THE SEVERAL OFFICERS, WITHIN THIS PROVINCE, HEREAFTER MENTIONED."

Preamble. 1764-65, chap. 26.

WHEREAS the act intitled "An Act for establishing and regulating the fees of the several officers, within this province, hereafter mentioned," made in the fifth year of his present majesty's reign, is near expiring, and having been found useful and beneficial, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Act for regulating fees, continued.

That the act aforesaid be continued, with all [*and*] every article, clause, matter and thing therein contained, and shall be in force from the end of the present session of the general assembly, to the end of the next session of the general assembly, and no longer. [*Passed July* 14.

CHAPTER 16.

AN ACT TO AMEND AND CARRY INTO EXECUTION AN ACT MADE IN THE FIFTH YEAR OF HIS PRESENT MAJESTY'S REIGN, INTITLED "AN ACT FOR RAISING BY LOTTERY THE SUM OF THREE THOUSAND TWO HUNDRED POUNDS, FOR BUILDING ANOTHER HALL FOR THE STUDENTS OF HARVARD COLLEGE TO DWELL IN."

Preamble. 1765-66, chap. 21.

WHEREAS, in and by the same act, made in the fifth year of his present majesty's reign, it is enacted "That Thomas Hubbard, Esq[r]., Harrison Gray, Esq[r]., Thomas Flucker, Esq[r]., Edward Holyoke, Esq[r]., Joseph Lee, Esq[r]., John Winthrop, Esq[r]., and Mr. Thomas Gray, be appointed and empowered directors to set up and carry on a lottery or lotteries, in one or more classes, whereby to raise the sum of three thousand and two hundred pounds, lawful money; which sum so to be raised, and every part thereof from time to time so raised, after deducting the necessary expences, to be settled and approved of by the governor and council, shall be paid unto the treasurer of the province, to be subject to the order of the governor, by and with the advice and consent of the council, for building a new hall for lodging-rooms, as beforementioned, for the use of Harvard College as aforesaid;" *and whereas*, since the making and passing the same act, the said Edward Holyoke hath died, and the said Thomas Hubbard, Harrison Gray, Thomas Flucker, Joseph Lee, John Winthrop and Thomas Gray, have declined to accept and carry into execution the said trust, —

Be it enacted by the Governor, Council and House of Representatives,

Managers appointed to carry into execution the act for raising a sum of money by lottery, for building a new hall for the use of Harvard College.

That in the room and stead of the said Thomas Hubbard, Harrison Gray, Thomas Flucker, Edward Holyoke, Joseph Lee, John Winthrop and Thomas Gray, be placed and appointed Joseph Jackson, William Blair Townsend, Esq'r[s], Jonathan Mason, William Greenleaf, Samuel Austin and Henry Hill, merchants; and that they, the said Joseph Jackson, William Blair Townsend, Jonathan Mason, William Greenleaf, Samuel Austin and Henry Hill, or any four of them, be, and

they are hereby, authorized and empowered directors to carry into execution the same act, to all intents and purposes, in the same manner, under the same regulations and restrictions, and subject to the same limitations and provisions, as in and by the same act, made in the fifth year of the reign of his present majesty, the said Thomas Hubbard, Harrison Gray, Thomas Flucker, Edward Holyoke, Joseph Lee, John Winthrop and Thomas Gray were allowed and empowered. [*Passed July* 2

CHAPTER 17.

AN ACT FOR REGULATING TOWN MEETINGS IN THE TOWN OF DANVERS.

Preamble.

Whereas the two parishes in the town of Danvers, now known by the name of the north and south parish within said town, on the second day of July, one thousand seven hundred and fifty-one, by a committee from each parish, did enter into agreement with each other, that, when they should be incorporated into a town, the town meetings should be convened and held, one year in one parish, and the next year in the other, and that the major part of the selectmen and assessors, to be afterwards chosen for said town, shall be inhabitants of the parish where [said] [*such*] meeting should be held; and that each parish should share equally in all profits and benefits that should afterwards accrue to said town: *and whereas*, the town of Danvers, notwithstanding the aforesaid agreement, have held a town meeting, passed votes, and chosen selectmen and assessors, directly contrary to said agreement, and greatly tending to the disquiet of the whole town of Danvers, whereby the inhabitants of the north parish, in particular, are defeated of the advantages of their said agreement, and many evils have already arisen, and are likely thereupon to arise, to said town, if not speedily prevented; for remedy whereof, —

Be it enacted by the Governor, Council and House of Representatives,

Town meetings to be held, and the major part of the selectmen, &c., to be chosen, alternately, in the north and south parishes in Danvers.

[Sect. 1.] That from and after the first day of March next, during the continuance of this act, all town meetings to be holden within and for the town of Danvers, shall be convened and held, the one year in the north, and the next in the south, parish in said town, successively, and that there shall be chosen the major part of the selectmen and assessors out of the same parish where the meeting shall be so held; and all town meetings held in and for the said town of Danvers, for one year next after the first day of March next ensuing, shall be convened and held at some convenient place in the said north parish in Danvers; and the major part of the selectmen and assessors shall be chosen within the bounds or limits of the said north parish, for the same year; and so, *toties quoties*, for each parish, in a regular annual succession, to hold meetings, and chuse their town officers, in the manner as is above expressed.

And be it further enacted,

Selectmen and constables, in calling and warning town meetings, to conform to this act.

[Sect. 2.] That the selectmen of said town are hereby empowered and directed, whenever it shall be necessary to notify or warn a town meeting, to direct their warrant to the constable or constables of said town, and to make the directions therein conformable to the rules and restrictions in this present act made and provided; and the said constable or constables are hereby required to take notice thereof, and to

notify and warn the inhabitants of said town accordingly; and all town meetings warned or held in the town of Danvers contrary to the rules in this present act made and provided, and all transactions, matters and things transacted and done at any such meeting, shall be considered as null and void in law, to all intents and purposes.

Town meetings held, and proceedings thereat, contrary to this act, declared void.

And be it further enacted.

[SECT. 3.] That all privileges, profits, bequests, benefits or emoluments accruing to the inhabitants of Danvers, as a town, shall be equally shared by the said parishes according to the nature and tenure of their agreement, as aforesaid; any law, usage or custom to the contrary notwithstanding.

All privileges, &c., to be shared by said parishes according to their agreement.

[SECT. 4.] This act to continue and be in force for the space of three years from the first day of March next, and no longer. [*Passed July* 14.

Continuation.

CHAPTER 18.

AN ACT TO PREVENT THE CURRENCY OF THE BILLS OF CREDIT OF THE GOVERNMENTS OF NEW YORK, NEW JERSEY AND NOVA SCOTIA.

Preamble.

WHEREAS the bills of the governments of New York, New Jersey and Nova Scotia, have long since obtained a currency in some parts of this government; *and whereas* the government of New York have, the last year, emitted the sum of one hundred and twenty thousand pounds, which are in no way a tender, — *saving* in the treasury of the said province, — and already begin to depre[t][*c*]iate among themselves; and as many of the bills of the said last emission, as well as the bills of the former emissions, of the aforesaid governments are counterfeited, by which many persons are already sufferers, and more liable to be so, and as all paper bills are liable to depreciation, —

Be it enacted by the Governor, Council and House of Representatives,

Bills of credit of the governments of New York, New Jersey and Nova Scotia, prohibited, on penalty of £20.

[SECT. 1.] That if any person, from and after the first day of November, one thousand seven hundred and seventy-two, shall, within this government, account, receive, take or pay any bill, or bills, of credit of either the governments of New York, New Jersey, or Nova Scotia, in discharge of any contract or bargain, for any valuable consideration whatsoever, every such person so accounting, taking or paying the same within this government shall forfeit the sum of twenty pounds for every offence; one moiety thereof to his majesty, his heirs and successors, to and for the use of this government, the other moiety to him or them that shall sue for the same; to be recovered, with full costs of suit, by action of debt, in any of his majesty's courts of record within this province, or by presentment of the grand jury.

Continuation.

[SECT. 2.] This act to continue and be in force to the [thirtie] [*30*]th day of April next, and no longer. [*Passed July* 14.

CHAPTER 19.

AN ACT FOR GRANTING A TAX OF TWOPENCE PER ACRE, FOR ONE YEAR NEXT TO COME, AND [OF][*FOR*] ONE PENNY PER ACRE, FOR A SECOND YEAR NEXT TO COME, ON ALL THE LANDS IN THE DISTRICT OF HUBBARDSTON IN THE COUNTY OF WORCESTER, AND FOR SUBJECTING THE LANDS OF SUCH OF THE PROPRIETORS AS NEGLECT OR REFUSE TO PAY THE SAID TAXES, TO BE SOLD FOR THE PAYMENT THEREOF.

Preamble.

Whereas the inhabitants of the district of Hubbardston in the county of Worcester, have petitioned this court, setting forth that they are desirous of building a meeting-house for the publick worship of God, and to make and repair the roads in said district, and by reason of the smallness of their number, and of their poverty, occasioned by the infancy of their settlements, they are unable to effect the same; and praying that a tax may be laid on all the lands in said district for that purpose, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Tax granted on unimproved lands in Hubbardston.

Assessors and collectors appointed.

[Sect. 1.] That there be and hereby is granted a tax of twopence per acre for one year next to come, and of one penny per acre for the second year next to come, on all the lands in [the] said district of Hubbardston, and that Joseph Grimes, Joseph Starrow and John Woods, of the said district of Hubbardston, or the survivors of them, be and hereby are empowered to assess and collect the same, and shall be under oath for the faithful discharge of their trust.

And be it further enacted,

Moneys arising thereby, appropriated to certain purposes.

[Sect. 2.] That the monies arising by the taxes aforesaid, after deducting the necessary charges of assessing and collecting the same (to be adjusted by the selectmen of the said district), shall remain in the hands of the said Joseph Grimes, Joseph Starrow and John Woods, or the survivors of them, to be applied as they shall be directed, from time to time, by the said selectmen, in building a meeting-house and in making and repairing roads in the said district as above mentioned.

And be it further enacted,

On default of payment of said tax, the delinquent proprietors' lands to be sold.

[Sect. 3.] That if any of the proprietors of the said lands shall neglect or refuse to pay the said collectors the sums from time to time assessed thereon agre[*e*]able to this act, for sixty days after such assessments are made, and published, — by posting up the same in the district of Hubbardston, and in the shire town of the county of Worcester, — then and in such case it shall and may be lawful for the said assessors to post up, in some publick place or places in said district, notifications of the intended sale of so much, and no more, of such delinquent proprietor's lands as shall be necessary to pay and satisfy such taxes, and other necessary intervening charges, three months before the same be sold; and also the said assessors shall be obliged, for the notification of the proprietors, to adverti[z][*s*]e in two of the Boston newspapers; viz[t]., "The Massachusetts Gazette and Boston Weekly News-Letter," and "Boston Gazette and Country Journal," three several weeks, such intended sale, at least three months before the said lands be sold; and if any of the delinquent proprietors shall not, by that time, pay such assessment and charges, then and in such case it shall and may be lawful for the said assessors, at a publick vendue to make sale of so much of such delinquent proprietors' lands as shall be suffi-

Notifications of the sale to be first given.

cient for that purpose: *provided*, said assessors proceed to make those sales within three days after the time set[*t*] for said sales, and shall not make any adjournment of the same after said three days; and to make and execute deeds, in the law, for the conveyance of such lands of the proprietors to the purchaser or purchasers thereof, which deeds shall be good and valid, to all intents and purposes in the law, for conveying such estates to the purchaser or purchasers, their heirs and assigns, forever.

Provided, nevertheless, —

And be it further enacted,

To have liberty of redemption on their paying taxes, charges, &c., within one year.

[SECT. 4.] That the said proprietors, their heirs or assigns, shall have liberty of redemption of their lands that may be sold for the non-payment of the taxes granted as aforesaid, they paying to the purchaser or purchasers, their heirs or assigns, respectively, within one year afterwards, the sums for which the said lands may have been sold, with charges of sale, and costs, with the further sum of twelve pounds for each hundred pounds of money produced by said sale, and proportionably for any other sum: and that the said assessors, or the major part of them, shall, upon the request made to any one of the said assessors, either at the time of such sale, or at any time within one year afterwards, by the person who at the time of sale shall be or hath been the owner of the land[*s*] sold, or his heirs, make and deliver to him or them an account in writing, under their hands, of the several particulars which shall constitute the whole sum for the levying whereof such land shall have been sold.

Assessors, upon request, to deliver an account of the particulars for which the lands shall have been sold.

One hundred acres of land given by the proprietors for the use of a school:

And whereas the propriety of said district made a donation to said district of one hundred acres of land lying within the same, for the use of a school in the said district, with intent that it should not be alienated from said use forever, —

Be it therefore enacted,

— to remain for that purpose, and not to be alienated nor leased for more than three years at one time.

[SECT. 5.] That the said one hundred acres of land shall remain for the use of a school in [the] said district, forever, and not [*to*] be alienated, and the said district shall not hereafter lease out the same for more than three years at any one time. [*Passed July* 14.

CHAPTER 20.

AN ACT TO PREVENT THE DESTRUCTION OF OYSTERS IN CHARLES AND MISTICK RIVERS.

Preamble.

WHEREAS so many oysters have been of late taken in Charles and Mistick rivers, in time of oysters' casting their spawn, as will soon totally destroy the oysters in said rivers if [*the*] said practice should be continued; for preventing the like for the future, —

Be it enacted by the Governor, Council and House of Representatives,

Oysters not to be taken within a certain time, on penalty of £5.

[SECT. 1.] That if any person or persons shall, after the twentieth of this instant July and before the twentieth of September, next, and afterwards, during the continuance of this act, at any time from the first day of May to the twentieth of September, annually, presume to take any oysters in either of the rivers aforesaid, he or they shall forfeit for every such offence the sum of five pounds.

[And] *be it further enacted*,

[Sect. 2.] That if any person or persons shall sell or dispose of any oysters taken contrary to this act, he or they for every such offence shall forfeit forty shillings. Persons selling oysters taken within that time, to forfeit 40*s*.

[Sect. 3.] All fines and forfeitures by this act incurred, to be recovered by action of debt, or by presentment of the grand jury; one half thereof to him or them that shall inform or sue for the same, the other half to and for the use of the town where such oysters shall be taken. Fines, how to be recovered and applied.

[Sect. 4.] This act to continue and be in force for the space of three years from and after the first day of August next, and from thence to the end of the then next session of the general court, and no longer. [*Passed July* 14. Continuation.

CHAPTER 21.

AN ACT FOR GRANTING A TAX OF ONE PENNY PER ACRE, YEARLY, FOR THE TERM OF THREE YEARS, SUCCESSIVELY, ON ALL THE UNIMPROVED LANDS IN THE DISTRICT OF SHELBURNE, IN THE COUNTY OF HAMPSHIRE, AND FOR SUBJECTING THE LANDS OF SUCH OF THE PROPRIETORS AS NEGLECT OR REFUSE TO PAY THE SAID TAX, TO BE SOLD FOR THE PAYMENT THEREOF.

Whereas the inhabitants of the district of Shelburne, in the county of Hampshire, have petitioned this court, setting forth that they are desirous of building a meeting-house and settling a minister in the said district, but that, by reason of the smallness of their number, and of their poverty, occasioned by the infancy of their settlements, they are unable to effect the same; and praying that a tax may be laid on the unimproved lands in the said district for that purpose, — Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That there be and hereby is granted a tax of one penny per acre on all the unimproved lands in the said district of Shelburne, yearly, for the term of three years, successively; and that the inhabitants of the said district be and hereby are [e][*i*]mpowered, at any legal meeting, as occasion shall require, to make choice of such and so many persons as they may think needful to assess the said tax, and also a collector, or collectors, to gather and collect the same; which persons, so chosen to assess and collect said tax, shall be under oath for the faithful discharge of their said trust, respectively. Tax granted on the unimproved lands in Shelburne. Assessors and collectors, to be chosen, to be under oath.

And be it further enacted,

[Sect. 2.] That the monies arising by the said tax, after deducting the necessary charges of assessing and collecting the same (to be adjusted by the selectmen of the said district), shall be paid by the said collector or collectors, into the hands of the treasurer of the said district, to be by him applied as he shall be directed, from time to time, by the said selectmen, in building a meeting-house and settling a minister in the said district as above mentioned. Moneys arising by said tax, appropriated.

And be it further enacted,

[Sect. 3.] That in case any of the proprietors of the said unimproved lands shall neglect or refuse to pay the collector or collectors the sums, from time to time, assessed thereon agreeable to this act, for sixty days after such assessments are made, and published, — by posting On default of payment of said tax, the delinquent proprietors' lands to be sold.

up the same in the district of Shelburne, and in the shire town of the county of Hampshire, — then and in such case it shall and may be lawful for such assessors to post up, in some public[k] place or places in the said town, notifications of the intended sale of so much, and no more, of such delinquent proprietor's lands as shall be necessary to pay and satisfy such taxes, and other necessary intervening charges, three months before the same be sold; and also the assessors shall be obliged, for the notification of the proprietors, to adverti[z][s]e in two of the Boston newspapers; viz[t]., "The Boston Gazette[e] and Country Journal," and "The Massachusetts Gazette and Boston Weekly News-Letter," three several weeks, such intended sale, at least three months before the said land[s] be sold; and if any of the delinquent proprietors shall not, by that time, pay such assessments and charges, then and in such case it shall and may be lawful for the said assessors, at a public[k] vendue to make sale of so much of such delinquent proprietor's lands as shall be sufficient for that purpose: *provided* said assessors proceed to make those sales within three days after the time set for said sales, and shall not make any adjournment of the same after said three days; and to make and execute deeds, in the law, for the conveyance of such lands of the proprietors to the purchaser or purchasers thereof, which deeds shall be good and valid, to all intents and purposes in the law, for conveying such estates to the purchaser or purchasers, their heirs and assigns, forever.

Notification of the sale first to be given.

Provided, nevertheless, —

And be it further enacted,

[SECT. 4.] That the said proprietors, their heirs or assigns, shall have liberty of redemption of their lands that may be sold for the non-payment of the tax granted as aforesaid, they paying to the purchaser or purchasers, their heirs or assigns, respectively, within one year afterwards, the sums for which the said lands may have been sold, with charges of sale, and costs, with the further sum [of] twelve pounds for each hundred pounds of money produced by said sale, and proportionably for any other sum: and that the said assessors, or the major part of them, shall, upon request made to any one of the said assessors, either at the time of such sale, or at any time within one year afterwards, by the person who at the time of sale shall be or have been the owner of the land sold, or his heirs, make and deliver to him or them an account in writing, under their hands, of the several particulars which shall constitute the whole sum for the levying whereof such land shall have been sold. [*Passed July* 14.

To have liberty of redemption on their paying taxes, and within one year.

Assessors to deliver an account of the particulars for which the lands shall have been sold.

CHAPTER 22.

AN ACT MAKING PROVISION FOR THE COLLECTION OF A RESIDUE OF CERTAIN ASSESSMENTS OF THE TOWN AND SECOND PARISH IN SCARBOROUGH, IN THE COUNTY OF CUMBERLAND.

Preamble.

WHEREAS several sums of money set down and contained in the several lists of the province, county, town, and parish, assessments made in the year 1766 by the assessors for the town and second parish of Scarborough, in the county of Cumberland, for the same year, committed to one Royal[l] Tyler, then constable of the said town of Scarborough, and collector for the said second parish, are not yet collected

or paid by reason that soon after the said Tyler's receipt of the said lists he absconded from the said town of Scarborough, and still absconds in parts unknown to the inhabitants of the said Scarborough, —

Be it enacted by the Governor, Council and House of Representatives,

That it shall and may be lawful for the assessors of the said town of Scarborough, and of the said second parish, for the time being, and the said assessors are hereby, respectively, authori[z][s]ed and impowered, to take the same measures and proceed in the same way and manner, to effect the collections of the said sums of money set down and contained in the abovesaid several lists of assessments, which yet remain unpaid, as by one law of this province, intituled "An Act directing how rates and taxes to be granted by the general assembly, as also county, town, and precinct, rates, shall be assessed and collected," it would have been lawful for them to have taken and proceeded in, if the said Royal[l] Tyler had deceased at the same time when he first absconded as aforesaid. [*Passed July* 14.

Assessors of the town, and of the first town in Scarborough, empowered to effect the collection of taxes, uncollected by Royal Tyler.

1730, chap. 1.

CHAPTER 23.

AN ACT FOR GRANTING A TAX OF ONE PENNY HALFPENNY PER ACRE, YEARLY, FOR THE TERM OF FIVE YEARS, SUCCESSIVELY, ON ALL THE NON-RESIDENT PROPRIETORS' LANDS IN THE TOWN OF ASHBY, IN THE COUNTY OF MIDDLESEX, AND FOR SUBJECTING THE LANDS OF SUCH OF THE PROPRIETORS AS NEGLECT OR REFUSE TO PAY THE SAID TAX, TO BE SOLD FOR THE PAYMENT THEREOF.

Preamble.

Whereas the inhabitants of the town of Ashby, in the county of Middlesex, have petitioned this court, setting forth that they are desirous of building a meeting-house and settling a minister in said town, but that, by reason of the smallness of their number, and of their poverty, occasioned by the infancy of their settlements, they are unable to effect the same; and praying that a tax may be laid on the non-resident proprietors' lands in the said town for that purpose, — the said proprietors being notified, and making no objection, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Tax granted on lands in Ashby.

[Sect. 1.] That there be and hereby is granted a tax of one penny halfpenny per acre on all the non-resident proprietors' lands in the said town of Ashby, yearly, for the term of five years, successively; and that the inhabitants of the said town be and hereby are empowered, at any legal meeting, as occasion shall require, to make choice of such and so many persons as they may think needful to assess the said tax, and also a collector, or collectors, to gather and collect the same; which persons, so chosen to assess and collect the said tax, shall be under oath for the faithful discharge of their said trust, respectively.

Assessors and collectors to be chosen; to be under oath.

And be it further enacted,

Moneys arising thereby, appropriated.

[Sect. 2.] That the monies arising by the said tax, after deducting the necessary charges of assessing and collecting the same (to be adjusted by the selectmen of the said town), shall be paid by the said collector or collectors, into the hands of the treasurer of said town, to be by him applied as he shall be directed, from time to time, by the

said town, in building a meeting-house and settling a minister in said town as above mentioned.

And be it further enacted,

On default of payment, the delinquent proprietors' lands to be sold.

[SECT. 3.] That in case any of the non-resident proprietors of the said land shall neglect or refuse to pay the collector or collectors the sums from time to time assessed thereon agre[*e*]able to this act, for sixty days after such assessments are made, and published, — by posting up the same in the said town of Ashby, and in the shire town of the county of Middlesex, — then and in such case it shall and may be lawful for such assessors to post up, in some public[k] place or places in the said town of Ashby, notifications of the intended sale of so much, and no more, of such delinquent proprietor's lands as shall be necessary to pay and satisfy such taxes, and other necessary intervening charges, three months before the same be sold; and also the assessors shall be obliged, for the notification of the said proprietors, to adverti[z][*s*]e in two of the Boston newspapers; viz[t]., "The Boston Gazette and Country Journal", and "The Massachusetts Gazette and Boston Weekly News-Letter," three several weeks, such intended sale, at least three months before the said lands be sold; and if any of the delinquent proprietors shall not, by that time, pay such assessments and charges, then and in such case it shall and may be lawful for the said assessors, at a public[k] vendue to make sale of so much of the delinquent proprietor's lands as shall be sufficient for that purpose: *provided*, said assessors proceed to make those sales within three days after the time set for said sales, and shall not make any adjournment of the same after the said three days; and to make and execute deeds, in the law, for the conveyance of such lands of the said proprietors to the purchasers thereof, which deeds shall be good and valid, to all intents and purposes in the law, for the* conveying such estates to the purchaser or purchasers, their heirs and assigns, forever.

Notifications of the sale first to be given.

Provided, nevertheless, —

And be it further enacted,

To have liberty of redemption on their paying taxes, &c., within one year.

[SECT. 4.] That the said proprietors, their heirs or assigns, shall have liberty of redemption of their lands that may be sold for the non-payment of the tax granted as aforesaid, they paying to the purchaser or purchasers, their heirs or assigns, respectively, within one year afterwards, the sum for which the said lands may have been sold, with charges of [*the*] sale, and costs, with the further sum of six pounds for each hundred pounds of money produced by said sale, and proportionably for any other sum: and that the said assessors, or the major part of them, shall, upon request made to any one of them, either at the time of such sale, or at any time within one year afterwards, by the person who at the time of the sale shall be or have been the owner of the lands sold, make and deliver to him or them an account in writing, under their hands, of the several particulars which shall constitute the whole sum for [the] levying whereof such lands shall have been sold. [*Passed July* 14.

Assessors to deliver an account of the particulars for which the lands shall have been sold.

CHAPTER 24.

AN ACT FOR CONTINUING SUNDRY LAWS THAT ARE NEAR EXPIRING.

Preamble.

WHEREAS the several acts hereinafter mentioned, which are near expiring, have been found useful and beneficial; viz[t]., —

* "The" appears to have been cancelled, in the engrossment.

One act made in the tenth year of the reign of his present majesty, intit[*u*]led "An Act to impower the inhabitants of the town of Newburyport, belonging to the several religious societies within the same, to raise money for defreying ministerial and necessary charges;" one act made in the eleventh year of the said reign, intitled "An Act for impowering the commissioners and assignees of the estates of concealed and absconding debtors, and all others concerned, to compleat the business assigned them by an act made and passed in the thirty-first year of the reign of his late majesty King George the Second, intitled 'An Act providing remedy for bankrupts and their creditors,'" —

Act for defraying ministerial charges in Newburyport. 1769–70, chap. 13.

Act relating to absconding debtors. 1770–71, chap. 12.

Be it therefore enacted by the Governor, Council and House of Representatives,

That the before-mentioned acts near expiring, be continued, with all and every clause, matter and thing therein respectively contained, shall be in force until[l] the first day of May, one thousand seven hundred and seventy-five, and from thence to the end of the then next session of the general court, and no longer. [*Passed July* 14.

Continued to May, 1775, &c.

CHAPTER 25.

AN ACT FOR THE SUBJECTING THE INHABITANTS OF A PART OF THE TOWN OF DANVERS, CALLED THE NECK OF LAND, HEREAFTER DESCRIBED, TO THE CHARGE OF MAINTAINING AND SUPPORTING CERTAIN BRIDGES AND HIGHWAYS.

Whereas unhappy divisions and controversies have arisen in the town of Danvers, in the county of Essex, relative to their highways and bridges; and the inhabitants of that part of the said town, which is a neck of land making the northerly or north-easterly corner or skirt of the south parish in said town, have come to a final and amicable compromise and settlement of such divisions and controversies with their brethren of the other resid[uary][*ing*] part of said town, touching said highways and bridges, — for the ratification of which, and making the same compromise and settlement valid and binding in law, they have mutually expressed their desire; now, for the closing and putting an end to all such divisions and controversies for the future, and in order to accomplish the good purposes of union and harmony in said town, —

Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the neck of land, as hereafter bounded and limited, being the northerly or north-easterly corner or skirt of the south parish in Danvers, in the county of Essex, and the inhabitants thereof, be and the same neck of land and inhabitants are, and forever hereafter shall be, subject to and charged with the maintainance, support and keeping in repair of the bridge built over Waters's River, so called, in said Danvers, and also of the highway laid out by the selectmen of said Danvers, and confirmed by the court of general sessions of the peace within and for said county, — from Porter's Corner, there, so called, to the easterly end of said Waters's Bridge, — for the more convenient passing of the inhabitants of said neck of land to and from the place of public[k] worship in the south parish aforesaid, and other useful purposes; and also of all and any other highways and bridges that shall, at any time ever hereafter, at the special instance

Inhabitants of the neck of land herein described, to support and keep in repair the bridge over Waters's River;

— and of such highways and

bridges as may be hereafter ordered on the neck aforesaid.

and request of the inhabitants of said neck of land, or by the court of general sessions of the peace within and for said county, be opened and laid out, or erected and built, anywhere within the boundaries and limits of said neck of land, containing by estimation three hundred acres, bounded as follows; viz[t]., begin[n]ing at the bridge by John Verry's, in Danvers, commonly called Crane-River Bridge; thence, run[n]ing down the channel till it comes to [to] Lieut[t]. Thomas Stevens's land, about thirty poles above the mill-dam, by a cove in the mill-pond; thence, run[n]ing on a strait line, as said Stevens's fence now stands, till it strikes Waters's River, near the bridge, upon the west side, and across said Waters's River to high-water mark; thence, down said Waters's River to Frost-fish-Brook River, so called, at low-water mark; thence, up the channel of said river, to the bridge called Frost-fish-Brook Bridge, on Ipswich road; thence, on the eastern side of said road, to Crane-River Bridge above mentioned.

Be it further enacted,

Inhabitants of said neck empowered to hold meetings to choose a clerk,— for other purposes:

[SECT. 2.] That from henceforth, forever, the freeholders and other inhabitants of said neck of land be, and they hereby are, authorized and empowered to hold public[k] meetings, for to chuse a clerk to record their votes; and for the laying and levying of taxes upon the estates, and inhabitants and occupiers and improvers of land, within the boundaries of said neck of land, from time to time, and at all times, for the purpose of supporting and repairing said highway[s] and bridge, and all and any other highways or bridges to be erected or laid out, within the boundaries of said neck of land as aforesaid;

— to choose a treasurer, and assessors and a collector of taxes:

and also for the choice of a treasurer for the receiving and paying of all the monies to be hereafter laid and levied, as aforesaid, within said neck of land for the purposes aforesaid; and also for the choice of three assessors of the tax and taxes, which shall at any time hereafter be found or judged necessary; and also a collector or collectors to gather the same, to be paid into the hands of the treasurer according to the direction of his warrant for the purposes aforesaid; and

— surveyor of highway;

also a surveyor or surveyors of the said highway and bridge, and of all or any other highways or bridges laid out or erected at any time hereafter as aforesaid: and every such clerk, and all other officers aforementioned, being proprietors of land lying within the said boundaries of said neck of land and inhabitants commonly there resident,

— to be under oath;

shall be under oath to the faithful performance of their respective offices; and they are hereby empowered to do, act and proceed, in and upon all matters and things properly arising and occurring within their special department, relative to the aforesaid way and bridge, and all or any future highways or bridges, within said boundaries, as

— to have the same power as like officers in the town of Danvers.

aforesaid, in as full and ample a manner, and to all intents and purposes, as the other officers in said Danvers shall or may by law do, act, and proceed, upon similar matters and things arising and occurring within their department relative to highways and bridges; and the same freeholders and other inhabitants are hereby ordered and empowered to meet for the first time, for the purposes aforesaid, on the

First meeting, on the first Monday of September.

first Monday of September next.

[SECT. 3.] And all future meetings of the same freeholders and inhabitants shall be called, from time to time, and at all times, by the assessors for the time being, by posting up a notification, in some public[k] place within said neck of land, seven days before such meeting; and all such freeholders and inhabitants being so met and assembled in public[k] meetings, shall be, and they are hereby, authorized and empowered to proceed and act upon the premises, to all intents and

purposes, in the same manner as town meetings in this province usually proceed on similar occasions.

And be it further enacted,

Inhabitants of the Neck, exempted from the support of highways and bridges in other parts of Danvers.

[Sect. 4.] That the said neck of land, lying and bounded and limited as aforesaid, and the inhabitants thereof, shall not at any time hereafter be charged with, subject or liable to, any charge or charges, tax or taxes, rates or assessments (but therefrom shall forever hereafter be wholly exempted), for the erecting, building, laying out, maintainance, support or repairs, of all or any bridge or bridges, highway or highways, that now are, or at any time hereafter shall or may be, erected, built or laid out within said town of Danvers, and are or shall be without the boundaries, aforesaid, of said neck of land.

And be it further enacted,

Town of Danvers exempted from the support of highways and bridges within the bounds of the Neck.

[Sect. 5.] That the said town of Danvers lying without the boundaries, aforesaid, of said neck, and the inhabitants on such land, shall not at any time hereafter be charged with, subject or liable to, any charge or charges, tax or taxes, rates or assessments (but therefrom shall forever hereafter be wholly exempted and freed) for the erecting, building, laying out, maintainance, support or repairs of all or any bridge or bridges, highway or highways, that now are, or at any time hereafter shall or may be, erected, built or laid out within the boundaries, aforesaid, of said neck of land, unless laid out at the r[*e*]quest of the inhabitants of said town of Danvers living without the boundaries of said neck of land.

And be it further enacted,

Benjamin Prescot, Esq., empowered to issue his warrant.

[Sect. 6.] That Benjamin Prescot, Esq[r]., be and hereby is empowered to issue his warrant, directed to some principal inhabitant of said neck of land, requiring him to call a meeting of said inhabitants, on the first Monday of September next, for the purposes aforementioned. [*Passed July* 14.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE SIXTH DAY OF JANUARY, A. D. 1773.

CHAPTER 26.

AN ACT FOR ESTABLISHING A LINE OF JURISDICTION BETWEEN THE COUNTY OF SUFFOLK AND THE COUNT[Y][*IE*]S OF PLYMOUTH AND BRISTOL, SO FAR AS THE LINE HEREAFTER DESCRIBED SHALL EXTEND.

Preamble.

WHEREAS the line of jurisdiction between the county of Suffolk and the counties of Plymouth and Bristol is uncertain, whereupon disputes and controversies have arisen and may arise; for preventing of which, —

Bounds of Suffolk, Plymouth and Bristol line.

Be it enacted by the Governor, Council and House of Representatives, [SECT. 1.] That, for the future, a line begin[*n*]ing at a certain heap of stones on the west side of, and within five or six feet, or thereabouts, of, a pond called Accord Pond, — being a known and anciently reputed bound between the town of Hingham and the town of Abington, — and run[*n*]ing, from said monument, west, twenty degrees and an-half south, leaving the towns of Weymouth, Braintree, Stoughton and Wrentham adjoining on the north, and Abington, Bridgwater, Mansfield and Attleborough on the south, to a certain old white-oak tree, antiently marked, now standing, — and being a boundary between the towns of Wrentham and Attleborough, by some called Station Tree, and by others called Angle Tree, — shall forever hereafter be the bounds between the county of Suffolk and the counties of Plymouth and Bristol, so far as said line extends; any law, usage or custom to the contrary notwithstanding.

Provided always, —

And it is hereby enacted and declared,

Proviso, respecting a line in 1664.

[SECT. 2.] That nothing in this act shall be construed to determine, or have any influence in the determination of, the property of any lands bounded on a line settled in the year one thousand six hundred and sixty-four, by commissioners from the colonies of Massachusetts and New Plymouth, as a line of jurisdiction and property between the colonies, but that the courts of common-law shall be at as full liberty to adjudge and determine the bounds and property of such lands as if this act had never been passed. [*Passed and published March* 6, 1773.

CHAPTER 27.

AN ACT TO IMPOWER THE MAJOR PART OF THE JUSTICES OF THE PEACE OF THE TOWN OF BOSTON, AND THE MAJOR PART OF THE SELECTMEN OF THE SAID TOWN, TO LAY OUT A STREET FROM MIDDLE STREET TO ANN STREET IN SAID TOWN; AND ALSO TO REPEAL AND SET ASIDE WHAT WAS DONE BY THE MAJOR PART OF THE JUSTICES OF THE SAID TOWN, TOGETHER WITH THE SELECTMEN, RELATIVE TO THE LAYING OUT A STREET IN THE SAME PLACE, IN APRIL, ONE THOUSAND SEVEN HUNDRED AND SIXTY-SEVEN.

Preamble.

Whereas a great part of the lands from Middle Street to Ann Street, in Boston, in the county of Suffolk, was, by the fire which happened in that town on the third day of February, *Anno Domini* one thousand seven hundred and sixty-seven, made desolate and vacant, and Paddy's Alley, so called, which runs thro'[*ugh*] those lands, tho[*ugh*] very narrow, was from its situation very beneficial and useful to the inhabitants of said town, and it is convenient and necessary to have a way there; *and whereas* a street has been, since the fire aforesaid; viz[t]., on the sixteenth day of April, *Anno Domini* one thousand seven hundred and sixty-seven, stated, [*and*] laid out and established by a major part of the justices and selectmen of said town of Boston, under their hands, thro'[*ugh*] the lands aforesaid, which has been since found to be prejudicial to private persons and inconvenient for the public; wherefore, —

Be it enacted by the Governor, Council and House of Representatives,

Former proceedings relating to Paddy's Alley, set aside.

[Sect. 1.] That whatever was done by the justices and selectmen of the town of Boston on the [16] [*sixteenth*] day of April [1767] [*one thousand seven hundred and sixty-seven*], with respect to the laying out and establishing a street from Middle Street to Ann Street, shall, from and after the laying [*out*] of a new street, as hereafter mentioned to be laid out, by the major part of the justices and selectmen of the town of Boston for the time being, be set aside, cease and determine.

And be it further enacted,

Justices of the peace, and selectmen, of Boston to lay out the street.

[Sect. 2.] That it shall be in the power of the justices of the peace in said town, together with the selectmen (or the major part of each assenting thereto), to state and lay out such street, way or passage, thro'[*ugh*] the lands aforesaid, twenty feet wide, from Middle Street, so called, to Ann Street, so called, in said town, as may be most for the conveniency and accommodation of the place, by extending, enlarging, streightning or otherwise altering the aforesaid street, or lane, called Paddy's Alley; and where any particular person or persons shall have their lands, or tenements, or part thereof, taken away or lessened thereby, a jury of twelve men shall be appointed by two justices of the peace, and sworn, to ascertain the value thereof, — to be paid by the person to whose land the same shall be added, or by the neighbo[*u*]rhood, or town, in proportion to the benefit or conveniency any shall have thereby, — according to their best skill and understanding.

Two justices to appoint a jury to ascertain the value of land taken from the abutters, &c.

Provided, nevertheless, —

And be it further enacted,

The justices and jury not to belong to Boston.

[Sect. 3.] That the two justices, and jury, aforesaid, shall not be inhabitants of the town of Boston.

And be it further enacted,

Charges, how to be recovered. 1727–28, chap. 1, §§ 1 and 2.

[SECT. 4.] That the money and charges that may arise from the putting this act in execution be recovered, as by law is prescribed in the act for laying out private ways. [*Passed and published March* 6, 1773.

CHAPTER 28.

AN ACT FOR GRANTING TWO STRIPS OR PIECES OF THE PROVINCE LAND LYING ON THE WEST SIDE OF GOVERNOR'S ALLEY, SO CALLED, IN BOSTON, TOWARDS WIDENING SAID ALLEY.

Preamble. 108 Mass., 199.

WHEREAS a considerable number of the inhabitants of the town of Boston, by their petition to this court, have represented that Governor's Alley is become a great thoroughfare and passage, as well for horses as people, but by reason of the narrowness thereof, the lives of his majesty's subjects passing through the same is greatly endangered; *and whereas* Archibald M'Neill, William Coffin, jun'r, and John Powell, abutters and owners of lands on both sides of said alley, have proposed to give, out of their said lands, so much land as, together with a piece of land of three feet and three inches in width, — and to extend sixty feet in length, — out of the province land on the west side of said alley, will widen said alley, and open a passage therein sufficient as well for carriages and horses, as foot-passengers; and the said inhabitants and abutters have joined in humbly supplicating this court that a grant of said piece of land may be made for the purpose aforesaid,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Province land allotted for widening Governor's Alley.

[SECT. 1.] That a strip of the province land lying on the west side of the aforesaid alley, and bounding, northerly, on land of John Powell, Esq., and to measure three feet and three inches in width, and to extend sixty feet in length on said alley; also another narrow strip of land, beginning at the south-easterly corner of the province stables adjoining said alley, and running, in a line parallel with the easterly end of said stables, until the same line extend to Bromfield's Lane, so called, be allotted and laid out, for and towards widening the said alley, and that the same remain, in common, to and for the use and benefit of the said alley forever.

Proviso.

Provided, always, —

Abutters to lay out land for the same purpose.

[SECT. 2.] That the said Archibald M'Neill and William Coffin, jun'r, allot and lay out, of their lands lying on the east side of the said alley, fifty-nine feet in length and three feet in width; and that the said John Powell lay out as much of his land on the west side of said alley as will make the same of sufficient width for the passage of carriages of all denominations; viz., all the land that shall fall westerly of a strait line running from the south-easterly corner of Abigail Blower's house, being in said alley, to the north-easterly corner of the province stables aforesaid; and that the same remain, in common, for the use and benefit of the said alley forever. [*Passed and published March* 6, 1773.

CHAPTER 29.

AN ACT FOR DIVIDING THE TOWN OF POWNALBOROUGH INTO TWO DISTINCT PRECINCTS, BY THE NAME OF THE WEST PRECINCT AND EAST PRECINCT.

Whereas for the propagation and support of the gospel it is found necessary to divide the town of Pownalborough into two precincts; and to the end the Christian religion may be encouraged, and the inhabitants of the said town accommodated in attending the public worship of God, — Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the said town of Pownalborough shall be and hereby is divided into two precincts, by the names of the West Precinct and East Precinct, respectively; and the said West Precinct shall be bounded as follows; viz[t]., to begin at Kennebec River on the line between the said town and the town of Woolwich; from thence, to run on the said line, three miles; from thence, to run on a straight line, to the middle of the great bridge, on the county road leading from Sheepscut River to Kennebec River, erected over Doctor Gardiner's Mill Brook, so called; from thence, on a north north-east course, to the northern line of the said town, including the whole of the farm, or land, there, belonging to Doctor Sylvester Gardiner; from thence, by the said northern line, to Kennebec River; thence, down the said Kennebec River, to the first-mentioned bounds (including Swan Island in said Kennebec River), with all the land and estates within the bounds aforesaid, and shall be a separate precinct by the name of the West Precinct. Bounds of West Precinct.

And be it further enacted,

[Sect. 2.] That the said East Precinct shall be bounded as follows; viz[t]., north-westerly, on the said West Precinct, from the south to the north line of the said town; north-easterly on the northerly line of the said town; easterly and southerly, on Sheepscut and Monswegue rivers; and south-westerly, on the line dividing the said town from the town of Woolwich, until it comes to the said West Precinct as bounded on said line, — including all the lands in the said town of Pownalborough, except those mentioned to be contained in the said West Precinct; and shall be a distinct and separate precinct by the name of the East Precinct. Bounds of East Precinct.

And be it further enacted,

[Sect. 3.] That the said precincts shall be and hereby are invested with all the rights, privileges and immunities which, by law, other precincts are invested with. Invested with rights, &c., as other precincts.

And be it further enacted,

[Sect. 4.] That Jonathan Bowman, Esq[r]., be and hereby is impowered to issue his warrant to some principal inhabitant of the respective precincts, requiring them to notify and warn the inhabitants to meet at such time, and place in the said precincts, respectively, as by such warrants shall be duly specified, and then and there chuse such officers as may be necessary to manage the affairs of the said precincts; and the inhabitants qualified by law to vote, being so met, shall be and hereby are impowered to chuse such precinct officers, accordingly. [*Passed February* 27*; *published March* 6, 1773. Jonathan Bowman, Esq., to issue his warrant to notify a meeting of each precinct.

* Signed March 6, according to the record.

CHAPTER 30.

AN ACT TO MAKE PROVISION FOR THE ASSESSING THE MONIES UPON THE LANDS OF THE PROPRIETORS IN THE TOWNSHIP OF ASHFIELD, IN THE COUNTY OF HAMPSHIRE, WHICH ARE DUE FROM THE SAID PROPRIETORS, TO DEFREY THE CHARGES HEREAFTER MENTIONED, AND TO PROVIDE A METHOD FOR THE COLLECTING AND LEVYING OF THE SAME.

Preamble.

WHEREAS it is made to appear to this court that divers sums of money are due to the Reverend Mr. Jacob Sherwin, minister of said Ashfield, from the said proprietors, for some arrears of his settlement, agreed and engaged to him by them, and also towards his salary to this time; and also that other sums of money are due from said proprietors for work and materials for the building the meeting-house in the said Ashfield, and for making and repairing public ways and roads there; and also for defreying the charges and expences necessarily incurred by divers persons, employed by the said proprietors, in applying to the general court for relief from the perplexities and difficulties in which the said proprietors have been involved by the expiring of one late act or law of this province made and passed in the second year of his present majesty's reign, intitled "An Act to subject the unimproved lands within this province to be sold for the payment of taxes assessed on them by order of the general court, and votes and agreements of the proprietors thereof, and to enable proprietors of new plantations to levy province and county taxes laid on them;" and also by the imperfection and uncertainty of a certain paragraph in the act or law for incorporating the inhabitants of the said Ashfield into a town, and in attending and waiting upon committees of the general court appointed to enquire into and consider of their affairs; and also to other persons for several services done by order of the said propritors for them: and, because the said proprietors are and will remain unable to raise any monies for the payment and discharge of the debts aforesaid without the aid of this court by some new act, —

1761-62, chap. 44.

Be it therefore enacted by the Governor, Council and House of Representatives,

Jedediah Foster, Esq., William Williams, Esq., and Mr. Thomas Denny, a committee to determine what is due to the Rev. Mr. Sherwin, &c., since the incorporation of Ashfield.

[SECT. 1.] That Jedediah Foster, Esq., William Williams, Esq., of Hatfield, and Mr. Thomas Denny, be a committee to repair to said town of Ashfield, as soon as may be, who are hereby impowered to enquire, ascertain and determine, in the best manner they can, what is or may be due to the Reverend Mr. Sherwin, the said minister, for and towards his settlement in the ministry there, by virtue of his contract with the proprietors; also what may be due and unpaid towards the building of the meeting-house in said place, and the charges and expences incurred in and about the same; also all other necessary and occasional charges that have arisen in and upon said town since their incorporation, which, by the act incorporating the inhabitants of said place into a town by the name of Ashfield, were to be assessed on the proprietors of the said place, according to their interest, — excepting the charge of supporting of said Mr. Sherwin since his settlement in the said Ashfield, — and having ascertained such debts, the said Jedediah Foster, William Williams and Thomas Denny, or the major part of them, are hereby impowered to assess such sums as they shall find and judge due, upon the lands already laid out in said township of Ashfield (the public rights excepted), such proportion

To assess such sums as they judge due, upon lands that have not already paid.

thereof as shall appear to said committee not to have been already paid.

Be it further enacted,

To ascertain and assess what is due to Mr. Sherwin.

[Sect. 2.] That the aforesaid committee be and hereby are further impowered to enquire and ascertain what is or may be due to the said Mr. Sherwin for his support or salary, agreeable to his contract with the proprietors, since his settlement to the time of making this act; and, having so done, the aforesaid committee, or the major part of them, are hereby impowered to assess such sum on the lands of the proprietors already laid out (excepting the public rights and the lands of the Baptists in said town), each lot its due and equal proportion thereof according to its nominal quantity.

Be it further enacted,

To be under oath, and appoint collectors.

[Sect. 3.] That the said committee shall be under oath for the faithful performance of their trust, and shall have power to appoint a collector or collectors as they shall think necessary, to collect said taxes, who also shall be sworn to the faithful performance of their duty.

Be it further enacted,

Proprietors neglecting to pay the committee, to be proceeded against, agreeable to an act made in the second year of his present majesty's reign. 1761-62, chap. 44.

[Sect. 4.] That if any of the proprietors shall neglect to pay such sums as he shall be assessed, to the collector or collectors, for the space of ninety days, — notice of such assessment being given by said committee in the manner as is provided in an act or law of this province, made in the second year of his present majesty's reign, intitled "An Act to subject the unimproved lands within this province to be sold for the payment of taxes assessed on them by order of the general court, and votes and agreements of the proprietors thereof, and to enable proprietors of new plantations to levy province and county taxes laid on them," — then and in such case, the committee aforesaid, or the major part of them, are hereby impowered to make sale of so much of such delinquent proprietors' land there as shall be necessary for the payment of such taxes, and the reasonable charges arising thereon, in such manner as in and by the said last-mentioned act is provided for the payment of such taxes and charges, reserving to such non-resident proprietors liberty for redemption of their land so sold, — they paying to the vendees, their heirs or assigns, respectively, within one year afterwards, the sum or sums for which said lands were sold, with the costs of sale, and twelve pounds interest for every hundred pounds, and so in proportion for a greater or lesser sum, until the same be redeemed.

And be it further enacted,

The money levied, to be paid to the treasurer of the proprietors, subject to the orders of the committee.

[Sect. 5.] That all such sums of money as shall be assessed and levied in manner aforesaid, shall be paid by the collector of the said proprietors, and by the said committee, respectively, into the hands of the treasurer of the said proprietors, to the use of the said proprietors, and shall be by him paid out to such persons to whom the said committee, or the major part of them, shall judge the same to be due, upon orders from the said committee, or the major part of them, to be therefor drawn on the said treasurer in case the said proprietors, at any legal proprietors' meeting, hereafter to be called and held, shall, by a major vote, agree and give their consent thereto.

Provided, always, —

Proviso, respecting Baptists.

[Sect. 6.] That the said Baptists shall not have any voice or vote respecting the payment or disposition of the monies which shall be assessed and levied by the said committee for the payment of the said Mr. Sherwin's salary, nor upon the question whether those

monies shall be ordered out of the said treasurer's hands, by the said committee.

Be it further enacted,

Paragraph in a former act, repealed. 1765–66, chap. 13, § 3.

[SECT. 7.] That the paragraph in the act incorporating the inhabtants of Ashfield into a town by the name of Ashfield, directing how taxes should be raised, for the purposes therein mentioned, and every part thereof, be and hereby is repealed.

Be it further enacted,

The inhabitants to pay for finishing of the meeting-house, &c.

[SECT. 8.] That the inhabitants of the town of Ashfield aforesaid, exclusive of the Baptists there, be at the charge of finishing the meeting-house in said town, and supporting the said Mr. Sherwin for the future.

Be it further enacted,

Exempted from paying province and county taxes for three years.

[SECT. 9.] That, by reason of the unhappy difficulties that have arisen of late in the said town of Ashfield, and their poverty, the inhabitants of the said town, and their estates, be and hereby are exempted from paying province and county taxes for the space of three years next coming.

Be it further enacted,

Charges of the committee, &c., to be paid by order of court.

[SECT. 10.] That the services of the aforesaid committee, which they shall perform, and of the collector or collectors, by virtue of this act, shall be paid as the general court shall hereafter order.

Be it further enacted,

The committee to adjust Mr. Sherwin's accounts, &c.

[SECT. 11.] That the committee aforementioned shall be and are hereby impowered to adjust the accounts of Mr. Sherwin's settlement, and building the meeting-house, and the charges and expences incurred in and about the same, and other necessary and occasional charges that have arisen in and upon said town since their incorporation; and if they find the Baptists have paid more than their proportion of the same, according to the conditions of the grant of said township, then they shall be reimbursed out of the first assessment that said committee, or the major part of them, shall order; the assessment to be enlarged for that purpose.

If the Baptists have paid more than their proportion, to be reimbursed.

Provided, *always*, —

And be it further enacted,

Proviso for creditors to the proprietors.

[SECT. 12.] That no judgment or opinion of the said committee, appointed by this act to enquire and judge of the debts, due from the said proprietors to any particular person or persons, creditors to the said proprietors, shall ever operate, or be construed, to bind or conclude such creditor or creditors as to the quantum of his just or legal demands upon them, or to bar such creditor or creditors from controverting or trying the same in law. [*Passed and published March* 6, 1773.

CHAPTER 31.

AN ACT IN FURTHER ADDITION TO AN ACT INTITLED "AN ACT FOR THE ORDERLY CONSUMMATING OF MARRIAGES," MADE AND PASSED IN THE FOURTH YEAR OF THEIR LATE MAJESTIES KING WILLIAM AND QUEEN MARY.

Preamble. 1692–93, chap. 25. 7 Mass., 54. 127 Mass., 463.

WHEREAS the ministers of the Church of England, within this province, have no power by law to join persons in marriage who do not belong to the towns in which such ministers themselves dwell, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Ministers of the Church of England may join persons in marriage that belong to other towns, besides that in which they reside;

[Sect. 1.] That from and after the [20th] [*twentieth*] day of March [1773] [*one thousand seven hundred and seventy-three*], it shall be lawful for any minister of the Church of England to join any person in marriage, that may lawfully enter into such a relation, who usually and frequently attend the worship of God with such minister on Lord's Days, the ministerial taxes of which persons he has a right by law to receive, although such persons do not belong to the town in which such minister himself dwells: *provided*, they produce a certificate to such minister of their having been published agre[*e*]able to the laws of this province.

[And] *be it further enacted*,

— may join in marriage persons that do not attend their ministry, in cases.

[Sect. 2.] That where any minister of the Church of England is himself to be married, or where such minister shall be removed by death, or otherwise, so that the religious society of Christians in which he presided shall be destitute of a minister, it shall be lawful in such cases for the next minister, within the province, of the same denomination, to join in marriage the minister, or any of the people constituting such religious society, who may lawfully enter into such a relation, when they may become destitute, as aforesaid; certificates of publishment, agre[*e*]able to the laws of this province, being first produced, as aforesaid.

Preamble.

And whereas the treasurers of the counties, who, only, are appointed to sue for and recover the fine of fifty pounds forfeited by such as presume to join persons in marriage contrary to the laws of this province, have been negligent of their duty, and more effectual provision is necessary to be made, —

Be it further enacted,

The fine for marrying contrary to law, may be sued for by parents, guardians, selectmen, &c.

[Sect. 3.] That every justice, minister, or other person, who shall solemnize marriages contrary to this or any former act, now in force, shall not only be liable to the suit or action of the parent, guardian, or others whose immediate care and government either of the parties were under at the time of such marriage, for the recovery of damages, but such parent, guardian, or others whose immediate care and government either of the parties were under, or either of the selectmen of the town where such offence may be committed, shall have, and there is hereby given them, as full and ample power to sue for and recover the fine aforesaid as the county treasurers, respectively, now have; the same to be recovered in like manner, and to be applied to the same purpose, as is by law already provided. [*Passed and published March* 6, 1773.

CHAPTER 32.

AN ACT IN ADDITION TO AN ACT INTITULED "AN ACT TO LIMIT AND DIRECT IN SUING OUT EXECUTIONS UPON JUDGMENTS OF COURTS."

Preamble. 1741–42, chap. 22.

Whereas, in and by an act made and passed in the sixteenth year of his late majesty King George the Second, intitled "An Act to limit and direct in suing out executions upon judgments of courts," it is enacted, "That, when judgment shall be given in any court of

Reciting an Act of 16th George II.

record, the party obtaining it may sue out execution thereon at any time within a twelvemonth, and afterwards renew it as often as occasion shall require; and where any execution shall be returned without any satisfaction made, or satisfied only in part, the clerk of the said court, within a twelvemonth after the return thereof into the office, may, *ex officio*, renew or make out an *alias* or *pluries* execution for the whole or the remainder, as the case may be, till the judgment be fully satisfied; but, if the party shall neglect to sue out his execution, *alias* or *pluries*, within the times afore limited, he shall sue out a writ of *scire facias*, and cause the adverse party to be served therewith, or an attested copy thereof to be left at his dwelling or place of usual and last abode, seven days, inclusive, before the court's sitting, requiring him to shew cause, if any he have, why execution ought not to be done; and, upon his non-appearance, or not shewing sufficient cause, the court shall award execution for what remaineth, with additional cost;" *and whereas*, also, when judgment is rendered, if the party obtaining it dies, no execution can be sued out thereon, without a writ of *scire facias* being first brought and prosecuted with effect; and because, upon a writ of *scire facias*, neither the goods or estate of the debtor can be attached, nor his body taken, the debt may be lost, —

Be it enacted by the Governor, Council and House of Representatives,

Method for regulating executions.

That when judgment is given in any court of record, and remaineth in force, the party obtaining it, his or their executors or administrators, may, instead of a writ of *scire facias*, have and maintain an action of debt upon such judgment, in the same court where the record thereof remaineth. [*Passed and published March* 6, 1773.

CHAPTER 33.

AN ACT FOR SECURING THE SEASONABLE PAYMENT OF TOWN, DISTRICT, AND PRECINCT, RATES OR ASSESSMENTS.

Preamble.

WHEREAS the method directed to by law, and heretofore practised by the receivers or treasurers of towns, districts and precincts, has been to sue for and recover town, district, and precinct, rates and assessments, or the arrears thereof, by mean process against the constables or collectors to whom they were committed to be gathered, who neglected their duty therein, whereby the payment of such rates or assessments into the respective town, district, or precinct, treasurers has been greatly delayed, to the grievous damage of many places; to prevent which for the future, —

Be it enacted by the Governor, Council and House of Representatives,

Town treasurers empowered to issue warrants against constables and collectors that are deficient in collecting rates.

[SECT. 1.] That if the constable or collector of any town, district or precinct within this province, to whom any town, district, or precinct, rates or assessments have been, or may hereafter be, committed to collect, shall be remiss in his duty by law required, and neglect to collect, such rates and assessments as have been or may hereafter be committed to him to collect, and pay the same to the receiver or treasurer of such town, district or precinct, by the time fixed in the warrant to him directed, or within one month next after the expiration thereof, such treasurer or receiver is hereby empowered, by warrant under his hand and seal, directed to the sheriff of

the county, or his deputy, where said delinquent constable or collector may reside, — and in all cases wherein such delinquent constable or collector may happen to be a sheriff or deputy sheriff, then such treasurer or receiver may direct such warrant to the coroner of such county, or his deputy, who are hereby, respectively, directed and empowered to execute the same, — to cause such sum or sums of money as such constable or collector has not paid in, to be levied by distress and sale of his real and personal estate: and such coroner, or his deputy, is hereby authorized and empowered to give a good title to the same (returning the overplus, if any be), notice of such sale being posted up in some publick place or places, in the town or district wherein such estates shall or may be found, four days, at least, before the time of such sale; and for want of such estate to take the body of such constable or collector, and to imprison him until he pay the same.

And be it further enacted,

[Sect. 2.] That all warrants that shall hereafter be issued by any treasurer as aforesaid, against any constable or collector as aforesaid, shall be made returnable and shall be returned accordingly, together with the monies he hath received or may receive thereon, if any, unto said treasurer, or into his office, within three months from the day of the date of said warrant, on penalty of eighteen per cent per annum from the expiration of the said three months. Warrants returnable to the treasurer, in three months.

And whereas some doubts have arisen whether a constable or precinct collector has power to collect the taxes to him committed, within such precincts as consists of inhabitants who belong to different towns, in those parts of such precincts of which town such constable or collector is not an inhabitant, — Preamble.

Be it enacted,

[Sect. 3.] That every constable, or precinct collector, shall have the same power to collect the taxes to him committed, in every part of such precinct as consists of inhabitants belonging to different towns, as fully as if such precinct was contained in the same town of which such constable or collector is an inhabitant. Constable, or precinct collector, empowered.

And be it further enacted,

[Sect. 4.] That the warrant to be issued by any of the treasurers or receivers aforesaid, shall be in the form following; viz., —

Form of town treasurer's warrant.

B., ss.,

A. B., treasurer of the of B., in said county, —

[L.s.] To the sheriff of the county of S , or his deputy, Greeting:

Whereas, C. D. of B., aforesaid [addition], on the day of being a of rates and assessments, granted and agreed on by the aforesaid, had a list of assessments, duly made by the assessors of the aforesaid, amounting unto the sum of , committed to him, with a warrant, under their hands and seals, directing and empowering him to collect the several sums in said assessments mentioned, and pay in the same to the treasurer of aforesaid, by the day of , but the said C. D. has been remiss in his duty by law required, and hath neglected to collect the several sums aforesaid, and pay the same to the treasurer of the aforesaid, and part thereof; viz., still remains due, and the said C. D. still neglects to pay the same, —

You are hereby, in his majesty's name, required forthwith to levy the aforesaid sum of , by distress and sale of the said C. D real or personal estate, and pay the same unto the treasurer of said , returning the overplus, if any there be, to the said C. D., and, for want of such estate, to take the body of the said C. D., and commit him to his majesty's goal , in the county aforesaid, there to remain until he has paid the said sum of , with your fees, or that he be otherwise discharged by

order of law; and make return of this warrant to myself or my successor, as treasurer of said .

Given under my hand and seal this day of , in the year of his majesty's reign, *Annoque Domini*, .

A. B.

[*Passed and published March* 6, 1773.

CHAPTER 34.

AN ACT FOR CONFIRMING THE TITLES AND QUIETING THE POSSESSIONS OF THE PROPRIETORS OF THE TOWNS OF LUNENBURGH AND FITCHBURGH.

Preamble,

— referring to a committee of the general court, in 1719, that allotted a township called Turkey Hills, now Lunenburg and Fitchburg.

WHEREAS the great and general court or assembly of this province did, on the fourth day of Decem[*be*]r, seventeen hundred and nineteen, grant a new township at a place called Turkey Hills, then called Southtown, now Lunenburgh and Fitchburgh, which, at that time, was a frontier town of six miles square, and said court did, on the seventh day of December, seventeen hundred and nineteen, appoint and fully impower William Taylor, Samuel Thaxter, Francis Fullam, Esqrs., Capt. John Sheple and Mr. Benjamin Whittemore, a committee to allot and grant out the lands in said new town; which committee did afterwards, agre[*e*]able to the order of said court, allot and grant out said new township, and make return of their proceedings into the secretary's office, as appears by the return of the committee, under their own hands, on the proprietors' book; but the plan of each lot, with the then possessors' and proprietors' names that had the land confirmed to them, is not to be now found in the secretary's office, nor elsewhere, but is supposed to be burnt among the files when the late court-house in Boston was consumed by fire: by which means the property of some hundreds of the good people of this province is rendered precarious, as the same lands have been brought to, out of a state of nature, and been improved, between forty and fifty years, and have passed, by sales, through a great number of hands, — so that, without the interposition of this court, the present possessors, and others, are in danger of the greatest difficulties, distresses and losses, relative to their properties in said towns; for the preventing of which, —

The returns of said committee, being burnt,

Be it enacted by the Governor, Council and House of Representatives,

— their proceedings confirmed.

That said committee's proceedings, in allotting out and granting said lands in said new township, — now Lunenburgh and Fitchburgh, — with the records and transfers of lots in said towns, which were delivered up to said proprietors by order of the general court, be and are hereby confirmed, with the said proprietors' proceedings thereon ever since, and are hereby made valid in law, to all intents and purposes whatsoever. [*Passed February* 16; *published March* 6, 1773.

CHAPTER 35.

AN ACT TO ENABLE THE TOWN OF WESTMINSTER TO COLLECT CERTAIN TAXES.

Whereas the general court, at their session in the year one thousand seven hundred and sixty, ordered a tax of one-half penny per acre, for four years then next ensuing, be granted upon all the lands of the non-resident proprietors of the town of Westminster, for defreying ministerial charges; *and whereas* the assessors of said proprietors of Westminster have made said tax, and, as has been represented to this court, have legally published the same, and some persons who were owners of said lands at said time neglect or refuse to pay the said taxes, — Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the selectmen of the town of Westminster for the time being, be and hereby are impowered and directed to sell so much, and no more, of the delinquent non-resident proprietors' lands as neglect or refuse to pay the tax aforesaid, as shall be sufficient to pay and satisfy said tax, and other intervening charges; they posting up a notification of the sale of the same, in some public place in the town of Westminster aforesaid, and in the shire town in the county of Worcester: and also the said selectmen shall be obliged, for the notification of the non-resident proprietors of said lands in Westminster, to adverti[z][s]e in two of the Boston newspapers, three weeks, successively, the time and place of the intended sale, three months, at least, before the said lands are sold; and it shall and may be lawful for said selectmen, at a public vendue, to sell said lands as aforesaid, and to execute an absolute deed or deeds in law for conveyance of said lands of the proprietors aforesaid, to the person or persons who will give most for the same: *provided*, said selectmen proceed to make such sales within three days after the time set for said sales, and shall not make any adjournment of said vendue after said three days; which deed or deeds shall be good and valid, to all intents and purposes, in the law, forever: reserving, nevertheless, to any of the said non-resident proprietors, their heirs or assigns, liberty of redemption of their lands so sold, they paying to the purchasers of said lands, or their heirs, respectively, within one year afterwards, the sum or sums for which said lands were sold, with charges of sale and charges laid out in making improvement thereon, with the further sum of twelve pounds for each hundred pounds of money produced by said sale, and, proportionably, for any other sum. Selectmen of Westminster, empowered to sell delinquent non-resident proprietors' lands. Notice of sale to be given. Liberty of redemption of lands sold.

And be it further enacted,

[Sect. 2.] That the said selectmen shall pay the money arising by the said sale, to the treasurer of said town for the time being; and the said treasurer is hereby directed to dispose of the same as the said town has or may direct. [*Passed March* 4;* *published March* 6, 1773. The town to dispose of the money.

* Signed March 6, according to the record.

CHAPTER 36.

AN ACT FOR INCORPORATING THE WEST PART OF THE TOWN OF GREAT BARRINGTON, IN THE COUNTY OF BERKSHIRE, INTO A DISTRICT BY THE NAME OF ALFORD.

Preamble.

WHEREAS it has been made to appear to this court by a number of the inhabitants of the west part of the town of Great Barrington, in the county of Berkshire, that they labour under great difficulties by reason of their distance from the place of public worship in said town, praying to be erected into a separate district, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Bounds of Alford district.

[SECT. 1.] That the west part of the town of Great Barrington, and those lands lying west of and adjoining to the town of Stockbridge, as hereafter described; viz[t]., begin[n]ing at the north-west corner of said Great Barrington Town Lots, so called, and the south-west corner of the town of Stockbridge; and thence, run[n]ing so far, southerly, upon the west end of said lots, [as] to the north line of the town of Egremont, and the north lines of the farms of Peter Borghardt, Jacob Borghardt and Peter Sharp; and thence, west, upon the said north line of said Egremont, to the line that divides this province from the province of New York; thence, north, upon the said dividing line, to the north line of James M[c]Lelan's farm whereon he now lives; thence, east, to the west line of the town of Stockbridge; thence, south, to the said south-west corner of Stockbridge, — be and hereby are incorporated into a separate district by the name of Alford; and that the inhabitants thereof be vested with all the powers, privileges and immunities which the inhabitants of any town within this province do, or by law ought to, enjoy, excepting only the privilege of sending a representative to the general assembly: and that the inhabitants of said district shall have liberty, from time to time, to join with the towns of Great Barrington, Sheffield and Egremont, in the choice of a representative or representatives, — which representatives may be indifferently chosen from either of the towns aforesaid or said district; the pay or allowance of such representatives to be borne by said towns and districts according to their respective proportions of the province tax; and that the town of Sheffield, as often as they shall call a meeting for the choice of representatives, shall, from time to time, give seasonable notice to the clerk of said district of Alford for the time being, of the time and place for holding said meeting, to the end that the said district may join therein; and the clerk of said district shall set up in some public[k] place in said district a notification thereof accordingly.

Invested with powers and privileges.

To join with Great Barrington, Sheffield and Egremont, in choosing a representative.

Proviso.

Provided, nevertheless, —

And be it further enacted,

To pay their proportion of taxes laid on Great Barrington.

[SECT. 2.] That the said district shall pay their proportion of all such province, county, and town, charges as are already granted and assessed, or to be assessed and collected, in said town of Great Barrington: *saving* all such sums of money as now are granted, voted and assessed, or to be assessed and collected, in said town of Great Barrington for the purpose of settling and supporting a minister therein and repairing the meeting-house, from which the said district shall be utterly exempted.

And be it further enacted,

[Sect. 3.] That the said district shall pay and bear their proportionable part, according to their proportion of the province tax, of supporting and maintaining the poor of the said town of Great Barrington that are at this time the charge of the said town, and pay the same, annually, into the hands of the town treasurer of said Great Barrington; and the town clerk thereof is hereby directed, some time in the month of October, annually, to transmit to the assessors of said district, for the time being, a true and perfect account of all such sums of money as may or shall be voted and granted to be assessed, raised and levied, in said town of Great Barrington, for the purpose of supporting such poor person or persons, and also a list of their several names; and the assessors of said district be and hereby are impowered and directed to assess the same accordingly. To pay their proportion of maintaining the poor of Great Barrington.

And be it further enacted,

[Sect. 4.] That after this present year, and until a new valuation of the polls and estates throughout this province shall be taken, agreed and concluded upon, that the inhabitants of the said district shall pay one fourth part of the province tax that would have been set upon the said town of Great Barrington if the said district had not been made, and also the twenty-seventh part of the province tax that would have been set on the said town of Stockbridge. To pay a fourth part of province tax of Great Barrington, and a 27th part of Stockbridge.

And be it further enacted,

[Sect. 5.] That David Ingersol, jun'r, Esq[r]., be and hereby is impowered and directed to issue a warrant, directed to some principal inhabitant of said district, requiring him to warn and give notice to the inhabitants thereof to assemble, at some suitable time and place, in said district, to chuse such officers as are necessary to manage the affairs of said district. [*Passed February* 16; *published March* 6, 1773. David Ingersoll, jr., Esq., empowered to issue his warrant.

CHAPTER 37.

AN ACT FOR ERECTING A TOWNSHIP IN THE COUNTY OF BERKSHIRE, AT A PLANTATION CALLED TYRINGHAM EQUIVALENT, BY THE NAME OF LOUDUN.

Whereas the inhabitants of a tract of land called Tyringham Equivalent, in the county of Berkshire, have represented to this court the great difficulties and inconvenienc[*i*]es they labour under in their present situation, and have earnestly requested that they may be erected into a town, — Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the said tract of land called Tyringham Equivalent, bounded as follows: easterly, by Blanford; southerly, by Granville; and westerly, by Sandisfield and, partly, by a tract of land called the Eleven Thousand Acres; northerly, by Chandler, Belcher, and Rand's grant, and so to run, ranging with Rand's south line, easterly, to Blanford line, — be and hereby is erected into a town by the name of Loudun; and that the inhabitants thereof, be and hereby are invested with all the powers, privileges and immunities which the inhabitants of any of the towns within this province, respectively, do, or by law ought to, enjoy. Bounds of Loudun.

And be it further enacted,

John Chadwick, Esq., empowered to call a meeting.

[SECT. 2.] That John Chadwick, Esq[r]., be, and he hereby is, impowered to issue his warrant, directed to some principal inhabitant in said town, requiring him to notify and warn the inhabitants thereof, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all such officers as shall be necessary to manage the affairs of said town. [*Passed February* 27;* *published March* 6, 1773.

CHAPTER 38.

AN ACT TO PREVENT AND DISCOURAGE THE INHABITANTS OF THIS AND THE NEIGHBOURING GOVERNMENTS FROM GIVING LARGE CREDIT TO THE INDIANS INHABITING, OR WHO SHALL BE HEREAFTER INHABITANTS, WITHIN THE TOWN OF STOCKBRIDGE.

Preamble

WHEREAS sundry of the inhabitants of this and other of the neighbouring governments, for the sake of gain, have heretofore given large credit to the Stockbridge Indians, which has tended greatly to the injury of those Indians in their manners and estates, and will, if not prevented, soon reduce them and their families to a state of utter ruin; wherefore, for preventing the same, —

Be it enacted by the Governor, Council and House of Representatives,

No action to be maintained against the Stockbridge Indians for a sum exceeding thirty-five shillings.

That no person or persons shall, hereafter, within this government, have or maintain any action or demand in law against any of those Indians, for any debt, specialty, contract or account had or made after the last day of March, one thousand seven hundred and seventy-three, wherein such debt, specialty, contract, account or demand shall be for more than the sum of thirty-five shillings. And if any action or actions shall hereafter be brought against such Indian or Indians, wherein the demand shall be for a sum more than thirty-five shillings, contracted after the last day of March next, such Indian or Indians may plead this act in bar of the same; and judgment shall be given for such Indian or Indians to recover costs against the plaintiff or plaintiffs in such action or actions. [*Passed and published March* 6, 1773.

CHAPTER 39.

AN ACT FOR SETTING OFF CERTAIN LANDS BELONGING TO THE TOWN OF PRINCETON, IN THE COUNTY OF WORCESTER.

Preamble. 1770-71, chap. 23.

WHEREAS the general court, at their session in April, one thousand seven hundred and seventy-one, erected the district of Princeton into a town by the name of Princeton, together with all the lands that adjoin thereto, not belonging to any other town or district, by means whereof the said town of Princeton is in a very irregular form, and the inhabitants thereof put to great expence in laying out roads, and

* Signed March 6, according to the record.

the persons who improve the said adjoining lands labour under greater inconveniencies than heretofore, —

Be it therefore enacted by the Governor, Council and House of Representatives,

That all the lands included in the said town of Princeton which did not belong thereto when it was a district, be set off; and that the same lands remain as they did before the incorporation of the said district into a town. [*Passed and published March* 6, 1773.

Certain lands set off from Princeton.

CHAPTER 40.

AN ACT FOR ANNEXING CERTAIN LANDS TO THE TOWN OF GREAT BARRINGTON, IN THE COUNTY OF BERKSHIRE.

Be it enacted by the Governor, Council and House of Representatives,

That the lands belonging to Richard Houck, without the bounds of any town, which lye contiguous to Great Barrington, bounded as follows; viz[t]., begining at the south-west corner of a tract of land sold by Pel[a][e]tiah West, to Jonathan West and Elisha West; thence, west, eight degrees north, on the south line of a tract of land called the Glassworks Grant, two hundred and thirty-seven rods, to a small hemlock-tree, marked; thence, south, one hundred and eighteen rods, to a stake and stones; thence, east, seven degrees south, two hundred and one rods, to a small hemlock-tree, marked, standing on the west bank of Housatonnock River; thence, southerly, on said river, one hundred and thirty rods, to the first-mentioned bounds, — be and hereby are annexed to the said town of Great Barrington; together with all the inhabitants that now dwell, or that shall hereafter dwell thereon, who hereby are and shall be subjected to do duty and intitled to receive privilege equal with other inhabitants of the said town of Great Barrington, to all intents and purposes whatsoever. [*Passed February* 16; *published March* 6, 1773.

Lands of Richard Houck, annexed to Great Barrington.

CHAPTER 41.

AN ACT FOR ANNEXING SUNDRY PERSONS, INHABITANTS OF THE FIRST PRECINCT IN THE TOWN OF MARSHFIELD, WITH THEIR ESTATES, TO THE SECOND PRECINCT IN SAID TOWN.

Whereas it appears to this court that it would be very convenient that [*sundry persons of the first precinct in* *] Marshfield should be set off, with their estates, and annexed to the second precinct in said town, — Preamble.

Be it enacted by the Governor, Council and House of Representatives,

That the persons hereafter named, inhabitants of said first precinct; viz[t]., Israel Tilden, Seth Derrow, Nicholas Porter, Robert Sherman, Valentine Sherman, William M[c]'Comber, Thomas M[c]'Comber, jun'r, Barnabas Fountain, Levi Ford, John Tilden, jun'r, and Rachel Joyce, with their families and estates, be annexed to the second precinct in

Sundry inhabitants of the first precinct in Marshfield, set off to the second precinct.

* Parchment mutilated by mice.

the town of Marshfield; and that they, the aforenamed persons, with their families, and such others as shall hereafter dwell on such estates, shall hereafter be considered as part of the second precinct in said town, and there do duty and receive privileges. [*Passed February* 16; *published March* 6, 1773.

CHAPTER 42.

AN ACT FOR ESTABLISHING AND REGULATING THE FEES OF THE SEVERAL OFFICERS, WITHIN THIS PROVINCE, HEREAFTER MENTIONED.

Preamble. 1764-65, chap. 26.

Be it enacted by the Governor, Council and House of Representatives, [SECT. 1.] That from and after the eighth day of March [1773] [*one thousand seven hundred and seventy-three*], the establishment of the fees belonging to the several officers hereafter mentioned, within this province, be as followeth; viz[t].,—

JUSTICE'S FEES.

Justice's fees.

For every writ of attachment or original summons, one shilling.
Summons, upon a *capias* or attachment, sixpence.
Every subpœna, for one or more witnesses, sixpence.
Entring an action or filing a complaint in civil causes, two shillings.
Writ of execution, one shilling and fourpence.
Filing papers, each, one penny halfpenny.
Taxing a bill of costs, threepence.
Entring up judgment in civil or criminal causes, ninepence.
Copy of every evidence, original papers or records, eightpence per page for each page of twenty-eight lines, eight words in a line: if less than a page, fourpence.
A recognizance or bond of appeal, including principal and sureties, one shilling.
Taking affidavits out of their own courts in order for the trial of any cause, one shilling; and two shillings for his travel every ten miles, and so in proportion; his travel to be certified on the affidavit.
Taking affidavits in *perpetuam*, to each justice, one shilling.
For every oath administred to one or more witnesses appearing at one and the same time, before refer[r]ees or arbitrators, one shilling.
To travel, the same as in taking affidavits.
To swearing persons appointed to appraize estates, or to appraize and divide real estates, together with certificates, one shilling and sixpence, in the whole.
Taking an acknowledg[e]ment with one or more seals, provided at one and the same time, one shilling.
Receiving a complaint and issuing a warrant in criminal cases, one shilling and sixpence.
For entring a complaint, making up judgment thereon, the same as in civil causes.
For granting a warrant, swearing appraizers relating to strays, and entering the same, one shilling and sixpence.
For affidavits in all other cases, with certificates, and examining, except oaths to be administred to town, district and precinct officers, eightpence.

CORONER'S FEES.

Coroner's fees.

For serving a writ, or summons, or execution, and returning an inquisition, and travel[l]ing fees, the same as by this act hereafter allowed to sheriffs.

Bail-bonds, one shilling.

Every trial where the sheriff is concerned, eightpence.

For attending the jury, one shilling.

For granting a warrant and taking an inquisition, six shillings; if more than one at the same time, seven shillings and sixpence, in the whole.

For travelling and expences for taking an inquisition, each day, four shillings.

The foreman of the jury, three shillings; and ten miles, accounted a day's travel, one shilling.

Every other juror, two shillings and sixpence; and travel the same as the foreman.

The constable, for his expences, summoning the jury and attendance, four shillings per day.

And all charges of the inquisition shall be paid out of the county treasury, except upon such as are cast away by sea, — and in such case the expence shall be paid out of the province treasury; such account of expence being first examined and allowed by the court of general sessions of the peace in the county in which such inquisition shall be taken.

JUDGE OF PROBATE'S, AND REGISTER'S, FEES.

Judge of probate's, and register's, fees.

For granting administration, — to the judge, three shillings: to the register, for writing letter and bond of administration, two shillings and sixpence.

For appointing or allowing guardians to minors: two shillings to the judge; and writing bond, letter of guardianship, and recording letter, three shillings to the register.

Proving a will or codicil: to the judge, three shillings and sixpence; to the register, two shillings and sixpence.

For examining and allowing inventory, and swearing the executor or executors, administrator or administrators, one shilling to the judge.

Recording a will, letter of administration or guardianship, inventory or account, of one page, and filing the same, one shilling and threepence; —

for every page more, of twenty-eight lines, of eight words in a line, eightpence.

For copy of a will and inventory, for each page, and other office copies, eightpence.

Allowing accounts, three shillings to the judge: decree for settling intestate estates; to the judge, three shillings.

For examining such accounts, one shilling.

A citation, ninepence.

A *quietus:* to the judge, one shilling; to the register, one shilling.

Warrant or commission for appraizing or dividing estates: one shilling and sixpence to the judge; to the register, one shilling.

Making out commission to receive and examine the claims of creditors to insolvent estates; to the judge, one shilling; to the register, one shilling; for recording, eightpence for each page.

Registring the commissioner's report, each page, eightpence.

Making out and entering an order upon the administrators for the distribution of the estate; to the judge, one shilling and sixpence; to the register, one shilling.

For proportioning such estate among the creditors, agre[*e*]able to the commissioner's return, four shillings.
For recording the same, eightpence per page.

And be it further enacted,

[SECT. 2.] That whenever any fees shall be paid in the probate office for the probate of a will, and letters testamentary, or for granting letters of administration, or letters of guardianship, or for any matter or thing from time to time arising in consequence of such letters testamentary, or letters of administration, or letters of guardianship, and until the estate upon which they are, respectively, granted shall be fully settled, a particular account of such fees, before payment, shall, if demanded, be, by the register or judge, set down in writing, and given to the person paying the same; and any such fees received without being thus ascertained in writing, shall be deemed illegal fees, and the person receiving the same shall forfeit and suffer accordingly.

IN THE SUPERIO[*U*]R COURT.

JUSTICES' FEES.

Justices of the superior courts, fees.

Entring an action, six shillings and eightpence.
Taking special bail, one shilling and sixpence.
Allowing a writ of error, two shillings.
Allowing an *habeas corpus*, one shilling and fourpence.
Taxing a bill of cost, eightpence.
For entering a petition, and making order thereon, for the sale or partition of real estates, and giving a copy of the same, seven shillings in the whole: the clerk to be paid out of the same, for recording, as usual.
Granting a writ of protection, one shilling.

CLERK'S FEES.

Clerk's fees.

A writ of review, three shillings.
A writ of *scire facias*, two shillings.
A writ of execution, one shilling and sixpence.
A writ of *facias habere possessionem*, two shillings and sixpence.
A writ of *habeas corpus*, two shillings.
Copies of all records, each page of twenty-eight lines, eight words in a line, ninepence; less than a page, sixpence.
Entring each action for trial, four shillings.
Entring each complaint, two shillings.
Receiving and recording a verdict, one shilling.
Entring a rule of court, ninepence.
Confessing judgment, or default, one shilling.
Every action withdrawn, or nonsuit, one shilling.
Entring an appearance, sixpence.
Acknowledging satisfaction of a judgment, on record, eightpence.
Examining each bill of cost, eightpence.
Continuing each cause, and entering the same next term, one shilling.
Fil[*l*]ing each paper in each cause, one penny halfpenny.
Proving a deed in court, and certifying the same, one shilling.
Ent[*e*]ring up judgment and recording the same at large, two shillings.
For each *venire*, to be paid out of the county treasur[*y*][*ie*]'s, respectively, on the justice's certificate, threepence.
Every writ and seal other than before mentioned, two shillings.
For every subpœna for one or more witnesses, sixpence.

Each recognizance, including principal and sureties, one shilling.
A writ of protection, one shilling.

IN THE INFERIO[*U*]R COURT OF COMMON PLEAS.

JUSTICES' FEES.

Justices of the inferior courts, fees.

Entring of every action, five shillings and fourpence.
Taxing a bill of cost, sixpence.
Taking a recognizance on appeals, including principal and sureties, one shilling.
Proving a deed, one shilling.
Granting a writ of protection, one shilling.
For entering a petition, and making order thereon, for the sale of real estates, four shillings to the justices, and, to the clerk, one shilling and sixpence.

CLERK'S FEES.

Clerk's fees.

Every action entered, one shilling and fourpence.
Every writ and summons, eightpence, in the whole.
Every appearance, fourpence.
Ent[*e*]ring and recording a verdict, eightpence.
Recording a judgment, one shilling.
Copies of all records, each page of twenty-eight lines, eight words in a line, eightpence.
Every action withdrawn, or nonsuit, eightpence.
Every execution, one shilling and fourpence.
Every oath and certificate respecting the taking bills of the other governments, fourpence.
Confessing judgment, or default, eightpence.
Acknowledging satisfaction of a judgment, on record, eightpence.
Continuing each cause, and entering at the next term, eightpence.
Each recognizance, including principal and sureties, one shilling.
Examining each bill of costs, sixpence.
Each *venire*, to be paid out of the county treasuries, respectively, by order of the court, threepence.
Writ of *facias habere possessionem*, two shillings.
Filing each paper, one penny halfpenny.
A writ of protection, one shilling.

ATTORNIES' FEES, AND ALLOWANCE TO PARTIES AND WITNESSES.

Attorneys' fees, and allowance to parties and witnesses.

Attorn[ie][*ey*']s fees; viz[t]., in the superior court, in a cause tried by jury, twelve shillings; in other causes in said court, and in all causes in the inferio[*u*]r court, and sessions, six shillings.
In criminal causes where there is one or more defendants tried by the same jury in the superior court, twelve shillings; and if there is no trial, six shillings; and in the court of general sessions of the peace, the same as in the inferior court of common pleas.
To parties recovering costs, and to witness in civil and criminal causes, whether in the superior or inferior courts, or courts of the general sessions of the peace, or before a justice, one shilling and sixpence for each day's attendance and travel, ten miles' travel to be accounted as one day; no allowance to be made to parties for travel to or from the clerk's office, in order to take out a writ or summons, or carry the same to the officer: *provided*, *nevertheless*, that no pla[i]ntiff shall be allowed more than three days' attendance where the defendant is defaulted, unless the defendant appears in court and makes answer to the plaintiff's suit.

IN THE COURT OF GENERAL SESSIONS OF THE PEACE.

In the court of general sessions of the peace.

To each justice, for every day's constant attendance in court, three shillings, — to all justices in the shire town, or within ten miles of the court-house, — and to all others, four shillings per day, to be paid out of the county treasury; excepting such justices who are sworn attorneys-at-law, or clerks of the several courts of sessions; the clerk to keep an exact account of their attendance as aforesaid: and all fines and forfeitures not otherwise appropriated by law, to be paid into the county treasury, for the use of the county.

For granting every licence to retailers and innholders, and taking their several recognizances, including principal and sureties, and for administring the oath relative to the receiving the bills of credit of the other governments, six shillings, in the whole; one shilling thereof to the clerk, the remainder thereof to be paid into the respective county treasuries.

Each recognizance in criminal causes, including principal and sureties, one shilling.

CLERK-OF-THE-SESSIONS' FEES.

Clerk-of-the-sessions' fees.

Entring a complaint or indictment, one shilling and fourpence.

Discharging a recognizance, eightpence.

Each warrant for criminals, one shilling.

Each summons or subpœna, for one or more witnesses, sixpence, in the whole.

Every recognizance, including principal and sureties, one shilling.

Ent[*e*]ring up judgment, or entering satisfaction of judgment, on record, one shilling.

Warrant for county tax, one shilling.

For minu[*i*]ting the receipts of each petition, and order thereon, and recording, eightpence per page, as before mentioned in this act.

Examining and casting the grand jury's accounts, yearly, and order thereon, to be paid by the county treasurer, by order of the court of sessions, one shilling and sixpence.

For examining all other accounts, sixpence.

For copies of all records or original papers, eightpence per page, as before.

For filing each paper, one penny.

For transmitting to the selectmen of each town in the county a list of the names of the persons, in such town, licenc[*s*]ed the year before, threepence, to be paid by each person licenc[*s*]ed, and no more.

FEES FOR REGISTERING SHIPS AND OTHER VESSELS.

Fees, for registering ships and other vessels.

For each register, exclusive of collector's fees, five shillings.

FEES IN THE SECRETARY'S OFFICE.

Fees, in the secretary's office.

For certificates under the province seal, five shillings, in the whole; two shillings thereof to the secretary.

For engros[s]ing the acts or laws of the general assembly, six shillings each, to be paid out of the public[k] revenue.

Every commission for the justices of each county, and commission of oyer and terminer, six shillings and eightpence, to be paid out of the public[k] revenue.

Every commission under the great seal, for places of profit, six shillings and eightpence, to be paid by the person commissionated.

Every order of the general court to the benefit of particular persons, six shillings and eightpence.

Every writ for electing of representatives to serve in the general court, directed to the sheriff under the province seal, five shillings, to be paid out of the public[k] revenue.

For transcribing the acts or laws passed by the general assembly, into a book, eightpence per page, — each page to contain twenty-eight lines, eight words in a line, and so proportionably, — to be paid out of the public[k] revenue.

Every commission for military officers, to be paid out of the public[k] treasury, two shillings.

SHERIFF'S OR CONSTABLE'S FEES.

Sheriff's or constable's fees.

For the service of an original summons, or *scire facias*, on one defendant, for trial, either by reading the same, or by copy, one shilling and fourpence: if served on more than one defendant, then for each other defendant so served, one shilling and fourpence.

For service of a *capias*, or attachment, on one defendant, with or without a summons, one shilling and fourpence: if served in like manner on more than one defendant, then for each other so served, one shilling and fourpence.

For a bail bond, including principal and sureties, to be paid by the person or persons admitted to bail, one shilling.

For serving a *habere facias possessionem*, exclusive of the poundage on the costs of court, six shillings; if on more than one piece of land, four shillings and sixpence each.

For the costs on an *habere facias*, the same poundage as in personal actions.

For serving a warrant, one shilling and fourpence.

For the sheriff's aid in criminal cases, to each person, four shillings a day; and ten miles to be reck[o]ned a day, and so, in proportion, for a less time.

For summoning of witnesses in criminal cases, for each witness, sixpence, and travel as in civil causes.

For levying executions in personal actions; viz[t]., for the first twenty pounds, or under, ninepence per pound; above that, not exceeding forty pounds, fourpence per pound; above that, not exce[e]ding one hundred pounds, twopence per pound; for all above one hundred pounds, one penny per pound.

For travel, for the service of each execution or mean process or warrant, to him directed, twopence per mile; the travel to be computed from the place of service to the court where the writ or execution shall be returned, by the way that is most commonly used; but one travel to be allowed to one writ or execution: and if the same be served on more persons than one, the travel to be computed from that place of service that is the remotest from the place of return, with all further necessary travel in serving such writ or execution on the others: the travelling fees and fees of service to be endorsed, by the sheriff or his deputy, on each mean process, or execution, otherwise not to be allowed.

For serving an execution, upon a judgment of court, for partition of real estates, to the sheriff, five shillings per day; and for travel and expence, threepence per mile out from the place of his

abode: and to each juror, two shillings and sixpence per day; and for travel and expence, threepence per mile.

Every trial, eightpence.

Every default, fourpence.

For making out every precept for the choice of representatives, sending the same to the several towns, and returning it to the secretary's office, one shilling and fourpence; to be paid out of the county treasuries, respectively.

To the officer attending the grand jury, each day, two shillings.

To the officer attending the jury for trial, one shilling every cause.

For dispersing *venires* from the clerk of the superior court, and the province treasurer's warrant, and proclamations of all kinds, fourpence each.

[SECT. 3.] For the encouragement unto the sheriff to take and use all possible care and diligence for the safe keeping the prisoners that shall be committed to his custody, he shall have such salary allowed him for the same, as the justices of the court of general sessions of the peace within the same county shall think fit to order; not exceeding ten pounds per annum for the county of Suffolk, and not exceeding five pounds per annum, apiece, for the count[y][*ie*]s of Essex and Middlesex, and not exceeding three pounds per annum, apiece, in each of the other counties within the province: to be paid out of the treasury of such county.

For appraizing of real estates taken by execution, four shillings per day to each appraizer, and so for a longer or shorter time.

CRYER'S FEES.

Crier's fees.

Calling a jury, fourpence.

A default or nonsuit, eightpence.

A judgment affirmed on complaint, eightpence.

A verdict, eightpence.

Said fees to be paid to the clerks of the respective courts, for the use of the cryers.

GOALER'S FEES.

Jailer's fees.

For turning the key on each prisoner committed, three shillings; viz[t]., one shilling and sixpence in, and one shilling and sixpence out.

For dieting each person, for a week, four shillings.

TO THE CAPTAIN OF CASTLE WILLIAM.

To the captain of Castle William.

For a pass to the castle for each vessel, two shillings, in the whole: wood-sloops and other coasting-vessels, for which passes have not been usually required, excepted.

MESSENGER OF THE HOUSE OF REPRESENTATIVES.

Messenger of the house of representatives' fees.

For serving every warrant from the house of representatives, which they may grant for arresting, imprisoning, or taking into custody any person, one shilling and sixpence.

For travel, each mile out, twopence.

For keeping and providing food for such person, each day, one shilling and sixpence.

For his discharge or dismission, one shilling and sixpence.

GRAND JURORS' FEES.

Grand jurors' fees.

Foreman, per day, three shillings.

Each other juror, two shillings and sixpence; and for each mile's travel, out and home, twopence per mile: but one travel at each court.

JURORS FOR TRIAL, THEIR FEES.

To every foreman, in every cause at the superior and inferior courts, or sessions, three shilling and sixpence. Jurors for trial, their fees.

To every other juror, three shillings, — their allowance for travel to be the same as [to] [*the*] grand jurymen, and to be paid out of the county treasury: no juror to be allowed for travel, but such as actually serve upon the jury.

FOR MARRIAGES.

For each marriage, to the minister or justice officiating, four shillings. For marriages.

For recording it: to the town clerk, to be paid by the minister or justice, fourpence; and to the clerk of the sessions, to be paid by the town clerk, twopence.

To the town clerk, for every publishment of the banns of matrimony, and ent[e]ring thereof, one shilling.

Every certificate of such publishment, sixpence.

Recording births and deaths, each, twopence.

For the certificate of the birth or death of any person, threepence.

COUNTY REGISTER'S FEES.

For entering or recording or copying any deed, conveyance or mortgage, for each page as it shall contain, eightpence per page, accounting after the rate of twenty-eight lines, of eight words in a line, to each page; and proportionably for so much more as shall be under a page; and threepence for his attestation on the original, of the time, book and folio where it is recorded: the fees to be paid at the offering the instrument; — and for the discharge of a mortgage, eightpence. County register's fees.

And be it further enacted,

[Sect. 4.] That if any person or persons shall demand or take any greater fee or fees, for any of the services aforesaid, than are by this law provided, he or they shall forfeit and pay to the person or persons injured, the sum of ten pounds for every offence, to be recovered in any court proper to hear and determine the same.

And be it further enacted,

[Sect. 5.] That in all criminal prosecutions in the superior court of judicature, court of assize and general goal delivery, and in the courts of general sessions of the peace, when the party or parties prosecuted shall be ordered to go without day, or when, being convict, shall not have sufficient goods or estate to pay costs of prosecution, in every such case it shall be in the power of the court before whom such acquit[t]al or conviction shall be, to tax such costs for court charges as the case shall appear to require, not exceeding the fees or costs stated by this act; and such costs so taxed by the courts of general sessions of the peace, shall be paid out of the respective county treasuries; and such costs so taxed by the superior court of judicature, court of assize and general goal delivery shall be paid by the sheriffs of the respective counties, out of such fines and forfeitures as may have arisen and been incurred by force of any judgment or sentence of such court; and allowance shall be made by the province treasurer to the several sheriffs for any sums paid as aforesaid: and when and so often as it shall happen that any sheriff shall not have in his hands any monies received for fines and forfeitures as aforesaid, such costs shall be paid out of the province treasury. Costs to be taxed in all criminal prosecutions, and how to be paid. Allowance to be made to the sheriff.

[Sect. 6.] This act to continue and be in force until the first day of November, [1775] [*one thousand seven hundred and seventy-five*], and no longer. [*Passed February* 26; *published March* 6, 1773. Limitation.

CHAPTER 43.

AN ACT TO SUPPLY THE TREASURY WITH A SUM NOT EXCEEDING TWO THOUSAND EIGHT HUNDRED POUNDS.

Preamble.

WHEREAS it is necessary that further provision should be made for the support of government, and to enable the treasure[r] to discharge the draughts that are already and may be drawn on him to May next, —

Be it enacted by the Governor, Council and House of Representatives,

Treasury supplied with £2,800.

That the treasurer be, and he hereby is, directed and impowered to apply the sum of two thousand eight hundred pounds, out of such monies as he hath now, or may hereafter have, in the treasury, not appropriated for any other purpose, for the discharge of such orders as shall be drawn on him by the governor, with the advice of council; to be paid out of the following appropriations; that is to say, the sum of

How appropriated.

four hundred pounds, part of the aforesaid sum of two thousand eight hundred pounds, shall be applied for the payment of grants made or to be made by this court; and the further sum of fifteen hundred pounds, part of the aforesaid sum of two thousand eight hundred pounds, shall be applied for the discharge of debts owing from this province to persons who have served and shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned for that purpose, and for writing, printing and paper for this court, and such repairs of the public buildings belonging to the province, as shall be made by order of the general assembly; and the further sum of eight hundred pounds, part of the aforesaid sum of two thousand eight hundred pounds, shall be applied for the payment of his majesty's council, and house of representatives [*se**]rving in the great and general court and the further sum of one hundred pounds, being the remainder of the aforesaid sum of two thousand eight hundred pounds, shall be applied for commissary's disbursements. [*Passed February* 27; *published March* 6, 1773.

CHAPTER 44.

AN ACT TO REGULATE THE SALE OF GOODS AT PUBLIC VENDUE, AND TO LIMIT THE NUMBER OF AUCTIONEERS.

Disallowed by the Privy Council, April 13, 1774.

Preamble.

WHEREAS the number of auctioneers or vendue-masters has greatly increased in the town of Boston, and other principal towns in this province, and great inconveniencies, losses and damages have arisen to the public for want of suitable persons licenced, under proper restrictions, to sell goods at vendue; and as the selling them in the evening has a great tendency to corrupt the morals of youth, and affords opportunities for many frauds, —

Be it enacted by the Governor, Council and House of Representatives,

Auctioneers to be licensed by the selectmen:

[SECT. 1.] That no person or persons, from and after the thirty-first day of March next, unless they be licensed by the selectmen, or the major part of them, of the town to which they belong, shall sell, at public vendue, auction, or outcry, any goods, chattles, wares,

* Parchment mutilated.

merchandizes or effects whatsoever upon the penalty of fifty pounds; and that the selectmen, or the major part of them, at a meeting called for that purpose, be, and they hereby are, impowered, from time to time, by writing under their hands, to license some suitable person or persons for that purpose, not exceeding the number of four in any town within this province, nor for any term of time exceeding one year from the day of granting such license. — their number.

And be it further enacted,

[Sect. 2.] That no person thus licensed shall receive goods for sale of any servant or minor, neither shall he be allowed to vend any of his goods by public auction, but from sun-rising to sun-setting, upon the penalty of fifty pounds for each offence; and that every person thus licensed shall keep a fair and particular account of all the goods sold, by whom said goods shall be brought to him, and of the names of the persons to whom said goods shall be sold, subjected to the inspection of the selectmen, or either of them, so often as they shall require it, without any fee or reward therefor, upon the penalty of fifty pounds. Penalty for receiving goods of servants or minors, or selling contrary to this act.

Provided, —

[Sect. 3.] Nothing in this act shall extend or be construed to extend to hinder sheriffs, deputy sheriffs, constables, coroners, or any officer of the court of admiralty, executors or administrators, or any other person who already is or may hereafter be specially authorised or required, by any act or order of the general court of this province, to sell goods or chattles, by vendue, or to hinder any person from selling, by vendue, his houshold furniture, husbandry-utensils, cattle, live-stock, the produce of his farm, or his own manufactures. Sheriffs and others to dispose of goods by auction, in certain cases.

Provided, also,—

And be it further enacted,

[Sect. 4.] That no license granted by any selectmen for the purpose aforesaid, shall be of any effect to exempt or excuse any person from the penalty of this act, for selling at vendue without license, unless such license shall have been made and granted within one year next preceeding such sale. License to be renewed after twelve months.

And be it further enacted,

[Sect. 5.] That every selectman who shall sign or consent to the granting any such licence for the sale of goods or chattles, at vendue, in any town, when, at the time of signing and granting such license, there shall be the full number of such licensed persons, residing in such town, whose license shall then be in force, or that shall sign or consent to the granting any such license for any greater or longer time than the time prescribed by this act, shall forfeit and pay the sum of ten pounds to any person who shall sue for the same. Penalty on selectmen, if they should exceed their power.

And be it further enacted,

[Sect. 6.] That all fines, forfeitures or penalties mentioned in this act, may be recovered by action of debt, in any court of record proper to try the same; the said fines or forfeitures, to be to the use of the person who shall sue for the same. Penalty how to be recovered.

[Sect. 7.] This act to continue and be in force for the space of two years, and no longer. [*Passed February* 27;* *published March* 6, 1773. Limitation.

"My Lords, In pursuance of Your Lordships Order of the 19th of May 1773 we have taken into our consideration an Act passed in the Province of the Massachusetts Bay in February 1773 intitled

'An Act to regulate the sale of Goods at public vendue and to limit the number of Auctioneers.'

We have also consulted Mr Jackson one of His Majesty's Counsel at Law upon the

* Signed March 6, according to the record.

said Act who has reported to us that he is of opinion the same is expedient in all parts except that it places the power of licensing in the Selectmen when it is more fit that such power should be entrusted to His Majesty's Governor by whom it is more likely to be impartially executed.

This objection in which we concur with Mr Jackson does appear to us of so much weight against the Act in question that however expedient it may be in other particulars We are of opinion that it will be advisable for Your Lordships to recommend to His Majesty to signify His Majesty's Royal disallowance of this Act." — *Lords of Trade to Lords of the Council, Mar.* 3, 1774: "*Mass. Bay, B. T.*," *vol.* 86, *p.* 323.

CHAPTER 45.

AN ACT TO PREVENT THE DESTRUCTION OF SALMON AND OTHER FISH IN MERRIMACK RIVER, WITHIN THIS PROVINCE.

Preamble.

WHEREAS the salmon and other fish taken in Merrimack River, within this province, have been of great service to the inhabitants, and still will be so if due care is taken to prevent the unnecessary destruction thereof; *and whereas*, some persons have, of late, enlarged their seines to such an extraordinary length as have greatly obstructed the passage of said fish, by using such seines so as to extend quite across said river, which if not prevented will tend to destroy the valuable fishery in said river, —

Be it enacted by the Governor, Council and House of Representatives,

Penalty:

[SECT. 1.] That no person or persons whatsoever, from and after the first day of April next, and so during the continuance of this act, be allowed to catch salmon, or other fish, with seines or nets more than sixteen rods in length, in said river; and if any person or persons shall presume to catch fish with seines or nets of any greater length, he or they shall, for each offence, forfeit and pay the sum of forty shillings, to be recovered by action before any of his majesty's justices of the peace for the county where such offence shall be committed; one moiety whereof shall be for him or them who shall sue for the same, and the other moiety shall be to and for the use of the poor of the town where such offence shall be committed.

— how to be recovered and applied.

Limitation.

[SECT. 2.] This act to be in force two years from and after the first day of April next, and no longer. [*Passed and published March* 6, 1773.

CHAPTER 46.

AN ACT TO IMPOWER THE INHABITANTS OF THE TOWN OF ROCHESTER, IN THE COUNTY OF PLIMOUTH, TO REGULATE THE TAKING OF FISH WITHIN THE HARBOURS AND COVES OF SAID TOWNSHIP.

Disallowed by the Privy Council, June 1, 1774.

WHEREAS there are sundry harbours and coves within the town of Rochester which have numbers of various kind of fish, but, by the drawing of seines under no regulation, the fish have been greatly diminished therein, to the damage of said inhabitants, and injury of the poor, —

Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives,

Inhabitants, empowered to regulate the

[SECT. 1.] That the inhabitants of said town are hereby fully impowered, at a meeting or meetings to be called for that purpose, to

regulate, order and direct the taking of fish, by sein[e]ing, in any of the harbours or coves within the limits of said township, in such manner as to them, or the major part of them, shall seem meet. fishery in the town of Rochester.

And be it further enacted,

[Sect. 2.] That if any person or persons, during the continuance of this act, shall take any fish by seine or seines, within any harbour or cove within said township, in any other way or manner than shall be allowed and approved by the inhabitants of said town at a meeting for that purpose legally called, such person or persons so offending shall forfeit and pay the sum of five pounds for each offence, to be recovered, with cost of prosecution, in any court of record proper to try the same; one moiety thereof to be to the use of the poor of said town, the other to him or them who shall sue for the same. Penalty.

Provided, nevertheless, —

[Sect. 3.] That any person or persons within this province, being an inhabitant thereof, shall be at full liberty to fish in any of the harbours and coves within said town,— they submitting to the like rules and regulations which said town may be subject to by virtue of this act,— anything to the contrary aforementioned notwithstanding. Proviso.

[Sect. 4.] This act to continue and be in force for the space of three years from and after the tenth day of April, one thousand seven hundred and seventy-three, and no longer. [*Passed and published March* 6, 1773. Limitation.

"Mr Jackson has reported to us no objection thereto save only in the Instance of the Law last mentioned viz: for regulating the taking of Fish within the harbour and cove of the Township of Rochester, upon which he observes that he conceives this Act to be inconsistent with that part of the Charter of this Province which provides that no Subject of England shall be debarred from fishing on the Sea coasts, Creeks or Salt water Rivers. In this Objection we concur with Mr Jackson and are therefore of opinion that it will be advisable for your Lordships to recommend to His Majesty to signify His Majesty's Royal Disallowance of this last mentioned Act." — *Representation of the Lords of Trade, Mar.* 31, 1774: "*Mass. Bay, B. T.*," *vol.* 84.

CHAPTER 47.

AN ACT FOR CONTINUING AN ACT INTITLED "AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TONNAGE OF SHIPPING."

Whereas the act, intitled "An Act for granting unto his majesty several rates and duties of impost and tonnage of shipping," made in the eleventh year of his present majesty's reign, is near expiring, and having been found useful and beneficial, — Preamble. 1770-71, chap. 2

Be it therefore enacted by the Governor, Council and House of Representatives,

That the act aforesaid be continued, with all and every article, clause, matter, and thing therein contained, and shall be in force untill the tenth day of June, one thousand seven hundred and seventy-four, and no longer. [*Passed and published March* 6, 1773. Continuation.

CHAPTER 48.

AN ACT FOR REGULATING THE ALEWIVE FISHERY IN THE TOWN OF HALIFAX, IN THE COUNTY OF PLIMOUTH.

Be it enacted by the Governor, Council and House of Representatives,

Inhabitants empowered to farm the privilege of taking fish in Halifax. 135 Mass., 69.

[SECT. 1.] That it shall and may be lawful for the inhabitants of the said town of Halifax, qualified by law to vote in town meetings, and they are hereby impowered, annually, hereafter, in the month of March, during the continuance of this act, by any committee chosen and appointed by the major part of such inhabitants for that purpose, to let or farm out the sole privilege of taking and disposing of the fish called alewives, that come up into said town.

And be it further enacted,

Purchaser to give security for the use and benefit of said town.

[SECT. 2.] That the person or persons purchasing the said privil[e][*i*]ges shall give sufficient security to the treasurer of the said town of Halifax, for the time being, for the payment of such sum or sums of money as the said privileges shall be sold for, to be improved for the use and benefit of the inhabitants of the said town.

And be it further enacted,

Penalty for taking fish contrary to agreement.

[SECT. 3.] That the purchaser or purchasers of the said privileges shall conform him-, or themselves to such times and places, for taking the said fish, as shall be appointed by the said inhabitants or any committee by them chosen for that purpose, under the penalty of forty shillings for each and every day's offence.

And be it further enacted,

Penalty if they should demand more than one shilling per hundred.

[SECT. 4.] That the said purchaser or purchasers shall not ask, or take, of any person or persons applying to him or them to buy any of the said fish, more than one shilling per hundred, and so, in proportion, for a greater or lesser number; nor refuse or deny to supply any person or persons with the said fish, when it shall be in his or their power to supply them, they paying for the same, under the penalty of twenty shillings for each neglect or refusal.

And be it further enacted,

Penalty on any other than the purchaser, taking fish.

[SECT. 5.] That if any person or persons other than the said purchaser or purchasers of the said privileges, or those employed by them, shall presume to take the said fish, or any of them, in the said town of Halifax, such person or persons shall pay the penalty of twenty shillings, for each and every offence, to the use of the purchaser of the said privilege, and to be recovered by action of debt with full costs of suit therefor, to be brought by the said purchaser before any justice of the peace for the county of Pl[y][*i*]mouth. And all the other penalties and forfeitures mentioned in this act shall be recovered by an action

Penalty:

of debt, to be brought therefor and recovered, with full costs of suit, before any justice of the peace, for the said county of Pl[y][*i*]mouth;

— how disposed of.

one moiety thereof shall be for the use of the person who shall sue for the same, and the other moiety shall be to the use of the poor of the town of Halifax; and any of the inhabitants of the said town of Halifax other than the plaintiff himself, shall be admitted a witness in any action to be brought for such penalties.

Continuation.

[SECT. 6.] This act to continue and be in force for the space of five years from the first day of March next, and [no] longer. [*Passed February* 27; *published March* 6, 1773.

CHAPTER 49.

AN ACT FOR IMPOWERING THE MEMBERS OF THE CHURCH OF ENGLAND, IN THE TOWN OF GREAT BARRINGTON, TO RAISE, ASSESS, LEVY AND COLLECT MONIES FOR THE SUPPORT OF THEIR MINISTER OR MISSIONARY, AND FOR OTHER PIOUS PURPOSES.

Preamble.

Whereas it has been represented to this court by the professed members of the Church of England, in the town of Great Barrington, that there has repeatedly much difficulty and confusion arisen in the said town, by reason of their being connected with others of a different persuasion, in the raising, assessing, and collecting monies to defrey ministerial and other charges relating to the public worship of God; and they having prayed that they may be relieved by an act for that purpose, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Members of the Church of England, empowered to raise money to support their minister, &c.

[Sect. 1.] That for the future, all such persons who are professed members of the Church of England, that do or may hereafter reside in, or become inhabitants of the town of Great Barrington, who shall be qualified to vote in town affairs according to law, be and hereby are impowered, at any meeting regularly assembled, to grant and raise such sum or sums of money, as they, from time to time, shall judge necessary, to support their minister or missionary, who shall officiate in said town, and to finish, and (when there shall be occasion), to rebuild or repair, their church or house for public worship; and they are hereby further impowered to meet and assemble together some time in the month of March, annually, for the purpose of chusing a suitable number of persons to be assessors, to assess such sum or sums of money so agreed upon by said professed members of the Church of England, for the several purposes aforesaid; and also a clerk, to enter all votes, grants and orders, a treasurer, and collector, who are severally to be governed in the execution of their respective offices by the laws of this province, already made, relating to the duty, power and qualifications of town officers.

— and at these annual meetings, to choose assessors and other officers.

And be it further enacted,

Members of the church, exempted from parish taxes.

[Sect. 2.] That all such professed members of the Church of England, as aforesaid, shall, during the continuance of this act, be exempt from all taxes which may be made, pursuant to the laws of this province, by the town of Great Barrington (or by any parish or precinct in the said town, if there shall hereafter be more than one parish or precinct established therein), for the support of the public worship, settlement of any minister, or building or repairing any meeting-house for such public worship, and shall be utterly debarred from voting in any matters which relate to such public worship, ministers or meeting-houses, any law, usage or custom to the contrary notwithstanding.

And forasmuch as there may some difficulty arise in determining who are members of the Church of England in said town, —

Be it further enacted,

Members of the church, how to be ascertained.

[Sect. 3.] That no person shall be deemed or considered as a member of the Church of England, so as to be exempt from taxes as aforesaid, unless the minister or missionary of said church within the said town, and the church wardens, shall certify to the town clerk, or treasurer of said town, some time in the month of October, annually, that such person or persons are professed members of the Church of

England, and usually and frequently attend the public worship of God with them on the Lord's Day.

And be it further enacted,

David Ingersoll, Esq., empowered to issue his warrant for calling a meeting.

[SECT. 4.] That David Ingersol, jun'r, Esq[r]., be and hereby is impowered to issue his warrant, directed to some one of the principal professed members of the Church of England, in said Great Barrington, requiring him to warn and give notice to all the professed members of said church within the said town, qualified as aforesaid, to meet, at some convenient time and place, for the purpose of chusing a clerk, treasurer, assessors and collector as aforesaid, and to agree upon some method for calling future meetings; who are hereby impowered at that time to regulate the same accordingly.

[SECT. 5.] This act to continue and be in force for the space of three years from the first day of March next, and no longer. [*Passed February* 19; *published March* 6, 1773.

CHAPTER 50.

AN ACT TO ENABLE AND IMPOWER THE INHABITANTS OF NEW PLANTATIONS WITHIN THIS PROVINCE, ENJOINED AND SUBJECTED BY LAW, OR THAT MAY HEREAFTER BE ENJOINED, AND SUBJECTED, TO PAY PROVINCE AND COUNTY TAXES, TO ASSESS, LEVY AND COLLECT THE SAME.

Preamble.

WHEREAS there are and may be sundry new plantations within this province, by law enjoined to pay province and county taxes, not impowered to choose the proper officers to assess, levy and collect the said taxes, —

Be it enacted by the Governor, Council and House of Representatives,

Freeholders of new plantations to meet on the third Monday in May, to choose a clerk and assessors.

[SECT. 1.] That the freeholders of every such new plantation be and are hereby impowered and required to assemble together, on the third Monday of May next, at either of the usual places for holding their public meetings, and, being so assembled, shall choose a moderator and clerk for said meeting; which clerk shall be immediately sworn, truly to enter and record all such votes as shall be passed at said meeting, by a justice of the peace, if any be present, otherwise by the moderator of said meeting; and shall then proceed to choose three assessors, to make a valuation of estates and faculties of persons in such plantation agreeable to the laws of this province, and to assess such province and county taxes as were the last year, or shall in any future year, be set on the inhabitants of such new plantation; as also a collector to levy and collect the same: which assessors and collectors shall be sworn to the faithful discharge of the duty of their respective offices, before a justice of the peace for the county within which such new plantation lies, if present, otherwise by the clerk of said meeting.

And be it further enacted,

To meet in March, annually, and choose officers for purposes herein mentioned.

[SECT. 2.] That the inhabitants of the abovesaid plantations, qualified as by law required of voters in town affairs, are hereby impowered and enjoined, some time in the month of March, annually, to assemble together (upon due notice given by the collector or collectors, then in office, pursuant to warrant under the hands of the assessors or the major part of them, who shall have been last chosen, and who

are hereby impowered and required to issue such warrant), at such time and place as shall be by said assessors appointed; and shall then and there choose a clerk for said meeting, who shall be sworn in manner as is before prescribed for swearing the clerk of the first meeting, and three assessors, and one or more collectors to assess and levy such province and county tax, on said inhabitants, as they shall, from time to time, be enjoined by law to pay; and said assessors and collectors, as well those that shall be chosen on the said third Monday of May next, as those who shall by virtue of this act be hereafter, annually, chosen in said new plantations, shall be liable to all such penalties (in case they or any of them shall refuse to be sworn and serve in said offices, or in case of any default therein), as the assessors for province and county taxes, for towns, are, by law, liable or may be subjected to; and said assessors are hereby impowered and required to make out such warrants, *mutatis mutandis*, as assessors of county taxes for towns are by law impowered to make out, and to direct the same to said collector or collectors; and the said collector or collectors are hereby impowered to levy, collect and enforce the payment of all the aforesaid taxes in all such ways and by all such means as constables and collectors of province and county taxes are by law impowered to do of the inhabitants of the towns within this province.

Penalty in case of refusal or neglect.

[Sect. 3.] And the clerk at said annual meetings shall, immediately, on the elections of said assessors and collectors, make and give out to the collector or collectors for the then last preceeding year, a list of the names of those persons who shall be chosen assessors and collectors at said meeting, for the ensuing year, which collector or collectors shall, forthwith, thereupon summon each of said assessors, and collector, for the then ensuing year, to appear at a certain time and place, within the space of seven days from the time of their election, before a justice of the peace, if any dwell in such new plantation, or otherwise before the clerk chosen at said meeting, to take the oath, *mutatis mutandis*, which assessors and collectors of public taxes for towns are by law enjoined to take; which oath said clerk, in such case, is hereby impowered to administer.

The clerk empowered to swear other officers, in the absence of a justice of the peace.

And to the intent that the inhabitants of said new plantations may have due notice and warning given them of the meeting, which they are before in this act impowered and required to hold on the third Monday of May next, and of the ends and purposes thereof, —

Be it enacted,

[Sect. 4.] That each clerk of the court of general sessions of the peace, for the several counties within this province, wherein any of the aforesaid new plantations lye, shall in some convenient time before the said third Monday of May next, make and cause to be delivered a warrant, under his hand, directed to some principal inhabitant, in each of said new plantations, within their respective counties, therein expressing the time, place and purposes for holding said meetings, and requiring such inhabitant to notify all the inhabitants of the said new plantations, qualified as in this act is provided, of said meetings, and the time, place and purposes thereof, three days at least before the time set in this act for holding the same; which warrant the inhabitant to whom said warrant shall be directed is hereby enjoined and required to execute, and of the same to make due return, under his hand, into the said meeting, under the penalty of twenty pounds, to be recovered by presentment of a grand jury, or action of debt before any court of record within the county, proper to try the same, wherein said inhabitant making default in the

Clerk of the general sessions of the peace to give seasonable notice of the time of meeting and the business thereof.

Penalty on the inhabitant neglecting to execute the warrant:

premises shall dwell; said twenty pounds, if recovered by presentment of the grand jury, shall be disposed of, the one half to his majesty for the use and benefit of this province, and the other half to the use and benefit of the county wherein the same shall have been recovered; or, if recovered by action of debt, it shall then be disposed of, the one half to his majesty for the use and benefit of the province, and the other half for the use and benefit of him or them that shall sue for the same.

—how disposed of.

And whereas, there are many inhabitants in divers places within this province that are not now subject to the payment of any taxes, but in future may be,—

Be it enacted,

How inhabitants of new plantations are to raise taxes that may be ordered by the general court, to be paid by them.

[SECT. 5.] That whensoever they, or any of them, or any other plantation, shall be doomed or ordered by the great and general court, to pay any province tax, the receiver-general, upon his issuing his warrant for said sum or sums at which each respective place shall be set at, shall, and is hereby impowered and directed to, inscribe the same to the clerk of the general sessions of the peace in such county where such inhabitants dwell, and the said clerk is hereby required and enjoined, upon receipt thereof, as soon as may be, to issue his warrant to some principal inhabitant in such places, in such manner as is in this act already provided, and at the same time transmit the warrant of the receiver-general to such person as he shall direct his own warrant; and the clerk of any county refusing or neglecting his duty as enjoined him by this act, shall incur the penalty of forty shillings for every neglect, to be recovered and disposed of in the same manner as is already provided in this act for such persons as shall neglect to observe the warrant of the said clerk; and the said clerk shall be intitled to one shilling and sixpence for every warrant he shall issue, to be paid out of the county treasury: said one shilling and sixpence to be added to the county tax laid on said place or plantation the next ensuing year.

Penalty for neglect.

Clerk's fee.

Continuation.

[SECT. 6.] This act to continue and be in force from the thirty-first day of March, one thousand seven hundred and seventy-three, the space of ten years, and no longer. [*Passed and published March*, 6, 1773.

CHAPTER 51.

AN ACT TO PREVENT THE DESTRUCTION OF ALEWIVES AND OTHER FISH IN IPSWICH RIVER, AND TO ENCOURAGE THE INCREASE OF THE SAME.

Preamble.

WHEREAS, heretofore, great variety of fish, particularly shad and alewives, used to pass up Ipswich River, so called, to cast their spawn in the natural ponds emptying into the same; but for a long time, excepting a few years past, the passage of the said fish up the said river, by mill-dams across the river and its branches, has been almost totally obstructed, to the great damage and distress of the inhabitants, especially the poor, of divers towns in the county of Essex and Middlesex, through which the said river and its branches run, as well as to the prejudice of the cod-fishery on the coasts of the province; *and whereas* the laws now in force relating to opening and keeping open passages for fish in rivers and streams, within this province, are,

by experience, found to be ineffectual for opening a sufficient passage for the said fish, up the river aforesaid, —

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the owner or owners, occupier or occupiers, of the dam across Ipswich River, commonly called Warner's mill-dam, and also the owner or owners, occupier or occupiers of the dam of Farley's Mill[s], so called, be, and they are hereby, required, henceforward, at their own cost and charge, in proportion to their several interests, to make and keep open a passage for the fish, through their respective dams, from the twenty-third day of April, to the thirteenth day of June, annually; and that the said passage be made within four feet of the northerly end of each of said dams, five feet wide, to extend from the under side of the cap-piece, which cap-piece shall be level with said dam, and as low as the upper side of the mud-sills of the same; and that, during the said time, the bottom of the said passage be covered with flat stones or gravel in such manner as that the bottom be not raised higher than the sills; and that nothing shall be kept, put or placed on the upper side of either of said dams, nor anything put or placed below either of them, within six feet of the sluice-way, on the southerly side of them, except a brace on the southerly side of each of said sluice-ways, to guard the said cap-pieces.

Passage for fish to be made, and kept open for a certain time, in Warner's and Farley's mill-dam.

And be it further enacted,

[Sect. 2.] That the owner or owners, occupier or occupiers of the floom at Isaac Dodge's Mills, so called, in said town, be, and they are hereby, required, henceforward, during the time aforesaid, annually, to keep open a passage, the wedth of his waste-gate, thro' the said floom, in the same manner as the proprietors of Warner's and Farley's Mills hereinbefore required and enjoined, where the waste-gate now is, on penalty that the owner or owners, occupier or occupiers, of either of the aforesaid mills, neglecting to observe the directions of this act in any of the instances before mentioned, shall, for every such offence, forfeit the sum of twenty pounds, to be recovered of them, or either of them, by action of debt in any of his majesty's courts of record proper to try the same, in the county where the offence shall be committed, to be disposed of as follows; viz[t]., one moiety to him who shall sue for the same, the other moiety to the poor of the town where the offence shall be committed.

Passage to be kept open by the proprietors of the flume at Isaac Dodge's mills in the same manner as at Warner's.

And be it further enacted,

[Sect. 3.] That the sluices or passages through, or by, all other mill-dams now erected, or that shall hereafter be erected, upon the said river, or by any stream or streams run[n]ing from any natural pond into the same (provided the said mill-dam be below the same ponds) shall be open, and kept open, according as is already directed by the laws of this province now in force; and that the owner or owners, occupier or occupiers, of such mill-dam shall make, maintain and keep open said sluices or passages at their own cost and charge, in the same manner as heretofore in this act is provided with regard to the passages thro'[*ugh*] Warner's and Farley's mill-dam, and under the same penalty for every neglect, to be recovered and disposed of in the same manner.

Sluices or passages to be kept open.

And be it further enacted,

[Sect. 4.] That every person who shall, after the twentieth day of April which will be in the year of our Lord one thousand seven hundred and seventy-three, presume to take any fish of any kind, in said river, or its branches, or any of the ponds emptying themselves into the same, with seines or drag-nets of any kind, shall forfeit, for every

Fish not to be taken with drag-nets, on penalty.

such offence, the sum of twenty pounds, to be recovered in any of his majesty's courts of record proper to try the same; one moiety to him who shall sue for the same, the other moiety to the poor of the town where the offence shall be committed.

And whereas it has been found by experience that saw-dust, floating in streams where fish pass, obstruct[s] their passage, —

Be it further enacted,

Saw-mills not to work during the time of keeping open the passages aforesaid, on penalty.

[SECT. 5.] That none of the saw-mills on the said river, or any of the streams run[n]ing from natural ponds into the said river, shall be suffered to go, between the last day of April and the first day of June, annually, during the continuance of this act, for cutting any wood or timber; and every owner or occupier of such mill, who, within the term aforesaid, shall use or suffer the same to be used or employed for such purpose, as aforesaid, shall incur the penalty of twenty pounds, to be recovered and disposed of in the same manner as aforesaid.

[SECT. 6.] This act to continue and be in force until the fifteenth day of April, one thousand seven hundred and seventy-six, and no longer. [*Passed and published March* 6, 1773.

CHAPTER 52.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED, OR NEAR EXPIRING.

Preamble.
Act for overseers of poor and selectmen to take care of idle and disorderly persons. 1736–37, chap. 4.
Act to prevent unnecessary journeying of members of the general court. 1738–39, chap. 25.
Act relating to common roads. 1739–40, chap. 12.
Acts referring to the poor. 1740–41, chap. 20. 1741–42, chap. 4.
Act for regulating the militia. 1742–43, chap. 16.
Act to prevent unnecessary lawsuits. 1742–43, chap. 19.
Act regulating assize of cask and packing beef, &c., for sale. 1742–43, chap. 20.
Act to prevent gaming for money. 1742–43, chap. 27. 136 Mass., 528.
Act to prevent unnecessary expense in lawsuits. 1743–44, chap. 23.
Act to prevent firing of guns with shot in the

WHEREAS the several acts hereinafter mentioned, which are expired, or near expiring, have been found useful and beneficial; viz[t]., one act made in the ninth and tenth year[s] of the reign of his late majesty, King George the Second, intitled "An Act to enable the overseers of the poor and selectmen, to take care of idle and disorderly persons;" one act made in the twelfth year of the same reign, intitled "An Act to prevent the unnecessary journeying of the members of the general court;" one act made in the thirteenth year of the same reign, intitled "An Act in addition to the several laws of this province, relating to common roads and private ways;" one act made in the fourteenth year of the same reign, intitled "An Act for explanation of, and supplement to, the acts referring to the poor, &c.;" one act made in the fifteenth year of the same reign, intitled "An Act in addition to an act, intitled 'An Act for explanation of, and supplement to, an act referring to the poor';' four acts made in the sixteenth year of the same reign; one, intitled "An Act for making more effectual an act intitled 'An Act for regulating the militia';' another act intitled "An Act to prevent unnecessary lawsuits;" another act intitled "An Act in addition to the several acts for regulating the assize of casks, and preventing deceit in the packing of fish, beef and pork for sale;" the other act intitled "An Act to prevent gaming for money, or other gain;" one act made in the eighteenth year of the same reign, intitled "An Act to prevent unnecessary expence in suits at law;" three acts made in the twentieth year of the same reign; one, intitled "An Act to prevent the firing of guns charged with shot or ball, in the town of Boston;" another, intitled "An Act in further addition to an act, intitled 'An Act for highways';' the other act intitled "An Act to enable the proprietors of private ways to repair them in an equal manner;" one act made in the twenty-second year

of the same reign, intitled "An Act to prevent damage being done on the beach, and meadows in Plymouth adjoining to said beach, commonly known by the name of Plymouth Beach;" two acts made in the twenty-fourth year of the same reign; one, intitled "An Act for the better regulation of the course of judicial proceedings;" the other act intitled "An Act to [e][*i*]mpower the proprietors of the meeting-house in the first parish in Salem, where the Reverend Mr. John Sparhawk now officiates, and also the proprietors of the meeting-house in the third parish in Newbury, where the Reverend Mr. John Lowell officiates, to raise money for defreying ministerial and other necessary charges;" one act made in the twenty-ninth year of the same reign, intitled "An Act for preventing petitions to the general court relating to licences for retailing strong drink and keeping houses of publick entertainment;" one act made in the thirtieth year of the same reign, intitled "An Act for preventing the unnecessary destruction of alewives in the town of Sandwich;" one act made in the thirty-third year of the same reign, intitled "An Act to enable the town of Weymouth to regulate and order the taking and disposing of the fish called shadd and alewives, within the limits of that town;" three acts made in the second year of his present majesty's reign; one act intitled "An Act to prevent damage by fire in the towns of Salem, Marblehead, and other maritime towns in the province;" another act intitled "An Act to prevent damage being done on the meadows and beaches lying in and adjoining on the north-east part of the town of Yarmouth, between Quivit Harbour, on the east, and Sesuit Harbour, on the west;" the other act intitled "An Act for [for] rendering more effectual the laws already made relating to shingles, and for regulating the assize of staves, hoops and clapboards;" two acts made in the third year of the said reign; one act intitled "An Act for the relief of poor prisoners for debt;" the other act intitled "An Act in addition to the act made and passed in the eighth year of the reign of her late majesty, Queen Anne, intitled 'An Act for regulating of drains or common shores;'" one act made in the fifth year of the said reign, intitled "An Act for allowing necessary supplies to the eastern Indians, and for regulating trade with them and preventing abuses therein;" two acts made in the eleventh year of said reign; one, intitled "An Act for regulating the alewive fishery in the town of Bridgwater;" the other act intitled "An Act to prevent the obstructing and destroying of the fish called alewives, in their passage up and down Maddpayset River, within the town of Rochester,"—

Be it therefore enacted by the Governor, Council and House of Representatives,

That such of the before-mentioned acts as are now expired be revived; and such of the said acts as are not yet expired be continued, with all and every clause, matter and thing therein respectively contained, and shall be in force until the first day of November, one thousand seven hundred and seventy-eight, and from thence to the end of the then next session of the general court, and no longer. [*Passed and published March* 6, 1773.

town of Boston. 1746-47, chap. 11. Act for highways.
1746-47, chap. 10.
1746-47, chap. 18. Act to prevent damage on beach and meadows on Plymouth Beach.
1748-49, chap. 13. Act for regulation of judicial proceedings.
1751-52, chap. 17. Act empowering proprietors of meeting-houses in Salem and Newbury.
1751-52, chap. 19. Act to prevent petitions to the general court.
1755-56, chap. 39. Act to prevent destruction of alewives in Sandwich.
1756-57, chap. 32. Act regulating taking fish in Weymouth.
1759-60, chap. 32. Act to prevent damage by fire in Salem and Marblehead.
1761-62, chap 26. Act to prevent damage on meadows, &c., in Yarmouth.
1761-62, chap. 31. Act relating to shingles, staves, hoops, &c.
1762-63, chap. 5. Act for relief of poor persons for debt.
1762-63, chap. 18. Act for regulating drains or common shores.
1762-63, chap. 27. Supplies to eastern Indians.
1764-65, chap. 30. Regulating fish in Bridgewater.
1770-71, chap. 3. Ditto in Mattapoisett River.
1770-71, chap. 4. Continuation.

Notes. — There were two sessions of the General Court this year. The first session, which was convened at Cambridge, May 27, was adjourned by the Governor, June 13, to meet at the court-house at Boston, on the sixteenth of the same month, where it continued until its prorogation on the fourteenth of July. The second session was held at Boston, beginning Jan. 6, 1773, and continuing there until March 6, when the Assembly was dissolved.

Twenty-five public acts and one private act were passed at the first session, the engrossments of all of which are preserved, and all were printed except the private act the title of which is as follows:—

"An Act for changing the Christian name of Willard Wheeler from Willard to William Willard." — [*Passed July* 14, 1772.

Twenty-seven acts were passed at the second session, of which the engrossments of the following are not in the secretary's office: chapters 28, 30, 33, 38, 39, 44, 45, 47 and 50.

The acts of the first session were duly certified for transmission, July 20, 1772. The letter of Governor Hutchinson, which accompanied the certified copies of acts and his remarks thereon, is dated Aug. 10, 1772. The remarks on each act appear in the notes to the respective chapters, given below. These papers appear to have reached the Board of Trade on the seventh of December, and to have been immediately transmitted to the Privy Council, for, on the 8th, they were referred by the latter to the committee on plantation affairs. They seem to have been returned to the Board of Trade, for, at a meeting of the Board, Dec. 10, at which the Earl of Dartmouth was present, they were read, and an order was thereupon passed that they be delivered to the clerk of the Privy Council, in waiting. They next appear in the council-chamber on Dec. 19th, when they were considered by the committee on plantation affairs, and were formally returned to the Board of Trade, where, it would seem from an endorsed memorandum, they were received the twenty-third of December. On the 25th of January the Board read the orders of the Privy Council and of its committee on plantation affairs and referred these acts to Mr. Jackson for his opinion thereon. Mr. Jackson reported, under date of March 26, 1773, that he was "humbly of opinion that the said Acts are proper in point of Law." This report and the acts were read by the Board, June 28, 1773, after which no trace of any action upon them has been discovered.

Of the acts of the second session, one — chapter 44 — was forwarded by Governor Hutchinson in advance of the general certificate. It is certified under date of March 12th, and his letter transmitting it, which is given in full in the note to that chapter, *post*, is dated March 26, 1773. It appears that this act was received by the Privy Council, from the Board of Trade, May 17th, and on the 19th referred back to the Board of Trade, with directions to report thereon to a committee of the Privy Council; that the Board of Trade received this order and this act, June 1, 1773, and that, on the fourteenth of June, the Board ordered the act to be referred to Mr. Jackson. On the third of March, 1774, the Board reported that they had considered the act, and had consulted with Mr. Jackson, and advised the committee to recommend to the king to signify his disallowance of it. The act was accordingly disallowed by an order in council, April 13, 1774, which is given in full in the note to that chapter, *post*.

All the acts of the second session, except chapter 44, were forwarded, by packet, sometime before April 17, 1773, at which date Governor Hutchinson wrote to the Lords of Trade, transmitting a duplicate copy of chapter 44 together with his remarks on all the acts of this session. The acts were received by the Board of Trade as early as the second day of June, and by them delivered to the clerk of the Privy Council, in waiting, June 26, and referred back to the Board, June 30, 1773. On the 26th of October, these acts were read at the Board, and ordered to be sent to Mr. Jackson for his opinion, who reported, on the 24th of November, on all the acts except chapters 42, 44 and 46, that he was "humbly of Opinion that the same are proper, in points of Law." His criticisms upon these excepted chapters will be found in the notes to those chapters, respectively, *post*. This report was received by the Board, on the same day, but seems not to have been read until Jan. 14, 1774. It was again read, together with the acts of this session, Feb. 14th, when the draughts of reports were ordered to be prepared. The draught of their report on chapter 44, which has been mentioned, is given in full in the foot-note to that chapter, *ante*. A second draught of a representation upon the remaining acts, was prepared, March 17th. This draught was transcribed and signed, March 21st, although the representation itself bears date ten days later. So much of it as relates to the disallowance of chapter 46 is given in the foot-note to that chapter, *ante*. The order in Council of June 1, 1774, disallowing that act has not been discovered.

Chaps. 1 and 2. "Acts for altering the time of holding County Courts frequently necessary." — *Gov. Hutchinson's Remarks to the Lords of Trade, Aug.* 10, 1772: "*Mass. Bay B. T.*," *vol.* 81, *O. o.*, 48.

Chap. 3. "In aid to the Treasurer for speedy recovery of public monies." — *Ibid.*

Chap. 4. "To His Excellency Thomas Hutchinson Esq Governor in Chief, the Hon^ble the Council and House of Representatives in General Court Assembled —

The Memorial of the Selectmen of the Town of Boston Humbly sheweth — That in and by an Act passed in the 4^th. of William and Mary intitled an Act for Regulating of Townships &^c. it is among other Things Enacted 'That any Persons orderly warned to depart any Town whereof he is not an Inhabitant, and neglecting so to do by the space of fourteen Days next after such warning given, may by Warrant of the next Justice of the Peace be sent and conveyed from Constable to Constable unto the Town where he properly belongs or had his last Residence' — And by another Act passed Anno Regni Georgeii &^c. relating to the removal of Poor Persons &^c it is enacted 'That when and so often as any such Person or Persons are to be sent or conveyed out of this Province, it shall and may be lawful for any Justice of the Peace of the County from whence the Person or Persons are to be sent or conveyed, and he is hereby impowered to grant a Warrant for sending such Person or Persons out of the Province, either by Land or Water as he shall think will be most convenient, or least liable to Charge' — That in conformity to the Clauses of the above recited Acts, the Persons appointed by them to warn Strangers to depart the Town or Province, have upon such Persons refusal to depart, applyed to one or other of the Justices of this County residing in Boston for a Warrant to convey such Strangers from Constable to Constable into the Town or Province where they properly belonged, and such removals having been deemed legal the charge arising thereupon has been defreyed agreable to said Acts — But your Memorialists beg leave to Represent,

that the Court of General Sessions of the Peace for this County have of late construed said Acts in a different manner, by adjudging that a removal by virtue of a Warrant from a Justice of the Peace of this Town is not a legal removal as said Justice is somewhat interested therein, and that it properly lays with one of His Majestys Justices of the Peace of a Neighbouring Town to grant said Warrant — That in consequence of this novel construction of said Acts this Town has already been put to considerable charge & difficulty, which from its peculiar situation and circumstances, and the great number of Vagrants and other poor Strangers which dayly flow in upon us, is like greatly to increase unless some relief can be afforded by the Honble Court — Your Memorialists therefore humbly pray that leave may be given to bring in a Bill explanitory of those Acts, or that you would grant such other relief as your wisdom may point out and as in duty bound &c

Joseph Jackson
John Hancock
Saml Pemberton
Henderson Inches
Jona Mason
Ebenezer Storer
} Selectmen of Boston.

Boston June 1771." — *Mass. Archives, vol.* 47, *p.* 551.

"June 26, 1771. * * * Read and committed to Mr. *Otis*, Col. *Gerrish*, Mr. *Ingersol*, Capt. *Lovel* and Mr. *Thurston*." — *House Journal, p.* 84.

"The Comte to whom was Referrd the within Petn beg leave to report that they are of the opinion that the further Consideration thereof be Referred to the Next session of this Court David Ingersoll pr Order." — *Mass. Archives, vol.* 47, *p.* 553.

"April 14 1772 Revivd & committed to Mr Hobson Mr Fisher Mr Dennie Dr Holton & Mr Phillips Referred to next session

June 4 1772 revivd & committed to Cap Herrick Cap Thurston Cap Doolittle Dr Taylor Mr How of Milton." — *Ibid., p.* 554.

The Comtt to whome was Referrd the within Petn haiveing Considr the Same beg leave to Reporte; that the Petirs have leave to bring a bill for the Purposes within mentid.

Henry Herrick pr ordor." — *Ibid., p.* 553.

"A necessary provision & explains itself." — *Gov. Hutchinson to the Lords of Trade, Aug.* 10, 1772: "*Mass. Bay, B. T.*," *vol.* 81, *O. o.*, 48.

Chap. 5. "July 4, 1771. A Petition of John Spring and others Inhabitants of the North part of the Town of Uxbridge — Setting forth, That they live many of them six and some seven miles distant from the Meeting house in said Town which prevents their constant attendance on the public Worship of God there. — That they apprehend the Inhabitants of said Town cannot be accommodated with one Congregational Meeting house only; the said Town being ten miles in length and about four miles and an half in wedth and contains one hundred and eighty Families that pay Ministerial Taxes. And praying that they with their Families and Estates within certain limits described in their Petition, may be made a separate District, and that they may be intitled to their proportionable part of the Ministry Money, and the Lands granted by the General Court to said Town for their extraordinary expence in building Bridges. —

In the House of Representatives, Read and Ordered that the Petitioners notify the Town of Uxbridge by serving the Clerk of said Town with a Copy of this Petition and Order that they shew cause, if any they have, on the second Thursday of the next Session of the General Court why the prayer thereof should not be granted. In Council, Read and Concurred." — *Council Records, vol. XXIX., p.* 116.

"Apr. 17, 1772. A Petition of a number of the Inhabitants of the North part of Uxbridge Praying to be erected into a District, as entered the 4 day of July last —

In Council, Read again together with the answer and Ordered that Artemas Ward Esqr with such as shall be joined by the honble House be a Committee to take the same into consideration, hear the parties and make report.

In the House of Representatives — Read and Concurred and Mr Bigelow of Worcester and Capt Farley are joined." — *Ibid., p.* 161.

"Apr. 20, 1772. The Committee appointed the 17 instant on the Petition of John Spring and others Inhabitants of the North part of Uxbridge, made the following Report vizt —

The Committee of both Houses on the Petition of John Spring and others and the answer thereto, having attended that service and fully heard the parties, are of opinion and accordingly report, by consent of both parties, that Messrs Henry King, Edward Rawson and Stephen Maynard be a Committee to view the Town of Uxbridge and make report at the next Session of the General Court, at the cost of the Petitioners —

Artemas Ward pr Order

In Council, Read and accepted and Ordered that Henry King, Edward Rawson and Stephen Maynard be a Committee to view the Town of Uxbridge and make report at the next Session of the General Court, at the cost of the Petitioners. In the House of Representatives, Read and Concurred." — *Ibid., p.* 167.

"June 25, 1772. A Petition of *John Spring*, and others, of *Uxbridge*, praying that the Bill for erecting the North Part of *Uxbridge*, may not pass into a Law as it now stands.

Read and *Ordered*, that Mr. *Pickering*, Mr. *Stickney*, and Col. *Walker*, be a Committee to consider the Petition, and report, and that the Bill lie on File in the mean Time." — *House Journal, p.* 73.

"June 26, 1772. The Committee on the Petition of *John Spring*, Esq; and others, enter'd Yesterday, praying that a Bill for incorporating the North Part of *Uxbridge*, into a District, may not pass, reported.

Ordered, That the Bill be referred for further Consideration till the next Session." — *Ibid., p.* 78.

"July 6, 1772. A Petition of the Inhabitants of the North Part of the Town of *Uxbridge*, praying to be set off into a District.

Read and committed to Col. *Gilbert*, Capt. *Farley* and Col. *Walker*." — *House Journal*, *p.* 94.

"July 7, 1772. The Committee on the Petition of the North Part of *Uxbridge*, reported that the Petitioners have Leave to bring in a Bill for the Purpose of their Petition.

Accepted and *Resolved*, That the said Petitioners have Leave to bring in a Bill accordingly. — *Ibid.*, *p.* 95.

"July 11, 1772. Upon a Motion, *Ordered*, That Mr. *Adams* carry up to the honorable Board the engross'd Bill for setting off the North Part of *Uxbridge* into a District, and propose Amendments thereon. Who returned that he had deliver'd the Message.

William Brattle, Esq; brought down the said Bill, and inform'd the House that the Board agreed to the Amendment propos'd by the House.

Then the Bill (being first amended accordingly in the House) passed to be enacted." — *Ibid.*, *p.* 109.

"A new Town in common form." — *Gov. Hutchinson to the Lords of Trade*, *Aug.* 10, 1772: "*Mass. Bay*, *B. T.*," *vol.* 81, *O. o.*, 48.

Chap. 6. "An incorporating Act." — *Ibid.*

In 1673, the Council of the colony, in anticipation of invasion by the Dutch, recommended to the consideration of the selectmen of Boston the project of building a sea-wall, or wharf, of wood and stone, from the water-battery, or "sconce," at the foot of Fort Hill, northerly, to Mr. Scarlett's, afterward Hancock's, wharf, near the foot of Fleet Street, thus inclosing the principal cove in front of the town, with a barrier against the fire-ships of the enemy. The inhabitants, having had this project submitted to them by the selectmen, at a town meeting, declined to undertake it in their corporate capacity, but voted to authorize the selectmen to dispose of the flats within the proposed wall "for the better security of the town, as they may judge best."

Accordingly, arrangements were made by the selectmen, with Captain Thomas Clarke and about forty-eight associates, by which the latter were to undertake the work, in consideration of a grant of the flats upon which the wall should stand, with the right to build wharves and warehouses from the wall for the distance of two hundred feet towards the town, and to reap the profits arising from dockage, anchorage and fishing within the inclosure, and also to enjoy, exclusively, all other incidental privileges; with a reservation, however, to the abuttors on the shore, of the right of free egress and regress, and the use of their wharves and docks; but the privilege of extending their wharves was restricted to such owners of wharves, on the cove, as should contribute towards building the wall; and the limit of such extension was fixed at a "circular line" at the distance of about one hundred feet beyond the wharves of "Governor Leverett and Mr. Alford."

The wall was to be twenty-two hundred feet in length, and to be carried up six feet in height "with all expedition," and afterwards to be raised to the height of fourteen or fifteen feet, so as to serve as a breastwork and for cannon. It was to be twenty feet wide at the top, and to be "made substantial and uniform," and to be provided with gates or gaps for the passage of vessels.

The original undertakers were joined by some sixteen other subscribers, and completed their work in about seven or eight years. In May, 1681, they were so far incorporated, as to be authorized by the Legislature to make orders or by-laws, and to appoint managers or directors, who, in turn, were empowered to hear and determine controversies among the proprietors, and to impose fines upon their members, to an amount not exceeding twenty shillings, and to sue, in the courts of Suffolk County, delinquent members, and any person who should do damage to the wall. There being no occasion to use the wall as a fortification, it fell into decay in the course of a few years.

In 1702, the General Court appointed a committee to survey, and consider the state of, this wall, or "outwharves"; but nothing was effectually done to repair the structure until 1708. In October of this year, while war was waging with the French and Indians, and shortly before preparations were begun for the projected expedition against Canada, the selectmen of Boston applied to the General Court, praying that the undertakers "be obliged forthwith to repair the wall, or to resign their right by a prefixed time," and also asking for a survey to "regulate," under the sanction of the Legislature, "and according to a true proportion," the bounds of the flats between adjacent abuttors on the cove, some of whom had extended their side bounds without converging in a radius to the curve of the shore, — thus conflicting with the claims of their neighbors, and "tending to create perpetuall jars and lawsutes." In response to this petition the General Court passed a resolve, Nov. 6, 1708, appointing the petitioners a committee, "to consider what is necessary for repairing the wall or outwharf before the Cove in Boston," and authorizing them to cause a new survey to be made of the flats, which they were to apportion, equitably, among the abuttors, but "reserving to the town that the flats that lie before their highways be continued their full breadth, to the circular line." This line they were to cause to be staked out, and to make return of their doings, at the next session of the General Court. Although the Council passed an order, in February of the next year, "for the regulation of the Cove in Boston," the House refused to concur, on the ground that "they had not now time to consider thereof"; and this seems to have been the last legislative proceeding upon this petition.

Meanwhile, proposals were made to the inhabitants of Boston, by Oliver Noyes and five associates, for building a wharf from the lower end of King Street, to low-water mark. The selectmen who were appointed a committee to consider these proposals reported, at a subsequent town meeting, that the proposed undertaking "will be the means to have the outwharves brought into good repair — the doing of which with the planting

of gunns as proposed may be a great safety to this town in case of the attack of an enemy, and will be of publick and generall good to this town," provided certain conditions, specified in their report, were complied with. The inhabitants accepted this report, and authorized the selectmen to execute proper written instruments for conveying to the undertakers the flats and privileges asked for by them, which was accordingly done, May 13, 1710; and the first meeting of the proprietors was held on the 27th of June following. The proposal of the undertakers was, virtually, to extend King Street, now State Street, to low-water mark, — a distance of some sixteen hundred feet. They were to construct a sewer for part of this distance, and to leave a covered gap, beyond, for the passage of boats and lighters across the line of the wharf, all of which they were forever to maintain. The public were to enjoy, in addition to the right of way along the whole wharf, free use of the end of the wharf for "planting guns," whenever such a course should be deemed expedient. The wharf was to be carried out to a point two hundred feet beyond the circular line, by May 13th, 1714. On the 7th of April, 1715, the proprietors executed a deed of allotment of their propriety, into twenty-four shares, corresponding to portions of the wharf severally allotted to them, in two divisions, in each of which the numbers ran from 1 to 24; and this allotment continued to be the basis of apportionment until the establishment of a capital stock, divided into shares. The number of separate proprietorships in this original allotment was twenty-one.

In 1772, the holders of a majority of the shares presented to the Legislature the petition which is given in full in the supplementary note to this chapter on p. 288, *post*.

Chap. 7. "Apr. 6, 1770. A petition of a number of the Inhabitants of that part of the Town of Harwich called Potonomacut — Setting forth — That the most of them live more than seven miles from the meeting House and that there is no Public Road for them to Travel thither unless they go through part of Chatham or Eastham, either of which ways is more than ten miles to the said meeting House in Harwich, which renders it very difficult and some times impossible for them to attend Town meetings & military duties in said Harwich — That although the Petitioners are allowed to attend public Worship and to pay Taxes for the support of it in the Town of Eastham, yet it is attended with great inconvenience in being Taxed in two different Towns; and praying that they and their Estates within certain limits and bounds may be annexed to the Town of Eastham there to do duty and receive priviledge; (the Town of Harwich having signified their consent thereto.)

In the House of Representatives. Read and Ordered That the Petitioners serve the Town of Eastham with a Copy of this Petition by leaving the same with the Clerk of said Town that they may shew cause, if any be, on the second Wednesday of the next May Session why the prayer thereof should not be granted. In Council, Read and Concurred." — *Council Records, vol. XXVIII., p.* 140.

"June 6, 1772. A Petition of the Inhabitants of the East part of the Town of Harwich in the County of Barnstable, commonly called Potonomacut. Praying to be annexed to the Town of Eastham, as entred the 6. day of April 1770 —

In Council Read again & revived & ordered that James Humphrey & Caleb Cushing Esq^rs be a Committee with such as the Hon^ble House shall join to take the same into consideration and report what may be proper to be done thereon.

In the House of Representatives, Read & Concurred & Cap^t Whitcomb Cap^t White of Brookline and M^r Bigelow of Westown are joined." — *Ibid., vol. XXIX., p.* 245.

"July 4, 1772. The following report was made by the Committee appointed for the purpose therein mentioned Viz^t.—

The Committee of both Houses on the petition of the Inhabitants of the eastermost part of the Town of Harwich called Potonomacut, having considered the same, report as their Opinion that the prayer of their petition be granted, and that the Petitioners with their Estates, according to the bounds mentioned in the Petition, be set off from the Town of Harwich and annexed to the Town of Eastham, and that the said Petitioners have leave to bring in a Bill accordingly. JAMES HUMPHREY for^r Order

In Council Read & accepted and Ordered that the Petitioners have leave to bring in a Bill accordingly. In the House of Representatives, Read & Concurred." — *Ibid., p.* 309.

"Relates to a particular Town only." — *Gov. Hutchinson to the Lords of Trade, Aug.* 10, 1772: "*Mass. Bay, B. T.*," *vol.* 81, *O. o.*, 48.

Chap. 8. "A necessary provision to prevent fraud." — *Ibid.*

Chap. 9. "Apr. 16, 1772. A Petition of James Prescot and others — Setting forth — That in the year 1719 the General Court granted a new Town called North Town and did appoint and fully impower William Taylor and others a Committee to allot and grant out the Lands in the said Town — That the said Committee did afterwards agreable to the said Order of Court allot and Grant out said new Town and make return of their proceedings into the Secretary's Office, as appears by the Proprietors Book under the hands of the said Committee — That the return of some part of the said Committee's proceedings is not now to be found in the said Office and is supposed to have been consumed by fire, with the Town House; by means whereof the property of some hundreds of the people of the Province is rendered precarious, as they have wholly conducted themselves by the Copy of said Committees proceedings which was left in the hands of the Proprietors Clerk; and that, unless something is done to confirm the said Committee's proceedings, as they left them, the Inhabitants of the said Town, as well as others more remotely concerned may be led into very great difficulties and charge. And praying relief.

In the House of Representatives — Read and Ordered that Maj^r. Godfrey Col^o. Gerrish and M^r. Pickering with such as the hon^ble. Board shall join be a Committee to take this Petition into consideration and report.

In Council, Read and Concurred and William Brattle and James Otis Esq^rs are joined in the affair." — *Council Records, vol. XXIX., p.* 155.

"Apr. 23, 1772. A Petition of James Prescot and others a Committee of the Proprietors of Townsend, formerly called North Town, as entered the 16 instant.

In the House of Representatives — Ordered that Capt Thurston and Capt Lovell be upon the Committee of the Proprietors of Townsend in the room of Majr Godfrey and Mr Pickering. In Council, Read and Concurred."— *Ibid.*, *p.* 194.

"Apr. 24, 1772. The following Report was made by the Committee appointed for the purpose therein mentioned viz^t

The Committee to whom was referred the Petition of James Prescot Esq^r and others a Committee of the Proprietors of the Lands in Townshend have met and considered the same and beg leave to report that the General Court did in 1719 appoint and impower the late Governor Taylor, Col^o Thaxter, Col^o Fullam and others a Committee to grant, allot and lay out a Township then called North Town, now Townshend, and gave said Committee power to admit Settlers &c and a power to bring forward a settlement of said Town, then a frontier; which Committee, among other things, made divers Transfers, by consent of parties, from the first Grantees to others, as appears by the Records kept by said Fullam who was Clerk to the General Courts said Committee, and that some difficulties have begun to arise as to said Transfers as some of the proceedings of the said Committee were destroyed by the late burning of the Town House in Boston and otherways: the Committee are of the opinion that the aid of this Court is wanting to quiet the present possessors in their possessions, and that all Persons who dispute said Transfers and other proceedings of the aforementioned Committee be notified of this Petition by the Petitioners inserting the substance of the same in two of the Boston News papers for three Weeks successively viz^t in Drapers and Edes and Gills papers that so any persons concerned may shew cause why the prayer of said Petition may not be granted, and in the mean time the further consideration of this Petition be referred to the third Tuesday of the next May Session, and all proceedings in the Law relative to said Propriety be staid until the further Order of this Court — W^m BRATTLE ℔ Order

In Council, Read and accepted and Resolved that all Persons who dispute said Transfers and the proceedings of the aforementioned Committee be notified of this Petition, by the Petitioners inserting the substance of the same in two of the Boston News papers for three Weeks successively viz^t in Drapers and Edes and Gills papers, that so any persons concerned may shew cause why the prayer of said Petition may not be granted, and in the mean while the further consideration of this Petition be referred to the third Tuesday of the next May Sessions and all proceedings in the Law relative to said Propriety be staid until the further order of this Court. In the House of Representatives, Read and Concurred, Consented to by the Governor."— *Ibid.*, *p.* 199.

"June 17, 1772. A Petition of James Prescott Esq^r and others a Committee of the Proprietors of Townshend, formerly called North Town — as entred the 16th day of April last.

In Council, Read again and ordered that this Petition be revived, and that James Otis, Samuel Dexter and Artemas Ward Esq^rs with such as the hon^ble House shall join be a Committee to take this Petition and Answer into consideration and report what may be proper for this Court to do thereon. In the House of Representatives. Read and Concurred & M^r Phillips Coll^o Gerrish, Cap^t Farley and Cap^t Searl are joined."— *Ibid.*, *p.* 269.

"June 26, 1772. The following Report was made by the Committee appointed for the purpose therein mentioned Viz^t.

The Committee on the Petition of James Prescott and others a Committee of the Proprietors of Townshend and the Answer of William Lakin and others thereto, having attended the service, deliberately and at large heard the parties, are unanimously of Opinion that the Prayer of the Petition be so far granted as that the proceedings of the General Courts Committee appointed Decem^r 7 1719, respecting the allotment of Lands to the Original Settlers and the subsequent Transfers, in said Town, then known by the Name of North Town, be fully confirmed, and that the Petitioners have leave to bring in a Bill for that purpose. JAMES OTIS ℔ Order

In Council Read & Accepted and Ordered that the Petitioners have liberty to bring in a Bill accordingly. — In the House of Representatives, Read & Concurred."— *Ibid.*, *p.* 293.

"Relates to a particular Town." — *Gov. Hutchinson to the Lords of Trade, Aug.* 10, 1772: "*Mass. Bay, B. T.*," *vol.* 81, *O. o.*, 48.

Chap. 10. "Apr. 13, 1772. A Petition of Amos Chase and others Inhabitants of or Proprietors of Lands in the plantation on the East side of Saco River, in the County of York, called Narraganset number one — Setting forth — That upwards of sixty Families are settled in the said plantation, a meeting house built and a minister settled there, but that they labour under great difficulties & discouragements by means of their not being Incorporated into a Town — And praying that the said Plantation may be erected into a Town according to the bounds and limits mentioned in the said Petition.

In the House of Representatives — Ordered that the within named Petitioners notify the Inhabitants and Proprietors of the plantation mentioned in said Petition by posting up on the Meeting house in said Plantation a Copy of this Petition with this Order thereon twenty days before the third Wednesday of the next Session of the General Court, that they shew cause on the said third Wednesday, if any they have, why the prayer thereof should not be granted, and that the Proprietors in the mean time make no further Grants or assessments. In Council, Read and Concurred."— *Council Records, vol. XXIX., p.* 142.

"June 6, 1772. A Petition of Amos Chase & others Inhabitants of or proprietors of lands in the plantation in the County of York called Narragansett N^o one — praying to be erected into a Town — as entred the 13. day of April last.

In Council, Read again and revived and Ordered that the withinnamed Petitioners notify the Inhabitants or Proprietors of the plantation mentioned in said petition by post-

ing up on the Meeting house in said plantation a Copy of this petition with this order thereon, twenty days before the second Wednesday of the next sitting of the General Court, that they may shew cause if any they have, on the said second Wednesday why the prayer thereof should not be granted, and that the proprietors in the mean time make no further grants or assessments. Sent down for concurrence." — *Ibid.*, *p.* 245.

In the House, on the same day, this petition was "read, and ordered to lie."

"Province of the Massachusetts Bay } To his Excellency Thomas Hutchinson Esq^r Governor The Honourable his Majesties Council and Representatives of Said Province in Gen^l Court Assembled June 1772

The Memorial of Joshua Wyman and Others Inhabitants or Proprietors of a Plantation in the County of York in Said Province Called Narraganset N^o One Bounded on Scarborough and Biddeford South Easterly on Saco River South Westerly on Pearson Town (So called) North Westerly and on Gorham North Easterly — Humbly Sheweth — That the Said Joshua with Amos Chase and about thirty other persons of S^d Inhabitants or proprietors in May 1771 made their petition or memorial to the Gov^r Council and Representatives of Said Province — Praying that for the benefit of Said Inhabitants And Proprietors, his Excellency And their Honors would by An Act of the General Court Incorporate Said Plantation According to the bounds and Limits thereof as a Town with all the powers and priviledges that other Towns in this Province enjoy by Law — That in consequence thereof it was Ordered in the House of Representatives on the 11^th day of April last that the petitioners Should Notify the Inhabitants and Proprietors of the Said Plantation Twenty days before the third Wednesday of the then next Session of the General Court to Shew cause why the prayer of Said Petition Should Not be granted: That the Same Order was read and Concurr'd in Council on the 13^th of the Same Month — That it was Never assented to by his Excellency the Governor and is of None Effect — And That the Inhabitants and proprietors are under many and great difficulties and discouragements by reason that Said Plantation was Never Incorporated — Wherefore we humbly pray that your Excellency and Honours will take the matter into your wise consideration and by An Act of the Great and General Court incorporate said plantation according to the bounds and limits thereof into a Town (by Some proper Name) with all Necessary powers and priviledges — And we Shall as in duty bound ever Pray Joshua Wyman
Enoch Bartlet
Jere^h Hill

In the House of Representatives June 10^th 1772 Resolved that the petitioners give Notice to the Inhabitants and Proprietors of S^d Plantation by Posting an attested Copy of this Memorial And Order at the meeting House Door in Said Plantation fourteen days before the first wednesday in July next to Shew cause (if the Gen^l Court is then Sitting) why the prayer of Said petition Shall not be Granted — And in case the General Court Shall not then be Sitting then the Said Inhabitants and proprietors are directed on Said Notice to appear and make their Objections on the Second Wednesday of the next Session of the General Court Sent up for Concurrence T Cushing Spk^r

In Council June 10^th 1772 — Read & Concurred Jn^o Cotton D. Secry

In Council July 1^st 1772 — Read again together with the Answer, & ordered that this Petition be dismissed Sent down for Concurrence Jn^o Cotton D. Secry

In the House of Representatives July 1 1772 Read & nonconcurred & orderd that the petitioners have leave to bring in a Bill for the purpose of this Petition
Sent up for Concurrence T Cushing Spk^r

In Council July 1^st 1772 — Read & Concurred — Jn^o Cotton D. Secry."
— *Mass. Archives*, *vol.* 118, *p.* 516.

"Incorporating a new Town."— *Gov. Hutchinson to the Lords of Trade, Aug.* 10, 1772: "*Mass. Bay, B. T.*," *vol.* 81, *O. o.*, 48.

Chap. 11. "June 5, 1771. A Petition of John Parker and others Inhabitants of the Southwardly part of the Town of Rutland and adjoining to the District of Paxton — Setting forth — That they labour under great difficulties in attending Public Worship and Schooling in Rutland by means of their distance therefrom and the badness of the Road thereto, especially in the Winter and Spring, and that the distance is much less and the Road better to Paxton meeting house — That they all live, except one, within the bounds Petitioned for at the time of the Incorporation of said Paxton. And praying that they, with their Farms, may be set off to Paxton, there to do duty and receive privilege.

In the House of Representatives. Read and Resolved that the Petitioners notify the Town of Rutland by serving their Clerk with a Copy of this Petition that they shew cause, if any they have, on the second Tuesday of the next sitting of the General Court why the prayer should not be granted. In Council, Read and Concurred.

A Petition of Oliver Witt and others a Committee of the District of Paxton — Setting forth — That the said District is very small containing but about eight thousand acres of Land and about seventy Families, several of which are very poor, and the District necessarily involved in Debt — That it would be a great relief to the said District if the Farms of John Fessenden, Ebenezer Frost, David Bent, James Blair, John Parker and Holton Maynard of Rutland, all of which are included within the bounds Petitioned for at the time of the Incorporation of said Paxton (one only excepted) were set off to Paxton where they usually attend public Worship — And praying that they may be set off to Paxton accordingly, together with sundry small Tracts of Land adjoining to said Farms in order to make the line intelligible.—

In the House of Representatives, Read and Resolved that the Petitioners notify the Town of Rutland by serving the Clerk thereof and James Blair in said Town of Rutland with a Copy of this Petition that they shew cause, if any they have on the second Tuesday of the next sitting of the General Court why the prayer should not be granted. In Council, Read and Concurred.

A Petition of Seth Metcalf — Setting forth, That soon after the Incorporation of the

District of Paxton, he purchased a Farm of James Brown, which he, as well as the said Brown, apprehended to be in said Paxton, where he has constantly been Taxed ever since for his Poll and Estate; That the Town of Rutland claiming likewise the Jurisdiction of him and his Farm, he has been Taxed there also, and the Taxes forced from him both by the Constables of the said Town and District, to his great damage and vexation — That as the said Town and District have different apprehensions of the Act Incorporating the said District, arising from the description of the boundaries between said Town and District being uncertain in the said Act — Praying that this Court would make such explanation thereof as shall appear to be its true intent and meaning.

In the House of Representatives — Read and Ordered that the Petitioner notify the Town of Rutland and the District of Paxton by serving their respective Clerks with a Copy of this Petition that they may be heard on the substance matter thereof, if they see cause, on the second Tuesday of the next sitting of the General Court. In Council, Read and Concurred."— *Council Records, vol. XXIX., p.* 17.

"Apr. 22, 1772. A Petition of Oliver Witt and others a Committee in behalf of the District of Paxton — Praying as entered the 5 day of June last.

In Council, Read again together with the Answer of the Town of Rutland thereto, and Ordered that the consideration thereof be referred to the third Tuesday of the next Session of the General Court. In the House of Representatives, Read and Concurred.

A Petition of John Parker and others of Rutland Praying to be set off to the District of Paxton — as entered the 5 day of June last.

In Council, Read again together with the answer of the Town of Rutland thereto: And Ordered that the consideration thereof be referred to the third Tuesday of the next Session of the General Court. In the House of Representatives, Read and Concurred.

A Petition of Seth Metcalf — Praying an explanation of the Act for Incorporating the District of Paxton, as entered the 5 day of June last.

In Council, Read again together with the answers of the Town of Rutland and District of Paxton thereto, and Ordered that the consideration thereof be referred to the third Tuesday of the next Session of the General Court. In the House of Representatives, Read and Concurred."— *Ibid., p.* 182.

"June 17, 1772. Mr Denny from the House of Representatives came up to the Board with a Message desiring that the several Petitions of Seth Metcalf of John Parker and others, and of the district of Paxton might be sent down.

Caleb Cushing Esqr from the Board went down to the House of Representatives with a Message informing them that the several petitions abovementioned were not before the Board, but were in the Secretarys Office —

The Secretary, by order of the House, carried down the sd Petitions and laid them on the Table."— *Ibid., p.* 268.

"June 17, 1772. A Petition of Oliver Witt and others a Committee in behalf of the District of Paxton in the County of Worcester — Praying, as entred the 5th day of June 1771 —

In the House of Representatives. Read again & revived & Ordered that this Petition, together with the Petition of John Parker & others, also the Petition of Seth Metcalf be committed to Mr Ingersoll, Mr Bigelow of Worcester and Mr Gorham with such as the honble Board shall join to consider the same and report what may be proper to be done thereon.

In Council, Read and Concurred & James Otis and Artemas Ward Esqrs are joined."— *Ibid., p.* 272.

"June 20, 1772. The Committee appointed the 17th Instant on the Petion of Oliver Witt & others, in behalf of the district of Paxton, having heard the parties, reported as their opinion, that the Petition be dismissed.

In Council Read & accepted & Ordered that this Petition be dismissed In the House of Representatives, Read & Concurred —

The Committee appointed the 17th instant on the Petition of John Parker & others, having heard the parties and considered the Petition & Answer, reported as their Opinion, that the Petition be dismissed.

In Council, Read & accepted and Ordered that this Petition be dismissed, accordingly. In the House of Representatives Read and Concurred —

The Committee appointed the 17, instant on the Petition of Seth Metcalf, made the following Report Viz!

The Committee on the Petition of Seth Metcalf have met and have heard the parties, and ask leave to report that it appears to the Committee that the said Seth Metcalf has, by reason of the uncertainty of the Law for Incorporating the Northerly part of Leicester in the County of Worcester into a District by the Name of Paxton, been for divers years past Taxed in the Town of Rutland and in the District of Paxton, which is unreasonable; therefore that the said Seth have leave to bring in a Bill to ascertain which Town or District he ought to belong to, to prevent the like inconveniency for the future; And the Committee are further of the Opinion that he ought to belong to the District of Paxton.

Signed, JAMES OTIS Chm Order

In Council, Read and accepted and Ordered that the Petitioner Seth Metcalf have leave to bring in a Bill accordingly.— In the House of Representatives, Read & Concurred."— *Ibid , p.* 278.

"Concerns a particular Town only."— *Gov. Hutchinson to the Lords of Trade, Aug.* 10, 1772: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 48.

Chap. 12. "Explains the power of Sheriffs in the sale of goods taken in execution."— *Ibid.*

Chap. 13. "An Act for supply of the Treasury in the same form with an Act passed

the last Session except that the House affect to call the Court House the Province House &c the real Estate of the Province."—*Ibid.*

Chap. 14. "An Act requiring the Treasurer to issue his Warrants for levying a Tax provided for by a former Act according to a new proportion on the several Towns the former Act to all other intents and purposes remaining the same."—*Ibid.*

Chap. 15. "An Act further to continue the Law establishing fees which I remarked upon when the Laws of the last Session were transmitted and I could not now refuse my assent without danger of great murmuring & discontent through the Province."—*Ibid.*

Chap. 16. "June 20, 1772. It being suggested to the House that one of the Persons appointed a Manager of the Lottery to be rais'd by Virtue of an Act made in the fifth Year of His Majesty's Reign, has deceased, and others appointed to the same Trust have declin'd accepting the same, a Motion was made for a Bill to appoint others in their Room.

Ordered, That a Bill be brought in accordingly."—*House Journal*, *p.* 63.

"The Act which this Act refers to was assented to by Governor Bernard upon special licence from His Majty & the execution of it has been delayed, the Lotteries for finishing a Town Hall in Boston interfering."— *Gov. Hutchinson to the Lords of Trade, Aug.* 10, 1772: "*Mass. Bay, B. T.*," *vol.* 81, *O. o.*, 48.

"July 8, 1772. The Managers appointed by an Act of the General Assembly for raising a sum of money by Lottery, for the purpose of building another Hall for the Students of Harvard College to dwell in; presented to the Governor and Council, in pursuance of the direction of the said Act, a Scheme for that purpose; which was Read and Approved of, and is as follows, vizt.

A Scheme for raising 11,340 Dollars by a Lottery for the purpose of building another Hall, to accommodate the Students of Harvard College, agreable to an Act of the General Assembly, vizt.

One Prize of 5000 dollars, — 1 ditto of 3000 — one ditto 1000. —	9000
Three Dº of 500. — 10 Dº of 200. 15 ditto of 100	5000
Thirty Dº of 50. — 3276 Dº of 10 dollars. —	34260
	48260
The first ticket which shall be drawn on the first six days will be entitled to 50 dollˢ each	300
The ticket which shall be drawn last in said Lottery will be entitled to. — .	100
(NB) These are not included in the number of Prizes.)	
	48660
Remains for the College. —	11340

Nº of Prizes, 3337
Blanks 6663

10000 Tickets at 6 Dollars each, are . . . . . 60000 Dollˢ

Not Two Blanks to a Prize!" — *Executive Records of the Council*, 1765-1774, *p.* 650.

Chap. 17. "Att a meeting of yᵉ Inhabitants of yᵉ middle parish in Salem Sept. 9th. 1751 —

Voted, Daniel Epes Jun. Esqr moderator, & Malichi Felton Clerk

Voted That yᵉ Report of yᵉ Comtᵉ be Accepted, which is as follows (Vizt) Whereas yᵉ Village parish & yᵉ middle parish in Salem have Agre,d to come of from yᵉ Town as a seperate Town by themselves, as Appears by yᵉ Votes of their Respective Meetings, and also whereas we yᵉ Subscribers being Appointed & Impower'd for & in behalf of Each parish to Confere Together, & make Report att yᵉ meetings of Sd Parishes Respectively relateing to sd Affair, have meet Together & after due Consideration make Report as follows (Vizt)

That yᵉ Town meetings shall be one year in one parish & yᵉ Next year in yᵉ other Parish Successively —

That yᵉ major part of yᵉ Select men & assessors, shall be Chosen one year in one parish, & yᵉ Next year in yᵉ other parish Successively

That Each parish shall share Equally in all profitts & Benefitts that shall happen or acrue —

July yᵉ 2d 1751

DANIEL EPES JUN	for the	SAMUEL FLINT	for the
MALICHI FELTON	middle	CORNELIUS TARBOLL	Village
JOHN PROCTOR	Parish	JAMES PRINCE	

Voted That Daniel Epes Jun. Esq. Dea. Malichi Felton & Ensn John Procter be a Committee to Joyn with yᵉ Comtᵉ of yᵉ Village parish to prepair & prefere a petition to the Town of Salem, Relateing to yᵉ sd Village & this middle Parishes Comeing of from yᵉ sd Town of Salem, as a Seperate Town by themselves, and Likewise to forward yᵉ matter att yᵉ Great & Generall Court according to their best skill & Judgement." — *Peabody Town Records.*

"At a meeting of the Frecholders & other inhabitants of yᵉ Town of Salem lawfully qualified to Vote Octr 23d A. D. 1751.

Voted. The Honble Bena Lynde Esqr Moderator of this meeting on Reading & Considering the Petition of the Inhabitants of The midle Parish & Village Parish in sd Salem to be set off as a seperate Township as by the Petition on File at large appears.

Voted. That yᵉ prayer of yᵉ said Petition be so far granted as that with the leave of the Great & Genl Assembly the Inhabitants & Estates of said Parishes be set off as a sep-

crate Township agreable to the present boundaries of s[d] Parishes, and that in lieu of their claim of the annual incomes of y[e] Town they be allowed thirteen pounds six shillings & eight pence to be paid them out of the Town Treasury when legally set off as a distinct Town beside their proportion of y[e] sums due to them for y[e] incouragement of y[e] Schools by virtue of former votes. The Petit[rs] taking y[e] care & charge of such of y[e] poor now in the Almshouse as came from those Parishes also of y[e] Child of one Fowle now maintained by y[e] Town, and paying their proportion of y[e] Taxes heretofore granted by y[e] Town." — *Salem Town Records*

"Apr. 10, 1772. A Petition of Archelaus Putnam and Archelaus Dale Agents for the North Parish in Danvers — Setting forth — That the Village Parish & middle Parish, in Salem, now the North Parish and South Parish in Danvers did on the 2[d] day of July 1751 enter into an agreement with each other that, in case they were Incorporated into a Town by themselves, the Town meetings should be held and a major part of the Selectmen and Assessors chosen one year in one Parish and the next year in the other Parish successively, and that each Parish should share equally in all profits and benefits that should happen or accrue; notwithstanding which the Inhabitants of said Danvers at a meeting on the 2[d] day of Decem[r] last voted that the Town meetings should be held for the future in the South meeting house, and the Town Meeting in March last was held there accordingly; at which Meeting a major part of the Selectmen and Assessors were chosen in the said South Parish contrary to the aforementioned agreement and usual practice of the Town — That the North Parish is the oldest Parish and the Meeting house, therein, stands within half a mile of the center of the Town — That the South Meeting house stands within half a mile of the Southerly line of the Town and distant from many of the Inhabitants of the Town four, five and six miles which must make it very inconvenient to attend and do all their public business there — And praying that the aforesaid agreement may be confirmed and the Town meetings settled accordingly; or that they may be otherwise relieved.

In the House of Representatives — Resolved and Ordered that the Petitioners notify the Town of Danvers to shew cause on the second Wednesday of the next Session of the General Court why the prayer of this Petition should not be granted by serving the Town Clerk of said Town of Danvers with a Copy of this Petition. In Council, Read and Concurred." — *Council Records, vol. XXIX., p.* 135.

"June 3, 1772. a Petition of Archelaus Putnam & Archelaus Dale Agents for the North parish in Danvers, as entred the 10. day of April last.

In Council Read again & ordered that John Bradbury & George Leonard Esq[rs] with such as may be joined by the Hon[ble] House be a Committee to take this petition into consideration and make report.

In the House of Representatives, Read & Concurred & M[r] Billing M[r] Fisher & Coll[o] Walker are joined." — *Ibid., p.* 240.

"June 4, 1772. The Committee appointed Yesterday on the Petition of Archelaus Putnam and Archelaus Dale Agents for the North Parish in Danvers, reported as their Opinion that the Petitioners have liberty to bring in a Bill to confirm the Agreement mentioned in their petition.

In Council, Read & Accepted & Ordered that the Petitioners have liberty to bring in a Bill accordingly. In the House of Representatives, Read & Concurred." — *Ibid., p.* 241.

"Relates to proceedings in a particular Town." — *Gov. Hutchinson to the Lords of Trade, Aug.* 10, 1772: "*Mass. Bay, B. T.,*" *vol.* 81, *O. o.*, 48.

Chap. 18. "This Act was principally occasioned by the bad state of the Nova Scotia Bills which are from 20 to 50 pr. ct. discount and many of the Inhabitants of this Province are Sufferers. I saw no inconvenience in their joining New York & Jersey Bills with them & I wish to keep up the spirit against a paper medium." — *Ibid.*

Chap. 19. "Nov. 7, 1770. A petition of William Marean and Adam Wheeler in behalf of the Inhabitants of the District of Hubbardston — Setting forth — That a Tax of one penny ℔[r] Acre was laid on the Lands in said District by the General Court in 1767 for making and repairing of Roads, but that no provision was made to inforce the payment of said Tax from such proprietors as should neglect or refuse to pay the same: And praying that provision may be made for that purpose — Also setting forth That they have settled a Minister but are poor and unable to build a meeting house, and praying that a Tax may be laid on all the Lands of the nonresident proprietors for three Years Viz[t] three pence ℔[r] Acre for the first year, two pence for the second, and one penny for the third year, to be applyed for that purpose.

In the house of Representatives. Read and ordered that the petitioners notify the nonresident proprietors of said District of the second part of this petition by inserting the Substance thereof in two of the Boston News papers Viz[t] Edes & Gill's and Drapers three weeks Successively, that they may shew Cause, if any they have, on the second Thursday of the next Setting of this Court why the prayer thereof should not be granted. In Council, Read and Concurred." — *Council Records, vol. XXVIII., p.* 360.

"Apr. 12, 1771. A Petition of William Marean & Adam Wheeler in behalf of the Inhabitants of Hubbardston — Praying for a Tax on the Lands of the nonresident Proprietors — as entered the 7 day of Novem[r] last.

In Council, Read again, together with the answer, and Ordered that the consideration thereof be referred to the Session of the General Court in May next. Sent down for Concurrence.' — *Ibid., p.* 504.

"June 6, 1771. A Petition of William Marean and Adam Wheeler a Committee of the District of Hubbardston — Praying for a Tax on the Lands of the nonresident Proprietors to be applied for building a meeting house in s[d] District — as entered the 7 day of November last.

In Council, Read again and Ordered that Caleb Cushing Esq[r] with such as shall be

Joined by the Honble House be a Committee to take this Petition with the answer into consideration, hear the parties and make Report.

In the House of Representatives, Read and Concurred and Capt McCobb and Mr Bigelow of Weston are joined.

The Committee this day appointed on the Petition of William Marean and Adam Wheeler a Committee of the District of Hubbardston Reported That, having heard the parties, they were of opinion that the said Petition be dismissed; whereupon the following Order passed vizt —

In Council, Read and accepted, and Ordered that this Petition be dismissed accordingly. In the House of Representatives, Read and Concurred."—*Ibid., vol. XXIX., p.* 20.

"Apr. 23, 1772. A Petition of Joseph Grims and Joseph Starrow in behalf of the Inhabitants of the District of Hubbardston in the County of Worcester—Setting forth—That the Inhabitants of said District are, in general, very poor and new beginners, many of them having lived but a few years there; that their labour and industry have very much inhanced the value of the Lands which are principally owned by nonresident Proprietors; that the said Inhabitants have lately settled a Minister and laid out Roads, which have been attended with considerable charge; that they have no House to meet in for the public Worship of God, except a small Hut built by them to be improved as a School House; that they have not had any assistance from the Proprietors towards defreying the great charges they have been at, except a Tax of one penny ℔ Acre for one year. And praying that a Tax of two pence ℔ Acre may be laid upon all the Lands in said District, yearly for two years next ensuing to be applied towards building a Meeting house, making and repairing Roads &c.

In the House of Representatives. Read and Ordered that the Petitioners notify the nonresident proprietors of Lands in said District by causing to be inserted the substance of this petition and this Order in Edes and Gills and Drapers news papers three Weeks successively that they may have opportunity to shew cause, if any they have, on the third Thursday of the next Session of the General Court why the prayer of said Petition should not be granted. In Council, Read and Concurred."—*Ibid., p.* 189.

"June 12, 1772. A Petition of Joseph Grims and Joseph Starrow in behalf of the District of Hubbardston—Praying that a Tax of two pence ℔r Acre Yearly may be laid on all the Lands in said District for the term of two Years to enable them to build a Meeting House & repair Roads in the said District—as entred the 23—day of April last.—

In Council, Read again together with the Answer of the Nonresident Proprietors, and Ordered that James Otis & Samuel Dexter Esqrs with such as the Honble House shall join be a Committee to take the same into Consideration hear the parties & make Report. In the House of Representatives, Read & Concurred and Mr Lothrop Capt Mosely & Capt Doolittle are joined."—*Ibid., p.* 258

"July 2, 1772. The Committee appointed the 12 day of June last on the petition of Joseph Grims and Joseph Starrow in behalf of the District of Hubbardston, reported their opinion, that the said Petition be dismissed.

In Council, Read & accepted and ordered that the said Petition be dismissed accordingly. In the House of Representatives, Read & Nonconcurred and Ordered that this Petition be recommitted. In Council Read & Concurred."—*Ibid., p.* 305.

"July 7, 1772. *George Leonard*, Esq; brought down a Bill *for granting a Tax upon all the Lands in the District of* Hubbardston.

Pass'd in Council, *viz.* In Council, *July* 4, 1772. Read a first Time. *July* 7, Read a second Time, and pass'd to be engross'd. Sent down for Concurrence.

Read the first Time, and *Ordered*, That the Bill be read again To-morrow at Twelve o'Clock."—*House Journal, p.* 95.

"July 8, 1772. A Bill *for granting a Tax on all the Lands in the District of* Hubbardston.

Read the second Time, and committed to Mr. *Sprague* for Amendment."—*Ibid., p.* 96.

"July 11, 1772. A Bill *for granting a Tax on all the Land in the District of* Hubbardston. Read the third Time, and pass'd to be engross'd. Sent up for Concurrence."—*Ibid., p.* 109.

"July 14, 1772. The Committee on the Petition of the District of Hubbardston, by consent of parties, reported the draft of a Bill intituled 'an Act for granting a Tax of two pence ℔r Acre for one Year next to come & of one penny ℔r Acre for a second Year next to come on all the Lands in the District of Hubbardston in the County of Worcester, and for subjecting the Lands of such of the Proprietors as neglect or refuse to pay the said Taxes to be sold for the payment thereof.'

In Council, Read a first and second time & passed to be Engrossed. In the House of Representatives, Read three several times and passed a concurrence to be Engrossed."—*Council Records, vol. XXIX., p.* 337.

By an endorsement on the bill it appears that it was read a first time in the House, July 8, and a second time, July 9, and passed to be engrossed, with amendments, July 11; but that the Council refused to concur in the amendment, and adhered to their own vote; whereupon the House voted to concur, July 13.

"Relates to a particular Town & needs no remark."—*Gov. Hutchinson to the Lords of Trade, Aug.* 10, 1772: "*Mass. Bay, B. T.*," *vol.* 81, *O. o.*, 48.

Chap. 20. "Explains itself."—*Ibid.*

Chap. 21. "July 1, 1771. A Petition of John Wells and others a Committee of the District of Shelburne—Setting forth—That the Inhabitants of the said District are desirous of building a Meeting house and settling a Minister but, consisting only of about sixty Families, on new settlements, are unable at present without the assistance of other Proprietors of Lands within said District, to accomplish the same; That the Proprietors

of the unimproved Lands will receive great advantage by the settlement of the Ministry in the said District. And praying that a Tax of one penny ℔ᵗ acre by the year may be laid on all the unimproved Lands lying in said District for the term of four years, for the purposes aforesaid.

In the House of Representatives — On the Petition of John Wells and others — Read and Resolved that the Petitioners notify the nonresident Proprietors of the District of Shelburne by inserting the substance of said Petition in two of the Boston News papers viz^t in the Boston Gazette printed on Mondays, and in the Massachusetts Gazette printed on Thursdays three Weeks successively to shew cause, if any they have, on the second Tuesday of the next sitting of the General Court why the prayer of the Petition should not be granted. In Council, Read and Concurred." — *Council Records, vol. XXIX., p.* 99.

"Apr. 23, 1772. A Petition of John Wells and others a Committee of the District of Shelburne, praying for a Tax of one penny ℔ᵗ acre on all the unimproved Lands in the said District for the term of four years — as entered the first day of July last.

In Council, Read again and Ordered that the consideration of this Petition be referred to the second Thursday of the next Session of the General Court. In the House of Representatives, Read and Concurred." — *Ibid., p.* 189.

"June 9, 1772. A Petition of John Wells & others a Committee of the District of Shelburne praying that a Tax of one penny ℔ᵗ Acre may be laid on all the unimproved Lands in the said District for the term of four Years, as entred the first day of July 1771 —

In Council, Read again & Ordered that Benjamin Greenleaf and Walter Spooner Esq^rs with such as the Hon^ble House shall join be a Committee to take this petition into Consideration & report what may be proper to be done thereon. In the House of Representatives, Read & Concurred & Col^o Whitcomb Cap^t Heath and M^r Gorham are joined." — *Ibid., p.* 247.

"June 12, 1772. The Committee appointed the 9^th Instant on the petition of John Wells and others a Committee of the District of Shelburne reported that they had attended the service assigned them & were of opinion that the prayer of the Petition be so far granted as that the Petitioners have leave to bring in a Bill for the levying and collecting a Tax of one Penny ℔ᵗ Acre annually for three Years on all the unimproved Lands in the said district of Shelburne for the purposes set forth in the petition.—

Signed — B. Greenleaf ℔ᵗ Order

In Council, Read & accepted, and Ordered that the petitioners have leave to bring in a Bill accordingly. In the House of Representatives, Read & Concurred." — *Ibid., p.* 261.

Chap. 23. "June 9, 1768. A Petition of James Lock jun^r Agent for the Town of Ashby praying for a Tax of one penny half penny ℔ᵗ acre on the Lands of the nonresident Proprietors for five years in order to assist them in their infant state in building a Meeting House and settling a Minister in the said Town.

In the House of Representatives. Upon the Petition of James Lock jun^r Agent for the Town of Ashby praying that a Tax of one penny half penny ℔ᵗ Acre may be laid on the nonresident Proprietors for the reasons mentioned in said Petition — Read and Ordered that the Petitioners notify the nonresident Proprietors of this Petition by inserting the substance of it in two of the Boston News papers three weeks successively that they may shew cause on the second Thursday of the next sitting of this Court why the prayer thereof should not be granted. And the Petitioner is directed at the same time to lay before this Court an account of the number of Acres of unimproved Lands in the said Town of Ashby belonging to the nonresident Proprietors thereof. In Council, Read and Concurred." — *Council Records, vol. XXVII., p.* 341.

"Apr. 13, 1771. A Petition of James Locke jun^r Agent for the Town of Ashby praying for a Tax of one penny half penny ℔ᵗ Acre on all the Lands of the Nonresident Proprietors for the term of five years — as entered the 9^th of June 1768 —

In Council, Read and Ordered that this Petition be revived and that Benjamin Greenleaf Esq^r with such as shall be joined by the hon^ble House be a Committee to take this Petition into consideration and Report what they think proper this Court should do thereon, the adverse party having been notified and not appearing or making answer thereto.

In the House of Representatives, Read and Concurred and M^r Gardner of Stow and Major Hartwell are joined." — *Ibid., vol. XXVIII., p.* 507.

"Apr. 17, 1771. The Committee appointed the 13 instant on the Petition of James Locke jun^r Agent for the Town of Ashby reported that they had considered the same and were of opinion that the prayer thereof was reasonable and ought to be granted — whereupon the following Order passed viz^t

In Council, Read and accepted and Ordered that the Petitioners have leave to bring in a Bill accordingly. In the House of Representatives, Read and Concurred." — *Ibid*, *p.* 519.

Chap. 25. Before the year 1761, the chief travel from the north to Salem, which was the principal seaport of Essex County, was over highways which had been laid out inland to avoid bridging or ferrying the numerous creeks and estuaries with which the sea-coast was indented. The main road from Ipswich to Boston ran, in a general south-westerly direction, through Danvers; a branch diverging at the part of Danvers now Peabody, to the town of Salem and thence to Marblehead beyond.

In 1755, some inhabitants of Danvers conceived the plan of damming the tide-water of Crane River which was the estuary that separated Skelton's Neck in Danvers from the ancient farm of Governor Endicott, in order to run grist-mills continuously through the year, and so better accommodate the farmers of several adjacent towns who had usually brought their grists to the mills of Danvers. To reach these new mills a new road was laid out from the main highway at a point remote from the centre of the town. Against

this, many of the inhabitants who preferred another way from a point on the same highway nearer the centre of population, earnestly protested. The objection to the new way was as much on account of an apprehension that it would divert custom from the traders established on the old road as because it would unnecessarily increase the distance from the centre of the town to the new mills, and largely add to the town charges for maintaining highways.

After the new mills had been erected and the way thereto constructed as located, the inhabitants in that vicinity applied to the selectmen of the town for the location of a private way from the new mills across the Endicott farm to the shore of Waters's or Cowhouse River — which was another considerable estuary separating the Endicott farm on the south from the North Fields in Salem — and so across the river to the opposite shore. This location was granted under the act providing for laying out private ways (1713-14 chapter 8); but as Waters's River was a navigable stream and as the bridging of it in this manner encountered violent opposition from a large part of the inhabitants, it was deemed advisable to apply to the Court of Sessions for a new location of the way, as a public highway, from the beginning of the way laid out to the new mills, in 1755, to the dam at the mills, and thence over said dam and across the Endicott farm and the new bridge, which had been hastily erected over Waters's River, and so on to the North Bridge in Salem, following the line of the ways already laid out. A petition was accordingly presented for this purpose to the Court of Sessions at Newbury on the last Tuesday of September, 1760. A committee appointed to view the premises and report upon the necessity and convenience of the way prayed for, reported favorably, and the prayer of the petitioners, reinforced by urgent petitions from several other towns, was granted, May 22, 1761. In the mean time the inhabitants of Danvers who were opposed to the new way applied to the General Court to be relieved from the expense of maintaining this bridge and for an order to the Court of Sessions for a temporary stay of proceedings. This seems to have produced no other result than a vote by the Representatives for an order of notice on the petitioners for the way, and for a stay of proceedings until the further order of the General Court; which vote was not concurred in by the Council.

On the 9th of December, 1761, certain of the parties who had contributed to build the bridge applied to the Court of Sessions for reimbursement of the expense which they had incurred in that undertaking, over and above the subscriptions received by them, which deficiency amounted to about £125. This claim was made on the ground that the bridge had become a public highway free to all travellers, and therefore that there was no other method of securing to the builders a return of their outlay. This petition was followed by an application on behalf of the inhabitants of Danvers for relief in keeping the way and bridges in repair, and, though a committee appointed by the court reported that the county defrayed two-thirds of the expense of maintaining Lynn Bridge, and one-half the expense of maintaining Ipswich Bridge, another committee subsequently appointed did not report in favor of granting anything from the county treasury towards building this bridge, notwithstanding both committees expressed the opinion that the bridge was of public utility.

The bridge had been so slightly constructed that it was several times made impassable by storms; and, it was so badly injured by a great storm early in 1765 that it was found necessary to entirely rebuild it. Soon after this last storm a town meeting was held to consider what course the town would take in regard to rebuilding the bridge. On the 15th of January, 1766, the principal inhabitants of Danvers presented a memorial to the General Court, asking for "such relief in the premises as the equity and justice of their case calls for." A month later, notice on this memorial was ordered to be published in two of the Boston newspapers, and it came up for consideration at the following session, and, on the 13th of June, the further consideration of the subject was referred to the second Wednesday of the next session, in order that the memorialists might, in the mean time, apply to the Court of Sessions for a discontinuance of the way. In July, this court laid a fine upon the town for not repairing the bridge, and in September following, a town meeting was duly notified and held, in which twelve votes were passed, the principal purpose of which was to choose a committee to apply to the Court of Sessions for a discontinuance of the way. The committee thus chosen accordingly presented a petition, at the September term, praying for a discontinuance of the way over the bridge; but the petition was dismissed. The memorialists now renewed their application to the General Court. Their memorial was revived and recommitted, and the committee reported that the bridge should be discontinued. An order was thereupon passed that a committee of both branches repair to Danvers, view the bridge, consider the expediency of maintaining it, and how it should be supported, and report at the next May session. This committee reported, June 11, 1767, that the bridge "is of general utility and peculiarly beneficial" to certain towns and proprietors mentioned and that it ought to be kept up and maintained by a tax to be assessed one-half upon the inhabitants and proprietors of lands between Porter's Corner in Danvers and the drawbridge over the North River in Salem; one fourth part by the town of Danvers; one sixteenth part, each, by the towns of Topsfield and Wenham; and one eighth part by the town of Marblehead, and that a bill be brought in accordingly. The House refused to accept this report and passed an order that the bridge be discontinued, but the Council refused to concur in this order.

Thus the matter stood for four years, when the bridge having been damaged by another great storm the inhabitants of Danvers applied to the General Court for aid in rebuilding it. The subject was referred to a committee, April 10, 1771. No further action having been taken, the petition of the agent for the town of Danvers was, the next year, revived and recommitted, and on the 17th of April, 1772, the committee reported that a bill be brought in authorizing the collection of tolls for the maintenance of the bridge. This report was rejected, and the petition was recommitted, and a new report was made, the same day, that the bridge be discontinued. This report was also rejected, and the petitioners were granted leave to withdraw. On the fifth of June, 1772, the inhabitants of

Danvers made a new application for relief, and the inhabitants of the Neck at the same time presented the following petition, which is preserved in the first volume of records of the proprietors of the Neck of Land: —

"Province of the Massachusetts Bay in New England.) To his Excellency Thos. Hutchinson Esqr. Governour of Said Province, To the Honourable his Majesties Council, & house of Representatives, in General Court Assembled, Wednesday ye Third Day of June A D 1772. —

The Petition of Benja Porter & Others, humbly Sheweth your Petitioners are Inhabitants of the South Parish in Danvers being on a Neck of Land which is the Northerly or Northeasterly Corner or Skirt of Said Parish where a Number of us were excited (Some years ago) to Settle with Just Vews to Promote our own, & the general Intrest of the Community which Purposes at first we had a Glowing Prospect fully to have answer'd, & in order to fecilitate the above Purposes & Designs it was thought propper that a Highway Should be Laid out for your Petitioners more Conveniently Passing and Repassing to & from the place of Publick Worship, in the South Parish aboves[d]. also to fecilitate the intercourse of your Petitioners & others whose buisiness frequently calls them to the Mills, in this Place with the markets of the Town of Salem, & Marblehead &c. and accordingly a Highway was some years ago Laid out by the Select Men of the Town of Danvers, & established by the Honourable Court of Sessions, & a Bridge Built over Waters's River So Call'd which has Occationed (in the Humble Opinion of your Petitioners) many needless Disputes in the Town of Danvers which Disputes have been Stired up as we conceive by some few men who Live on the old Road, in the South Parish Aboves[d]. and are concerned in the Retailing & Shop keeping Buisiness &c.and who conceit they Sell some few goods &c. the Less by Reason Some Part of the Travelling, is conveniently & Necessarily turn'd the New way and whereas the Inhabitants of the Town of Danvers by their Agent Preferred a Petition to the great & General Court, at their last Sessions Praying that the Town of Danvers may be relieved of the great Charge of Building & keeping in Repair the said way & Bridge, and as we understand the said agent urged for a Toll to be laid on said Bridge, which would be a great Burthen on your Petitioners

And whereas your Petitioners being Sensable of,and affected with the Strife and debate which the Building Said Bridge & keeping in Repair Said way has already occationed in the said Town of Danvers therefore in order that all Strife and Debate relative thereto may cease, & that the Town may be eased of the alarming Charge so much complaned of, & that unanimity & Peace in that respect may be restored, & Established to the Town your Petitioners with Due Submission take Leave to Signify to your Excellency & honours that we your Petitioners Living on the Land or whosoever Shall Settle or improve Said Lands Bounded as followeth, (will Take all future Charge of Repairing Said way & Bridge from Porter Corner to the Easterly End of Waters's Bridge on ourselves & heirs forever in Case your Excellency & Honours will excuse us from being at the charge of Supporting any other Highways within the Town of Danvers) Beginning at the Bridge by John Verry's in Danvers Commonly Called Crane River Bridge, thence Running Down the Channel to Lievt. Thos. Stevens's Land, about Thirty Poles above the Mill Damm by a cove in the Mill Pond thence Runing on a streight Line as sd Stevens's fence now Stands till it Strikes Waters's River near the Bridge on the West Side and across sd River to highwater Mark thence Down sd Waters's River to frost Fish Brook river So Called, at Lowwater Mark thence up the Channel of sd River to the Bridge called frostfish Brook Bridge, on Ipswich Road, thence on the easterly Side of sd Road to Crane River Bridge above Mentioned. —

Therefore your Petitioners humbly Pray your Excellency & and Honours would take this our Petition under your wise & Juditious Consideration and grant us our Request, or dismiss any Petition that may be offered from the Inhabitants of sd Town of Danvers respecting sd Bridge or otherways relieve your Petitioners as you in your great Wisdom Shall Think Propper, and your Petitioners as in duty bound shall ever Pray —

NATHLL BROWN	PATRICK CARROLL	BENJA PORTER
AARON CHEVER	WALTER PERKINS	ISRAEL HUTCHINSON
ISRAEL SMITH	EBENR DALE	SAMLL DUTCH
THOS STEPHENS	WILLM TOWN	NATHLL PUTNAM
		BENJA SAWYER."

On the second of July, 1772, both these petitions were referred to a committee who, on the same day, reported "that the petitioners have leave to bring in a bill for the purpose of their petitions." Accordingly the present chapter was reported and passed.

This act continued in force until March 7, 1840, when it was repealed by chapter 21, of the acts of that year. In 1791 the bridge was rebuilt with stone, towards which the county contributed £170; and the highway was altered and widened in 1802.

"Relates to the Affairs of a particular Township:" — *Gov. Hutchinson to the Lords of Trade, Aug.* 10, 1772: "*Mass. Bay, B. T.*," *vol.* 81, *O.o.*, 48.

Chap. 26. "June 24, 1772. A Petition of Jonathan Randall and five other Persons Inhabitants of Bridgwater and Braintree — Setting forth — That there has been for many Years past a dispute subsisting respecting the Line between the Counties of Suffolk and Plymouth commonly called the Colony line, and that different Lines have been established by the Superiour Court at different times, which has thrown many Families, whose Estates are bounded on that line, into great confusion. That there are two Law Suits now depending respecting the said Line & that there is no prospect of an end being put to further Suits without the interposition of this Court. And praying that a Committee may be appointed (not Inhabitants of either of the said Counties) to run the Line aforesaid and that it may, by an Act of this Court, be established.

In the House of Representatives, Read & Ordered that Colo. Walker Doctor Tufts and Captn. Greenleaf with such as the honble Board shall join be a Committee to take this

Petition into consideration and report. In Council Read and Concurred and Artemas Ward & Caleb Cushing Esq^rs. are joined."— *Council Records, vol. XXIX., p.* 289.

"July 2, 1772. A Petition of Jonathan Thayer and others. Setting forth — That they are the owners of a great part of the Grant made by the General Court to the Town of Boston bounding Southerly on the Colony line, and the Grant made to Lieu^t. Peregrine White, by the Colony of New Plimouth, bounding Northerly on said Colony line; and, as said Grants are opposite each to the other, it is disputed by the Petitioners where said Colony line runs which divides said Grants. That said dispute has occasioned many Law Suits and two are now depending in the Superiour Court in the County of Suffolk. And praying, in order to put an end to the said dispute, that a Committee may be appointed (who are not Inhabitants of either of the Counties of Suffolk, Plymouth and Bristol) to ascertain the said line, and that it may be established by an Act or Law of the Government.

In the House of Representatives, Read and Ordered that Col^o. Walker, Doct^r. Tufts and Cap^t. Greenleaf with such as the hon^ble Board shall join be a Committee to take this Petition into Consideration and report. In Council Read & Concurred and Artemas Ward and Caleb Cushing Esq^rs. are joined." — *Ibid., p.* 307.

"July 7, 1772. The Committee appointed on the Petitions of Jonathan Randall & others and of Jonathan Thayer and others made the following report viz^t.

The Committee appointed to consider the petition of Jonathan Randall and others and the petition of Jonathan Thayer and others, have attended the service and fully heard the parties and are of opinion that a Committee with a skillful Surveyor be appointed to repair to Bridgwater and run the Line of New Plymouth Colony, so called, from Accord Pond to Angle Tree, and that said Committee notify all Persons whose Interest may be affected by the running of said line, by giving notice of the time and place of their Meeting for that Purpose in two of the Boston News Papers three Weeks successively, at least one Month before the time of their Meeting, and that said Committee make report of their doings thereon to this Court on the second Wednesday of the next sitting of the same. And that all Lawsuits commenced & now depending by reason of the uncertainty of said line be staid in the mean time. — All which is humbly submitted —

ARTEMAS WARD *Ch^n.* Order

In Council, Read and accepted and thereupon Ordered that Artemas Ward Esq^r. with such as the Hon^ble House shall join be a Committee for the purposes therein mentioned, to make report of their proceedings to this Court on the second Wednesday of the next Session for their consideration; And that all Law suits commenced and now depending by reason of the uncertainty of s^d. line be staid in the mean time. In the House of Representatives, Read & Concurred & Col^o. Whitcomb and Maj^r. Fuller are joined.

In Council. Ordered that John Child jun^r. of Holden, & in case he cannot attend then Daniel Clap of Rutland be the Surveyor for the purpose abovementioned. In the House of Representatives, Read & Concurred. Consented to by the Governor." — *Ibid., p.* 310

"Jan. 14, 1773. The following Report was made by the Committee appointed for the purpose therein mentioned viz^t —

The Committee appointed by this Court the last Session to run the line from Accord Pond to Angle tree, have attended that service, having first duly notified all parties concerned of the time and place of meeting, proceeded to Hingham at the time appointed with M^r. John Child the Surveyor appointed by this Court to run said line and there heard the parties: Then your Committee repaired to a monument of Stones standing on the westerly side of said Pond nearly opposite to the center thereof, which monument all parties agreed to be the monument from which your Committee should take their departure; that being done your Committee agreed to run a certain point, namely, West twenty two degrees and an half South to the Bay Road so called in Bridgwater, which point they run, measuring at certain stations the distances they run from the line made by Col^o. Thaxter and Cap^t. Thomson in seventeen hundred and thirteen and the distance from the Line made by Col^o. Thaxter in seventeen hundred and twenty five; When your Committee had run to the Bay Road aforesaid, they rode to the Tree called Angle Tree standing between Attleborough and Wrentham, which Tree was the only tree any person would undertake to shew to your Committee as Angle tree. From which Tree your Committee agreed and run East twenty degrees and a quarter north down to the Bay Road aforesaid, observing the distance they run from sundry monuments said to be made by Col^o. Thaxter and Cap^t. Thomson in the line run in seventeen hundred and thirteen. By means of which your Committee find to run from the Monument aforesaid at Accord pond West twenty degrees and an half South will lead on to many of the bounds said to be made by Col^o. Thaxter and Cap^t. Thomson on the line run in the year Seventeen hundred and thirteen and strike the Tree aforesaid called Angle tree. And your Committee are of opinion that the return of the doings of the Committee in the year sixteen hundred and sixty-four is vague and uncertain, and that the line run in Seventeen hundred & twenty five is inconsistent, And your Committee are further of the opinion the line run in the year Seventeen hundred and thirteen is the only line that has been properly run out and marked — All which is humbly submitted.

ARTEMAS WARD *Ch^n.* Order

In Council. The aforewritten Report being read, Ordered that James Otis, Walter Spooner and Caleb Cushing Esq^rs. with such as may be joined by the hon^ble House be a Committee to take the same into consideration hear the parties, who are now attending for that purpose and report what they think proper this Court should do thereon.

In the House of Representatives, Read and noncurred and Resolved that the consideration of the aforewritten report be referred to Wednesday the 27 instant at eleven o'Cclock A M, the parties then to be heard in person or by Council before the whole Court upon the subject matter of said Report. In Council, Read and Concurred, Consented to by the Governor." — *Ibid., p.* 378.

"Jan. 27, 1773. William Brattle Esq^r. from the Board went down to the House of Representatives with a Message proposing that the hearing which was to have been on this

day upon the Petition of Jonathan Thayer and others and the Petition of Jonathan Randall and others be postponed to Wednesday the 10th day of February next, if the General Court be then sitting, if not, to the second Wednesday of the next Session of the General Court.

Mr. Hancock from the House of Representatives came up to the Board with a Message to acquaint them that the House agreed to their proposal. — *Ibid., p.* 419.

"Feb. 9, 1773. In the House of Representatives. Resolved that the hearing before this Court on the Petitions of Jonathan Thayer and others and Jonathan Randall and others which was to have been had on the morrow, be referred till Wednesday the 16 instant, if this Court shall then be sitting, otherwise till the second Wednesday of the next sitting of the General Court, by reason of the indisposition of the Counsel of one of the parties. In Council, Read and Concurred Consented to by the Governor." — *Ibid., p.* 473.

"Feb. 19, 1773. The following Order passed on the Report of Artemas Ward Esqr. and others of runing the line from Accord pond to Angle Tree vizt.

In Council. A hearing being had on the subject matter of the foregoing report, Ordered that William Brattle, James Otis and Samuel Dexter Esqrs. with such as the honble House may join be a Committee to consider and report what they may judge proper for this Court further to do thereon. In the House of Representatives, Read and Concurred, and Colo. Gilbert Mr. Bridgham, Capt. Greenleaf and Dr. Holton are joined.

In Council. Ordered that Caleb Cushing Esqr. be of the Committee in the room of William Brattle Esqr. who is absent. In the House of Representatives, Read and Concurred." — *Ibid., p.* 507.

The next proceeding in this matter was an order of the House, on the 24th of February, to request the Council to send down the petitions of Randall and Thayer, and the accompanying papers, which was accordingly done the same day; and, on the 3rd of March, the bill of this act was read in the House and referred to a committee, and two days later passed to be enacted there.

"This Act was intended to set aside Orders of the General Court which had been construed in the Courts of Judicature, to determine both Property and Jurisdiction, and as first drawn it not only declared, that this Act, nor no former Order of the General Court should affect Property bounded upon the line, between the two Colonies, but it finally passed in this form, and now extends to those former Orders, no farther, than they respected Jurisdiction." — *Gov. Hutchinson to the Lords of Trade, Apr.* 17, 1773: "*Mass. Bay, B. T.*," *vol.* 82, *P. p* , 14.

Chap. 27. "Boston ss, To the Honble. His Majestys Justices of the peace within the Town of Boston, and the Gentlemen Selectmen of said Town. —

The petition of Subscribers freeholders & Inhabitants of said Town of Boston. —

Sheweth,

That by the late great Fire which happened in Boston on the third day of February Current most of the dwelling houses and Buildings in Paddys Alley so called were Consumed, as also several other houses, whereby the lands whereon they stood are become void, and vacant, that said lane was very narrow, but from its situation was extremely beneficial and useful to the Inhabitants, great numbers of whom were necessarily obliged to pass and Repass the same every day, there being scarce any street in Town more improved by the Inhabitants then this lane was, that it is still absolutely necessary to have a street or passage way there, otherwise such of the Inhabitants who were burnt out but are still able to Rebuild will not do it, and as the greatest part of the lands from Middle street to Ann street are by this fire become vacant, a very Commodious street may be laid out, Your petitioners therefore pray your Honors to take the premisses into your immediate consideration and that you will take such Methods in laying out a street there, as the Law of the province directs and Impowers your honors in such Cases to do, and that you'l please to do it as soon as may be for that the season of the year for Rebuilding is now advancing fast, and a delay herein may be very prejudicial to those who intend to rebuild. —

And your petitioners shall ever pray &c. —

Boston Feby 20th 1767.

LEACH HARRIS	GIBBINS SHARP	JOHN REVERE
HENRY ATKINS JUNR	BENJA JEPSON	JONA DAKIN
SAM GRAY	JOHN BOUNE	GILES BREWER
JOHN GREENOUGH	JOSEPH GENDELL	BENJA RICHARDSON
JOHN WEBB	SAMUEL RIDGWAY	JOSEPH JACKSON
JONATHN CARY	FITCH POOL	THOMAS CAPRON
THOS NEWELL	NATH ROGERS	EDWARD ROSS
JOHN TAYLOR	THOS BOYLSTON	JOHN ROGERS
NATHL GREENWOOD JUNR	SHIPPIE TOWNSEND	JAMES SEWARD
EDWD GYLES	JNO COOKSON	WILLIAM CODNER
JAMS BUTLER	THOS HICHBORN	SAMUEL WHITNEY
ALEX. HILL	NATHLL PARKMAN	JOHN GOULD
THO: FLETCHER	SAMUEL APPLETON	NATHL HALL
HABIJAH SAVAGE	SAMLL RIDGWAY JUN	ROBT. GOULD
BENJA PROCTER	THOS BELL	THO: BROWN
NAT. BARBER	HENRY STANBRIDGE	JOHN BAKER
PETER BOYER	JONA BROWN	EDWD FOSTER
THOS HICHBORN JUN	EBENR RIDGWAY	ELIAS THOMAS
THEO. LILLIE	JNO BARRETT	JOHN SAVAGE
THOS ATKINS	JOSEPH TYLER	WM POWELL
CHRISTO RANKS	W WEBB	SIMON ELLIOT
THOS BADGER	WM DAWES	WILLM DAVIS

THOS SHERBURNE	JOSEPH BELKNAP	JOB PRINCE
DAVID BELLCHER	SAML BARRETT	JOSH HENDERSON
JOHN WISE	WM WHITWELL	SAML DEMING
JONA CUSHING	JOSIAH WATERS	HENDERSON INCHES
ROBERT BALLS	NAT ABRAHAM	BENJ AUSTIN
SAMLL FLETCHER	THOS GREENOUGH	SAML HUGHES
THO EMMONS	SAMUEL BALLORD	JOHN WHATLEY
WILLM SIMPKINS	ROB HEWES	PHILIP FREEMAN
ROBERT RAND	RICHARD BILLINGS	MARTIN GAY
NATHL BALCH	GEO BETHUNE	J. CONDY
MARGT FLETCHER	NICHO BOYLSTON	STEPHEN WHITING
JONA WILLIAMS	ISAAC SMITH	WILLM BAKER JUNR
RICHD DUNCOMB	INCREASE BLAKE	JAS BRIDGHAM
WM HOMES	BENJA HOMER	JAS JACKSON
NATHLL HOLMES	SAMUEL PEPPER	JOHN PERKINS JUNR
FORTSQ VERNON	DAVID GLEASON	JOHN SCOLLAY
SAML MINOTT	ELEAZER JOHNSON	MOSES GILL
JAS THOMPSON	THOS WALDO	EBEN. HANCOCK.
BARTW KNEELAND	ARNOLD WELLES.	CALEB BLANCHARD
JOHN COBURN	THOS MACCARTY	DANIEL PARKER
WM WINGFIELD	THOMAS GRAY	SAML DOWNE
SAM ABBOT	JOHN LEVERETT	WILLIAM GRAY
BENJ HALLOWELL JR	JAMES PERKINS	SAMUEL AUSTIN
JOHN ERVING JUN	JNO SPOONER	DANL WALDO
JAMS WARDEN	SAML PARTRIDGE	CORNELIUS THAYER
EZEKL GOLDTHWAIT	EDWARD PAYNE." — *Boston Town-files.*	

"The Justices of Peace for the County of Suffolk dwelling in Boston in the said County and the Selectmen of said Town having received a Petition from a considerable number of the Inhabitants thereof, setting forth — That the greatest part of the Lands from Middle Street to Ann Street are by the Fire which happened in Boston on the third Day of February 1767. become desolate & vacant — that Paddys Alley so called which runs through those Lands, tho'. very narrow, was from its situation extremely beneficial and useful to the sd. Inhabitants there being scarce any Street in Town more improved by them than said Alley was, and that it is still absolutely necesary to have a Way there — therefore praying that they would take the Premisses into consideration, and lay out a commodious Street there, whereby such of the Inhabitants aforesaid as were burnt out, but are still able may be encouraged to Re-build —

Whereupon we Samuel Wells, Joshua Winslow, Richard Dana, Foster Hutchinson, John Ruddock, Nathaniel Balston, John Hill, Edmund Quincy, John Avery, John Tuder being the major part of his Majestys Justices of the Peace for the County aforesaid dwelling in the Town of Boston aforesaid — And we Joseph Jackson, Samuel Sewall, John Hancock, William Phillips, Timothy Newell, & John Rowe being the major part of the Selectmen of the same Town, having carefully viewed the said Alley, and the Lands so made desolate, on each side of it, and duly considered the Premisses, have for the conveniency & accommodation of that place & of the Inhabitants aforesaid, pursuant to the power given us by a Law of this Province, made in the Fourth Year of K: William, & Q. Mary intitled 'An Act for Building with Stone or Brick in the Town of Boston & preventing Fire' — stated laid out & established a Street through vacant & desolated [Lands afores*]d [widening the*] aforesaid Alley or part of it, in manner & form following, that is to say, begining at the Northeasterly Corner of the Yard behind the Brick Dwelling-house belonging to ye. Heirs of Mr. Andrew Tyler deceased & running south a little Westerly along by the back of the said House & across the said Alley, including it, Nineteen feet & eleven Inches, which Line is at the Eastern end of the same new Street, then turning & running West a little Northerly on the Southerly side of the same Street, three & thirty feet, then running West more Northerly making a small bend, a hundred & fifty feet & nine Inches, then runing West more Northerly, to the House of Thomas Emmons, ninety & four feet & six Inches then turning North, a little Eastwardly, crossing the said Alley, strait along by the end of Mr. Gedneys House, now occupied by William Crombey, thirty feet (which Line is at the Westerly end of the same Street) then returning East, a little Southerly, on the Northerly side of the same Street, ninety one feet, then running East less Southerly, sixty five feet, where it measures across to the South side or line, thirty five feet, then runing East again, something more Southerly home to the said Brick-house Eighty four feet & six Inches then turning South a little Westerly, along by the same House to the Corner thereof nine feet & seven Inches, then turning the said Corner & runing along by the same House to the aforesaid Corner of the Yard aforesaid twenty eight feet & about eleven Inches, where the said new Street ends. And we have laid & set off all the Lands of every Person whomsoever included & falling within the Lines & Boundaries afores[d] into the same new Street which is particularly represented & delineated in the foregoing Plan to remain & continue a part and parcel thereof for ever — In Witness whereof we hereto set our Hand, this 16th Day of April Anno Domini 1767 —

SAMUEL WELLES.	JOHN RUDDOCK	JOSEPH JACKSON
JOSHUA WINSLOW.	JOHN HILL	SAMUEL SEWALL
R DANA	EDM: QUINCY	JOHN HANCOCK
FOSTER HUTCHINSON	JOHN AVERY	WM PHILLIPS
NATHANL BALSTON	JOHN TUDOR	TIMO NEWELL." — *Ibid.*

* Paper mutilated.

"Mr. Gedney to pay	£3	Heirs of Robert Henry	3
Joseph Jackson	3	Robert Ball	80
Meriams heirs	1	Mrs Newman	25
John Bryant	2	Mrs Fletcher	20
Asa Stodder	4	Town	177 :10
Thomas Emmons	5		
			323 :10."—*Ibid.*

"Met August 19th 1767—Present

Justices—	Selectmen
Samuel Wells Esq	Joseph Jackson Esq
Richard Dana Esq	Samuel Sewall Esq
Foster Hutchinson Esq	William Phillips Esq
Joshua Winslow Esq	John Rowe Esq
Belcher Noyes Esq	
John Hill Esq	
John Avery Esq	
John Tuder Esq	
Edmund Quincy Esq	

The Question was put Whether there shall be a reconsideration of what has been done relative to laying out a New Street in Paddys Alley—passed in the Negative."—*Ibid.*

"To His Excellency Thomas Hutchinson Esqr Governor and Commander in chief in and over His Majestys province of the Massachusetts Bay in New England; To The Honourable His Majestys Council; and To The Honorable House of Representatives in General Court Assembled February the 11th 1773.

The petition of Andrew Tyler of Dedham in said province Clerk, Executor to the last Will and Testament of Mrs Meriam Tyler late of Boston Widow deced, for and in behalf of himself and the other Heirs to the said Meriam Tyler Humbly sheweth

That the said Meriam Tyler died possess'd of a large Brick dwelling House with the Land adjoining situate in Ann Street in said Boston, Butting Easterly on said Ann Street, Southerly on Paddys Alley so call'd, Westerly on Land now or late belonging to Wm Scott, and Northerly on Land of Jonathan Williams. Your petitioner further sheweth that in the Fire which happened in February 1767 Sundry Houses were Burnt in said Alley, and the House and Fence of the said Meriam Tyler was damaged, in consequence of which the then Select Men with the Justices of said Boston Widened the said Alley, runing a Line through the said Meriam Tylers Land which takes off almost the whole thereof to the very great detriment and near total destruction of said Estate, in such manner as to lay near all the back part of said large House open to said Alley which renders it in a manner uninhabitable. Your petitioner further sheweth that he hath applied to the present Gentlemen Select Men of said Boston for Redress and they are pleas'd to say that the said Line so run as aforesaid is a very great hardship on your petitioner and the other heirs, and is of little or no benefit to the Town or the Abutters, inasmuch as the said Alley in that part is much wider than it is or can be in many other parts, especially at the entrance on said Ann Street where the Ell part of said House leaves an opening of only Five or Six feet into the said Alley: the said Select Men further say that were they impowered they should be dispos'd to run the said Line anew, to the relief of your petitioner and more to the advantage of said Town and all concern'd provided your petitioner will consent to the taking down the said Ell part of the House. Your petitioner further sheweth that he will consent to the taking down said Ell part of the House provided the Line be run from the Southeast corner of the Main House so as to make said Alley of equal wedth from Front to Rear of said Land; and provided that he be paid for the said Ell part of the House and the Land that shall be then taken from it, as the same shall be apprais'd by a Jury agreable to the Law of the province in that case provided, consideration also being had to the Repairs that will in that case become necessary on that side of the said House from which the said Ell part shall be so taken. Your petitioner further sheweth that the Lands taken into said Alley as aforesaid have not yet been apprais'd as the Law directs so that the difficulty of altering on that Account is obviated.

Your petitioner Therefore prays, That your Excellency and Honours will empower the said Select Men or other persons to make such alterations in said Alley as shall seem meet to them; or Grant him and the other heirs such Relief as in your known Wisdom and goodness you shall think fit; And Your petitioner as in Duty bound shall ever pray

ANDREW TYLER."—*Mass. Archives, vol.* 121, *p.* 499.

"Feb. 11, 1773. A Petition of *Andrew Tyler*, Executor of the last Will and Testament of *Miriam Tyler*, of *Boston*, deceased; praying that the Justices of the Peace in the Town of *Boston*, and the Selectmen of said Town, may be empowered to lay out a Street, as mentioned in the Petition.

Read and committed to Capt. *Farley*, Capt. *Heath*, Capt. *Allen*, Col. *Thayer* and Capt. *Derby*."—*House Journal*, *p.* 221.

"Feb. 24, 1773. A Bill *to enable the major Part of the Justices and the major Part of the Selectmen of the Town of* Boston, *to lay out a Street from Middle-Street to Ann-Street in said Town.* Read the first and second Time."—*Ibid.*, *p.* 257.

This bill was read and recommitted, Feb. 26; read a third time, and passed to be engrossed, and sent up for concurrence, Feb. 27, in the House; and read a first and second time and passed in concurrence to be engrossed, as taken into a new draught, in the Council, and sent down for concurrence, March 3. In the House it was read and concurred, with the amendments, March 4, 1773; and the same day read and concurred in the Council, and passed to be enacted in the House on the following day.

[Chapters 27, 28 and 29] "Respect particular Towns only, and have nothing pecu-

liarly observable."— *Gov. Hutchinson to the Lords of Trade, Apr.* 17, 1773: "*Mass. Bay, B.T.*," *vol.* 82, *P. p.*, 14.

Chap. 28. "Jan. 22, 1773. A Petition of *William Coffin*, Esq; and others, praying for the widening of Governor's-Alley, so called, in *Boston*.

Read and committed to Mr. *Stickney*, Col. *Prescot*, and Capt. *Farley*."— *House Journal*, *p.* 171.

"Feb. 5, 1773. The Committee on the Petition of *William Coffin*, Esq; and others, reported.

Ordered, That the Petitioners have Leave to bring in a Bill accordingly."— *Ibid.*, *p.* 211.

See, also, note to chapter 27, *ante*, for Gov. Hutchinson's remarks.

Chap. 29. "Feb. 1, 1766. A Petition of a great Number of the Inhabitants of Pownalborough — Setting forth that the said Town is of very large Extent, situated between the two Rivers of Kennebeck, and Sheepscut, with a Wilderness of near five miles extent, between the Settlements on each River: That there are near two hundred Families in the said town, the Numbers being nearly equal on each River, which renders it impossible for them to attend the public Worship together, & very difficult to attend the Town Meetings, and frequently impossible, the distance of the Inhabitants of one side or the other occasioning ten miles Travel. And praying that they may be divided into two Towns by a line, running from the South to the North Line of said Town, near the Centre, so as each Town may have an equal number of Acres —

In the House of Representatives, Ordered that y^e^ Petition^rs^ give Notice to the Non-petitioners of the Town of Pownalborough of this Petition, by serving each Selectman of said Town with a Copy of said Petition, and the Order of this Court thereon, and by posting up a Copy of the same, at each House of public Worship in said town, that they may shew Cause (if any they have) on the second Wednesday of the next May Session, of the General Court, why the Prayer of said Petition, should not be granted. In Council, Read and Concurred."— *Council Records, vol. XXVI., p.* 155.

"June 6, 1766. A Petition of a number of the Inhabitants of the Town of Pownalborough — praying that the same may be divided and a new Town made out of the same, as entered the 1^st^ of Febr. last.

In Council, Read again, together with the Answer thereto: And Ordered that Royall Tyler & Jeremiah Powell Esq^rs^ with such as the Hon^ble^ House shall join be a Committee to take said Petition and Answers thereto, hear the parties & report.

In the House of Representatives, Read and Concurred and M^r^. Spooner, M^r^. Johnson & M^r^. Dexter are joined in the affair."— *Ibid.*, *p.* 233.

"June 19, 1766. The Committee appointed on the Petition of a number of the Inhabitants of Pownalborough having made Report, the following Order passed thereon viz^t^ —

In Council, Read and Accepted: And instead of dividing the Town of Pownalborough as prayed for, Ordered That for the future until the further Order of this Court, the annual March meeting of the said Town of Pownalborough shall be alternately holden on the East and West side of said Town. And in case it shall at any time be found necessary to adjourn over to a future time in the same year, any business that shall be begun upon at the March Meeting held in either part of the said Town as aforesaid the same shall be transacted in that part of the Town only, in which the March Meeting shall fall to be holden in that year. And it is further Ordered That the next Anniversary March Meeting of the Inhabitants of the Town of Pownalborough shall be holden on the East side of the said Town.

In the House of Representatives. Read and Ordered That the further consideration of the Report upon the Petition within mentioned be referred to the next sitting of this Court: And that the Selectmen of the Town of Pownalborough with the Sheriff of the County be directed to send upon Oath to the Secretary a true state of the said Town with regard to the Houses, and the number of Inhabitants lying within the Bounds of Pownalborough before the next sitting of this Court, particularly, setting forth the number of Houses & Inhabitants of each side of the Line proposed to be the divisional Line of said Town. In Council, Read and Concurred."— *Ibid.*, *p.*, 265.

"Nov. 13, 1766. A Petition of Sundry Inhabitants of Pownalborough with the Report of a Committee of this Court thereon as entered the 19^th^ of June last, and referred to this Session.

In Council Read again, and ordered That the consideration of this Petition be referred to the third Wednesday of the next May Session. In the House of Representatives Read and Concurred."— *Ibid.*, *p.* 330.

"June 19, 1767. A Petition of a great number of the Inhabitants of the Town of Pownalborough Praying for a division of the said Town as entered 7 Feb^y^ 1766 was again read in Council; and Sam^l^ White and John Worthington Esq^rs^ with such as the hon^ble^ House should join appointed a Committee to take the Petition & answers under consideration and report.

In the House of Representatives, Read and nonconcurred: and Ordered that the further consideration of this Petition be referred to the next Winter Session. In Council, Read and Concurred."— *Ibid.*, *vol. XXVII.*, *p.* 76

"June 17, 1768. A Petition of Jonathan Williamson and others setting forth — That on the 6^th^ of April last the Freeholders and Inhabitants of Pownalborough at a legal Town Meeting called for the purpose voted That application be made to this Court for dividing said Town into two Parishes by a Line running from the South to the north line of said Town paralel to the general course of Kennebec River adjoining said Town so as to leave two thirds of the Land in said Town on the East side of said dividing line for a Parish by the name of the East Parish, and one third part of the Lands in s^d^ Town on

the West side of said dividing line for a Parish by the name of the West Parish. And praying that s^d. Town may be so divided accordingly.

In the House of Representatives, Read & Ordered that the Petitioners notify the Inhabitants of the West side of Kennebec River by inserting the substance of the Petition in two of the Boston News papers three Weeks successively to shew cause on the second Wednesday of the next sitting of this Court why the prayer should not be granted. In Council, Read and Concurred."— *Ibid., p.* 364.

"Apr. 26, 1770 The following Order passed on the Petition of Jonathan Williamson and others of Pownalborough as entered the 17^th day of June 1768 —

In the House of Representatives. Resolved That the Town of Pownalborough be and hereby is divided into two Parishes by a Line running from the South to the North Line of said Town parralel to the general course of Kennebec River adjoining said Town so as to leave two thirds of the Land in said Town on the East side of said dividing Line for a Parish by the name of the East Parish, and one third of the Land in said Town on the West side of said dividing Line for a Parish by the name of the West Parish; the said Parishes to be invested with all Powers, privileges and immunities that other Parishes within this Province do enjoy — In Council, Read and nonconcurred."— *Ibid., vol. XXVIII., p.* 215.

By the following entry it appears that the town by its agents again applied for a division according to a vote of the town. But neither the petition nor the vote referred to has been found: —

"Jan. 28, 1773. A Petition of *Charles Cushing* and *Thomas Rice*, Esqrs; Agents of the Town of *Pownalboro'*, praying that said Town may be divided into two Parishes, agreeable to a Vote of the Town.

Read and *Ordered*, That Mr. *Ingersol*, Col. *Gilbert* and Mr. *Sprague*, bring in a Bill for the same Purpose."— *House Journal, p.* 195.

See, also, note to chapter 27, *ante*, for Gov. Hutchinson's remarks.

Chap. 30. The petition of Benjamin Beal and others, which appears in the note to 1768, chapter 5, *ante*, was sent to the printers inadvertently. The proceedings upon that petition were as follows: —

"June 14, 1771. A Petition of Benjamin Beal and others Proprietors of Lands in Ashfield Praying as entered the 12^th day of April last. In Council, Read again together with the Answer and Ordered that William Sever Esq^r. with such as shall be joined by the hon^ble. House be a Committee to take the same into consideration, hear the parties and make Report In the House of Representatives, Read and Concurred and Col^o. Edson and M^r. Gay are joined.

In Council, Ordered that Caleb Cushing Esq^r. be of the Committee abovementioned in the room of William Sever Esq^r. who is absent, and that Timothy Woodbridge Esq^r. with such as may be joined by the hon^ble. House be added to the Committee.

In the House of Representatives, Read and Concurred, and M^r. Hersey is joined, and M^r. Davis of Barnstable added in the room of M^r. Gay who is absent."— *Council Records, vol. XXIX., p.* 45.

"June 21, 1771. The Committee appointed the 14 instant on the Petition of Benjamin Beal and others Proprietors of Lands in Ashfield, made Report, upon which the following Order passed viz^t —

In Council, Read and accepted and Ordered that Artemas Ward Esq^r. with such as shall be joined by the hon^ble. House be a Committee in the recess of the General Court to repair to the Town of Ashfield, make a full enquiry into the conduct of the Proprietors relating to the matters complained of by the Petitioners and make report on the third Wednesday of the next sitting of the General Court what they judge ought to be done thereon, and all proceedings by virtue of an Act of this Province impowering them to raise Monies for sundry uses in the same manner as was provided by an Act of the second of his present Majesty subjecting the unimproved Lands in this Province to be sold for the payment of Taxes, be staid in the mean time.

In the House of Representatives, Read and Nonconcurred and Ordered that this Petition be recommitted, and they report facts, and that Capt. Brown be of the Committee in the room of M^r. Davis of Barnstable, and M^r. Ellis be on the Committee in the room of M^r. Hersey. In Council, Read and Concurred."— *Ibid., p.* 72.

"Feb. 1, 1773. Upon the Petition of the Proprietors of *Ashfield*. *Ordered*, That Mr. *Hussey*, Col. *Day*, Capt. *Barney*, Mr. *Sprague*, and Capt. *Gardner*, be a Committee to bring in a Bill for the Relief of the said Proprietors of *Ashfield*."— *House Journal, p.* 202.

"Feb. 4, 1773. A Bill *for making Provision for assessing and collecting Monies on Lands of the Proprietors of* Ashfield. Read the first and second Time. *Ordered*, That this Bill be read again at Three o'Clock. * * *

The *Ashfield* Bill read and committed to Mr. *Denny*, Major *Foster* and Mr. *Rawson*."— *Ibid., pp.* 207 and 209.

"Feb. 5, 1773. A Bill *for making Provision for assessing and collecting Monies on Lands of the Proprietors of* Ashfield. Read with Amendments, and pass'd to be engross'd."— *Ibid., p.* 210.

The disallowance of the act of 1768, which rendered further proceedings upon the petition of Beal and others unnecessary, still further complicated the difficulties involved in the attempt to deal unjustly with the Baptists by obliging them to contribute to the support of a ministry chosen by a minority of the proprietors of Ashfield, and made it incumbent upon the Legislature to provide some relief both for the Orthodox and the Baptists of that unfortunate town. One measure of relief was the present chapter. The Governor having refused to assent to an act confirming the titles of lands sold for the payment of taxes, which was passed to be enacted July 13, 1772, a more equitable arrangement was finally reached by resolves which will appear in the note to the act of 1773-74, chapter 24, *post*. The act last mentioned supplied some defects in the present act and was the last

important step in the progress of the Baptists towards the enjoyment of equal religious privileges with their Orthodox brethren.

"To relieve the Town of Ashfield from Difficulties occasioned chiefly by the disallowance of a Law respecting that Town. Care has been taken to avoid any Burdens upon the Baptists, which inadvertently had been brought upon them by the former Law." — *Gov. Hutchinson to the Lords of Trade, Apr.* 17, 1773: "*Mass. Bay, B. T.,*" *vol.* 82, *P. p.*, 14.

Chap. 31. "In Council January 15th: 1773 Forasmuch as Complaint has been made that Divers Clergymen of the Church of England have presumed to Solemnize Marriages, in Opposition to, and in Direct Violation of the Laws of this province, not only by marrying persons living out of the towns to which Such Clergymen belong, but Even those who are Inhabitants in Different Colonies: And whereas no persons are by Law Appointed to sue for and Recover the penalty of Fifty pounds, forfeited by Such Clergymen, for breach of Law as Aforesaid, save the Treasurers of the Counties in which Such offences may be Committed, who have generally neglected their duty, So that further provision in that Regard is Necessary to be Made And whereas Also it may be Reasonable, in order to Remove all Ground of Complaint on the part of Such as are members of the Church of England, that the power of the Ministers of that Denomination Should be in Some respects enlarged Therefore Ordered that James Bowdoin & Samuel Dexter Esqrs. with Such as the honble house may Join, be a Committee to prepare and bring in a Bill, in addition to the Several Laws Now In force, for the purposes aforementioned Sent down for Concurrence

THOS FLUCKER Secr.

In the House of Representatives Jany 15 1773 Read & Concurred & Mr Hobson, Colo Thaxter & Mr Ingersol are joined

T CUSHING Spkr." — *Mass. Archives, vol.* 14, *p.* 667.

"This Act is intended, in favor to the Inhabitants, who are of the church of England; Episcopal Ministers being before, restrained by the Province Law, from marrying Persons, except they belonged to the Town to which such Ministers belonged." — *Gov. Hutchinson to the Lords of Trade, Apr.* 17, 1773: "*Mass. Bay, B. T.,*" *vol.* 82, *P. p.*, 14.

Chap. 32. "For regulating Practice in the Courts of Law, in a single Instance only." — *Ibid.*

Chap. 33. "Intended to enforce the speedy collecting, and paying in Taxes." — *Ibid.*

Chap. 34. "June 22, 1772. A Petition of John Taylor Representative of Lunenburgh and Fitchburgh in behalf of the said Towns — Setting forth — That in the Year 1719 — the General Court granted a Township called Turkey Hills lying South of North Town and appointed William Taylor Esqr. and others a Committee to allot and grant out the Lands in said Township, who were directed to make return of their proceedings — That the said Committee did accordingly allot & grant out the said Township (now called Lunenburgh and Fitchburgh) and also Transferred sixty three House Lots in said Township and made return of their proceedings into the Secretarys Office, as appears by the proprietors Book under the hands of the said Committee, but that the return of some part of the said proceedings cannot now be found and is supposed to have been formerly consumed with the Town House — That unless something is done to confirm & establish the proceedings of the said Committee, it is feared in some future time, not only the Inhabitants of said Town but many other Persons more remotely concerned may be led into very great difficulties and Expences, as they have improved, sold and wholly conducted themselves by the Copy of said proceedings left in the Hands of the Proprietors Clerk. And praying that the Transfers and other proceedings of the said Committee may be confirmed.

In the House of Representatives, Read & Ordered that Mr Phillips, Colo. Gerrish, Capt. Farley and Capt Scarl with such as the honble Board shall join be a Committee to take this Petition into consideration and report. In Council Read & Concurred and James Otis, Samuel Dexter and Artemas Ward Esqrs. are joined." — *Council Records, vol. XXIX., p.* 281.

"June 26, 1772. The Committee appointed the 22. instant on the Petition of John Taylor Representative of Lunenburgh and Fitchburgh, in behalf of the said Towns made report; and thereupon the following Order passed vizt. —

In Council Read & accepted and thereupon ordered that the Petitioner notify all Persons who dispute said Transfers and other proceedings of the General Courts Committee, by inserting the substance of the Petition in two of the Boston News papers Viz — Drapers and Edes and Gills three Weeks successively that they may shew cause why the prayer thereof should not be granted, on the third Tuesday of the next Session of the General Court. In the House of Representatives, Read and Concurred." — *Ibid., p.* 293.

"Jan. 30, 1773. A Petition of John Taylor Representative of Lunenburgh & Fitchburgh for and in behalf of said Towns — as entered the 22d day of June last.

In Council, Resolved that the prayer of the Petition be so far granted as that the proceedings of the Committee of the General Court appointed December 7. 1719 respecting the alotment of Lands to the original Settlers and the subsequent Transfers in said Town, then known by the name of South Town, be fully confirmed, and that the Petitioner have leave to bring in a Bill for that purpose. In the House of Representatives, Read and Concurred." — *Ibid., p.* 445.

[Chapters 34, 35, 36 and 37] "Respect particular Towns, and have nothing which deserves remark." — *Gov. Hutchinson to the Lords of Trade, Apr.* 17, 1773: "*Mass. Bay, B. T.,*" *vol.* 82, *P. p.*, 14.

Chap. 35. "Oct. 5, 1759. A Petition of Joseph Holden and Others, Inhabitants of a New Plantation called No. 2. Praying that they may be incorporated into a Town or District, and that they may be freed from the Province Tax this year in case they shall be

thus incorporated. Also Praying That the Lands of the Nonresident Proprietors may be subjected to a Tax for seven years next ensuing towards the Support of the Gospel, and laying out and clearing Roads in said Plantation.

In the House of Representatives. Read and Ordered That the Petitioners serve the Non-resident Proprietors of the Plantation abovementioned with a copy of this Petition by inserting the Substance thereof in one of the Boston News Papers three weeks successively, that so they may shew cause if any they have on the second Wednesday of the next Sitting of this Court why the Prayer thereof should not be granted. In Council. Read and Concurred. Consented to by the Governor." — *Council Records, vol. XXIII., p.* 66.

"Jan. 9, 1760. A Petition of a Number of Inhabitants of Narragansett N°. 2. Praying as entered the 5th of October last. In Council Read again with the Answer of the Non Resident Proprietors. And Ordered That Benjª. Lynde and Benjamin Lincoln Esqrs. with Such as the Honourable House shall join be a Committee to take the same under consideration, and report what they judge proper for this Court to do thereon.

In the House of Representatives. Read and Concurred and Mr. Russell, Colº. Whitcomb and Captn. Read are joined in the affair." — *Ibid., p.* 158.

"Feb. 8, 1760. The Committee appointed the 9th of January last on the Petition of a Number of the Inhabitants of Narragansett N°. 2 Praying as entered the 5th. of October preceeding made Report. (Signed) BENJA LYNDE ℔ order of the Comtee.

In Council Read and Accepted and Ordered That there be a Tax of one-half penny ℔ Acre laid on the lands of the non resident Proprietors of the District of West Minster, as also upon a Tract of 500 Acres laid out to the late Governor Belcher included in the bounds of said District, the money so raised to be applied toward defreying ministerial Charges in said District and that the Inhabitants thereof be Authorized and impowered to Appoint Assessors and Collectors of said Tax who are hereby Vested with the like Power as other Assessors and Collectors, and are to govern themselves according to Law in discharge of the duties of said Offices. In the House of Representatives Read and Concurred. Consented to by the Governor." — *Ibid., p.* 258.

"June 13, 1760. In Council, Whereas an Order passed the Great and General Court, on the 8th of February last, laying a Tax of one half penny ℔ Acre, on the Lands of the Non Resident Proprietors of the District of West Minster, as also upon a Tract of 500, Acres laid out to the late Governor Belcher, included in the bounds of said District, —

Resolved, that said Tax of one half penny ℔ Acre be Assessed on the Lands aforesaid for the Term of four Years, next ensuing Vizt. One half penny ℔ Acre ℔ Annum during said Term Agreeable to the Report then made by a Committee of said Court, and to be raised and applyed, in manner as directed in said Order. In the House of Representatives Read and Concurred Consented to by by the Lieutenant Governor." — *Ibid., p.* 438.

"Feb. 24, 1773. A Bill *to enable the Inhabitants of the Town of* Westminster *to collect certain Taxes.*

Read the first and second Time. *Ordered,* That the Bill be read again at Three o'Clock. * * * *

A Bill *to enable the Town of* Westminster *to collect certain Taxes.* Read the third Time, and pass'd to be engross'd. Sent up for Concurrence." — *House Journal, pp.* 256 *and* 258.

"Feb. 27, 1773. *William Sever,* Esq; brought down from the honorable Board the Bill to enable the Town of *Westminster* to collect certain Taxes. Pass'd in Council with Amendment. Sent down for Concurrence. Read and concurr'd." — *Ibid., p.* 264.

See, also, note to chapter 34, *ante,* for Gov. Hutchinson's remarks.

Chap. 36. "Oct. 22, 1770. A Petition of John Hurlbert, John Hamlin and others living on lands lying between the West line of Great Barrington and the West line of the province — Setting forth, That some years ago they were annexed to upper Sheffield, now Great Barrington, there to do duty and receive priviledge untill the further order of the General Court. — That there is an impassable Mountain between the petitioners and said Great Barrington, which obliges them to Travil from five to nine miles to attend Public worship and transact other necessary business in said Great Barrington, which is very inconvenient: and praying that they may be Incorporated into a Town or District, and that sundry Inhabitants living upon the west side of said Mountain within the Township of Great Barrington, may be included therein.

In the house of Representatives. The petition of John Hamlin and others being read, thereupon resolved and ordered That the petitioners Notify the Town of Great Barrington by serving the Clerk of said Town with an attested Copy of the Substance of said petition to appear and shew Cause, if any they have, on the second Wednesday of the next Session of this Court why the prayer thereof should not be granted. In Council Read and Concurred." — *Council Records, vol. XXVIII., p.* 327.

"Apr. 20, 1771. A Petition of John Hurlburt, John Hamlin and others of Great Barrington Praying to be Incorporated into a separate Town or District — as entered the 22d day of October last.

In the House of Representatives. Read together with the answer thereto and Ordered that Doctor Holton, Captn. Thayer and Captn. Field together with such as the honble. Board may join be a Committee to take the same under consideration and Report.

In Council, Read and Concurred and James Humphrey Esqr. and Walter Spooner Esqr. are joined in the affair." — *Ibid., p.* 530.

"Apr. 25, 1771. The Committee appointed the 20th instant on the Petition of a number of the Inhabitants of Great Barrington, reported that they had considered the same together with the answer of the Town of Great Barrington, and were of opinion that the said Petition be dismissed — whereupon the following Order passed vizt.

In Council, Read and accepted and Ordered that the said Petition be dismissed accordingly. Sent down for Concurrence." — *Ibid., p.* 548.

The next proceeding that has been discovered of record is the following. The petitions referred to have not been found: —

"Jan. 15, 1773. A Petition of *David Ingersol*, Esq; and others, Inhabitants of Part of *Great Barrington*, praying to be incorporated into a seperate District. As also the Petition of a Number of others, lying without the said Town of *Great Barrington*, praying to be set off with them. Read and the Petitioners had Leave to bring in a Bill." — *House Journal, p.* 158.

A bill for incorporating the west part of the town of Great Barrington into a separate district was read a first time, Jan. 18; read a second time, and committed to Mr. Ingersoll and Mr. Pickering, for amendment, Jan. 20; read a third time, and recommitted, Jan. 22. In the Council it was read twice and passed to be engrossed, Jan. 23. The engrossed bill was brought down to the House, Jan. 25, by Samuel Dexter, with a proposed amendment which was not agreed to, and another amendment was offered by the House. There is no record in the House Journals of the passage of the bill to be enacted, which fact however is recited in the vote of Council of Feb. 2, concurring therein.

See, also, note to chapter 34, *ante*, for Gov. Hutchinson's remarks.

Chap. 37. See note to chapter 34, *ante*, for Gov. Hutchinson's remarks.

Chap. 38. "An Attempt to prevent the Indians from wasting their Estates, which like all former Laws, will probably be evaded, and prove ineffectual." — *Gov. Hutchinson to the Lords of Trade, Apr.* 17, 1773: "*Mass. Bay, B. T.*," *vol.* 82, *P. p.*, 14.

Chap. 39. "June 18, 1772. A Petition of William Thomson & others a Committee, in behalf of the Town of Princeton in the County of Worcester — Setting forth — That in April 1771, the s^{d}. Princeton, which was before that time a District, was Incorporated into a Town & all the Lands adjoining thereto, which belonged to no other Town, were annexed to said Princeton; by which means the said Town is now in a very irregular form, a strip of Land is extended to a great distance from the Center, where the Meeting House stands; That the Inhabitants of the said Town are poor and unable to make Roads thrô the said annexed Lands. And as the said annexed Lands are nearer to and the Inhabitants thereof can be better accommodated in some other Town or District, and as the said Town is Subject to many difficulties by reason of the present connection Praying that the said Lands may be set off from the said Princeton, and annexed to some other Town.

In the House of Representatives — Read & Ordered that the Petitioners notify all Persons concerned in the strip of Land mentioned in this Petition by inserting the substance of this Petition and this Order thereon in two of the Boston News papers viz^{t}. Edes and Gills and Drapers three Weeks Successively that they may shew cause on the second Thursday of the next sitting of the General Court, if any they have, why the prayer should not be granted. In Council Read & Concurred." — *Council Records, vol. XXIX., p.* 274.

"Jan. 15, 1773. A Petition of the Inhabitants of the Town of Princeton in the County of Worcester — as entered the $\overline{15}$ day of June last.

In Council, Read again and no Answer being received Ordered that the prayer of the Petition be granted, and the petitioners have leave to bring in a Bill accordingly. In the House of Representatives, Read and Concurred." — *Ibid., p.* 383.

[Chapters 39, 40 and 41] "Laws for altering the Bounds of Towns, for the convenience of particular Persons, which heretofore has generally been done by Orders, or Votes of the General Court, without the formality of a Law." — *Gov. Hutchinson to the Lords of Trade, Apr.* 17, 1773: "*Mass Bay, B. T.*," *vol.* 82, *P. p.*, 14.

Chap. 40. "Jan. 15, 1773. A petition of *Richard Houke*, Proprietor of Part of a Place called Glass Works Grant, praying to be annexed to *Great Barrington*. Read and the Petitioner had Leave to bring in a bill." — *House Journal, p.* 158.

See note to chapter 39, *ante*, for Gov. Hutchinson's remarks.

Chap. 41. "Jan. 12, 1773. A Petition of Lemuel Little and others Inhabitants of the first Precinct in Marshfield — Setting forth, That they live nearer to the Meeting house in the second Precinct in the said Town than to that in the first precinct and therefore have for many years past constantly attended the public Worship of God in the said second Precinct. And praying that they and their Estates may be set off to the said second precinct; the said first Precinct having voted that they should be all set off to the said second Precinct, except three of them.

In the House of Representatives, Read and Ordered that the Petitioners notify the Inhabitants of the first Precinct in Marshfield by serving the Clerk of said Precinct with a Copy of this Petition and Order that they may shew cause, if any they have, on the fourth Tuesday of the present sitting of the General Assembly why the prayer thereof should not be granted. In Council, Read and Concurred." — *Council Records, vol. XXIX., p.* 371.

"Feb. 2, 1773. A Petition of Lemuel Little and others Inhabitants of the first Precinct in Marshfield — Praying that they and their Estates may be set off to the second Precinct in said Town — as entered the 12th day of January last.

In Council, Read again together with the Answer of the first precinct in Marshfield, and Ordered that James Otis and Artemas Ward Esq^{rs} with such as the hon^{ble} House may join be a Committee to take the same into consideration and report what they shall judge proper for this Court to do thereon. In the House of Representatives, Read and Concurred and M^{r}. Lothrop Col^{o}. Stockbridge and Cap^{t}. Brown of Abington are joined." — *Ibid., p.* 453.

"Feb. 3, 1773. The Committee appointed yesterday on the Petition of Lemuel Little and others, made the following report viz^{t} —

The Committee on the Petition of Lemuel Little and others have attended that service and have heard the parties and ask leave to report viz^t. that the prayer of said Petition be so far granted that the Petitioners have liberty to bring in a Bill to annex the Widow Rachel Joyce, Israel Tilden Seth Deerow, Nicholas Porter, Robert Sherman, Valentine Sherman William Macumber, Thomas Macumber jun^r. Barnabas Fountain, Levi Ford and John Tilden jun^r. to the second Precinct in Marshfield with their Families and Estates there to do duty and receive privileges for the future agreable to the vote of the first Precinct of Marshfield on the 30^th day of March 1772, and that said Petition so far as it relates to Lemuel Little, Ephraim Little and Francis Crooker be dismissed.

JAMES OTIS *dep'* Order

In Council, Read and accepted and Ordered that the Petitioners have liberty to bring in a Bill for the purposes therein mentioned. In the House of Representatives, Read and Concurred." — *Ibid., p.* 455.

See, also, note to chapter 39, *ante*, for Gov. Hutchinson's remarks.

Chap. 42. "This Act had passed the Representatives, and a Reduction had been made of several of the Fees of Justices of the peace, Clerks of the Courts &c, and the Fees of Grand and Petit Jurors had been increased but upon its being intimated that the Governor would refuse his Assent, to such a Bill, the Consequence of which, would be, that a standing Law, passed in the fourth year of King William and Queen Mary, which had for divers years past been suspended, by temporary Acts would take place, in which Case the Fees of all Officers would be much higher than at present for this reason alone it was determined to amend the Bill in the House and to make the Fees, the same, as in the last Act, only increasing those to Jurors. The Fees are now the same, as in the former Act, except in one Instance, to the Clerks of the Inferior Courts, and this Variance was occasioned by inattention, in comparing the Bill with the former Act."— *Gov. Hutchinson to the Lords of Trade, Apr.* 17, 1773: "*Mass. Bay, B. T.*," *vol.* 82, *P. p.*, 14.

"Unless your Lordships should think that the Act for regulating Fees restrains too much the Lawfull Fees of the Secretary of the Province or of any other Officer appointed immediately or mediately by the authority of the Crown."— *Extract from report of R. Jackson, Nov.* 24, 1773: *ibid., P. p.*, 44.

"Jan. 22, 1776. In the House of Representatives — Whereas a Certain Act entitled an Act for establishing and regulating the Fees of the several Officers within this Province hereafter mentioned, made and passed at the Session of the Great & General Court of this Colony, begun & held at Boston in the County of Suffolk upon Wednesday the sixth day of January 1773, expir'd on the last day of October last, and at present there is no Act or law of this Colony now in force, for establishing and regulating the Fees of the several Officers in the said Act mentioned, excepting a Certain Act made and passed in the fourth Year of the Reign of William and Mary — King and Queen — intitled an Act for regulating Fees; which last mentioned Act, has by divers temporary Acts from time to time been supperceeded and suspended as insalutary, and the fees thereby settled and established appear to be in many Instances extravagant and unreasonable.—

It is therefore Resolved that henceforward, until the further Order of the General Court — it shall be lawful for all Officers named and mentioned in the Act first abovementioned to take and recieve for the several services therein specified, such and no higher fees, than the fees or sums of money specified in the said first mentioned Act, and be subject to the pains and penalties there provided for Offences against the same.— In Council Read & Concurred. Consented to by fifteen of the Council."— *Council Records, vol. XXXI., p.* 491.

Chap. 43. "In common Form."— *Gov. Hutchinson to the Lords of Trade, Apr.* 17, 1773: "*Mass. Bay, B. T.*," *vol.* 82, *P.p.*, 14.

Chap. 44. "Jan. 9, 1773. In Council. Ordered that Harrison Gray, James Otis and Samuel Dexter Esq^rs with such as the hon^ble. House shall join, be a Committee to bring in a Bill for the regulating Vendues or the sale of Goods by Auction in this Province. In the House of Representatives, Read and Concurred and Major Hawley, M^r. Gorham, M^r. Bacon and Cap^t. Darby are joined." — *Council Records, vol. XXIX., p.* 369.

"My Lords, As the several Laws which have passed the last Session of the Assembly will make a very bulky Pacquet, I doubt the expediency of sending them by way of Jersey if a Vessel now bound there should be delayed until they can be prepared, but as I thought one of them not altogether unexceptionable I therefore transmit it by the first opportunity that if His Majesty shall not think fit to allow it I may have the earliest notice of the disallowance. It is intitled An Act to regulate the sale of Goods at Publick Vendue and to limit the number of Auctioneers. The preamble I believe is true and it shews the necessity of a regulation and all my difficulty arose from the power of licensing being given to the Select Men of the several Towns which I think ought to have been given to the Governor or to the Governor with the advice of Council, as I believe the practice has been in some of the other Colonies. This was moved by some in Council but did not obtain. By giving my assent a stop will be put to great abuses from a number of auctioneers now in the Town of Boston under no regulation or restraint and if the objection which I have mentioned shall be judged sufficient to hinder the Royal allowance or approbation and I am enabled to give the reason of the disallowance, there will be a greater probability of a more proper provision in another Session than there would have been if I had refused my assent and I think little or no inconvenience can arise from the continuance of the Act in force a few months only.

Any permanent additional powers to the Select Men of Towns I conceive cannot be for His Majesty's service nor for the true interest of the Province."— *Gov. Hutchinson to the Lords of Trade, Mar.* 26, 1773: "*Mass. Bay, B.T.*," *vol.* 82. *P.p.*, 8.

"Remarks have already been made upon this Act, and transmitted."— *Gov. Hutchinson to the Lords of Trade, Apr.* 17, 1773: *ibid., P.p.*, 14.

"Thursday May 13th 1773
At a Meeting of His Majty's Commissrs for Trade and Plantations
Present

Mr. Jenyns.	Mr. Gascoyne
Lord Greville.	Lord Garlies.

The Earl of Dartmouth, one of His Majty's Principal Secretaries of State, attends. * *
Read a Letter from Thos. Hutchinson Esqre, Govr of Massachusetts Bay, to the Board, dated March 26th 1773, containing Remarks on an Act passed in February 1773, to regulate the sale of Goods at public vendue and to limit the number of Auctioneers.
Ordered that the said Act be delivered to the Clerk of the Council in waiting, in order to be laid before His Majesty. Soame Jenyns."—"*Trade Papers*," *vol.* 75, *p.* 98.

"At the Court at St. James's the 19th day of May 1773.
Present
The King's most Excellent Majesty in Council
Whereas there was delivered into the hands of the Clerk of the Council in waiting, on the 17th of this Instant, an Act passed in the Province of the Massachusetts Bay in February 1773 entituled 'An Act to regulate the sale of Goods at public Vendue, and to limit the number of Auctioneers' And whereas the said Act was this day laid before His Majesty at this Board — His Majesty was thereupon pleased, with the advice of His Privy Council to order that the said Act be, and it is hereby referred to the Lords Commissioners for Trade and Plantations, to consider the same and report their Opinion thereupon to a Committee of the Lords of His Majesty's most Honourable Privy Council for Plantation Affairs.
Step: Cottrell."— *Order in Council*: "*Mass. Bay, B. T.*," *vol.* 82, *P.p.*, 9.

"Monday June 14th 1773.
At a Meeting of His Majty's Commissrs for Trade and Plantations
Present

Mr. Jenyns.	Mr. Gascoyne

Lord Robert Spencer
The Earl of Dartmouth one of His Majesty's Principal Secretaries of State attends. * *
Read an Order of the King in Council dated May 19th 1773, referring to the Board, for their consideration and report an Act passed in Massachusetts Bay in February 1773 to regulate the sale of Goods at Public Vendue, &c a
Ordered that the above mentioned Act be referred to Mr. Jackson for his Opinion thereupon in point of Law. * * * Soame Jenyns."—"*Trade Papers*," *vol.* 75, *p.* 121.

"I have also perused and considered another Act passed by the same Assembly in February 1773 intitled
'An Act to regulate the sale of Goods at Publick Vendue, and to limit the Number of Auctioneers'
And am of Opinion that the same is expedient in all its Parts except that it places the power of Licensing, in the Select men, when it is more fit that such Power should be intrusted to his Majesty's Governor by whom it is more likely to be impartially executed."
— *Extract from report of R. Jackson, Nov.* 24, 1773: "*Mass. Bay, B.T.*," *vol.* 82, *P.p.*, 44.
The report at the Lords of Trade is given as a foot-note to this chapter; *ante*, p. 249.

"At the Court at St James's the 13th day of April 1774
Present
The King's Most Excellent Majesty

Lord President	Viscount Hinchinbrook
Lord Privy Seal	Lord North
Duke of Ancaster	Lord Mansfield
Lord Steward	James Stuart Mackenzie Esqr
Earl of Suffolk	Richard Rigby Esqr
Earl of Rochford	George Rice Esqr
Viscount Falmouth	Sir Jeffery Amherst
Viscount Barrington	Sir John Goodricke

* * * * * * * * * * * * * * * *

Massachusets.
Act to regulate the Sale of Goods at Public Vendue
Disallowed.
Whereas by Commission under the Great Seal of Great Britain the Governor Council and Assembly of His Majesty's Province of Massachuset's Bay are authorized and empowered to make, constitute, and ordain, Laws, Statutes and Ordinances, for the publick peace, welfare and good government of the said Province; which Laws, Statutes and Ordinances are to be as near as conveniently may be, agreeable to the Laws and Statutes of this Kingdom, and are to be transmitted for His Majesty's Royal Approbation or Disallowance; And whereas in pursuance of the said powers, an Act was passed in the said province in February 1773, and transmitted, Entitled as follows — vizt.
An Act to regulate the sale of Goods at publick vendue and to limit the number of Auctioneers.
Which Act together with a Representation from the Lords Commissioners for Trade and Plantations thereupon, having been referred to the consideration of a Committee of the Lords of His Majesty's most Honourable Privy Council for Plantation Affairs, the said Lords of the Committee did this Day Report as their opinion to His Majesty, that the said Act ought to be disallowed. His Majesty taking the same into consideration is pleased, with the advice of His Privy Council to Declare his Disallowance of the said Act, and pursuant to His Majesty's Royal pleasure thereupon expressed, the said Act is hereby disallowed, declared void and of none effect. — Whereof the Governor or Commander in chief of His Majesty's said Province of Massachuset's Bay for the time being, and all others whom it may concern are to take notice and govern themselves accordingly."
From the Register of the Privy Council. See supplementary note on p. 383, *post*.

Chap. 45. "Of small moment, and nothing in it exceptionable." — *Gov. Hutchinson to the Lords of Trade, Apr.* 17, 1773: "*Mass. Bay, B. T.*," *vol.* 82, *P. p.*, 14.

Chap. 46. "Feb. 25, 1773. A Petition of a Committee of the Town of *Rochester*, praying that a Law may be made for the Preservation of Fish in said Town.

Read and committed to Col. *Godfrey*, Mr. *Lothrop* and Col. *Noyes*." — *House Journal*, *p.* 261.

"Feb. 26, 1773. The Committee on the Petition from *Rochester*, reported, A Bill *for regulating the Fishery in the Town of* Rochester. Read the first and second Time, and recommitted." — *Ibid.*, *p.* 263.

The next day the bill appears to have been read the second and third time, and passed to be engrossed; and on the third of March it was passed to be enacted.

"The same, [*i.e.*, the comment on chapter 45, *ante*] except that the Proviso, giving Liberty of fishing, to the Inhabitants of this Province only, may need some Reason to be assigned for it. I am informed that many People, from Rhode Island have come over and taken Alewives (a Fish of the Herring kind) Shad Bass &c for salting and exportation, to the West Indies and other foreign Parts. The like caution has been used in former Laws, which do not permit any except the Inhabitants of the Province to take Oysters for sale." — *Gov. Hutchinson to the Lords of Trade, Apr.* 17, 1773: "*Mass. Bay, B. T.*," *vol.* 82, *P. p.* 11.

"In humble obedience to your Lordships commands signified to me by Mr Pownall I have perused and considered an Act passed by the Governor, Council and Assembly of the Province of the Massachusetts Bay in March 1773 intitled

'An Act to impower the Inhabitants of the Town of Rochester in the County of Plimouth to regulate the taking of Fish within the Harbours and Coves of said Township'

And conceive the same to be inconsistent with that part of the Charter of this Province which provides that no Subject of England shall be debarred from fishing on the sea coasts, creeks or salt water rivers." — *Extract from report of R. Jackson, Nov.* 24, 1773: *ibid.*, *P. p.*, 44.

The representation of the Lords of Trade, following this report is given as a foot-note to this chapter, *ante*, p. 251.

After careful search no entry of the order in council disallowing this act has been found in the Privy Council register, although the adoption of such an order appears certain, not only from the endorsement of the fact upon the copy of the act lodged with the Board of Trade, but by the following letter from Dartmouth to Gage, and the proclamation which Gage thereupon caused to be published, and which is given below: —

"Whitehall July 4. 1774.

To General Gage. Sir, I send you inclosed an Order of H. M. in Council of 1st. June disallowing an Act passed in Mass. Bay in March 1773 which you will not fail to make public in the manner usual upon such occasions And that you may know the reasons which induced the disallowance of the said Act I inclose for your private information a copy of the Report of the B. T. thereupon. I am &c DARTMOUTH." — *America and West Indies, vol.* 175.

"MASSACHUSETTS-BAY.

By the Governor.

Whereas I have received an Order of his Majesty, in his Privy Council, dated the first Day of June, 1774. by which his Majesty hath been pleased to disallow and reject an Act passed by the Great and General Court or Assembly of this Province, in March 1773, intitled as follows, viz. 'An Act to impower the Inhabitants of the Town of Rochester, in the County of Plymouth, to regulate the taking of Fish, within the Harbours and Coves of said Township.'

Notice is hereby given, That the said Act is disallowed, that all Persons concerned may govern themselves accordingly. THOS. GAGE.

By his Excellency's Command,

JOHN COTTON, D. Secry.

Province House, August 29, 1774." — *Mass. Gazette and Boston Weekly News-Letter, Sept.* 1, 1774.

Chap. 47. "In the usual Form." — *Gov. Hutchinson to the Lords of Trade, Apr.* 17, 1773: "*Mass. Bay, B. T.*," *vol.* 82, *P. p.*, 14.

Chap. 48. "Jan. 15, 1773. A Petition of *Moses Sturdivant*, &c. praying for a Law to regulate the taking Fish in their Passage up the Brooks in *Halifax*, in the County of *Plymouth*.

Read and committed to Col. *Gilbert*, Dr. *Wheaton* and Mr. *Lothrop*." — *House Journal*, *p.* 159.

"Jan. 16, 1773. The Committee on the Petition of *Josiah Sturdivant*, Esq; reported that the Petitioner have Leave to bring in a Bill." — *Ibid.*, *p.* 162.

"A great number of the like Laws have been long in force." — *Gov. Hutchinson to the Lords of Trade, Apr.* 17, 1773: "*Mass. Bay, B. T.*," *vol.* 82, *P. p.*, 14.

Chap. 49. "May 30, 1772. A Petition of John Burgheart and others of Great Barrington professors of the Church of England — setting forth — That for many Years past there has been a Church built in the said Town, & that they have been favoured with a Missionary from the Society for propagating the Gospel in foreign parts; and who they are desirous honourably to support, but that there has repeatedly much difficulty & confusion arisen concerning the raising Ministerial Taxes, by reason of the different perswasions of Christians in the said Town. And praying that they may be impowered to Raise assess and levy their Ministerial Charges independent of any other denomination of Christians in the said Town, or that they may be otherwise relieved.

In the House of Representatives, Read & Ordered that Mr. Hobson, Colle. Gilbert and Mr. Bigelow of Worcester with such as shall be joined by the Honble Board be a Committee to take this Petition into Consideration and report what they shall judge proper to be done; the said Committee are desired to enquire into the provision made in the Law respecting the people called Quakers and Annabaptists.

In Council, Read & Concurred and James Otis & Samuel Dexter Esqrs are joined." — *Council Records, vol. XXIX., p.* 234

"June 2, 1772. A Petition of John Burgheart and others of Great Barrington, as entred the 30th day of May last.

In Council. The Committee on this Petition having reported verbally as their opinion that the Petitioners notify the Town of Great Barrington; thereupon ordered that the Petitioners serve the said Town with a Copy of this Petition that they may shew cause if any they have, on the third Wednesday of the next Session of the General Court why the prayer thereof should not be granted. In the House of Representatives, Read & Concurred." — *Ibid., p.* 236.

"Jan. 16, 1773. A Petition of John Borghardt and others of Great Barrington, as entered the 30 day of May last.

In Council, Read again and Ordered that the prayer of this Petition be granted, and the petitioners have leave to bring in a Bill for the purposes therein mentioned. In the House of Representatives, Read and Concurred." — *Ibid., p.* 386.

"This is the first Instance of impowering any Society for religious worship, except those of the Congregational Denomination, to raise money for the support of the Minister &c." — *Gov. Hutchinson to the Lords of Trade, Apr.* 17, 1773: "*Mass. Bay, B. T.*," *vol.* 82, *P. p.*, 14.

Chap. 50. "The Provision by this Act, to enable new Plantations to assess their Proportion of the Province Tax, is agreable to the Provision made for Towns and Districts." — *Ibid.*

"Mar. 8, 1774. In the House of Representatives. Whereas at a Session of the General Court in January 1773 there was an Act passed intitled 'An Act to enable and impower the Inhabitants of new plantations within this Province enjoined and subjected by Law or that may hereafter be enjoined and subjected to pay Province and County Taxes to assess, levy and collect the same,' wherein it is enacted 'that the Clerk of the Court of General Sessions of the peace for the several Counties within this Province wherein any of the aforesaid new plantations lye shall in some convenient time before the third Monday of May then next, make and cause to be delivered a Warrant under his hand directed to some principal Inhabitant in each of said new plantations within their respective Counties requiring such Inhabitant to notify all the Inhabitants of said new plantation to assemble and meet together on the said third Monday of May to choose a Clerk, Collectors and Assessors for the purposes mentioned in said Act. And whereas the Clerk of the Court of General Sessions of the peace for the County of Lincoln by reason of the great distance he lives from Boston and the difficulty of conveyance in the Spring of the year, could not obtain the said Act till after the said third Monday of May, the time mentioned in said Act for holding said Meetings; by reason whereof the several plantations within the County of Lincoln have not been able to choose any of the Officers mentioned in said Act nor to assess the Province or County Tax which has been laid upon them. Resolved that the Clerk of the Court of General Sessions of the peace for the County of Lincoln shall in some convenient time before the third Monday of May next make and cause to be delivered a Warrant under his hand directed to some principal Inhabitant in each of said new plantations within said County of Lincoln requiring such Inhabitant to notify all the Inhabitants of said new plantations to assemble and meet together on the said third Monday of May next to choose a Clerk, Collectors and Assessors for the purposes mentioned in said Act. In Council, Read and Concurred, Consented to by the Governor." — *Council Records, vol. XXX., p.* 270.

Chap. 51. "To his Excellency the Governour, the honourable his Majesty's Council, & the honourable House of Representatives of the Province of the Massachusetts-Bay, in General Court assembled, the 6th of January 1773 —

The Petition of the Subscribers hereto Humbly sheweth,

That the Great & General Court of the said Province at their Session in May 1769 passed an Act, entitled 'An Act to prevent the Destruction of *Alewives* & other Fish in *Ipswich* River, & to encourage the Increase of the same'; setting forth in the Preamble of it that heretofore great Variety of Fish, particularly *Salmon, Bass, Shad* & *Alewives* used to pass up said River to cast their Spawn in the natural Ponds emptying into the same, but that the Passages for them had been almost totally obstructed by Mill-Dams across the said River & its Branches: and therein made Provision for opening proper Passages to renew the Course of said Fish up said River. Which Act has been already found to answer, in a great Measure, the End for which it was made; very considerable Numbers of *Alewives* having been since observed to pass up the Branch of said River leading into *Middleton* Pond to cast their Spawn, & innumerable Multitudes of the young Fry to pass down. Many of the young Fry have also been seen passing down from other Ponds into which a few Alewives have been put at the Time of spawning; particularly from the Ponds in *Danvers, Topsfield,* & *Wilmington.* And their Numbers will most assuredly be increasing annually, if the Passages for them are kept open agreeably to the Provisions of said Act. The Cod-fish also & Haddock have been taken in the Bay in much greater Plenty than before the passing the said Act; this many of us can testify of our own Knowledge, & others of us believe from well-grounded Reports.—

Wherefore your Petitioners pray your Excellency & Honours that it may be enacted that the said Act, which was to be in Force no longer than till the fifteenth day of April next, may be made *perpetual;* or otherwise continued in Force for *six* or *nine* Years

longer: By which Time your Petitioners apprehend it will be abundantly manifest that the giving the Fish a free Course in said River & its Branches must prove of vast utility to the Publick, & be particularly beneficial to the Inhabitants of the County of Essex. Or if your Petitioners should, contrary to former well-attested Facts, or more recent Experience, & the Nature of Things, be disappointed in their reasonable Expectations: Yet they cannot but think it well deserving of a further Trial: And less than six Years more they are clearly of Opinion will not be sufficient to ascertain the Point in Question.

The Reason of your Petitioners' requesting a Continuance of the Act for so long Time is — That from the best Observations which have been made, it is supposed the *Alewives* will not enter & frequent any Pond unless they are first carried & put into it; and that the young Fry after going down to the Sea, do not return under three Years.

Your Petitioners also beg Leave to mention to your Excellency & Honours, that some of them have seen, & others of them been credibly informed that some Works have been erected at Warners Mill-Dam in said Ipswich, about the Fish-Passage, whereby it is apprehended the Fish are obstructed, because they have thereby to struggle against the Violence of the Stream for a Length of about thirty Feet, when as the proper, original Thickness of the Dam is but about fifteen Feet: Which Works your Petitioners apprehend it necessary to have, & pray that they may be, removed: And that nothing be suffered to be put within four Feet of the southern Side of said Passage, either on the upper or lower Side of said Dam, (or of any other Dams on said River) higher than the Mud-Sill; except a Brace from the Cap-Piece to secure the Dam. And also that some further Provision may be made to secure to the Fish a Passage down to the Sea.

Notwithstanding the Committees of the Towns of Topsfield & Boxford have consulted with the Proprietors of the Mill-Dams across said River in the Town of Ipswich, & a Majority of those Committees consented to the Terms proposed among them respecting the Fish Passages in s^{d} Dams, as tho' an Act framed according to those Terms would be sufficient; yet your Petitioners are of Opinion that nothing materially short of the Provisions of the Act already made will effectually secure to the Fish a free & sufficient Passage thro' said Dams. Wherefore your Petitioners, as before, pray the same Act may be continued in Force."— *Mass. Archives, vol.* 87, *p.* 552.

This petition is signed by Robert Hooper and 310 others, inhabitants of Marblehead, Manchester, Beverly, Boxford, Gloucester and Reading.

"To His Excleney Thomas Hutchinson Esq^{r}. the Hon'b^{le} His Majesty's Council and House of Representatives of the Massachu^{tts}. Bay in General Court Assembled this 6th Day of Jan^{y}; A D. 1773.

The Memorial of the Town of Ipswich Most Humbly Sheweth

That this Great & Hon^{ble} Court were pleas'd to pass an Act Intituled an Act to prevent the Destruction of Alewives and other Fish in Ipswich River, which Act took place the 20th Day of April 1770 & was to Continue untill the 20th day of April 1773: Among other things it is thereon Enacted, that the Proprietors of the three dams Across the river within this Town Should Open Passages ther'o their respective dams six feet wide and to Extend from the Top of s^{d} dams, down to the mud sell, for the space of Fifty five days: & the saw Mills Situate at s^{d} dams, were Ordered to Stand still the same space of time, by reason whereof: your Memorialists from time to time have Suffered very Considerable Damage — Yet as they were sensible of the Importance of preserving and Encouraging Fish; were Content to undergo the disadvantages arising from said Act, in hopes it would have answer'd the desired Effect.— And Although we find little or no Alteration as to the Increasing of Fish in this River since the passing the said Act: Yet being Willing that every thing should be done that was Necessary for the fish to have a passage up the said River: This Town thought it prudent to Appoint a Committee to take this Matter into consideration Who having View'd the several Mills after deliberate & Mature Advisement made their report to this Town which was Unanimously Accepted by them and as this report is Agreeable to the Sentiments of the Town — They Therefore Most Humbly Pray your Excleney & Hon^{rs}; that an Act or Law of this Province may be made confor^{ble}, to the said report as they are fully satisfied it will Answer all the Ends propos'd without Distressing the Inhabitants of this Town — and as in Duty Bound your Memorialists will Ever pray —

In the name and by order of the Town —

DAN^{L} ROGERS To^{n} Clerk."— *Ibid., p.* 559.

The following is the report referred to in the foregoing memorial: —

"The Committee appointed by the Town of Ipswich the 28th of December last, to take under Consideration the Fish Ways in Ipswich River, having viewed the several Dams, & Passages for Fish, beg leave to Report. —

That, whereas the great & general Court past an Act intitled an Act to prevent the Destruction of Alewives, & other Fish in Ipswich River, and among other Things, it is enacted, that the Proprietors of Warner's & Farley's Mill-Dam shall keep a Passage through their respective Dams, six Feet wide, to extend from the Top of said Dams as low as the Mud-Sell, from the twentieth Day of April to the fifteenth Day of June in Order for a Passage for said Fish; which is a very great Damage to the Town of Ipswich as well as to the Proprietors of s^{d} Mills, as by far the greatest Part of the Town are dependent on these Mills to grind their Grain, and although by Reason of its being wet Seasons for three years, past, we have not greatly suffered, yet should it be so dry in that season of the year as it often is, the Mills could not possibly go to any Effect. — It is also a great Damage to the Proprietors of the Mills, as the cutting off the Cap of the Dams weakens them to a great Degree, and both Warners and Farley's Dams have been greatly damaged by it, and it is evident to us that the Cap remaining can be no Obstruction to the Fish, and the Passages being six Feet, is not only a needless Waste of Water, but in our Opinion is a real Disadvantage to the Fish going thro'; and would propose that the Ways thro' said Dams extend from the lower side of the Caps of s^{d} Dams to the mud Sells, and

but three feet wide so as to leave half of the former Gate for an Eddy at the Entrance of the Passage, which we conceive to be of great Service to assist the Fish in going up. —

And as it is further enacted in the afore-said Act, That the Floom at Choate's Mill (so called) be six feet wide in the same Manner as at Warner & Farley Mill where the waste Gate now is. — But as the Dam across the main River at these Mills is almost entirely formed by Nature being a gradual Ascent of Rocks, & more than twenty Feet of it nothing but a Mud-Sell let into the Rocks for the Convenience of putting up Plank to raise the Water in a dry Time, by the Salt Water which flows over this Dam about one foot & an half in a Common Tide; It is therefore very evident to us that there not the least Necessity for any Passage at this Gate, as there is nothing in Nature to obstruct the Fish from going over this Dam, and is their natural Course, but we would enjoin it upon the Proprietors of this Dam not to put up any Thing on said Dam during the Time that shall be allowed for the fish to run. —

And as it is further enacted in the above recited Act, that the Saw Mills standing on said Ipswich River shall not be suffered to go during the Term aforesaid. — We would beg Leave to observe that the saw Mills in the River within the Bounds of Ipswich are very peculiarly situated, viz, Those at Warner's & Farley's Dam being on the opposite Side of the River where the Passage is cut thro' for Fish, and the Flooms of said Saw-Mills tending towards the Shore doth in a great Measure prevent the saw Dust from floating to the other side of the River, where the Fish naturally go, and the River at the Tales of those Mills is 160 Feet wide. And that saw Mill at the lower Falls is a considerable Distance from the main River where the Fish naturally go, and the Floom at this Saw Mill is 200 Feet from the opposite side, and leads into a large Cove where the saw Dust lodges intirely free from the main Current of the River: — We would further observe that from the best Information we can obtain there never was any Objection to the Saw Mills going 'till the late Act referred to above: And now notwithstanding the Proprietors have strictly adhered to the Law and the Mills have stood Still during the Term afore-said for three years Successively, yet there is few or no Fish gone up this River as we can learn, and added to the other Reasons that have been given that the Saw Mills may go, we would Observe, that these Mills are often stop'd in the Winter by the Ice, and the Season of the Year that they are stop'd by this Act, is the Principal Time for them to be improved, and the greatest Part of the Town are dependent on the said Saw Mills for their Boards, Rails &c, and some Instances can be produced where People could not till so much of their Ground as was necessary for them to do, for want of fencing Stuff, wholly by Reason of the Saw Mills standing still; wherefore we would propose, which is of greatest Importance to the Publick, the Improvement of those Mills, or the Damage arising from the bare Possibility of the Saw Dust obstructing the Fish: — On the whole we are of Opinion that there is no Necessity for the Saw Mills standing still any Part of the Time described in the Act referred to above. —

We would also further Observe that from the best Intelligence we can get, that the alewives are never known to run for more than thirty Days together in one River, Wherefore we think that the Time for the Passage to be kept open is longer than is any ways needfull

STEPHEN CHOATE
JOSEPH APPLETON
ISAAC SMITH
JOHN CROCKER
JOHN CHOATE

Dated Ipswich January 4th 1773

Read & accepted at a legal Meeting held by Adjournment January 4th 1773.
DANL NOYES Clerk pro Tempore

a true Copy on File
Attestr.
DANL NOYES Clerk pro Tempore." — *Ibid.*, *p.* 561.

"Jan. 21, 1773. A Petition of Caleb Warner and others, owners of Mills in Ipswich in the County of Essex — Setting forth — That the Act passed by the General Court at their Session in May 1769 requiring them to keep open a passage in the Mill dams for the Fish to pass up Ipswich River into the Ponds to Spawn, has occasioned great loss and damage to them, and that no profit or advantage has arisen to any one Town thereby. And, as the said Act is near expiring, praying that no other Act touching the said Fish way may pass, but what is conformable to an agreement lately made with the Committees of the several Towns concerned in the Fish.

In the House of Representatives — Read and Ordered that Major Fuller Colo. Gerrish and Capt. Barney with such as the honble Board shall join, be a Committee to take this Petition and all the papers relating thereto into consideration vizt. the Petition of Benjamin Pickman Esqr. and others, the Petition of Robert Hooper Esqr. and others, the Memorial of the Town of Ipswich.

In Council, Read and Concurred, and William Brattle & Samuel Phillips Esqrs. are joined." — *Council Records, vol.* XXIX., *p.* 395.

On the 18th of February this committee reported to the Council a bill to prevent the destruction of alewives and other fish in Ipswich River, which was refused an engrossment, and an order was passed for the appointment of a committee to bring in a bill for continuing the act of 1769-70, chapter 6. The House refused to concur in this order; but, after a delay of nearly two weeks, appointed a committee to bring in a bill for continuing the said act, for one year. The committee immediately brought in a bill substantially agreeing with the bill reported Feb. 18, whereupon, on the fifth of March, the House reconsidered its vote for reviving the act of 1769, and granted leave for the introduction of the bill last reported, which was passed to be enacted on the same day.

"A Law to prevent Obstructions for the Passage of Fish." — *Gov. Hutchinson to the Lords of Trade, Apr.* 17, 1773: "*Mass. Bay, B. T.*," *vol.* 82, *P. p.*, 14.

Chap. 52. "The several Acts revived by this Law have already received his Majesty's allowance, and most of them have been, in force many years. The Practice of reviving a great number of Laws by one Act, has long prevailed. It is liable to this Inconvenience that any part of an Act which may be exceptionable, cannot be disapproved by the King, without disapproving the whole, which might distress the Province. If exception be taken to any temporary Law, it therefore seems to be convenient, that previous to the expiration of it, the Governor should be instructed, not to assent to the Revival." — *Ibid.*

Supplementary note to chapter 6. — In answer to the following petition, the bill of this chapter was read a first time in the House, June 18th, and passed the usual stages, to enactment, without opposition:

"To his Excellency Thomas Hutchinson Esq^r. Governor & Commander in chief of his Majestys Province of Massachusetts Bay in New England, the hon^ble his Majestys Council, and the hon^ble House of Representatives in General Court assembled the 27^th day of May 1772 —

Humbly Shew your Petitioners, Subscribers hereunto, That they were unanimously appointed a Committee by the Proprietors of Boston Pier, or long Wharf so called in Boston at their Meeting on the 29^th day of April last, at which Meeting the Proprietors of Seventeen Shares & Three Quarters were present, to prepare & prefer a Petition to this hon^ble 'Court, praying that the said Proprietors may be incorporated in order more effec-'tually to transact the business of the Propriety, and impowered to subject the respective 'Interests of the several Proprietors to the disposal of the Proprietors by their Votes at 'any legal Meeting duly notified for the Purpose, when it shall be found necessary in 'order to make good the Engagements of the Proprietors for defreying the Charges of 'Addition or Repairs which have been, or hereafter may be Voted and Ordered at any 'legal Meeting.'

Your Petitioners therefore beg leave to represent to Your Excellency & Honours That in the Year 1715 The said Wharf was by deed under the hands & Seals of the then Proprietors divided into twenty four Shares, in which deed it was among other things agreed to keep the said Wharf in good & sufficient repair: and that if any particular Proprietor should neglect or refuse to repair their respective parts, it should be done by the Proprietors Committee, and the cost & charge be deducted out of such particular Proprietors share of the common wharfage, and that by said deed they warranted to each Proprietor his share as then allotted 'so nevertheless as always to be and continue subject to the 'Rules & Regulations for the management & improvement of the whole wharf or pier, 'and upholding the same in good order & repair, and in such methods and manner as are 'already or shall further be agreed upon by the major part of the Proprietors and entered 'in their Book'

That in consequence of such agreement the said Pier or Wharf has been kept in repair by the Income thereof ever since; but that within a few Years past it was greatly gone to decay and in danger of being utterly lost: whereupon the Proprietors agreed to build a Stone Head further out towards the Channel in order to secure the whole Interest, which they have in a great measure effected, the said Head still lying in common & undivided; but that the cost and charge of such Work will amount to much more than the Income of the said Wharf will defrey or reimburse for many Years to come.—

Wherefore Your Petitioners pray That the Proprietors of the said Wharf may be incorporated, more especially for the purposes beforementioned & as expressed in their Vote of the 29^th of April last: and Your Petitioners shall as in duty bound ever pray &c.

ANDW OLIVER,
JAS BOUTINEAU, } Comee."
ARNOLD WELLES.

—*Records of the Proprietors of Boston Pier, vol. I., p.* 157.

ACTS,

PASSED 1773–74.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE TWENTY-SIXTH DAY OF MAY, A. D. 1773.

CHAPTER 1.

AN ACT FOR FURNISHING THE MILITIA OF THIS PROVINCE WITH TWELVE BRASS FIELD-PIECES.

WHEREAS the furnishing of the militia of this province, especially near the sea-coast, with a number of light field-pieces, will tend much to his majesty's service in the safety of this province; therefore, — Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[SECT. 1.] That there be purchased at the expence of this province, as soon as conveniently may be, twelve brass field three-pounders; and the commissary-general is hereby impowered and directed to purchase said twelve brass field-pieces, accordingly; and that he cause the same to be compleatly mounted and equip[*p*]ed for service; and that they be assigned to such companies, or regiments, of the militia of this province, as the captain-general shall think most for his majesty's service, and safety of this province. Commissary directed to purchase twelve brass field-pieces.

And be it further enacted,

[SECT. 2.] That said field-pieces, or any of them, shall not, in any case whatever, be sent or conveyed without the limits of this province, without the consent of the general court. [*Passed and published June* 29.

CHAPTER 2.

AN ACT IN ADDITION TO, AND EXPLANATORY OF, AN ACT INTITLED "AN ACT TO EMPOWER A MAJOR PART OF THE JUSTICES OF THE PEACE OF THE TOWN OF BOSTON, AND THE MAJOR PART OF THE SELECTMEN OF THE SAID TOWN, TO LAY OUT A STREET FROM MIDDLE STREET TO ANN STREET IN SAID TOWN; AND ALSO TO REPEAL AND SET ASIDE WHAT WAS DONE BY A MAJOR PART OF THE JUSTICES OF SAID TOWN, TOGETHER WITH THE SELECTMEN, RELATIVE TO THE LAYING OUT A STREET IN THE SAME PLACE, IN APRIL, ONE THOUSAND SEVEN HUNDRED AND SIXTY-SEVEN."

WHEREAS a major part of the justices of the peace of the town of Boston, and a major part of the selectmen of said town, in conse- Preamble

quence of an act made and passed in the last session of the general
1772-73, chap. 27 court, entitled "An Act to empower a major part of the justices of the peace of the town of Boston, and a major part of the selectmen of said town, to lay out a street from Middle Street to Ann Street in said town; and also to repeal and set aside what was done by a major part of the justices of said town, together with the selectmen, relative to the laying out a street in the same place, in April, one thousand seven hundred and sixty-seven," proceeded to lay out a street of twenty feet wide, from Middle Street to Ann Street; but, in running the line of that wedth as directed, they found that about six feet of two dwelling-houses belonging to George Broughton Gedney, near unto Middle Street, stand upon and will be included in said proposed street of twenty feet in wedth; *and whereas* a doubt has arisen whether the justices and selectmen, by the act aforesaid, had power to lay out said street so far only as where it meets with said Gedney's dwelling-house and land, or whether they ought not to lay out and extend the same through said houses and land, to Middle Street, of the full wedth aforesaid, notwithstanding it might appear that the benefit arising thereby to the abutters on said street, and other inhabitants, would not compensate for the expence and damage which would be thereby occasioned; wherefore, for removing said doubts and any difficulties that may hereafter arise relative to said street, or the land belonging to the said Gedney, —

Be it enacted by the Governor, Council and House of Representatives,

Justices and selectmen, empowered.

[SECT. 1.] That the justices of the peace of the town of Boston, and the selectmen of said town, or a major part of each, be, and they are hereby, empowered and directed, as soon as may be, to lay out said street twenty feet in wedth, beginning at Ann Street, and so runing up Paddy's Alley to the brick wall on the eastermost end of said Gedney's land in said alley, and no further.

And whereas, it is represented that about midway where said street is proposed to be laid out the lands are vacant, and that it will be much more convenient and commodious if said street was, thereabouts, in some parts of it, of greater wedth than twenty feet, —

Be it further enacted,

[SECT. 2.] That if said justices and selectmen, or a major part of each, shall judge it more convenient to have said street of a greater wedth than twenty feet in or near the middle part of it, where the lands are vacant, they are hereby directed and empowered to lay out the same accordingly, the act aforesaid notwithstanding; and in all other things the justices, selectmen, jury, and all persons interested or concerned, are to proceed according to the directions of the aforementioned act. [*Passed and published June 29.*

CHAPTER 3.

AN ACT FOR INCORPORATING A CERTAIN TRACT OF LAND ON THE WESTERLY SIDE OF PENOBSCOT BAY, INTO A TOWN BY THE NAME OF BELFAST.

Whereas the inhabitants of a certain tract of land on the westerly side of Penobscot Bay, in the county of Lincoln, are desirous of being incorporated into and invested with the powers and privileges of a town; therefore, — Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the tract of land aforesaid, bounded as follows; viz., begining at the westerly bounds of the township of Frankfort; from thence, westerly, round the harbour called Passageeswokey, to Little River; from thence, up said river, as far as salt water flows; then, crossing said river, to a black-burch tree, computed to be thirty-seven chains; from thence, south, sixty-eight degrees west, two hundred and twenty-three chains, to a burch-tree; from thence, north, twenty-two degrees west, three hundred and seventy-two chains, to a rock-maple tree, one rod, westerly, from a quarry of stones; from thence, north, sixty-eight degrees east, six hundred and two chains, to the westerly line of said Frankfort; from thence, south, thirty-seven chains, to the largest of Half-way-Creek Ponds; from thence, down said creek, to the bounds first mentioned, — be and hereby is erected into a town by the name of Belfast; and that the inhabitants thereof be and hereby are invested with all the powers, privileges and immunities, which the inhabitants of the towns within this province, respectively do, or by law ought to, enjoy. Bounds of Belfast.

And be it further enacted,

[Sect. 2.] That Thomas Goldthwait, Esq., be, and he hereby is, impowered to issue his warrant, directed to some principal inhabitant in said town, to notify and warn the inhabitants in said town, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all officers as shall be necessary to manage the affairs of said town; at which said first meeting all the then present male inhabitants that shall be arrived at the age of twenty-one years, shall be admitted to vote. [*Passed and published June* 29. Thomas Goldthwait, Esq., empowered to call a meeting.

CHAPTER 4.

AN ACT FOR INCORPORATING A PLANTATION CALLED BROADBAY, INTO A TOWN BY THE NAME OF WALDOBOROUGH.

Whereas the inhabitants of the plantation called Broadbay, in the county of Lincoln, have represented to this court that they labour under many great difficulties and inconveniencies by reason of their not being incorporated into a town; therefore, — Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1] That the said plantation, commonly called and known by the name of Broadbay, bounded as follows; viz., to begin at the north-west corner bound of the town of Bristol, in said county, at a Bounds of Waldoborough.

stake standing on the bank of the Duck-puddle Brook, so called; thence, running northerly, by said brook and pond, to the northerly end of said pond, to a pine-tree marked on four sides; thence, to run north, five hundred and sixty rods, to a pine-tree marked on four sides; thence, to run north, twenty-two degrees and thirty minutes east, seventeen hundred rods, to a spruce-tree marked on four sides; thence, to run east south-east, eleven hundred and twenty rods, to a birch-tree marked on four sides; thence, to run south, seven degrees east, sixteen hundred rods, to a maple-tree marked on four sides; thence, to run south, nineteen degrees west, nine hundred and sixty rods, to a spruce-tree marked on four sides; thence, to run south-east, one hundred and sixty rods, to a fir-tree marked on four sides; thence, to run south, fifteen degrees east, three hundred and twenty rods, to a stake standing on the bank of Little Pond, so called; thence, easterly, by the shore of said pond, to the easterly part thereof; thence, south, fifteen degrees east, to a stake standing on the bank of the Southerly Pond, so called; thence, easterly, by the shore of the said pond, to the easterly part thereof; thence, south, fifteen degrees east, one hundred rods, to a spruce-tree marked on four sides; thence, running south, twelve degrees west, three hundred and twenty rods, to a spruce-tree marked on four sides; thence, running north-west, four hundred rods, to Goose River, so called; thence, southerly, down said river, in the middle thereof, to its entrance into the bay; thence, northerly and westerly, by the shore of the bay, round the Back Cove, so called; thence, to continue by the shore, southerly and westerly, to the southerly part of Passage Point, otherwise called Jones's Neck; thence, westerly, across the narrows of Broadbay River until it strikes the southerly part of Havenar's Point, so called; thence, westerly, round the shore of said point, and northerly, by the shore of the eastern branch of Broad Cove; thence, round the head of said cove, westerly and southerly, until it comes to a red-oak tree standing on the land of Jacob Eaton, being the easterly corner bound of the town of Bristol aforesaid; thence, to run north-westerly, on said line of Bristol, to the first-mentioned bounds, — be and hereby is erected into a township by the name of Waldoborough; and that the inhabitants thereof be and hereby are invested with all the powers, privileges and immunities which the inhabitants of the towns within this province, respectively, do, or by law ought to, enjoy.

And be it further enacted,

Alexander Nichols, Esq., empowered to call a meeting.

[SECT. 2.] That Alexander Nichols, Esq., be, and he hereby is, impowered to issue his warrant, directed to some principal inhabitant in said township, to notify and warn the inhabitants in said township to meet at such time and place as shall be therein set forth, to chuse all such officers as shall be necessary to manage the affairs of said town; at which said first meeting all the then present male inhabitants arrived to twenty-one years of age shall be admitted to vote. [*Passed and published June* 29.

CHAPTER 5.

AN ACT TO INCORPORATE JONATHAN GLOVER, AND OTHERS THEREIN NAMED, INTO A SOCIETY BY THE NAME OF THE MARINE SOCIETY AT MARBLEHEAD, IN THE COUNTY OF ESSEX, AND PROVINCE OF THE MASSACHUSETTS BAY, IN NEW ENGLAND.

Preamble.

Whereas a considerable number of persons who are or have been masters of ships, or other vessels, at Marblehead, are desirous of forming themselves into a marine society for the purposes of improving the knowledge of this coast, and of navigation in general, by the several members communicating their observations relative to these matters, in writing; and also for the further purposes of relieving the families and persons of each other, in cases of poverty or other adverse accidents of life which, in their way of business, they are more immediately subject to; *and whereas*, said persons have prefered a petition to the great and general court of this province, in their present session, praying that they may be incorporated for the laudable purposes aforesaid; therefore, —

Be it enacted by the Governor, Council and House of Representatives,

Jonathan Glover and others, empowered to make a body politic by the name of the Marine Society, in Marblehead:

[Sect. 1.] That Jonathan Glover, Samuel Hooper, Samuel Pote, Edward Fettyplace, Henry Florance, Richard Stacy, Joseph Skilling, Joseph Bubier, John Stevens, Jeremiah Balister, John Burn[*h*]am, Benjamin Boden, Alexander Ross, Richard Hinckley, William Andrews, George Rappall, Samuel Green, Michael Merricks, Nathaniel Leech, George Gordon, David Lee, Edward Fettyplace, jun[r]., John Lee, John [J][*T*]ittle, Amos Grandy, Peter F[u][*a*]n[n][*e*]il Jones, William Coles, John Collyer, John Russell, Thomas Collyer, Joseph Northey, Nicholas Bartlet[t], William Sinclair, Hugh Hill, Edward Bowen, John Hooper, John Grush, Joseph Homan, and Richard Doliber, be incorporated and made a body politic for the purposes aforesaid, by the name of the Marine Society at Marblehead, in New England; and that they, their associates and successors, have perpetual succession by said name, and have a power of making by-laws, for the preservation and advancement of said body, not repugnant to the laws of this government, with penalty — either of disfranchisement from said society, or [of] [*by*] a mulct not exceeding twenty shillings — or without penalties, as it shall seem most meet; and have leave likewise to make and appoint their common seal; and be liable to be sued, and enabled to sue, and make purchases, and take donations of real and personal estate, for the purposes aforesaid: *provided*, the rents of the real estate, together with the interest of the personal estate, shall not exceed the sum of five hundred pounds per annum; and to manage and dispose said estate as shall seem fit: and said society shall have a master, deputy-master, treasurer and clerk, and other officers they shall think proper.

— their power.

Donations not to exceed £500 per annum.

Officers.

And be it therefore further enacted,

First meeting, on the first Thursday in August, 1773.

To continue to the first Thursday in October.

Then to choose a master and other officers for the year.

[Sect. 2.] That the said Marine Society, shall, on the first Thursday in August next, assemble to appoint their first master, deputy-master, treasurer and clerk, and other officers as they shall think proper, and their seal, and make by-laws; and said officers shall continue until the first Thursday of October next: and the said Marine Society shall meet then, and so, annually, afterwards, on the said first Thursday of October, at Marblehead aforesaid, to chuse a master, deputy-master, treasurer and clerk, and other officers, as they shall think proper; and for the admission of new members, which shall be

done by a major vote of the members present at said annual meeting; and to make, alter and annul their by-laws: and if, by reason of any emergency, the business of said annual assembly cannot be compleated on said day, they may adjourn, once, to a short day, to finish it, and no more; and said society shall meet at said Marblehead, on the first Thursday of every month, for all other business. And whenever any of the officers of said society shall die, or be disabled, or remove out of the government, others shall be appointed or elected in their room, at the next monthly meeting. And all instruments which said society shall lawfully make, shall, when in the name of said society, and pursuant to the votes thereof, and signed and delivered by the master, and sealed with their common seal, bind said society, and be valid in law. [*Passed and published June* 29.

To adjourn, once, to a short day.

To meet the first Thursday in every month to transact their ordinary business.

Instruments by them executed, to be valid.

CHAPTER 6.

AN ACT FOR ANNEXING TWO CERTAIN TRACTS OF LAND LYING WITHOUT THE BOUNDS OF ANY TOWN, WITH THE INHABITANTS THEREON, TO THE TOWN OF NORTHFIELD, IN THE COUNTY OF HAMPSHIRE.

Preamble.

WHEREAS the inhabitants of two certain tracts of land, one containing five hundred acres, formerly granted by the general court to the town of Pembroke, commonly called Pembroke Farm, the other containing one hundred and fifty acres, granted by the same court to William Hack of Taunton, both lying south of the town of Northfield, in the county of Hampshire, have made application to this court, praying that they, together with the said lands, may be annexed to the said Northfield; and the said town of Northfield have also prayed that the lands and inhabitants aforesaid may be annexed thereto accordingly; and the same appearing to this court reasonable, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Two tracts of land, annexed to Northfield.

That the two tracts of land aforementioned, with the inhabitants who now dwell or that shall hereafter dwell thereon, be and hereby are annexed to the town of Northfield, in the county of Hampshire; and the said inhabitants shall be subject to do duty, and intitled to receive privilege, as other inhabitants of said town, to all intents and purposes whatsoever. [*Passed and published June* 29.

CHAPTER 7.

AN ACT FOR ERECTING THE EASTERLY PART OF THE TOWN OF MURRAYFIELD, IN THE COUNTY OF HAMPSHIRE, INTO A SEPERATE DISTRICT BY THE NAME OF NORWICH.

Preamble.

Whereas the inhabitants of the easterly part of the town of Murrayfield, in the county of Hampshire, have made it appear to this court that they labour under great difficulties by reason of their not being a seperate district; therefore,—

Be it enacted by the Governor, Council and House of Representatives,

Easterly part of Murrayfield, a district by the name of Norwich:

[Sect. 1.] That the tract of land lying in the easterly part of the town of Murrayfield, described as follows; to wit, begining at the south-west corner of Ingersol's grant, so called, and thence extending, on the west line of said grant, until it comes to lot no. one in the second division of lots owned by John Chandler, Esq.; from thence, a strait line, to the south-west corner of lot number sixteen; and from thence, running on the east line of said lot and on the east lines of lots no. fifteen, twenty-eight, and twenty-nine, until it comes to the south-west corner of Chesterfield, — be and hereby is erected into a seperate district by the name of Norwich; and that the said district be and hereby is invested with all the powers, privileges and immunities that towns in this province do, or by law ought to, enjoy, that of sending a representative to the general assembly only excepted; and that the inhabitants of said district shall have full power, from time to time, to join with the said town of Murrayfield in the choice of a representative or representatives; which representative or representatives may be chosen indifferently either from said town or district: and that the selectmen of said town of Murrayfield, as often as they shall call a meeting for the purpose of making choice of a representative or representatives, shall give seasonable notice to the clerk of said district, for the time being, of the time and place of said meeting, to the end that the said district may join them therein; and the clerk of said district shall set up, in some convenient and public place in said district, a notification thereof accordingly, or shall notify the district in such other way as said district may hereafter determine upon; and the pay and allowance of said representative or representatives to be borne by said town and district according to their respective proportions of the province tax.

— to join with Murrayfield in the choice of a representative.

And be it further enacted,

The district to pay their proportion of taxes:

[Sect. 2.] That the said district shall pay their proportion of all town, county, and province, taxes already set on or granted to be raised, assessed, levied and collected in said town, as if this act had not been made.

Provided, nevertheless,

— to enjoy their share of ministerial lands.

[Sect. 3.] That the inhabitants of said district shall retain and enjoy the same right and share to all the ministerial lands in said town, and the improvements and profits thereof, as they would have had if this act had not been made.

And be it further enacted,

Joseph Hawley, Esq., empowered to issue his warrant to call

[Sect. 4.] That Joseph Hawley, Esq., be and hereby is empowered to issue a warrant, directed to some principal inhabitant in said district, requiring him to warn and give notice to the inhabi-

the first meeting.

tants of the district aforesaid, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all such officers as shall be necessary to carry on and manage the affairs of said district.

And be it further enacted,

The district to have their proportion of public money.

[SECT. 5.] That the said town of Murrayfield shall allow to the said district of Norwich their proportionable part of the money that is already granted and assessed, or to be assessed, and collected, in said town of Murrayfield, for the support of the minister, school, and other necessary charges therein for the year ensuing.

And be it further enacted,

To contribute towards the relief of the poor in Murrayfield:

[SECT. 6.] That the said district shall hereafter contribute their proportion towards the relief and support of all and every such poor person or persons that are at this time supported and relieved by said town, and are the proper charge thereof; and the clerk of said town shall, some time in the month of October, annually, make out a just and true account of all and every sum or sums of money that shall or may hereafter be granted by said town of Murrayfield for the purpose of supporting and relieving such persons, as* shall cause the same to be transmitted to some one or more of the assessors of said district, for the time being, who are hereby directed to assess the same accordingly; and the treasurer of said district, for the time being, is hereby required to pay the same into the hands of the treasurer of the said town of Murrayfield, for the time being, to the end that the said sum may be appropriated to the purposes aforesaid.

— to be paid to the treasurer of Murrayfield.

And be it further enacted,

To pay one third part of the tax until a new valuation of estates.

[SECT. 7.] That after this present year, and until a new valuation of the estates of the inhabitants of this province shall be taken, agreed and concluded upon, that the said district shall pay the one third part of the province tax that would have been set upon said town of Murrayfield had this act not been made. [*Passed and published June* 29.

CHAPTER 8.

AN ACT FOR SETTING OFF CERTAIN PERSONS AND ESTATES LYING WITHIN THE BOUNDS OF THE FIRST PRECINCT IN ROXBURY, TO THE THIRD PRECINCT IN THE SAID TOWN.

Be it enacted by the Governor, Council and House of Representatives.

Benjamin Pemberton and others, with their estates, set off from the first to the third precinct in Roxbury.

That Benjamin Pemberton, Esq[r]., Benjamin May, John Williams, Ebenezer May, Jeremiah Parker and Lemuel May, with their families and such parts of their estates as lye between Jamaica Pond, so called, and the town road leading from Gambling End to Rocky Swamp; also the estates of John Troutbeck, Jonathan Williams and Samuel Austin, lying within the bounds above mentioned, with the families that do now or may hereafter dwell on the estates aforesaid, of each and every of the persons in this act before mentioned, be and hereby are set off from the first precinct in the town of Roxbury, and annexed to the third precinct in the said town, and

* *Sic*: and?

shall there do duty and receive privilege as other inhabitants of the same precinct, to all intents and purposes whatsoever. [*Passed and published June* 29.

CHAPTER 9.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF THIRTEEN THOUSAND POUNDS, TO BE THENCE ISSUED FOR THE DISCHARGING THE DEBTS OF GOVERNMENT.

Preamble. Whereas it is necessary that provision should be made for the defreying the charges of government the ensuing year, —

Be it enacted by the Governor, Council and House of Representatives,

Treasury supplied with £13,000. [Sect. 1.] That the treasurer of the province be, and he hereby is, impowered and directed to borrow, from such person or persons as shall be willing to lend the same, from time to time, as he shall have occasion for the money, a sum not exceeding thirteen thousand pounds, in Spanish mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intitled "An Act for ascertaining the rates at which coined silver and gold, and English halfpence and farthings, may pass within this government;" and the sum so borrowed shall be applied in manner as in this act is hereafter directed; and for the said sum the treasurer shall give his receipt or obligation in the form following: —

1749-50, chap. 19.

Form of the treasurer's notes. Province of the Massachusetts Bay, the day of , A. D. . Borrowed and received of the sum of , for the use and service of the province of Massachusetts Bay; and, in behalf of said province, I do promise and oblige myself and successors in the office of treasurer to repay the said or to his order, the twentieth day of June, one thousand seven hundred and seventy-five, the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coined gold and silver enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intitled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government," and according to the rates therein mentioned, with the interest, annually, at five per cent.

Witness my hand, H. G., Treasurer.

A. B.,
C. D., } Committee.
E. F.,

And be it further enacted,

Treasurer to observe the acts of the 2d of his present majesty. 1761-62, chap. 23. [Sect. 2.] That the treasurer, in issuing said receipts and obligations, and the committee chosen to countersign them, shall observe and be governed by the rules and directions given them by an act of this province, made in the second year of his present majesty's reign, intitled "An Act to supply the treasury with the sum of twenty-five thousand pounds."

And be it further enacted,

How appropriated. [Sect. 3.] That the said sum of thirteen thousand pounds, ordered to be borrowed by this act, when received into the treasury,

shall, by the treasurer, be applied for the discharge of such warrants as have been or may be drawn on him by the governor, with advice of council, agreeably to the following appropriations; that is to say, six thousand pounds, part of the aforesaid sum of thirteen thousand pounds, shall be applied for the payment of grants made or to be made by this court; and the further sum of two thousand pounds, part of the aforesaid sum of thirteen thousand pounds, shall be applied for the discharge of debts owing from this province to persons that have served, and shall serve them, by order of this court, where there is no establishment nor any certain sum assigned for that purpose, and for writing, printing and paper for this court, and such repairs of the court-house and lighthouses as shall be made by order of the general assembly; and the further sum of four hundred pounds, part of the aforesaid sum of thirteen thousand pounds, shall be applied for the commissary's disbursements; and the further sum of seven hundred pounds, part of the aforesaid sum of thirteen thousand pounds, shall be applied for the paying the garrison at Fort Pownall; and the further sum of three thousand eight hundred pounds, part of the aforesaid sum of thirteen thousand pounds, shall be applied for the payment of his majesty's council, and the members of the house of representatives serving in the great and general court the present year; and the further sum of one hundred pounds, being the remaining part of the aforesaid sum of thirteen thousand pounds, shall be applied for the payment of contingent charges.

And whereas, when the taxes that now are outstanding, and the monies due upon bond for lands sold, are paid into the treasury, there will be a surplusage sufficient to redeem the receipts or obligations given by virtue of this act, —

Be it therefore enacted,

Fund for redemption of the notes.

[SECT. 4.] That the said monies be as a fund to redeem the said receipts or obligations given by virtue of this act, and the treasurer is directed to apply the monies for that purpose accordingly. [*Passed and published June* 29.

CHAPTER 10.

AN ACT IN ADDITION TO AN ACT, MADE AND PASSED IN THE PRESENT YEAR OF HIS MAJESTY'S REIGN, INTITLED "AN ACT TO REGULATE THE SALE OF GOODS AT PUBLIC VENDUE, AND TO LIMIT THE NUMBER OF AUCTIONEERS."

Preamble. 1772-73, chap. 44.

WHEREAS inconveniences have arose by the number of auctioneers, in and by the said act, being set and limited in the town of Boston to the number of four, and divers persons have petitioned the general court to make further provision in this respect, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Selectmen empowered to license suitable persons to sell goods at vendue:

That the selectmen of the town of Boston, or the major part of them, at a meeting called for that purpose, be, and they are hereby, impowered, from time to time, by writing, under their hands, to licence some suitable person or persons for the purpose of selling at public vendue, goods, chattles, wares, merchandizes or effects, not

exceeding the number of ten in the said town of Boston, nor for any term of time exceeding one year from the day of granting such licence, any provision in the act aforesaid to the contrary notwithstanding; the said persons so licensed by virtue of this act to be under the same restrictions and limitations as those that are or may be licensed by virtue of the act aforesaid. [*Passed and published June* 29.

— not to exceed ten in Boston.

Limitation.

CHAPTER 11.

AN ACT IN ADDITION TO, AND EXPLANATION OF, AN ACT, MADE AND PASSED IN THE TWELFTH YEAR OF HIS PRESENT MAJESTY'S REIGN, INTITLED "AN ACT FOR GRANTING A TAX OF ONE PENNY HALFPENNY PER ACRE, YEARLY, FOR THE TERM OF FIVE YEARS SUCCESSIVELY, ON ALL THE NON-RESIDENT PROPRIETORS' LANDS IN THE TOWN OF ASHBY, IN THE COUNTY OF MIDDLESEX; AND FOR SUBJECTING THE LANDS OF SUCH OF THE PROPRIETORS AS NEGLECT OR REFUSE TO PAY THE SAID TAX, TO BE SOLD FOR THE PAYMENT THEREOF."

Whereas some of the non-resident proprietors have cleared up some part of their land in said town of Ashby, and improve the same for pasture land, which improvements are, from time to time, taxed agreeable to the law of this province for assessing real estates; *and whereas* there is no provision made in said act for exempting the lands under improvement, as aforesaid, from the said tax of one penny halfpenny per acre, but they are all subject to the tax aforesaid, whereby injustice may be done to said proprietors; for the preventing of which, —

Preamble. 1772-73, chap 23.

Be it enacted by the Governor, Council and House of Representatives,

That the enacting clause in said act granting a tax of one penny halfpenny per acre upon all the non-resident proprietors' lands in the town of Ashby, aforesaid, shall be construed to extend to all the unimproved lands belonging to the said proprietors, and no other, and shall be so understood, anything in said act to the contrary notwithstanding. [*Passed and published June* 29.

Explanation.

CHAPTER 12.

AN ACT FOR REGULATING LAMPS ALREADY SET UP, OR THAT MAY HEREAFTER BE SET UP, FOR ENLIGHTNING THE STREETS, LANES, ALLEYS OR PASSAGEWAYS IN THE TOWN OF BOSTON, AND TO PREVENT THE BREAKING OR OTHERWISE DAMNIFYING THE SAME; AND ALSO ESTABLISHING THE METHOD FOR PAYING THE EXPENCES THAT MAY ARISE IN SUPPORTING AND MAINTAINING SAID LAMPS.

Whereas the enlightning of streets, lanes, alleys and passageways, in large and populous towns, by lamps hung up in the night-time, is not only ornamental, but very advantageous to all such persons as

Preamble. 108 Mass., 200.

have occasion to pass in and thro' the same about their lawful business, and tend[s] greatly for the safety and preservation of the inhabitants, by the discovery and prevention of fires, burglaries, robberies, thefts and other lesser breaches of the peace, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Selectmen empowered to affix lamps in such parts of the town of Boston as they shall judge proper:

[SECT. 1.] That from and after the publication of this act, it shall and may be lawful for the selectmen of the town of Boston, for the time being, or a major part of them, or such persons as they shall think fit to appoint for that purpose, under them, to set up and affix such and so many lamps, and in such streets, lanes, alleys and passageways in said town, for enlightning the same, as the town, or such persons as they may appoint, shall, in their judgment, think necessary, and for the common benefit. And the better to preserve and regulate such lamps, said selectmen are hereby empowered to appoint and contract with any meet person or persons for the lighting, cleaning, snuffing and repairing the same, and give such directions, from time to time, relative to said lamps, and lighting and regulating the same, as they shall think best.

— to agree with meet persons to take care thereof.

Preamble.

And whereas many of the inhabitants of the said town of Boston, have, by a generous subscription, raised a sum of money sufficient for purchasing such a number of lamps as will be necessary for illuminating the streets, &c., in that metropolis; and as the destroying or breaking the same will not only be injurious to the encouragers of so laudable a design, but to the public[k] in general, —

Be it therefore further enacted,

Fine for breaking or otherwise damnifying lamps, &c.

[SECT. 2.] That if at any time after the publication of this act, any person or persons shall and do, willfully and maliciously, break, throw down, or extinguish any lamp that is or shall be hung or set up, to light the streets, lanes, alleys or passageways within said town of Boston, either by said town or by any private inhabitant, or shall willfully or maliciously damage the post, iron or other furniture thereof, every person so offending therein, and being thereof convicted by the lawful testimony of one or more witness or witnesses, in any of his majesty's courts of general sessions of the peace, to be thereafter held within and for the county of Suffolk, who are hereby empowered to hear and determine the offence, shall forfeit and pay the sum of twenty pounds for each lamp so broken or damnified, — and the like sum for each post, or the iron, or other furniture, so broken or damaged, — and costs of prosecution. And if any person or persons shall, accidentally or undesignedly, break, throw down, or otherwise damage any post, iron or furniture of such lamp, he shall pay so much as, in the judgment of the selectmen of said town, for the time being, shall fully repair the damage done, into the hands of the selectmen, or to such person as they may appoint to receive the same; and if any such person or persons shall refuse to pay said selectmen, or the person they shall appoint in manner as aforesaid, the treasurer of the town of Boston is hereby empowered to prosecute any person or persons, for said damages, before any one of his majesty's justices of the peace in said county of Suffolk, who is hereby empowered to hear and determine the same: *provided*, the double damages do not exceed forty shillings: if more, then to be recovered in any court proper to try the same; and, upon conviction, to give judgment for double damages and for costs of prosecution, and award execution accordingly. And if any person or persons, sentenced to pay the aforesaid fine of twenty pounds and costs, shall refuse to pay

Penalty, in case of refusal.

the same, he or they shall be punished for the offence by being imprisoned not exceeding six months, or by whipping not exceeding twenty stripes.

And be it further enacted,

Selectmen empowered to take down or remove lamps, &c.

[Sect. 3.] That the selectmen of the town of Boston, for the time being, be, and they are hereby, empowered to take down or remove any post, or sign thereon, in any street, lanes, alleys or passage-ways in said town, or that now are or hereafter may be fixed, or that adjoin, to any dwelling-house or building, in case they shall judge any such post or sign tends to intercept or any ways lessen the light in said lamp; or said selectmen may direct and order the owner of such posts or signs to take down or remove the same; and if such owner or owners shall refuse so to do for the space of forty-eight hours after such order or notice given, he, she or they, shall forfeit and pay the sum of six shillings for every twenty-four hours the same shall remain standing, or fixed to any building.

And be it further enacted,

Fines, how to be applied.

[Sect. 4.] That the fines and forfeitures arising by the breaches of this act, shall be applied to the uses following; that is to say, one moiety or half part thereof for the purchasing, repairing, supplying and maintaining the lamps, the other moiety to the person who shall inform and prosecute for the same.

Provided, always, —

Proviso.

[Sect. 5.] That the owners of any lamps placed or set up in said town at their own private expence, may at any time take down or remove the same, or extinguish the light thereof, anything in this act notwithstanding.

And whereas the freeholders, and other inhabitants of the town of Boston, at their legal and regular meeting on the eleventh day of May last, voted that a sufficient number of lamps should be set up and fixed in said town for enlightning the same in manner as aforesaid, —

Be it further enacted,

Inhabitants empowered to raise money by a tax, for their support.

[Sect. 6.] That said inhabitants, at any legal town meeting, may make such provision for the supporting and maintaining said lamps and lights, and other necessary charges attending the same, as they shall judge best, by raising such a sum of money, yearly, by a tax laid on the inhabitants, as may by them be thought necessary for that purpose.

Continuance.

[Sect. 7.] This act to continue and be in force for the space of five years from the first of July next, and from thence to the end of the then next sitting of the general court. [*Passed and published June* 29.

CHAPTER 13.

AN ACT IMPOWERING THE ASSESSORS OF THE TOWN OF WINDHAM, IN THE COUNTY OF CUMBERLAND, TO ASSESS, YEARLY, FOR [THE] THREE YEARS NEXT ENSUING, ONE PENNY HALFPENNY PER ACRE ON EVERY OF THE HUNDRED-ACRE LOTS IN SAID TOWN ALREADY LOTTED OUT, AND NOT OTHERWISE TAXED, MINISTERIAL-, AND SCHOOL-LANDS IN SAID TOWN, EXCEPTED.

Preamble.

WHEREAS it is represented to this court, by the freeholders and other inhabitants of the town of Windham, in the county of Cumberland, that the proprietors of said township have laid out most of their lands therein lying, in hundred-acre lots, great part of which lie unimproved, and the inhabitants are unable to defrey the great expence of opening and clearing many new roads, and other necessary public charges, without the assistance of a tax laid on the said hundred-acre lots for the purpose[s] aforesaid; therefore, —

Be it enacted by the Governor, Council and House of Representatives,

Inhabitants empowered to assess and lay a tax.

[SECT. 1.] That the assessors of the town of Windham, in the county of Cumberland, be and hereby are authori[z][*s*]ed and impowered, annually, to assess, for three years next ensuing, one penny halfpenny per acre on each and every acre of the hundred-acre lots already lotted out in said town, that shall not be under actual improvement and otherwise taxed, ministerial-, and school-lands lying and being in said town, excepted; and that the said town of Windham be impowered, at each and every of their anniversary March meetings for the said three years next ensuing, to chuse one collector, an inhabitant of the town of Windham, — to serve for and during the year for which he shall be chosen, and to take the oath commonly taken by collectors of towns, — who shall well and truly collect the sum and sums assessed by the aforesaid assessors, in pursuance of this act, on the hundred-acre lots in said town as aforesaid; and that one half of the money that shall be raised by said tax be paid by the collector, for the time being, into the hands of the treasurer of said town of Windham, for the time being, to be by such treasurer, annually, applied to the minister's support, and other town charges; the other half to be paid into the hands of the proprietors' treasurer, for the time being, to be by said proprietors, or their order, annually, applied to the opening, and making passable, such ways, already planned or laid out, as still remain in wilderness state in [*the*] said town of Windham.

And be it further enacted,

Fine for refusing to serve as collector.

[SECT. 2.] That if any collector or collectors duly chosen at either of the annual March meetings in said town of Windham during the term aforesaid, shall neglect or refuse to serve in said office, the collector so neglecting or refusing shall forfeit and pay the sum of five pounds to the use of said town, to be recovered in manner as the law directs for prosecuting persons refusing to serve in the office of a constable; and the said town may and are hereby impowered to ch[u][*oo*]se another collector in his or their stead. And if any or either of the proprietors [and] [*or*] owners of the said hundred-acre lots, — or either of them, not otherwise taxed, — lying and being in the town of Windham, shall neglect or delay to pay to the collector or collectors, for the time being, the sum, from time to time, levied or assessed upon their hundred-acre lots, as aforesaid, for forty days

after such assessment is made, and published by posting up notifications thereof in said town of Windham, in the shire town of the county of Cumberland, and in Marblehead, that then and in such case it shall and may be lawful to post up in said town of Windham, the shire town of the county of Cumberland, and in Marblehead, notifications of the intended sales of so much, and no more, of such delinquent proprietors' lands as shall be sufficient to pay such rates and taxes, and other necessary and intervening charges, two months before the same be sold; and if any of the said proprietors of the said hundred-acre lots do not by that time pay such rates or assessments and charges, then and in that case it shall and may be lawful for the assessors, at a public vendue, to sell so much of the delinquent proprietors' lands as shall be sufficient to pay the tax and charges arising upon the sale of said land, and execute absolute deed or deeds, in law, for the conveying of such lands to the person or persons who shall give most for the same; which deed shall be good and valid, to all intents and purposes in law, for conveying such estates to the grantees, their heirs and assigns forever; and, if the said land be sold for more than the taxes and intervening charges, the overplus to be paid to such delinquent proprietors or their order: the money, for which the delinquent proprietors' lands shall be sold, to be lodged in the hands of the treasurer of the town of Windham and the proprietors' treasurer, in equal division; reserving to the non-resident proprietors, whose lands shall be sold, as aforesaid, a right of redemption for themselves, their respective heirs and assigns, within twelve months from the time of the sale of such delinquent proprietors' lands, they paying the sum or sums for which the lands were sold, with double interest until the same be redeemed.

Money for lands sold, how to be appropriated.

And be it further enacted,

[Sect. 3.] That the selectmen of the town of Windham be and hereby are authori[z][s]ed and impowered to call a town meeting some time in the month of July next ensuing, to chuse one collector, an inhabitant of Windham aforesaid, and that for the purposes aforesaid, to serve in said office this present year. [*Passed June* 24;* *published June* 29.

Selectmen to call a town meeting.

CHAPTER 14.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF TWENTY THOUSAND SIX HUNDRED AND TWENTY-FIVE POUNDS; AND ALSO FOR ASSESSING A TAX OF SEVEN THOUSAND AND SEVEN HUNDRED AND TWENTY POUNDS FIFTEEN SHILLINGS, PAID THE REPRESENTATIVES FOR THEIR TRAVEL AND ATTENDANCE IN THE GENERAL COURT, IN THE YEARS ONE THOUSAND SEVEN HUNDRED AND SEVENTY, ONE THOUSAND SEVEN HUNDRED AND SEVENTY-ONE, AND ONE THOUSAND SEVEN HUNDRED AND SEVENTY-TWO; ALSO FOR ASSESSING A TAX OF SEVEN HUNDRED AND NINETY-EIGHT POUNDS, LAID ON TOWNS WHO HAVE NEGLECTED SENDING SOME PERSON TO REPRESENT THEM IN THE GREAT AND GENERAL COURT IN EITHER OF THE YEARS ONE THOUSAND SEVEN HUNDRED AND SEVENTY-ONE, ONE THOUSAND SEVEN HUNDRED AND SEVENTY-TWO, AND ONE THOUSAND SEVEN HUNDRED AND SEVENTY-THREE; ALSO FOR ASSESSING

* Signed June 29, according to the record.

THE TOWN OF HULL FOUR POUNDS FOUR SHILLINGS, BEING THE CHARGE OF A COMMITTEE; ALSO THE TOWN OF SHERBURNE, IN THE COUNTY OF NANTUCKET THE SUM OF TWO HUNDRED POUNDS, PART OF THE SUM OF THREE HUNDRED NINETY-EIGHT POUNDS SEVEN SHILLINGS AND SEVENPENCE, WHICH SAID TOWN IS IN ARREARS ARISING FROM THE DEFICIENCY OF THOMAS ARTHUR, A DEFECTIVE COLLECTOR OF TAXES FOR THE YEARS ONE THOUSAND SEVEN HUNDRED AND SIXTY-FIVE AND ONE THOUSAND SEVEN HUNDRED AND SIXTY-SIX; ALSO THE TOWN OF FRAMINGHAM THE SUM OF FIFTY-FOUR POUNDS THIRTEEN SHILLINGS AND THREE PENCE, BEING THE REMAINING PART OF THE ARREARS OF THE PROPORTION OF THE PROVINCE TAX SET ON THAT TOWN IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SIXTY-FIVE HITHERTO UNPAID BY REASON OF THE DEFICIENCY OF JOSEPH BUTLER A COLLECTOR OF TAXES IN SAID TOWN THAT YEAR; AND THE TOWN OF TAUNTON THE SUM OF FIVE POUNDS FOURTEEN SHILLINGS, BEING THE EXPENCE OF A COMMITTEE TO SETTLE THE LINE BETWEEN TAUNTON AND MIDDLEBOROUGH; AND FURTHER TO ASSESS THE TOWN OF SWANZEY THE SUM OF FIFTY POUNDS, BEING PART OF WHAT WAS LENT SAID TOWN IN CONSIDERATION OF THEIR HAVING BEEN VISITED WITH THE SMALL-POX; AMOUNTING IN THE WHOLE TO THE SUM OF TWENTY-NINE THOUSAND FOUR* AND FIFTY-EIGHT POUNDS SIX SHILLINGS AND THREEPENCE.

WHEREFORE, for the ordering, directing and effectually drawing in, the said sum of twenty-nine thousand four hundred and fifty-eight pounds six shillings and threepence, we, his majesty's dutiful and loyal subjects, the representatives in general court assembled, pray that it may be enacted,—

And be it accordingly enacted by the Governor, Council and House of Representatives,

[SECT. 1.] That each town, district, parish or other place within this province, be assessed and pay, as such town, district, parish and place's proportion of the sum of twenty-nine thousand four hundred and fifty-eight pounds six shillings and threepence, the several sums following; that is to say,—

* "Hundred," omitted.

IN THE COUNTY OF SUFFOLK.

	REPRESENTATIVES' PAY FOR THREE YEARS, VIZ., 1770, 1771, 1772.	FINES ORDERED BY THIS ACT.	PROVINCE TAX.	SUM TOTAL.	
				Two thousand one hundred and forty-five pounds five shillings and	
Boston,	£241 15s. 0d.	£0 0s. 0d.	£1,903 10s. 3d.	threepence,	£2,145 5s. 3d.
Roxbury,	60 5 0	0 0 0	193 14 6	Two hundred fifty-three pounds nineteen shillings and sixpence,	253 19 6
Dorchester,	63 15 0	0 0 0	139 1 9	Two hundred and two pounds sixteen shillings and ninepence,	202 16 9
Milton,	62 10 0	0 0 0	78 10 11	One hundred and forty-one pounds and elevenpence,	141 0 11
Braintree,	73 0 0	0 0 0	170 1 5	Two hundred and forty-three pounds one shilling and fivepence,	243 1 5
Weymouth,	38 15 0	0 0 0	92 4 7	One hundred and thirty pounds nineteen shillings and sevenpence,	130 19 7
Hingham,	56 12 8	0 0 0	124 8 7	One hundred and eighty-one pounds one shilling and threepence,	181 1 3
Dedham,	71 15 0	0 0 0	147 16 8	Two hundred and nineteen pounds eleven shillings and eightpence,	219 11 8
Medfield,	60 15 0	0 0 0	59 10 2	One hundred and twenty pounds five shillings and twopence,	120 5 2
Wrentham,	74 10 0	0 0 0	149 13 2	Two hundred and twenty-four pounds three shillings and twopence,	224 3 2
Brookline,	59 0 0	0 0 0	57 3 4	One hundred and sixteen pounds three shillings and fourpence,	116 3 4
Needham,	62 10 0	12 0 0	60 7 5	One hundred and thirty-four pounds seventeen shillings and fivepence,	134 17 5
Stoughton,	49 18 0	0 0 0	117 0 0	One hundred and sixty-six pounds eighteen shillings,	166 18 0
Stoughtonham District,	22 17 0	0 0 0	53 11 3	Seventy-six pounds eight shillings and threepence,	76 8 3
Medway,	63 5 0	12 0 0	60 9 0	One hundred and thirty-five pounds fourteen shillings.	135 14 0
Bellingham,	0 0 0	14 0 0	39 3 9	Fifty-three pounds three shillings and ninepence,	53 3 9
Hull,	0 0 0	4 4 0	13 15 5	Seventeen pounds nineteen shillings and fivepence,	17 19 5
Walpole,	52 15 0	0 0 0	49 7 3	One hundred and two pounds two shillings and threepence,	102 2 3
Chelsea,	32 15 0	0 0 0	39 11 10	Seventy-two pounds six shillings and tenpence,	72 6 10
Cohasset,	19 2 4	0 0 0	42 0 0	Sixty-one pounds two shillings and fourpence,	61 2 4
	£1,165 15s. 0d.	£42 4s. 0d.	£3,591 1s. 7d.	Four thousand seven hundred and ninety-nine pounds and sevenpence,	£4,799 0s. 7d.

IN THE COUNTY OF ESSEX.

Salem,	£127 5s. 0d.	£0 0s. 0d.	£547 17s. 10d.	Six hundred and seventy-five pounds two shillings and tenpence,	£675 2s. 10d.
Danvers,	73 5 0	0 0 0	171 16 6	Two hundred and forty-five pounds one shilling and sixpence,	245 1 6
Ipswich,	75 0 0	0 0 0	293 5 3	Three hundred and sixty-eight pounds five shillings and threepence,	368 5 3
Newbury,	78 15 0	0 0 0	272 2 5	Three hundred and fifty pounds seventeen shillings and fivepence,	350 17 5

IN THE COUNTY OF ESSEX—*Continued.*

	REPRESENTATIVES' PAY FOR THREE YEARS, VIZ., 1770, 1771, 1772.	FINES ORDERED BY THIS ACT.	PROVINCE TAX.	SUM TOTAL.	
Newburyport,	£56 2*s.* 6*d.*	£0 0*s.* 0*d.*	£279 19*s.* 8*d.*	Three hundred and thirty-six pounds two shillings and twopence,	£336 2*s.* 2*d.*
Marblehead,	101 5 0	0 0 0	373 11 10	Four hundred and seventy-four pounds eleven shillings and tenpence,	474 11 10
Lynn,	69 10 0	0 0 0	133 6 8	Two hundred and two pounds sixteen shillings and eightpence,	202 16 8
Andover,	62 15 0	0 0 0	224 8 0	Two hundred and eighty-seven pounds three shillings,	287 3 0
Beverly,	74 15 0	0 0 0	157 8 4	Two hundred and thirty-two pounds three shillings and fourpence,	232 3 4
Rowley,	77 10 0	0 0 0	127 14 1	Two hundred and five pounds four shillings and one penny,	205 4 1
Salisbury,	62 2 6	0 0 0	111 10 6	One hundred and seventy-three pounds thirteen shillings,	173 13 0
Haverhill,	75 0 0	0 0 0	160 11 1	Two hundred and thirty-five pounds eleven shillings and one penny,	235 11 1
Gloucester,	69 5 0	0 0 0	230 2 10	Two hundred and ninety-nine pounds seven shillings and tenpence,	299 7 10
Topsfield,	72 5 0	0 0 0	59 17 1	One hundred and thirty-two pounds two shillings and one penny,	132 2 1
Boxford,	74 5 0	0 0 0	75 13 4	One hundred and forty-nine pounds eighteen shillings and fourpence,	149 18 4
Almsbury,	46 17 6	0 0 0	100 3 2	One hundred and forty-seven pounds and eightpence,	147 0 8
Bradford,	68 7 6	0 0 0	90 6 5	One hundred and fifty-eight pounds thirteen shillings and elevenpence,	158 13 11
Wenham,	0 0 0	20 0 0	36 6 2	Fifty-six pounds six shillings and twopence,	56 6 2
Middleton,	0 0 0	28 0 0	49 7 5	Seventy-seven pounds seven shillings and fivepence,	77 7 5
Minchester,*	0 0 0	9 0 0	47 18 8	Fifty-six pounds eighteen shillings and eightpence,	56 18 8
Methuen,	0 0 0	24 0 0	75 9 11	Ninety-nine pounds nine shillings and elevenpence,	99 9 11
	£1,264 5*s.* 0*d.*	£81 0*s.* 0*d.*	£3,618 17*s.* 2*d.*	Four thousand nine hundred and sixty-four pounds two shillings and twopence,	£4,964 2*s.* 2*d.*

IN THE COUNTY OF MIDDLESEX.

Cambridge,	£60 15*s.* 0*d.*	£0 0*s.* 0*d.*	£166 7*s.* 0*d.*	Two hundred and twenty-seven pounds two shillings,	£227 2*s.* 0*d.*
Charlestown,	39 10 0	0 0 0	165 0 0	Two hundred and four pounds ten shillings,	204 10 0
Watertown,	62 15 0	0 0 0	69 8 4	One hundred and thirty-two pounds three shillings and fourpence,	132 3 4
Woburn,	54 5 0	0 0 0	113 16 10	One hundred and sixty-eight pounds one shilling and tenpence,	168 1 10
Concord,	70 15 0	0 0 0	104 0 6	One hundred and seventy-four pounds fifteen shillings and sixpence,	174 15 6

Newton,	58	0	0	0	0	0	96	18	4	One hundred and fifty-four pounds eighteen shillings and fourpence,	154	18	4
Reading,	71	17	6	0	0	0	110	13	9	One hundred and eighty-two pounds eleven shillings and threepence,	182	11	3
Marlborough,	39	2	6	0	0	0	127	8	0	One hundred and sixty-six pounds ten shillings and sixpence,	166	10	6
Billerica,	67	15	0	0	0	0	86	12	6	One hundred and fifty-four pounds seven shillings and sixpence,	154	7	6
Framingham,	63	0	0	54	13	3	100	12	8	Two hundred and eighteen pounds five shillings and elevenpence,	218	5	11
Lexington,	65	5	0	0	0	0	69	9	7	One hundred and thirty-four pounds fourteen shillings and sevenpence,	134	14	7
Chelmsford,	74	10	0	0	0	0	77	14	6	One hundred and fifty-two pounds four shillings and sixpence,	152	4	6
Sherburne,	31	10	0	0	0	0	49	10	0	Eighty-one pounds,	81	0	0
Sudbury,	72	15	0	0	0	0	135	5	8	Two hundred and eight pounds and eightpence,	208	0	8
Malden,	68	0	0	0	0	0	64	9	6	One hundred and thirty-two pounds nine shillings and sixpence,	132	9	6
Weston,	68	15	0	0	0	0	64	12	11	One hundred and thirty-three pounds seven shillings and one penny,	133	7	1
Medford,	53	5	0	0	0	0	82	10	0	One hundred and thirty-five pounds fifteen shillings,	135	15	0
Littleton,	0	0	0	36	0	0	63	7	7	Ninety-nine pounds seven shillings and sevenpence,	99	7	7
Hopkinston,	47	10	0	0	0	0	65	19	2	One hundred and thirteen pounds nine shillings and twopence,	113	9	2
Westford,	39	10	0	14	0	0	71	7	2	One hundred and twenty-five pounds three shillings and twopence,	125	3	2
Waltham,	68	0	0	0	0	0	62	4	10	One hundred and thirty pounds four shillings and tenpence,	130	4	10
Stow,	29	0	0	0	0	0	57	4	3	Eighty-six pounds four shillings and threepence,	86	4	3
Groton,	33	13	0	0	0	0	98	4	4	One hundred and thirty-one pounds seventeen shillings and fourpence,	131	17	4
Shirley,	12	2	0	0	0	0	34	18	8	Forty-seven pounds and eightpence,	47	0	8
Pepperrell,	18	15	0	0	0	0	54	9	8	Seventy-three pounds four shillings and eightpence,	73	4	8
Townshend,	29	9	0	6	17	10	41	18	9	Seventy-eight pounds five shillings and sevenpence,	78	5	7
Ashby,	13	6	0	3	2	2	18	4	5	Thirty-four pounds twelve shillings and sevenpence,	34	12	7
Stoneham,	0	0	0	0	0	0	24	9	0	Twenty-four pounds nine shillings,	24	9	0
Wilmington,	0	0	0	24	0	0	39	10	8	Sixty-three pounds ten shillings and eightpence,	63	10	8
Natick,	0	0	0	0	0	0	32	8	5	Thirty-two pounds eight shillings and fivepence,	32	8	5
Dracut,	0	0	0	27	0	0	56	10	0	Eighty-three pounds ten shillings,	83	10	0
Bedford,	0	0	0	10	0	0	45	4	11	Fifty-five pounds four shillings and elevenpence,	55	4	11
Holliston,	0	0	0	32	0	0	54	5	5	Eighty-six pounds five shillings and fivepence,	86	5	5
Tewksbury,	0	0	0	25	0	0	43	7	1	Sixty-eight pounds seven shillings and one penny,	68	7	1
Acton,	0	0	0	28	0	0	51	1	9	Seventy-nine pounds one shilling and ninepence,	79	1	9
Dunstable,	0	0	0	24	0	0	47	4	4	Ninety-one pounds four shillings and fourpence,	91	4	4
Lincoln,	0	0	0	27	0	0	46	10	3	Seventy-three pounds ten shillings and threepence,	73	10	3
	£1,313	0*s.*	0*d.*	£311	13*s.*	3*d.*	£2,693	0*s.*	9*d.*	Four thousand three hundred and seventeen pounds fourteen shillings,	£4,317	14*s.*	0*d.*

* *Sic:* Manchester.

IN THE COUNTY OF HAMPSHIRE.

	REPRESENTATIVES' PAY FOR THREE YEARS, VIZ., 1770, 1771, 1772.	FINES ORDERED BY THIS ACT.	PROVINCE TAX.	SUM TOTAL.	
Springfield,	£69 7*s.* 6*d.*	£0 0*s.* 0*d.*	£236 15*s.* 2*d.*	Three hundred and six pounds two shillings and eightpence,	£306 2*s.* 8*d.*
Willbraham,	15 5 0	0 0 0	50 3 9	Sixty-five pounds eight shillings and ninepence,	65 8 9
Northampton,	49 11 11	0 0 0	112 15 10	One hundred and sixty-two pounds seven shillings and ninepence,	162 7 9
Southampton,	17 13 1	0 0 0	40 3 0	Fifty-seven pounds sixteen shillings and one penny,	57 16 1
Hadley,	20 16 0	0 0 0	47 8 9	Sixty-eight pounds four shillings and ninepence,	68 4 9
South Hadley,	16 3 7	0 0 0	36 18 3	Fifty-three pounds one shilling and tenpence,	53 1 10
Amherst,	23 7 4	0 0 0	53 6 1	Seventy-six pounds thirteen shillings and fivepence,	76 13 5
Granby,	11 3 1	0 0 0	25 8 9	Thirty-six pounds eleven shillings and tenpence,	36 11 10
Hatfield,	28 6 6	0 0 0	56 10 6	Eighty-four pounds seventeen shillings,	84 17 0
Whatley,	9 19 10	0 0 0	19 18 9	Twenty-nine pounds eighteen shillings and sevenpence,	29 18 7
Williamsburgh,	7 3 8	0 0 0	14 6 7	Twenty-one pounds ten shillings and threepence	21 10 3
Westfield,	46 17 8	0 0 0	80 10 6	One hundred and twenty-seven pounds eight shillings and twopence,	127 8 2
Deerfield,	35 10 0	0 0 0	58 10 0	Ninety-four pounds,	94 0 0
Greenfield,	20 0 0	0 0 0	37 9 5	Fifty-seven pounds nine shillings and fivepence,	57 9 5
Shelburne,	10 15 0	0 0 0	22 6 11	Thirty-three pounds one shilling and elevenpence,	38 1 11
Conway,	14 17 6	0 0 0	25 8 4	Forty pounds five shillings and tenpence,	40 5 10
Sunderland,	16 15 2	5 6 0	34 4 6	Fifty-six pounds five shillings and eightpence,	56 5 8
Montague,	15 2 4	4 14 0	30 14 0	Fifty pounds ten shillings and fourpence,	50 10 4
Northfield,	0 0 0	18 0 0	41 12 8	Fifty-nine pounds twelve shillings and eightpence,	59 12 8
Brimfield,	14 2 2	0 0 0	69 5 8	Eighty-three pounds seven shillings and tenpence,	83 7 10
South Brimfield,	8 9 1	0 0 0	41 10 2	Forty-nine pounds nineteen shillings and twopence,	49 19 2
Monson,	7 6 3	0 0 0	35 18 5	Forty-three pounds four shillings and eightpence,	43 4 8
Pelham,	0 0 0	7 0 0	39 0 4	Forty-six pounds and fourpence,	46 0 4
Greenwich,	0 0 0	0 0 0	38 17 3	Thirty-eight pounds seventeen shillings and threepence,	38 17 3
Blanford,	0 0 0	5 0 0	28 10 8	Thirty-three pounds ten shillings and eightpence,	33 10 8
Palmer,	0 0 0	0 0 0	39 14 1	Thirty-nine pounds fourteen shillings and one penny,	39 14 1
Granville,	0 0 0	0 0 0	69 4 0	Sixty-nine pounds four shillings,	69 4 0
New Salem,	0 0 0	0 0 0	34 16 6	Thirty-four pounds sixteen shillings and sixpence,	34 16 6
Belcherstown,	0 0 0	0 0 0	44 1 9	Forty-four pounds one shilling and ninepence,	44 1 9
Colrain,	0 0 0	5 0 0	25 11 4	Thirty pounds eleven shillings and fourpence,	30 11 4
Ware,	0 0 0	0 0 0	20 12 6	Twenty pounds twelve shillings and sixpence,	20 12 6
Warwick,	0 0 0	0 0 0	16 10 0	Sixteen pounds ten shillings,	16 10 0
Bernardston,	0 0 0	0 0 0	22 10 4	Twenty-two pounds ten shillings and fourpence,	22 10 4
Murrayfield,	0 0 0	0 0 0	25 9 7	Twenty-five pounds nine shillings and sevenpence,	25 9 7

Charlemont,	0	0	0	0	0	0	18	7	0	Eighteen pounds seven shillings	18	7	0
Ashfield,	0	0	0	0	0	0	0	0	0		0	0	0
Worthington,	0	0	0	0	0	0	10	8	11	Ten pounds eight shillings and elevenpence,	10	8	11
Shutesbury,	0	0	0	0	0	0	22	8	7	Twenty-two pounds eight shillings and sevenpence,	22	8	7
Chesterfield,	0	0	0	6	0	0	33	16	4	Thirty-nine pounds sixteen shillings and fourpence,	39	16	4
Southwick,	19	7	4	0	0	0	29	18	6	Forty-nine pounds five shillings and tenpence,	49	5	10
Suffield,	0	0	0	0	0	0	22	6	9	Twenty-two pounds six shillings and ninepence,	22	6	9
Enfield,	0	0	0	0	0	0	10	18	11	Ten pounds eighteen shillings and elevenpence,	10	18	11
Somers,	0	0	0	0	0	0	10	18	11	Ten pounds eighteen shillings and elevenpence,	10	18	11
	£478	0*s.*	0*d.*	£51	0*s.*	0*d.*	£1,735	7*s.*	1*d.*	Two thousand six hundred and sixty-four pounds seven shillings and one penny,	£2,664	7*s.*	1*d.*

IN THE COUNTY OF PLYMOUTH.

Plymouth,	£43	17*s.*	6*d.*	£0	0*s.*	0*d.*	£145	6*s.*	0*d.*	One hundred and eighty-nine pounds three shillings and sixpence,	£189	3*s.*	6*d.*
Scituate,	63	10	0	0	0	0	178	6	5	Two hundred and forty-one pounds sixteen shillings and fivepence,	241	16	5
Duxbury,	62	12	6	12	0	0	64	17	3	One hundred and thirty-nine pounds nine shillings and ninepence,	139	9	9
Marshfield,	54	7	6	0	0	0	75	12	10	One hundred and thirty pounds and fourpence,	130	0	4
Bridgwater,	60	2	6	0	0	0	260	9	11	Three hundred and twenty pounds twelve shillings and fivepence,	320	12	5
Middleborough,	71	7	6	0	0	0	222	12	4	Two hundred and ninety-three pounds nineteen shillings and tenpence,	293	19	10
Rochester,	73	2	6	0	0	0	108	1	4	One hundred and eighty-one pounds three shillings and tenpence,	181	3	10
Plymton,	25	2	6	0	0	0	82	13	5	One hundred and seven pounds fifteen shillings and elevenpence,	107	15	11
Pembroke,	64	10	0	0	0	0	94	12	9	One hundred and fifty-nine pounds two shillings and ninepence,	159	2	9
Kingston,	33	12	6	12	0	0	55	7	3	One hundred pounds nineteen shillings and ninepence,	100	19	9
Hanover,	23	5	0	0	0	0	51	10	4	Seventy-four pounds fifteen shillings and fourpence,	74	15	4
Abington,	67	7	6	0	0	0	66	4	8	One hundred and thirty-three pounds twelve shillings and twopence,	133	12	2
Halifax,	0	0	0	6	0	0	33	17	7	Thirty-nine pounds seventeen shillings and sevenpence,	39	17	7
Warham,	0	0	0	6	0	0	32	7	6	Thirty-eight pounds seven shillings and sixpence,	38	7	6
	£642	17*s.*	6*d.*	£36	0*s.*	0*d.*	£1,471	19*s.*	7*d.*	Two thousand one hundred and fifty pounds seventeen shillings and one penny,	£2,150	17*s.*	1*d.*

IN THE COUNTY OF BARNSTABLE.

	REPRESENTATIVES' PAY FOR THREE YEARS, VIZ., 1770, 1771, 1772.	FINES ORDERED BY THIS ACT.	PROVINCE TAX.	SUM TOTAL.	
Barnstable,	£60 17*s.* 6*d.*	£0 0*s.* 0*d.*	£133 10*s.* 11*d.*	One hundred and ninety-four pounds eight shillings and fivepence,	£194 8*s.* 5*d.*
Sandwich,	56 17 6	0 0 0	103 18 10	One hundred and sixty pounds sixteen shillings and fourpence,	160 16 4
Yarmouth,	43 7 6	0 0 0	93 16 5	One hundred and thirty-seven pounds three shillings and elevenpence,	137 3 11
Eastham,	22 1 0	5 11 8	76 4 5	One hundred and three pounds seventeen shillings and one penny,	103 17 1
Harwich,	58 10 0	0 0 0	76 18 4	One hundred and thirty-five pounds eight shillings and fourpence,	135 8 4
Wellfleet,	17 9 0	4 8 4	54 17 5	Seventy-six pounds fourteen shillings and ninepence,	76 14 9
Chatham,	40 12 6	0 0 0	36 6 2	Seventy-six pounds eighteen shillings and eightpence,	76 18 8
Truro,	0 0 0	9 0 0	45 14 9	Fifty-four pounds fourteen shillings and ninepence,	54 14 9
Falmouth,	61 12 6	0 0 0	76 6 3	One hundred and thirty-seven pounds eighteen shillings and ninepence,	137 18 9
	£361 7*s.* 6*d.*	£19 0*s.* 0*d.*	£697 13*s.* 6*d.*	One thousand and seventy-eight pounds one shilling,	£1,078 1*s.* 0*d.*

IN THE COUNTY OF BRISTOL.

Taunton,	£69 15*s.* 0*d.*	£5 14*s.* 0*d.*	£163 18*s.* 1*d.*	Two hundred and thirty-nine pounds seventeen shillings and one penny,	£239 17*s.* 1*d.*
Rehoboth,	78 15 0	0 0 0	205 10 0	Two hundred and eighty-four pounds five shillings	284 5 0
Swanzey with Shawamet,	47 2 6	50 0 0	94 17 6	One hundred and ninety-two pounds,	192 0 0
Dartmouth,	71 0 0	0 0 0	354 7 3	Four hundred and twenty-five pounds seven shillings and threepence,	425 7 3
Norton,	39 0 0	0 0 0	74 8 0	One hundred and thirteen pounds eight shillings,	113 8 0
Mansfield,	27 17 6	0 0 0	48 8 6	Seventy-six pounds six shillings,	76 6 0
Attleborough,	73 0 0	0 0 0	120 14 10	One hundred and ninety-three pounds fourteen shillings and tenpence,	193 14 10
Dighton,	65 5 0	0 0 0	69 3 2	One hundred and thirty-four pounds eight shillings and twopence,	134 8 2
Freetown,	64 10 0	0 0 0	80 13 1	One hundred and forty-five pounds three shillings and one penny,	145 3 1
Raynham,	0 0 0	10 0 0	50 12 10	Sixty pounds twelve shillings and tenpence,	60 12 10
Easton,	14 15 0	7 0 0	56 12 1	Seventy-eight pounds seven shillings and one penny,	78 7 1
Berkley,	0 0 0	7 0 0	39 8 1	Forty-six pounds eight shillings and one penny,	46 8 1
	£551 0*s.* 0*d.*	£79 14*s.* 0*d.*	£1,358 13*s.* 5*d.*	One thousand nine hundred and eighty-nine pounds seven shillings and fivepence,	£1,989 7*s.* 5*d.*

IN THE COUNTY OF YORK.

York,	£84 5s. 0d.	£0 0s. 0d.	£161 1s. 4d.	Two hundred and forty-five pounds six shillings and fourpence, £245 6s. 4d.
Kittery,	46 5 0	0 0 0	176 15 10	Two hundred and twenty-three pounds and tenpence, 223 0 10
Wells,	66 5 0	0 0 0	125 14 6	One hundred and ninety-one pounds nineteen shillings and sixpence, 191 19 6
Berwick,	28 5 0	0 0 0	190 13 11	Two hundred and eighteen pounds eighteen shillings and elevenpence, 218 18 11
Arundel,	5 10 0	0 0 0	57 6 5	Sixty-two pounds sixteen shillings and fivepence, 62 16 5
Biddeford,	20 11 0	12 0 0	66 6 5	Ninety-eight pounds seventeen shillings and fivepence, 98 17 5
Pepperrellborough,	15 4 0	9 0 0	48 6 4	Seventy-two pounds ten shillings and fourpence, 72 10 4
Lebanon,	0 0 0	0 0 0	17 17 11	Seventeen pounds seventeen shillings and elevenpence, 17 17 11
Sanford,	0 0 0	0 0 0	17 5 11	Seventeen pounds five shillings and elevenpence, 17 5 11
Buxton,	0 0 0	0 0 0	15 7 8	Fifteen pounds seven shillings and eightpence, 15 7 8
	£266 5s. 0d.	£21 0s. 0d.	£876 16s. 3d.	One thousand one hundred and sixty-four pounds one shilling and threepence, £1,164 1s. 3d.

IN THE COUNTY OF DUKES COUNTY.

Edgartown,	£26 15s. 0d.	£9 0s. 0d.	£50 5s. 6d.	Eighty-six pounds and sixpence, £86 0s. 6d.
Chilmark,	16 10 0	0 0 0	62 2 3	Seventy-eight pounds twelve shillings and threepence, 78 12 3
Tisbury,	13 10 0	0 0 0	45 12 3	Fifty-nine pounds two shillings and threepence, 59 2 3
	£56 15s. 0d.	£9 0s. 0d.	£158 0s. 0d.	Two hundred and twenty-three pounds fifteen shillings, £223 15s. 0d.

IN THE COUNTY OF NANTUCKET.

Sherburne,	£67 0s. 0d.	£200 0s. 0d.	£243 7s. 6d.	Five hundred and ten pounds seven shillings and sixpence, £510 7s. 6d.

IN THE COUNTY OF WORCESTER.

	REPRESENTATIVES' PAY FOR THREE YEARS, VIZ., 1770, 1771, 1772.	FINES ORDERED BY THIS ACT.	PROVINCE TAX.	SUM TOTAL.	
Worcester,	£77 10*s.* 0*d.*	£0 0*s.* 0*d.*	£131 14*s.* 5*d.*	Two hundred and nine pounds four shillings and fivepence,	£209 4*s.* 5*d.*
Lancaster,	75 5 0	0 0 0	164 3 2	Two hundred and thirty-nine pounds eight shillings, and twopence,	239 8 2
Mendon,	76 15 0	0 0 0	121 16 9	One hundred and ninety-eight pounds eleven shillings and ninepence,	198 11 9
Brookfield,	72 12 6	0 0 0	157 18 8	Two hundred and thirty pounds eleven shillings and twopence,	230 11 2
Oxford,	37 15 0	0 0 0	56 18 8	Ninety-four pounds thirteen shillings and eightpence,	94 13 8
Charlton,	38 0 0	0 0 0	57 5 8	Ninety-five pounds five shillings and eightpence,	95 5 8
Sutton,	73 5 0	0 0 0	155 17 2	Two hundred and twenty-nine pounds two shillings and twopence,	229 2 2
Leicester,	30 18 0	0 0 0	57 19 3	Eighty-eight pounds seventeen shillings and threepence,	88 17 3
Spencer,	26 17 0	0 0 0	50 7 7	Seventy-seven pounds four shillings and sevenpence,	77 4 7
Paxton,	17 15 0	0 0 0	33 4 8	Fifty pounds nineteen shillings and eightpence,	50 19 8
Rutland,	15 8 2	0 0 0	75 18 11	Ninety-one pounds seven shillings and one penny,	91 7 1
Oakham,	4 13 0	0 0 0	22 18 11	Twenty-seven pounds eleven shillings and elevenpence,	27 11 11
District of Rutland,	13 10 4	0 0 0	66 13 4	Eighty pounds three shillings and eightpence,	80 3 8
Hubbardston,	2 13 6	0 0 0	13 4 3	Fifteen pounds seventeen shillings and ninepence,	15 17 9
New Braintree,	0 0 0	0 0 0	52 7 2	Fifty-two pounds seven shillings and twopence,	52 7 2
Southborough,	13 15 0	10 0 0	58 13 11	Eighty-two pounds eight shillings and elevenpence,	82 8 11
Westborough,	40 16 0	0 0 0	59 18 5	One hundred pounds fourteen shillings and fivepence,	100 14 5
Northborough,	25 9 0	0 0 0	40 9 6	Sixty-five pounds eighteen shillings and sixpence,	65 18 6
Shrewsbury,	42 5 0	0 0 0	111 4 5	One hundred and fifty-three pounds nine shillings and fivepence,	153 9 5
Lunenburgh,	55 5 2	0 0 0	81 5 5	One hundred and thirty-six pounds ten shillings and sevenpence,	136 10 7
Fitchburgh,	18 17 4	0 0 0	27 14 8	Forty-six pounds twelve shillings,	46 12 0
Uxbridge,	57 10 0	0 0 0	78 19 0	One hundred and thirty-six pounds nine shillings,	136 9 0
Harvard,	45 5 0	0 0 0	79 15 6	One hundred and twenty-five pounds and sixpence,	125 0 6
Dudley,	0 0 0	29 0 0	51 5 8	Eighty pounds five shillings and eightpence,	80 5 8
Bolton,	59 12 6	0 0 0	76 9 8	One hundred and thirty-six pounds two shillings and twopence,	136 2 2
Upton,	0 0 0	6 0 0	31 7 4	Thirty-seven pounds seven shillings and fourpence,	37 7 4
Sturbridge,	31 10 0	24 0 0	71 10 6	One hundred and twenty-seven pounds and sixpence,	127 0 6
Leominster,	0 0 0	28 0 0	60 1 5	Ninety-eight pounds one shilling and fivepence,	98 1 5
Hardwick,	32 5 0	22 0 0	87 15 3	One hundred and forty-two pounds and threepence,	142 0 3
Holden,	0 0 0	8 0 0	41 17 1	Forty-nine pounds seventeen shillings and one penny,	49 17 1
Western,	14 10 0	19 0 0	55 18 1	Eighty-nine pounds eight shillings and one penny,	89 8 1
Douglass,	0 0 0	0 0 0	34 10 6	Thirty-four pounds ten shillings and sixpence,	34 10 6
Grafton,	24 0 0	21 0 0	59 0 9	One hundred and four pounds and ninepence,	104 0 9

Petersham,	57 10 0	0 0 0	59 11 6	One hundred and seventeen pounds one shilling and sixpence,	117 1 6
Royalston,	0 0 0	0 0 0	12 14 9	Twelve pounds fourteen shillings and ninepence,	12 14 9
Westminster,	0 0 0	0 0 0	50 11 2	Fifty pounds eleven shillings and twopence,	50 11 2
Athol,	0 0 0	0 0 0	32 13 6	Thirty-two pounds thirteen shillings and sixpence,	32 13 6
Templeton,	0 0 0	7 0 0	39 19 2	Forty-six pounds nineteen shillings and twopence,	46 19 2
Princeton,	0 0 0	0 0 0	37 9 5	Thirty-seven pounds nine shillings and fivepence,	37 9 5
Ashburnham,	0 0 0	0 0 0	18 0 1	Eighteen pounds and one penny,	18 0 1
Winchendon,	0 0 0	0 0 0	14 16 0	Fourteen pounds sixteen shillings,	14 16 0
Woodstock,	0 0 0	0 0 0	11 10 7	Eleven pounds ten shillings and sevenpence,	11 10 7
	£1,081 7*s.* 6*d.*	£174 0*s.* 0*d.*	£2,603 1*s.*10*d.*	Three thousand eight hundred and fifty-eight pounds nine shillings and fourpence,	£3,858 9*s.* 4*d.*

IN THE COUNTY OF CUMBERLAND.

Falmouth,	£49 0*s.* 9*s.*	£0 0*s.* 0*d.*	£210 17*s.*10*d.*	Two hundred and fifty-nine pounds eighteen shillings and sevenpence,	£259 18*s.* 7*d.*
Cape Elizabeth,	17 11 9	0 0 0	78 0 2	Ninety-five pounds eleven shillings and elevenpence,	95 11 11
North Yarmouth,	0 0 0	25 0 0	78 11 4	One hundred and three pounds eleven shillings and fourpence,	103 11 4
Scarborough,	22 10 0	0 0 0	80 4 5	One hundred and two pounds fourteen shillings and fivepence,	102 14 5
Brunswick,	7 5 0	15 10 0	42 5 7	Sixty-five pounds and sevenpence,	65 0 7
Harpswell,	0 0 0	14 10 0	39 10 8	Fifty-four pounds and eightpence,	54 0 8
Gorham,	0 0 0	0 0 0	41 15 8	Forty-one pounds fifteen shillings and eightpence,	41 15 8
Windham,	0 0 0	0 0 0	18 4 9	Eighteen pounds four shillings and ninepence,	18 4 9
Piersontown,	0 0 0	0 0 0	9 5 8	Nine pounds five shillings and eightpence,	9 5 8
New Boston,	0 0 0	0 0 0	6 2 1	Six pounds two shillings and one penny	6 2 1
New Gloucester,	0 0 0	0 0 0	15 7 8	Fifteen pounds seven shillings and eightpence	15 7 8
	£96 7*s.* 6*d.*	£55 0*s.* 0*d.*	£620 5*s.* 10*d.*	Seven hundred and seventy-one pounds thirteen shillings and fourpence,	£771 13*s.* 4*d.*

IN THE COUNTY OF LINCOLN.

	REPRESENTATIVES' PAY FOR THREE YEARS, VIZ., 1770, 1771, 1772.	FINES ORDERED BY THIS ACT.	PROVINCE TAX.	SUM TOTAL.	
Pownallborough,	£0 0s. 0d.	£0 0s. 0d.	£57 9s. 10d.	Fifty-seven pounds nine shillings and tenpence,	£57 9s. 10d.
Georgetown,	21 6 9	0 0 0	55 17 8	Seventy-seven pounds four shillings and fivepence,	77 4 5
Woolwich,	9 8 3	0 0 0	24 13 4	Thirty-four pounds one shilling and sevenpence,	34 1 7
Newcastle,	0 0 0	0 0 0	23 1 0	Twenty-three pounds one shilling,	23 1 0
Topsham,	0 0 0	0 0 0	24 10 8	Twenty-four pounds ten shillings and eightpence,	24 10 8
Boothbay,	0 0 0	0 0 0	28 13 2	Twenty-eight pounds thirteen shillings and twopence,	28 13 2
Bristol,	0 0 0	0 0 0	30 4 6	Thirty pounds four shillings and sixpence,	30 4 6
Bowdoinham,	0 0 0	0 0 0	7 16 0	Seven pounds sixteen shillings,	7 16 0
Medumcook,	0 0 0	0 0 0	8 0 8	Eight pounds and eightpence,	8 0 8
Hallowell,	0 0 0	0 0 0	9 18 1	Nine pounds eighteen shillings and one penny,	9 18 1
Broadbay,	0 0 0	0 0 0	19 18 3	Nineteen pounds eighteen shillings and threepence,	19 18 3
Vassallborough,	0 0 0	0 0 0	8 19 7	Eight pounds nineteen shillings and sevenpence,	8 19 7
St. Georges,	0 0 0	0 0 0	19 12 8	Nineteen pounds twelve shillings and eightpence,	19 12 8
Winthrop,	0 0 0	0 0 0	6 17 1	Six pounds seventeen shillings and one penny,	6 17 1
Winslow,	0 0 0	0 0 0	7 1 0	Seven pounds one shilling,	7 1 0
Gardinerstown,	0 0 0	0 0 0	12 9 8	Twelve pounds nine shillings and eightpence,	12 9 8
	£30 15s. 0d.	£0 0s. 0d.	£365 3s. 2d.	Three hundred and ninety-five pounds eighteen shillings and twopence,	£395 18s. 2d.

IN THE COUNTY OF BERKSHIRE.

Sheffield,	£52 15s. 0d.	£0 0s. 0d.	£86 9s. 5d.	One hundred and thirty-nine pounds four shillings and fivepence,	£139 4s. 5d.
Great Barrington,	23 2 0	0 0 0	37 18 0	Sixty-one pounds,	61 0 0
Stockbridge,	40 0 0	0 0 0	39 17 0	Seventy-nine pounds seventeen shillings,	79 17 0
Pittsfield,	70 15 0	0 0 0	50 14 0	One hundred and twenty-one pounds nine shillings,	121 9 0
New Marlborough,	0 0 0	0 0 0	48 14 7	Forty-eight pounds fourteen shillings and sevenpence,	48 14 7
Egremont,	12 4 0	0 0 0	19 19 8	Thirty-two pounds three shillings and eightpence,	32 3 8
Richmond,	0 0 0	4 17 6	35 16 8	Forty pounds fourteen shillings and twopence,	40 14 2
Lenox,	0 0 0	3 2 6	23 2 4	Twenty-six pounds four shillings and tenpence,	26 4 10
Tyringham,	24 15 0	0 0 0	20 13 5	Forty-five pounds eight shillings and fivepence,	45 8 5
Tyringham Equivalent,	0 0 0	0 0 0	3 17 4	Three pounds seventeen shillings and fourpence,	3 17 4

Alford,	7	14	0	0	0	0	14	3	3	Twenty-one pounds seventeen shillings and threepence,	21	17	3
Lanesborough,	30	10	0	0	0	0	51	4	5	Eighty-one pounds fourteen shillings and fivepence,	81	14	5
Sandisfield,	0	0	0	25	0	0	36	1	0	Sixty-one pounds one shilling,	61	1	0
Williamstown,	84	5	0	0	0	0	31	16	9	One hundred and sixteen pounds one shilling and ninepence,	116	1	9
Becket,	0	0	0	0	0	0	14	8	9	Fourteen pounds eight shillings and ninepence,	14	8	9
Gageborough,	0	0	0	0	0	0	16	15	7	Sixteen pounds fifteen shillings and sevenpence,	16	15	7
Partridgefield,	0	0	0	0	0	0	11	4	3	Eleven pounds four shillings and threepence,	11	4	3
East Hoosuck,	0	0	0	0	0	0	16	6	7	Sixteen pounds six shillings and sevenpence,	16	6	7
Jericho,	0	0	0	0	0	0	7	4	5	Seven pounds four shillings and fivepence,	7	4	5
Plantation No. 5	0	0	0	0	0	0	10	6	3	Ten pounds six shillings and threepence,	10	6	3
Plantation No. 7	0	0	0	0	0	0	10	6	3	Ten pounds six shillings and threepence,	10	6	3
Plantation Hartwood	0	0	0	0	0	0	4	12	5	Four pounds twelve shillings and fivepence,	4	12	5
	£46	0*s.*	0*d.*	£33	0*s.*	0*d.*	£591	12*s.*	4*d.*	Nine hundred and seventy pounds twelve shillings and fourpence,	£970	12*s.*	4*d.*

	REPRESENTATIVES' PAY FOR THREE YEARS, VIZ., 1770, 1771, 1772.	FINES ORDERED BY THIS ACT.	PROVINCE TAX.	SUM TOTAL.	
Suffolk,	£1,165 15*s.* 0*d.*	£42 4*s.* 0*d.*	£3,591 1*s.* 7*d.*	Four thousand seven hundred and ninety-nine pounds and sevenpence,	£4,799 0*s.* 7*d.*
Essex,	1,264 5 0	81 0 0	3,618 17 2	Four thousand nine hundred and sixty-four pounds two shillings and twopence,	4,964 2 2
Middlesex,	1,313 0 0	311 13 3	2,693 0 9	Four thousand three hundred and seventeen pounds fourteen shillings,	4,317 14 0
Hampshire,	478 0 0	51 0 0	1,735 7 1	Two thousand two hundred and sixty-four pounds seven shillings and a penny,	2,264 7 1
Plymouth,	642 17 6	36 0 0	1,471 19 7	Two thousand one hundred and fifty pounds seventeen shillings and one penny,	2,150 17 1
Barnstable,	361 7 6	19 0 0	697 13 6	Ten hundred and seventy-eight pounds one shilling,	1,078 1 0
Bristol,	551 0 0	79 14 0	1,358 13 5	Nineteen hundred eighty-nine pounds seven shillings and fivepence,	1,989 7 5
York,	266 5 0	21 0 0	876 16 3	Eleven hundred and sixty-four pounds one shilling and threepence,	1,164 1 3
Dukes County,	56 15 0	9 0 0	158 0 0	Two hundred and twenty-three pounds fifteen shillings,	223 15 0
Nantucket,	67 0 0	200 0 0	243 7 6	Five hundred and ten pounds seven shillings and sixpence,	510 7 6
Worcester,	1,081 7 6	174 0 0	2,603 1 10	Three thousand eight hundred fifty-eight pounds nine shillings and fourpence,	3,858 9 4
Cumberland,	96 7 6	55 0 0	620 5 10	Seven hundred and seventy-one pounds thirteen shillings and fourpence,	771 13 4
Lincoln,	30 15 0	0 0 0	365 3 2	Three hundred and ninety-five pounds eighteen shillings and twopence,	395 18 2
Berkshire,	346 0 0	33 0 0	591 12 4	Nine hundred and seventy pounds twelve shillings and fourpence,	970 12 4
	£7,720 15*s.* 0*d.*	£1,112 11*s.* 3*d.*	£20,625 0*s.* 0*d.*	Twenty-nine thousand four hundred fifty-eight pounds six shillings and threep.,	£29,458 6*s.* 3*d.*

And be further enacted,*

[Sect. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town, district, parish or other place, within this province, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town, district, parish or other place, in manner following; that is to say, to assess all rateable polls above the age of sixteen years, within their respective towns, districts, parishes or other places, or next adjoining to them, belonging to no other town or place, at two shillings and twopence; and proportionably in assessing the additional sum paid out of the treasury to the representatives, for their travel and attendance aforesaid (excepting the governor, lieutenant-governor and their families, the president, fellows, professors, Hebrew instructor and students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well for being taxed for their polls, as their estates being in their own hands, and under their actual management and improvement; as also the estate pertaining to Harvard College); and other persons, if such there be, who through age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards public charges, they may exempt their polls or estate, or abate part of what they are set at, as in their prudence they shall think fit and judge meet.

Treasurer to issue his warrants to the selectmen or assessors.

Rules for assessment.

[Sect. 3.] And the justices in their general sessions, in the respective counties assembled, in granting a county tax of assessment, are hereby ordered and directed to apportion the same on the several towns, districts, parishes and other places in such county, in proportion to the province tax; and the assessors of each town in the province are also directed, in making an assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying within the limits of such town, district, parish or other place, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession the same is or shall be found, and also the incomes or profits which any person or persons, except as before excepted, do or shall receive from any trade or faculty, business or employment whatsoever, and all profits which shall or may arise by money, or commissions of profits in their improvement, at one shilling per pound; and to abate or multiply the same, if need be, so as to make up the sum set and ordered hereby for each town, district, parish or other place to pay; and in making said assessment, to estimate houses and lands at the amount of six years' yearly rent whereat the same may be reasonably set or left† for in the place where they lie; the said houses and lands to be taxed to such persons as shall be the actual tenants thereof upon the first day of September next: *saving* all agreements between landlord and tenant, and where no agreement is, the landlord to reimburse one-half of the tax set upon such houses and lands (new cleared lands for tillage not to be rated until the first crop be taken off); and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgment or discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow or heifer of three years old and upwards, at thirty shillings; and every horse and mare of three years old and upwards, at forty shillings; and every swine of one year old and upwards, at eight shillings; goats and sheep of one year old and upwards, at three shillings each; the several beasts aforementioned to be taxed to their respective owners

* *Sic:* "it" omitted. † *Sic:* "let."

or occupants, by the assessors of the town in which the owners or occupants dwell: likewise requiring the assessors to make a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade or faculty, and if as guardian, or for any estate, in his or her improvement, in trust, to be distinctly expressed; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collector or constable or constables of any such town or district, parish or other place, and to return a certificate of the name or names of such collector, constable or constables, with the sum total to each of them committed, unto himself, some time before the first day of December next.

Lists to be committed to constables or collectors.

[SECT. 4.] And the treasurer, for the time being, on receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector or constable or constables of such town, district, parish or other place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collection, and to issue their accounts of the whole, at or before the tenth day of March, which will be in the year of our Lord one thousand seven hundred and seventy-four.

Treasurer to issue his warrants to constables or collectors.

And be it further enacted,

[SECT. 5.] That the assessors of each town, district, parish or other place, respectively, in convenient time before their making of the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town, district, parish or other place, or notify the inhabitants some other way, to give and bring in to the assessors true and perfect lists of their polls, and rateable estate they shall be possessed of on the first day of September next, and income by trade or faculty, and gain by money at interest, which they are to render to the assessors, on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are impowered to doom them; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors, to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of said assessors, in bringing in a false list; the said fines to be for the use of the poor of such town, district, parish or place where the delinquent lives, to be levied by warrant from the assessors, directed to the collectors or constables, in manner as is directed for gathering the town assessments, to be paid into the town, district, or parish treasury, for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of general sessions of the peace within the county, for relief as in the case of being overrated. And if any person or persons shall not bring in a list of their estate, as aforesaid, to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

Notice to be given to the inhabitants, to bring in a true list of polls, and estate in possession the first day of September next.

[SECT. 6.] And if the person be not convicted of any falseness in the list, by him presented, of the polls, rateable estate, or income by trade or faculty, business or employment, which he does or shall exercise, or in gain by money at interest or otherwise, or other estate

not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

And forasmuch as, oftentimes, sundry persons, not belonging to this province, bring considerable trade and merchandize into the same, and by reason that the tax or rate of the town where they come to is finished and delivered to the constable or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, though, in the time of their residing here, they reaped considerable gain by trade, and had the protection of the government, —

Be it therefore enacted,

Transient traders to be rated.

[Sect. 7.] That when any person or persons shall come and reside in any town within this province, and bring any merchandize, or trade, to deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons, according to their circumstances, pursuant to the rules and directions of this act provided, though the former rate may have been finished, and a new one not perfected as aforesaid.

And be it further enacted,

Merchants to be rated for carrying on trade in any town besides where they dwell.

[Sect. 8.] That when any merchant, trader or factor, shall set up a store, or traffick, or carry on any trade or business, in any town within this province, not being an inhabitant of such town, the assessors of such town where such trade and business shall be carried on as aforesaid, be and hereby are impowered to rate and assess all such merchants, traders and factors, their goods and merchandize, for carrying on such trade and business, and exercising their faculty in such town, pursuant to the rules and directions of this act: *provided*, before any such assessors shall rate such persons, as aforementioned, the selectmen of the town where such trade is carried on shall transmit a list of such persons as they shall judge may and ought to be rated, within the intent of this act, to the assessors of such town or district.

Selectmen to transmit a list of such persons before they are rated.

[Sect. 9.] And the constables or collectors are hereby enjoined to levy and collect all such sums committed to them, and assessed on persons who are not of this province, or are residant in other towns than those where they carry on their trade, and pay the same.

And whereas it has been the practice of some of the inhabitants of the town of Boston, to remove to some other town in this province, and there reside for some months, to avoid paying their part of the taxes in the town of Boston, to which they really belong, to the great injury of the said town, —

Be it therefore enacted,

Inhabitants of Boston who remove out of town and return in a year, to pay their tax in Boston.

[Sect. 10.] That when any inhabitant of the town of Boston shall remove to any other town in this province, and shall, in one year after, remove back to said Boston, and shall have been taxed in the said town, shall be subject to pay the said taxes, in like manner as he would have been had he not have removed from said Boston (saving so much as he shall be taxed in the town removed to), anything in this act to the contrary notwithstanding. [*Passed June* 29.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE TWENTY-SIXTH DAY OF JANUARY, A. D. 1774.

CHAPTER 15.

AN ACT FOR ALTERING THE TIME OF HOLDING THE SUPERIOR COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, AT CHARLESTOWN, IN AND FOR THE COUNTY OF MIDDLESEX.

Preamble. 1769–70, chap. 17.

WHEREAS the time appointed by law for holding the superior court of judicature, court of assize and general goal delivery, at Charlestown, in and for the county of Middlesex, is found to be inconvenient,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Superior court at Charlestown to be on the first Tuesday of April, annually.

[SECT. 1.] That the time for holding the said superior court of judicature, court of assize and general goal delivery, at Charlestown, in and for the county of Middlesex, shall henceforth be on the first Tuesday of April, annually; and all officers and other persons concerned are required to conform themselves accordingly

And be it further enacted,

All writs, appeals, &c., to be returned and proceeded on at that time.

[SECT. 2.] That all writs, plaints, processes, appeals, recognizances, warrants or other matters or things whatsoever, which now are or at any time before the said first Tuesday of April shall be issued, taken or depending in the said county of Middlesex, which were to have been returned or proceeded on at the time heretofore appointed, by law, for holding the said court at Charlestown, shall be valid and stand good to all intents and purposes in the law, and shall be returned and proceeded on at the time appointed by this act for holding the same. [*Passed March* 4, 1774.*

* Signed March 9, according to the record. The engrossed act was not sealed.

CHAPTER 16.

AN ACT TO ENABLE PERSONS TO BRING FORWARD AND MAINTAIN ACTIONS OF DEBT IN THE EXECUTIVE COURTS WITHIN THIS PROVINCE, UPON JUDGMENTS RECOVERED IN THE NEIGHBOURING GOVERNMENTS, AND UPON JUDGMENTS RECOVERED BEFORE JUSTICES OF THE PEACE IN THIS PROVINCE.

Preamble. 9 Mass., 465.

Whereas it frequently happens that persons against whom final judgments of court are recovered in the neighbouring governments remove with their effects into this province without having paid or satisfied such judgment, and, upon actions of debt upon such judgments brought in the executive courts in this province, the record of such judgments cannot be removed into the said courts in this province, and it has been made a doubt whether, by law, such judgment can be admitted as sufficient evidence of such judgments, whereby honest creditors are often defrauded of their just demands by negligent and evil-minded debtors; for the prevention whereof,—

Be it enacted by the Governor, Council and House of Representatives,

Judgment recovered in any of the neighboring colonies to be prosecuted in this province.

[Sect. 1.] That where any person or persons heretofore have recovered or hereafter shall recover a judgment or judgments in any court in any or either his majesty's neighbouring colonies in America, and the person or persons against whom such judgment or judgments has been or shall be recovered has removed or shall hereafter remove into or reside within this province, or where such person or persons against whom such judgment or judgments have been or may be recovered in the colonies aforesaid, have heretofore acquired or hereafter shall acquire any real or personal estate within this province, that then and in every such case it shall and may be lawful for such creditor or creditors who have so recovered or shall hereafter recover a judgment or judgments as aforesaid, to bring forward, support and maintain an action or actions of debt upon such judgment or judgments so recovered, or that shall be recovered in the neighbouring colonies as aforesaid, in any executive court within this province, proper to try the same, in such way and manner as he or they might have done if such judgment or judgments had been originally recovered in the executive court in this province where said action of debt shall be brought.

And be it further enacted,

A copy of the record of the proceedings in the neighboring colonies to be sufficient evidence in any court in this province. 15 Gray, 353.

[Sect. 2.] That upon a plea of *null tiel* record or any other plea or pleas which may and shall be made in such action or actions of debt so to be brought upon such judgment as aforesaid, a true copy of the record and proceedings of the said court or courts in the said neighbouring colony or colonies, according to the custom and usage of the colony where said judgment or judgments were or shall be recovered, attested under the hand of the clerk of the court where said judgment was or shall be recovered — or under the hand of the justice, where the judgment was or shall be recovered before a justice of the peace of such government — shall be to all intents and purposes as good and sufficient evidence of such judgment, and have the same effect and operation, as if the original judgment and proceedings had been rendered and had in the court where such action of debt shall be brought and depending.

Preamble.

And whereas it may frequently happen that persons against whom

judgments have been or hereafter shall be recovered before his majesty's justices of the peace in this province, have removed or hereafter may remove and depart from the county in which such judgments were or shall be recovered, into some other county in this province, without paying or any wise satisfying such judgments; *and whereas* it is often necessary that actions of debt upon judgments heretofore recovered or that hereafter may be recovered before justices of the peace in this province should be brought and prosecuted in the inferior courts of common pleas in this province, for which there is no provision in the law, —

It is therefore hereby further enacted,

Provision, in case of debtors removing from the county, where judgment has been recovered, to another county.

[SECT. 3.] That when it shall happen that any person or persons against whom a judgment has been or shall be had and recovered before any of his majesty's justices of the peace within this province, and the person or persons against whom such judgment has been or shall be recovered as aforesaid, and does and shall dwell and reside in any other county in this province, then and in every such case it shall and may be lawful for the justice before whom such judgment was or shall be recovered as aforesaid, to direct any execution or executions issuing upon such judgments, to the proper officer of such county where such person or persons against whom such judgment has been or shall be recovered as aforesaid, does or shall dwell or reside; and such officer to whom such execution or executions shall be directed as aforesaid, shall be and hereby are fully authorized, impowered and directed to execute and return such writs of execution accordingly.

Action to be recovered in the inferior court, upon judgment recovered before any justice of the peace.

[SECT. 4.] And when it shall be necessary for any person or persons in this province to bring forward and prosecute any action or actions of debt in any of his majesty's inferior courts of common pleas in this province, upon a judgment recovered before any justice of the peace in this province, it shall and may be lawful for such person to prosecute and maintain same actions of debt in said inferior courts; and a copy of such judgment attested under the hand of the justice by whom such judgment has been or shall be rendered, shall be as sufficient evidence of such judgment, and have the same effect, to all intents and purposes, as if the original record of said judgment was then before the same court; any law, usage or custom to the contrary notwithstanding. [*Passed March* 4, 1774.

CHAPTER 17.

AN ACT FOR EMPLOYING AND PROVIDING FOR THE POOR IN THE TOWN OF SALEM, AND FOR THE BETTER REGULATING THE WORKHOUSE IN SAID TOWN.

Preamble.

WHEREAS the town of Salem have lately found it necessary to erect a workhouse for the employment of the poor in said town,—

Be it enacted by the Governor, Council and House of Representatives,

Overseers of the poor at Salem, to be chosen.

[SECT. 1.] That from and after the tenth day of March, one thousand seven hundred and seventy-four, at the anniversary meeting in March for the choice of town officers, the town of Salem are hereby impowered to chuse five or more overseers of the poor, who shall, once

in every month, assemble themselves together to consult and determine of the most proper methods for the discharge of their office.

And be it further enacted,

Overseers to have the government, to appoint masters, and make by-laws for regulating the workhouse.

[Sect. 2.] That the overseers of the poor of the town of Salem, for the time being, shall have the inspection, ordering and government of the said house, with power of appointing a master or masters, and one or more assistants, for the more immediate care and oversight of the persons received into or employed in said house; which overseers, at their monthly meet[h]ings, shall have power to make orders and by-laws for the better and more decent regulating the said house; which orders and by-laws shall be binding until the next town meeting, to which they shall exhibit them, and, when approved by the said town at a legal meeting, shall be obligatory until revoked by the said town.

And be it further enacted,

Overseers to send idle and indigent persons to the workhouse,

[Sect. 3.] That each one of the overseers, aforesaid, shall have power to send any idle and indigent person, or persons, to the said house, for entertainment and [i][*e*]mployment, for the space of twenty-four hours; or any two of the said overseers shall have power to continue or send to said house such person or persons till discharged by the major part of said overseers, at a monthly meeting; which person or persons the master or masters and assistants are hereby required to receive and employ accordingly.

And be it further enacted,

—and to bind out the children of such parents as are not rated for personal estate.

[Sect. 4.] That the overseers shall have full power of binding out into good families the children of parents who are unable, or negligent, to provide necessar[y][*ie*]s for the subsistance and support of their children: *provided*, such parents are not rated for their personal estate or faculty.

And be it further enacted,

Overseers to warn intruders out of town.

[Sect. 5.] That the overseers of the poor in the town of Salem be, and they hereby are, impowered to warn any and all intruders, or others who are not inhabitants, to depart the town; and in case of refusal or neglect, to proceed in the same manner and with as full power as the selectmen, by law, may or can; and the constables of said town are hereby required to observe, and yield ready obedience to the orders and directions of the overseers aforesaid, by virtue and in consequence of this act. [*Passed March* 8,* 1774.

CHAPTER 18.

AN ACT FOR INCORPORATING THE WEST PART OF THE TOWN OF STOCKBRIDGE, IN THE COUNTY OF BERKSHIRE, INTO A DISTRICT BY THE NAME OF WEST STOCKBRIDGE.

Preamble.

Whereas the inhabitants of the west part of the town of Stockbridge, in the county of Berkshire, are desirious to enjoy the privileges that will arise to them by being incorporated into a distinct and seperate district,—

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the west part of the said town of Stockbridge,

* Signed March 9, according to the record. The engrossed act was never sealed.

West part of the town of Stockbridge, erected into a district.

which is contained within the following lines and limits; that is to say, beginning at the north-west corner of said town, and thence, running southerly, upon the west line of said town, to the south-west corner of the same town; thence, running easterly, in the south line of said town, one mile and an half; thence, running northerly, in a line parallel with the west line of said town, to the north line of the same town; and from thence, in the same north line, to the said north-west corner first mentioned, — be and hereby is erected into a seperate district by the name of West Stockbridge; and that the inhabitants of the said district be and hereby are invested with all the powers and privileges that towns in this province enjoy by law, that of sending a representative to the great and general court or assembly only excepted; and that the inhabitants of said district shall have liberty, from time to time, to join with the said town of Stockbridge in the choice of a representative or representatives, to be chosen of the town or district aforesaid, to represent them at the great and general court or assembly; the pay or allowance of such representative or representatives to be borne and paid by the said town and district according to their respective proportions of the province tax: and the freeholders and other electors of said district shall be notified of the time and place of the election of such representative or representatives, by a warrant from the selectmen of Stockbridge, directed to the constable or constables of said district, in the usual form, directing him or them to warn the inhabitants of said district to attend at the time and place of such election.

Bounds thereof.

To join with the town of Stockbridge, in the choice of representatives.

And be it further enacted,

The district to pay a proportion of all taxes already assessed.

[SECT. 2.] That the said district shall pay their proportion of all such province, county, and town, charges as are already granted and assessed, or to be assessed, on the said town of Stockbridge; and the same shall be collected by the collectors of the said town of Stockbridge in the same manner they would have been if this act had not been made.

And be it further enacted,

To pay one-fourth of all the province tax, until a new valuation.

[SECT. 3.] That after this present year, and until a new valuation of the estates and polls throughout this province shall be taken, agreed and concluded upon, the inhabitants of the said district shall pay one fourth part of the province tax that would have been set upon the said town of Stockbridge if the said district had not been made.

And be it further enacted,

Jahleel Woodbridge, Esq., empowered to issue a warrant for calling the first meeting.

[SECT. 4.] That Jahleel Woodbride*, Esq., be and hereby is impowered and directed to issue his warrant to some principal inhabitant of said district, requiring him to warn the inhabitants of said district who are more than twenty-one years of age, to meet at some suitable time and place in said district, to choose such officers as the towns in this province are, by law, enabled and required to choose in the month of March, annually; which they are hereby impowered to chuse at such meeting. [*Passed March* 9, 1774.

* *Sic:* Woodbridge.

CHAPTER 19.

AN ACT FOR INCORPORATING THE EASTERLY PART OF THE TOWN OF SUNDERLAND, IN THE COUNTY OF HAMPSHIRE, INTO A TOWN BY THE NAME OF LEVERETT.

Preamble.

Whereas the inhabitants of the easterly part of Sunderland, in the county of Hampshire, have represented to this court the great difficulties they labour under in their present situation, and have earnestly requested that they may be incorporated into a sep[a][e]rate town, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Easterly part of Sunderland, by certain bounds, incorporated into a town by the name of Leverett.

[Sect. 1.] That the easterly part of said town of Sunderland, sep[a][e]rated by a line as follows; viz[t]., begin[n]ing in the south line of said town, eight hundred and twenty-two rods east of the south-west corner of said town; from thence, to run, north, one degree west, three hundred and six rods, to a maple-tree; thence, north, five degrees east, three hundred and fifty-four rods, to a maple-tree; thence, north, twenty-eight degrees east, four hundred and twenty rods, to a walnut-tree; thence, north, ten degrees east, seven hundred and forty rods, to a heap of stones in the north line of said town of Sunderland, — be and hereby is incorporated into a distinct and sep[a][e]rate town by the name of Leverett, and invested with all the powers, privileges and immunities that towns in this province do or may enjoy.

And be it further enacted,

To pay their proportion of all taxes already granted.

[Sect. 2.] That the inhabitants of said town of Leverett shall pay their proportion of all province, county, and town, charges already granted to be raised in the town of Sunderland.

Provided, also, —

And be it further enacted,

Proviso, in case any persons reside in the town of Leverett, that have been warned out.

[Sect. 3.] That the said town of Leverett shall not be liable to maintain any person or persons who have been legally warned out of the town of Sunderland, but, by virtue of such warning, shall have the same privilege and power of removing such person or persons as the town of Sunderland might have had, by law, in case he or they had remained therein. And the said town of Leverett is also hereby fully impowered and enabled to proceed with such other persons, now living within the bounds aforementioned, who are not, by law, now inhabitants of the town of Sunderland, in the same manner as to their removal as the said town might, by law, have proceeded with them if they had remained therein.

Be it also enacted,

Qualification of voters until a new valuation.

[Sect. 4.] That the inhabitants living within the bounds aforesaid, who, in the [last] [*late*] tax in the town of Sunderland, were rated one half part, so much for their estates and faculties as for one single poll, shall be taken and holden to be qualified, and be allowed, to vote in their first meeting for the choice of officers, and such other meetings as may be called in said town of Leverett until a valuation of estates shall be made by assessors there.

Be it also enacted,

William Billings, Esq., empowered to issue a warrant for

[Sect. 5.] That William Billing, Esq[r]., be and hereby is authori[z][s]ed and required to issue out his warrant to one of the principal inhabitants of said town, authori[z][s]ing and requiring him to warn

calling the first meeting.

the inhabitants, qualified, as aforesaid, to meet together at such time and place as shall be expressed in said warrant, to chuse such officers as towns are authori[z][s]ed by law to chuse, and transact other such lawful matters as shall be expressed in said warrant.

And be it further enacted,

Entitled to all common and undivided lands.

[SECT. 6.] That the inhabitants of [*the*] said town of Leverett shall be intit[u]led to all common and undivided lands lying within the said town.

And be it further enacted,

Town of Leverett not to claim any part of money, &c., in the town treasury of Sunderland.

[SECT. 7.] That the inhabitants of said town of Leverett shall be intit[u]led to no part of the town of Sunderland's money or securities that are now in the treasury of said town of Sunderland. [*Passed March* 5,* 1774.

CHAPTER 20.

AN ACT FOR ANNEXING CERTAIN LANDS IN THE COUNTY OF HAMPSHIRE, WITH THE INHABITANTS THEREON, TO THE TOWN OF WILBRAHAM, IN SAID COUNTY, TO DO DUTIES AND RECEIVE PRIVILEGES THERE.

Preamble.

WHEREAS there is a certain tract of land in the county of Hampshire, adjoining to the said town of Wilbraham, and bounding, north, on said town; east, on Monson; and south, on a line running, from the south-west corner of the said Monson, west, nine degrees south, and so extending, westward, by the said Wilbraham, as far as the south-west corner thereof: containing what is commonly called the Gore; the inhabitants whereon have represented to this court the special difficulties they labour under by reason of their not belonging to any town or parish, and have prayed this court that they may be annexed to the said town of Wilbraham, to do duty and enjoy privileges with the inhabitants thereof, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Lands annexed to the town of Wilbraham.

That the said tract of land, bounded as aforesaid, be and hereby is annexed to the said town of Wilbraham, and made part thereof; and that all such persons as are now resident and dwelling on the said land, hereby annexed to the said Wilbraham, and who, in case of their needing relief and support, would be the charge of this province, shall be and hereby are intitled to all the privileges that the other inhabitants of said town enjoy, and shall and hereby are subjected to the same duties to which the other inhabitants of said town by law are obliged. [*Passed March* 9, 1774.

* Signed March 9, according to the record. The engrossed act was never sealed.

CHAPTER 21.

AN ACT FOR INCORPORATING A PLANTATION CALLED FREETOWN AND JEREMY SQUAM ISLAND, INTO A TOWN BY THE NAME OF EDG-C[U][*O*]MB[E].

Whereas the inhabitants of a new plantation, commonly called Freetown and Jeremy Squam Island, in the county of Lincoln, have represented to this court the great difficulties they labour under in their present situation, and have earnestly requested that they may be incorporated into a township, — Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the tract of land, including Jeremy Squam Island, bounding, northerly, on Newcastle; easterly, on the town of Boothbay; southerly, on the Cross River, so called; and westerly, on Sheepscot River and Mountsweeg Bay, so as to include said island, be and hereby is erected into a town by the name of Edg[e*]-c[u][*o*]mb[e]; and that the inhabitants thereof be and hereby are invested with all the powers, privileges and immunities which the inhabitants of the towns within this province, respectively, do, or by law ought to, enjoy. Bounds of lands erected into a town by the name of Edgcomb.

And be it further enacted,

[Sect. 2.] That Thomas Rice, of Pownalborough, in the said county of Lincoln, Esquire, be and hereby is impowered to issue his warrant, directed to some principal inhabitant in said township, to warn the inhabitants of said township to meet at such time and place as he shall therein set forth, to choose all such officers as shall be necessary to manage the affairs of said town; at which said first meeting all the then present male inhabitants arrived [to] [*at*] twenty-one years of age, shall be admitted to vote. [*Passed March* 5,† 1774. Thomas Rice, Esq., empowered to issue a warrant for calling the first meeting.

CHAPTER 22.

AN ACT FOR INCORPORATING THE PLANTATION CALLED NEW GLOCESTER, INTO A TOWN BY THE NAME OF NEW GLOCESTER.

Whereas it has been represented and made to appear to this court, by the proprietors of the plantation called New Glocester, in the county of Cumberland, that they have fulfilled the conditions upon which the said plantation or township was granted, and praying that they may enjoy the common privileges and advantages of other towns, — Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the plantation commonly called and known by the name of New Glocester, in the county of Cumberland, bounded according to the alteration from what was originally made, and as fixed upon by a committee of the general court in November, one thousand seven hundred and sixty-two, which is as follows; viz[t]., Bounds of New Gloucester.

* In the engrossment this letter seems to have been interlined at a later date. The engrossed act was never sealed. † Signed March 9, according to the record.

begin[*n*]ing at a stake and heap of stones in North Yarmouth back line, seven mile[s] and twenty-six rods from the most westerly corner of North Yarmouth, in the most easterly corner of the plantation called New Boston; and from thence, upon North Yarmouth back line, to the extent of it; and the same course continued beyond it — until the measure of four miles and an-half, and thirty-eight rods, in the whole, is compleated — to a beach-tree, mark'd; the co[u][*a*]rse, north, thirty-three degrees and forty-five minutes west, with a[n] heap of stones about it; also, from said stake and heap of stones, north, forty-five degrees west, seven miles and an-half, by the needle; thence, north, forty-five degrees east, by the needle, until a line, north, thirty-three degrees and forty-five minutes west, from the aforesaid beach-tree, intersects it, — be and hereby is erected into a town by the name of New Glocester; and that the inhabitants thereof be and hereby are invested with all the powers, privileges and immunities which the inhabitants of towns within this province do, or may, by law, enjoy: *provided*, *nevertheless*, the proprietors of said plantation shall be subject, and held to pay, all such taxes as have been lawfully assessed on them before the making [*of*] this act, as punctually as tho' the same had not been made.

Erected into a town.

And be it further enacted,

[SECT. 2.] That William Allen, Esq[r], be and hereby is impowered to issue his warrant, directed to some principal inhabitant in said town, to notify and warn the inhabitants of said town, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all officers that shall be necessary to manage the affairs of said town; at which said first meeting all the then present male inhabitants that shall be arrived at the age of twenty-one years, shall be admitted to vote. [*Passed March* 8,* 1774.†

William Allen, Esq., empowered to issue a warrant for calling the first meeting.

CHAPTER 23.

AN ACT TO ENABLE THE PROPRIETORS OF THE LANDS IN THE TOWN OF RICHMONT, IN THE COUNTY OF BERKSHIRE, TO INFORCE THE PAYMENT OF SUCH TAXES AS HAVE BEEN AND HEREAFTER SHALL BE GRANTED BY THE PROPRIETORS AFORESAID.†

Preamble.

1763–64, chap. 24, § 1.

WHEREAS, by one law of this province, made and passed in the fourth year of his present majesty's reign, intitled "An Act to enable the proprietors of the plantation called Yokun ‡ Town and Mount Ephraim, in the county of Berkshire, to grant taxes on their land, and bring forward the settlement of said plantation," it is enacted, "That the purchasers of said plantation of Yokun Town and Mount Ephraim, shall be and accordingly are incorporated into one distinct propriety, and are vested with the same powers and privileges as, by the law of this province, proprietors in common are vested with, so far as is necessary for the calling meetings, granting taxes upon the lands of said purchasers in said plantation, assessing, collecting and disposing of the monies so raised, laying out, making and repairing necessary ways, and for carrying forward the settlement of the said plantation agreable to the order of the general court;"

Reciting an act of 4th Geo. III.

* Signed March 9, according to the record. † The engrossed act was never sealed.
‡ "Yokum." in the act referred to.

and whereas, afterward, the said new plantation was, by another law of this province, incorporated into a town by the name of Richmont, and, by the same law, it was provided and enacted "That all taxes to be raised within said town, for settling a minister, building a meeting-house or meeting-houses, laying out, making or repairing roads, be levied upon the several proprietors of said plantation, according to their interest, agreable to the act first aforesaid, until the further order of the general court; *and whereas*, since the making the law last aforesaid, the westerly part of Richmont hath by one law of this province, made in the seventh year of his present majesty's reign, been incorporated into a distinct town by the name of Richmont, and sundry taxes have been agreed upon and assessed, agreable to the acts aforesaid and for the purposes aforesaid, on the proprietors of the lands in said Richmont, part of which remains uncollected; *and whereas*, in order to compleat building a meeting-house and settling a minister, in said Richmont, it will be necessary to raise and collect further sums of money upon the proprietors of said Richmont, and the same cannot be collected without the further aid of the general court, —

1765–66, chap. 16, § 2.

Reciting an act of 7th * Geo. III.

1766–67, chap. 11.

Be it therefore enacted by the Governor, Council and House of Representatives,

That the lands in said Richmont, of the several proprietors there who have not paid, or hereafter shall not, by the time set and agreed upon by said proprietors, pay their respective proportions of such assessment, which heretofore have been, or hereafter shall be made upon them for the purposes aforesaid, pursuant to the votes of said proprietors, and the laws aforesaid, shall, for the payment thereof, be subject to be sold by the assessors there, or the major part of them, who made or shall make such assessment, in the same manner as the lands of proprietors in new plantations were liable to be sold by virtue of an act, made in the second year of his present majesty's reign, intitled "An Act to subject the unimproved lands within this province to be sold for the payment of taxes assessed on them by order of the general court, and votes and agreements of the proprietors thereof, and to enable proprietors to levy province and county taxes laid on them." [*Passed March* 5, 1774.

Delinquent proprietors' lands in Richmont, to be sold by the assessors in the same manner as lands were liable to be sold by virtue of an act of 2d Geo. III.

1761–62, chap. 44.

CHAPTER 24.

AN ACT IN ADDITION TO ONE ACT OR LAW OF THIS PROVINCE, MADE AND PASSED IN THE THIRTEENTH YEAR OF HIS PRESENT MAJESTY'S REIGN, INTITLED "AN ACT TO MAKE PROVISION FOR THE ASSESSING THE MONIES UPON THE LANDS OF THE PROPRIETORS IN THE TOWNSHIP OF ASHFIELD, IN THE COUNTY OF HAMPSHIRE, WHICH ARE DUE FROM THE SAID PROPRIETORS, TO DEFREY THE CHARGES HEREAFTER MENTIONED, AND TO PROVIDE A METHOD FOR THE COLLECTING AND LEVYING OF THE SAME."

Preamble. 1772–73, chap. 30.

Whereas, by the preamble of the act intitled "An Act to make provision for the assessing the monies upon the lands of the proprietors in the township of Ashfield, in the county of Hampshire, which are due from the said proprietors, to defrey the charges hereafter mentioned, and to provide a method for the collecting and levying the same," it is evident that it was the intention and design of the

* The act recited was passed in the sixth year of Geo. III.

makers of the said act, to make provision for the defreying the charges and expences necessarily incurred by several persons employed by the proprietors or owners of lands in the said Ashfield, in attending upon and applying to the general court for relief from the perplexities and difficulties in which the said proprietors had been involved by divers means, and from divers causes, mentioned and expressed in the said act, but it appears, upon a careful inspection of the enacting clauses of the said act, that the said provision was not made, to the great grievance of the persons so employed by the said proprietors; *and whereas* it hath been lately discovered that at the times when the said proprietors held their meetings at which they did chuse and appoint the said persons to attend and apply to the general court for the relief and help aforesaid, they, the said proprietors, had not, by law, any right or power to call and hold any meetings for such or any other purpose whatsoever, which was not then known by the said proprietors, but they supposed that they had good and lawful authority to call and hold meetings for that purpose; *and whereas* the said persons employed, as aforesaid, to apply to the general court, who have spent much time and money in travelling to, and attending on, several sessions of the general court, to sollicit and procure the relief aforesaid, are unable to bear the cost and expence thereof without the assistance and contribution of their fellow-proprietors, who have shared with them in the benefit of the relief granted to the said proprietors by the general court, —

Preamble.

Be it enacted by the Governor, Council and House of Representatives, [SECT. 1.] That Jedediah Foster, Esq., William Williams, Esq., and Mr. Thomas Denny, who, by the said act, were appointed and empowered to enquire and determine what sums of money were due from and to diverse persons and on diverse considerations, mentioned in the said act, and to assess the same upon the lands in the said Ashfield which have been laid out and brought to severalty, are hereby fully authorized and empowered, also, to enquire and determine what is justly due from the said proprietors to the said persons employed by the said proprietors, as aforesaid, and who did in fact attend upon and apply to the general court for the relief aforesaid, for their service and expence therein; and also what Mr. Obadiah Dickinson, of Hatfield, shall reasonably deserve to have of the said proprietors, for his trouble and expence in making application to this court and attending on the same for the purpose of procuring this act; and to assess all such sums of money as they, the said Jedediah Foster, William Williams and Thomas Denny, or any two of them, on such enquiry, shall judge and determine to be due to the persons employed and empowered by the said proprietors, as abovesaid, and to the said Obadiah, for all and every the services abovesaid, upon all the lands in the said Ashfield which have been laid out and brought to severalty (excepting the public rights, and the lands in the said Ashfield which were owned by the people, in the said Ashfield, who were, in the judgment of the said Jedediah Foster, William Williams and Thomas Denny, or any two of them, of the Baptists perswasion on the thirtieth day of May, one thousand seven hundred and seventy-one, — that being the last time when any persons were appointed by the said proprietors to the services abovesaid); and also to levy and order the payment of such monies so assessed, to the said persons improved and employed, as abovesaid, by the said proprietors, and to the said Obadiah, respectively, in the same way and manner as, in and by the act aforesaid, it is provided and directed that the said Jedediah Foster, William Williams and Thomas Denny, the

Jedediah Foster, Esq., William Williams, Esq., and Mr. Thomas Denny's power continued, to adjust and determine what is due from the proprietors to Obadiah Dickinson and others, for sundry services done by their order.

Public rights and lands belonging to Baptists exempt from tax for such services.

Committee empowered to assess, levy and

committee above named, shall assess, levy and order the moneys which they were by the said act authorized to assess; and that the treasurer who may hereafter be chosen by the said proprietors shall make payment of the said monies, pursuant to the said committee's orders, without any such consent or agreement of the said proprietors, previously had and obtained therefor as is expressed and provided in the said act, as a condition of his paying the monies which the said committee, by the said act, were impowered to assess and order.

order the money to be paid, by the treasurer, to whom due.

Provided, always, —

[Sect 2.] That the said committee, before the allowance of the charges and demands of the persons imployed as abovesaid, or of the said Obadiah, or any of them, shall give reasonable notice and opportunity to the said proprietors to make before them their objections and exceptions to all accounts and demands which the persons employed as abovesaid, and the said Obadiah, shall make and lay before them, against the said proprietors; the said notice to be given either by posting up notifications, or in and by the public newspapers, or any other way or manner as to the said committee shall appear sufficient and effectual.

Committee to give notice to the proprietors of all demands, that they may have opportunity to object thereto.

And whereas, in and by the aforesaid act, it is enacted and provided in the words following; to wit, "That all such sums of money as shall be assessed and levied in manner aforesaid, shall be paid by the collector of the said proprietors, and by the said committee, respectively, into the hands of the treasurer of the said proprietors, to the use of the said proprietors, and shall be by him paid out, to such persons to whom the said committee, or the major part of them, shall judge to* the same to be due, upon orders from the said committee, or the major part of them, to be therefor drawn on the said treasurer in case the said proprietors, at any legal proprietors' meeting, hereafter to be called and held, shall, by a major vote, agree and give their consent thereto: *provided, always*, that the said Baptists shall not have any voice or vote respecting the payment or disposition of the monies which shall be assessed and levied by the said committee for the payment of the said Mr. Sherwin's salary, nor upon the question whether those monies shall be ordered out of the said treasurer's hands, by the said committee"; — but the case, in fact, at the time of the making and passing the said act, was and still is such, that the said proprietors had not, and still have not, any treasurer or any other officer, excepting a collector, appointed by the said committee, under and by virtue of the said act; and there then was not, and still is not, any act or law of this province impowering the said proprietors to call or hold any meeting for the choice of any officer or officers, or for the transacting any business whatsoever by major vote; so that, unless further provision should be made for the said proprietors by this court, the said act already made and designed for their relief will be wholly abortive and ineffectual,—

Recital from a former act.

Baptists not to have a voice respecting the disposal of the money assessed for Mr. Sherwin's salary, &c.

Former act declared insufficient for the purposes intended.

Be it therefore further enacted,

[Sect. 3.] That the proprietors and owners of lands in the said Ashfield which have been laid out and brought to severalty, excepting such owners of such lands there, who, on the said thirtieth day of May, one thousand seven hundred and seventy-one, were of the denomination of the people called Baptists, shall be and hereby are enabled and impowered to procure the calling and holding a meeting of such proprietors or owners of such lands, in the same manner and way as is prescribed and directed in and by one act or law of this province, made and passed in the twelfth year of her majesty Queen

Proprietors and owners of lands in severalty, except Baptists, empowered to call a meeting, as directed by a former act.

* This word is not in the act referred to.

1712-13, chap. 9. Ann, intitled "An Act directing how meetings of proprietors of lands lying in common and undivided* may be called"; and that such proprietors, when so assembled, shall have full power, by the votes of so many of them as own the greater part of the interest of all those proprietors who shall be so assembled, to chuse such officers as they shall judge they stand in need of: *provided*, such officers shall be no other than such as the proprietors of lands lying in common and undivided are by law impowered to chuse — and also to pass and act on all such matters and questions as the said proprietors of the lands in the said Ashfield which have been laid out and brought to severalty are, by the act first mentioned, impowered to do. [*Passed March* 9, 1774.

To choose such officers as they shall judge necessary, &c.

CHAPTER 25.

AN ACT TO ENABLE THE TOWN OF STOUGHTON AND THE DISTRICT OF STOUGHTONHAM TO SELL CERTAIN LANDS LYING WITHIN THE SAID DISTRICT OF STOUGHTONHAM, CALLED MINISTRY LANDS, LYING NEAR A PLACE CALLED COW HILL.†

Preamble. WHEREAS it has been represented and made to appear to this court that, at a meeting of the proprietors of the town of Dorchester, February the 11th, 1705–6, it was voted that seventy-five acres of land should be laid out for the use of the ministry, forever, for the benefit of those ministers that shall be ordained in that place, from time to time; viz[t]., in the land belonging to said Dorchester, beyond the Blue Hills, as appears by said Dorchester records; which land the said proprietors have laid out in a remote part of their land adjoining southerly on the county line, and now lieth in the [*said*] district of said Stoughtonham, near a place known by the name of Cow Hill, as appears by the plan thereof; *and whereas*, it has been represented to this court that, if said land were sold for the most it would fetch, and the money arising by the sale thereof were improved for the uses aforesaid, and no other, it might be of great advantage to the ministers now settled in said town and district, or that shall be hereafter settled, as well as to the inhabitants of said town and district, —

Be it therefore enacted by the Governor, Council and House of Representatives,

A committee of Stoughton and Stoughtonham empowered to sell seventy-five acres of land, and give deeds. [SECT. 1.] That the said town of Stoughton and district of Stoughtonham be and hereby are impowered to make sale of the said seventy-five acres of land, for the most it will fetch; and that Elijah Dunbar, Esq[r]., Abijah Upham, and Christopher Wadsworth, of said Stoughton, and Samuel Bird, and Joseph Hewins, Esq[r]., of said Stoughtonham, be a committee to sell said land, and to give a deed or deeds of sale of the same to the purchaser or purchasers thereof, in behalf of said town and district, and receive the money therefor, or take sufficient bonds for the same on lawful interest for one year next coming, with sufficient sureties; and that said committee account with the town of Stoughton and district of Stoughtonham for said money or bonds when thereto required.

* The words "and undivided" are not in the title of the act referred to.
† The engrossed act was never sealed.

And be it further enacted,

[Sect. 2.] That the neat proceeds arising from such sale shall be put out to lawful interest, on good security, by the selectmen of the said town of Stoughton and district of Stoughtonham, for the time being, or the major part of them, for the use and benefit of the Congregational ministers that are or shall be regularly settled within the limits mentioned in said grant, forever; the interest thereof to be paid to each of them, in equal proportion, annually, during the term of their ministry: the said bonds or securities to be lodged in the hands of the treasurer of the town of Stoughton, and the said ministers to draw the interest arising therefrom, annually, by order of the selectmen of the town of Stoughton and district of Stoughtonham, or the major part of them. [*Passed March* 5, 1774.

Net proceeds of such sale to be put out to interest by the selectmen, for the use of Congregational ministers of the town and district.

CHAPTER 26.

AN ACT FOR DIVIDING THE TOWNSHIP OF SPRINGFIELD, AND ERECTING THE WESTERN PART THEREOF INTO A SEPERATE TOWN BY THE NAME OF WEST SPRINGFIELD.

Whereas, by reason of the great extent of the township of Springfield, the remote settlements, disputes, controversies, and different interests of the inhabitants thereof, the difficulty and often impracticability of their assembling in town meetings, for elections and other necessary purposes, by reason of the great river Connecticut almost equally dissecting the township, it is necessary that there be a division thereof, Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That that part of the township of Springfield lying on the west side of Connecticut River, and the inhabitants there, be constituted and erected into a distinct town by the name of West Springfield, and be invested with all the powers, privileges, and immunities which, by the laws of this province, towns have and enjoy. Erected into a distinct town by the name of West Springfield.

Provided,—

And be it further enacted,

[Sect. 2.] That it shall not be lawful for the said town of West Springfield, or any parish or precinct there, at any time hereafter to assess or tax the lands or estates, of any inhabitant or inhabitants of the town of Springfield, situate or lying in that part of the great and general field, so called, on the west side of Connecticut River, which is and lyes southward of a line running from the ferry over said river, at the Upper Wharf, so called, to the pond called Turtle Pond, in said field, and thence to the west end of the hill called New-Field Hill, and thence to the ferry over Agawam River near Moses Leonard's dwelling-house, for any rates, duties or charges whatever, the same being within the nominal limits of the said town of West Springfield, notwithstanding: and that all lots, lands and estates whatever, lying within the said great and general field southerly of the line aforesaid, and every part and parcel of the same — the owner and proprietor or proprietors whereof shall, for the time being and at any time hereafter, be an inhabitant or inhabitants of the said town of Springfield — shall stand chargeable and taxable, and be charged

Lands lying in the general field on the west side the river, not to be taxed by West Springfield;

— all such lands to be taxed by the town of Springfield.

and taxed, and assessed, for all province, county, town and parish, taxes, rates, charges and duties, only in and by the said town of Springfield, and the parish or parishes, respectively, there, at all times hereafter.

And be it further enacted,

To pay their proportion of all debts due from the town of Springfield, and support of their poor. 4 Mass., 390.

[SECT. 3.] That the said town of West Springfield and the inhabitants thereof shall stand chargeable and charged with the payment of all debts and sums of money due and owing from the undivided town of Springfield, and of all grants, rates, and assessments heretofore made, and with the future maintenance and support of the present poor of the same town, in such share and proportion as the inhabitants on the west side of Connecticut River were assessed to the last province tax in said town; and also of the future poor, if any such may be not at present resident in said town, with the support of whom the said town of Springfield may be hereafter chargeable by virtue of settlements gain'[e]d previous to the making this act: and that all the ministry-, and school-lands of the undivided town of Springfield lying in the outward commons, so called, on each side of Connecticut River, and the stock of ammunition, and all monies, in the treasury or due and owing to said undivided town, excepting the sum of two hundred pounds heretofore granted and appropriated for building a bridge across Chicabee River, and all other the estate, real and personal, of the said undivided town of Springfield, except the public buildings of said town — and also excepting that part of the ministry lands which now is in the actual possession of the first, second and third parishes, severally, in said town, or the respective ministers thereof — shall be held and divided by and between the said two towns in the same proportion as the respective inhabitants on the east and west side of Connecticut River were assessed to the last province assessment; and in case the said two hundred pounds, so granted and appropriated as aforesaid, shall not within ten years be expended and laid out for the purpose aforesaid, that the same with all interest arising therefrom be divided in manner and proportion aforesaid.

To have their proportion of public lands and stock, excepting public buildings, &c.

Proviso, in case the whole money granted for building a bridge over Chicopee River should not be expended.

Proviso, to prevent future dispute about ministerial lands.

And, to prevent disputes and controversies which may hereafter arise respecting that part of the said ministry lands which, formerly, by order of the general court, was allotted, divided, and set off in severalty to the said first, second, and third parishes, for the use of the ministry in those several parishes, respectively, and for many years has been and now is in the actual and several possession and enjoyment of the said three parishes, respectively, or the several ministers thereof,—

Be it further enacted,

Ministerial lands, now in possession of West Springfield, to be held for that use forever.

[SECT. 4.] That the said town of West Springfield shall have and hold that part of the same ministry lands, which was so allotted, divided and set off to the said second parish, and is now in their actual and several possession, as aforesaid, only for the use, benefit and behoof of the said ministry in the said second parish, forever; and that the remaining town of Springfield shall have and hold that part of the same ministry lands which was so allotted, divided and set off to the said first and third parishes, respectively, and now is in the actual [and several] possession of the same parishes, respectively, or the several ministers thereof, only for the use, benefit, and behoof of the ministry in the said first and third parishes, respectively, in severalty, forever, according to the division and partition made, as aforesaid, and their present respective and several possessions; and that the said town of West Springfield shall have and hold all the public[k] buildings

Each town to hold all public buildings in their respective limits

within the limits of the same town; and the remaining town of Springfield shall have and hold all public[k] buildings within the limits thereof.

And be it further enacted,

Rights and limits of the respective parishes not to be affected by the division.

[Sect. 5.] That nothing in this act contained shall change, alter, or affect the present rights or limits of the several parishes in said undivided town, or either of them, or their respective interests or estates in the ministry lands as heretofore established, or any division or partition thereof heretofore made.

And be it further enacted,

Selectmen of Springfield to call a meeting of the inhabitants of West Springfield, for the choice of town officers, &c.

[Sect. 6.] That the present selectmen of the town of Springfield, or the major part of them, be and hereby are impowered and required, within reasonable and convenient time, to issue their warrant, directed to some constable or constables of the said town of Springfield living on the west side of Connecticut River, requiring him or them to warn and give notice to the inhabitants of the said town of West Springfield, qualified by law to vote in town meetings, to meet and assemble some time in the month of March next, on such day and at such place in the same town as they by their warrant shall appoint, to choose all necessary town officers, and that the inhabitants so notified and assembled be and hereby are impowered and required to choose such town officers accordingly; and all disputes and controversies respecting the qualifications of voters in this or any other meeting of the same town, before the making any assessment therein, except the meeting for the choice of representative[*s*], shall be adjudged and determined by the same list and assessment, and in the same manner, by which the same might have been determined if no division of the town had been made. [*Passed February* 23 *, 1774.

CHAPTER 27.

AN ACT FOR ERECTING THAT PART OF THE TOWNSHIP OF SPRINGFIELD CALLED STONY HILL, INTO A SEPERATE DISTRICT BY THE NAME OF LUDLOW.†

Preamble.

Whereas, by reason of the remote situation of the inhabitant[*s of that part of Springfield*‡] called Stony Hill, from the center of the town and parishes of which they are now parts, and their incapacity thereby of receiving any adv[*antages from a longer union* ‡] and connection therewith; and they have represented to this court that they are of [*a*] sufficient number[s] and estates to support the charge[*s of a district, and hav*‡]e prayed that they may be accordingly erected into a district, —

Be it enacted by the Governor, Council and [*House of R**]*epresentatives,*

Bounds of that part of Springfield called Stony Hill, erected into a district by the name of Ludlow.

[Sect. 1.] That that part of the township of Springfield called and known by the name of Stony Hill, and the inhabitants thereof, included and contained within the following lines and boundaries; namely, bounding, southerly, on Chicabee River; east, on the east line of said Springfield and west line of Belchertown; northerly, on the north line of said Springfield — or partly on Belchertown and partly

* Signed March 9, according to the record. The engrossed act was never sealed.
† "Ludlow," in this title is in a different hand; probably Hutchinson's.
‡ Parchment mutilated.

on Granby — and extending, westward, so far as to include all that part of the outward commons, so called, that lies in the north-east corner of the township of Springfield, and extending, also, in a line parrellel with the west line of said outward commons, one mile and three-quarters farther west, into the inward commons, so called, in said Springfield, north of Chicabee River, — be erected into a seperate district by the name of [*Ludlow*]; and be invested with all the powers and privileges which towns in this province enjoy, by law, that of choosing and sending a representative to the general assembly only excepted:

To join with Springfield, in the choice of representatives.

and that the said district shall have full right and liberty, from time to time, to join with the town of Springfield in the choice of representatives to represent them in the general assembly; and that the said district of [*Ludlow*] shall, from time to time, be chargeable with, and pay their proportion and part of, the charge and expence of such representatives. And the[e] freeholders and other inhabitants of the said district of [*Ludlow*] shall be notified of the time and place of such election, in like manner as the inhabitants of said Springfield, by a warrant from the selectmen of Springfield, directed to the constable of said district, requiring him to warn the inhabitants thereof to meet and assemble in the meeting for that purpose, at the time and place therein appointed; and that the pay of such representatives be borne by the said district, and the towns of Springfield and Wilbraham, in such proportion as they, respectively, pay to the province tax.

And be it further enacted,

To pay their proportion of all public debts;

[SECT. 2.] That the said district of [*Ludlow*], and the inhabitants thereof, shall stand charged with the payment of their share, part and proportion, of all debts and sums of money due and owing from said town of Springfield, and all grants, rates and assessments already made;

Springfield to hold their rights to timber, &c.

and that this act shall not extend to abridge or affect the rights of the inhabitants of the town of Springfield, to the timber, herbage or stone on any lands in said district.

And be it further enacted,

John Worthington, Esq., empowered to issue a warrant to call a meeting for the choice of officers, &c.

[SECT. 3.] That the Honorable John Worthin[*g*]ton, Esq[r]., be impowered and directed to issue his warrant, directed to some principal inhabitant of said district, requiring him to warn the inhabitants of said district, qualified by law to vote in town meetings, to assemble at some convenient place in said district, some time in March next, to choose all such officers as may be necessary to manage the affairs of said district, and which by law ought to be chosen, which at such meeting they are hereby required to choose.

And be it further enacted,

Farms of Zachariah Warner, and others, to be included in the district of Ludlow.

[SECT. 4.] That if the said west line of the before described tract of land now erected into a district, should not extend so far as to include and contain the farms of Zachariah Warner, Zachariah Warner, jun[r]., Oliver Chapin and Ezekiel Squire, that their said farms and lands situate in said place called Stony Hill, be made part of, and annexed to, said district to all intents and purposes, and that the same, with the inhabitants thereof, have and receive all the privileges, duties and burthens of the said district, in as full manner as tho[*ugh*] the same were contained within the limits and boundaries first described.

And be it further enacted,

Exempt from future taxes to any other parish, excepting such as were granted before this act.

[SECT. 5.] That the said district of [*Ludlow*], and the inhabitants thereof, be and hereby are at all times hereafter, freed, discharged and exempted from all future duties, taxes and assessments in the several parishes and precincts to which they before this act belonged and appertained, and that they be forever after disunited and sepe-

rated from all other parishes and precincts, and no longer be, continue or remain part or parcel thereof, or in any wise connected therewith: *provided, nevertheless*, that they remain charged with the payment of their part and proportion of all grants, taxes and assessments heretofore made by the respective parishes to which they before appertained.

And be it further enacted,

[Sect. 6.] That the said district of [*Ludlow*] shall have and hold their share and proportion of all ministry-, and school-lands lying in the outward commons, so called, on both sides of Connecticut River, in said Springfield, and of all the stock of ammunition, and of all sums of money in the treasury of said town, and of all debts due and owing to said town (excepting the sum of two hundred pounds heretofore granted and appropriated for building [*a**] bridge over Chicabee River); to be divided, appo[r][*in*]t[ion]ed and set[t] off to them in such share and proportion as the inhabitants there paid and were assessed to the la[*st**] province tax in said town; and that the said district shall at all times be chargeable with the maintenance and support of the present poor of the town of Springfi[*el**]d, in the same proportion, and with their proportion of the maintenance and support of any person or persons, heretofore belonging to said town but now removed from th[*enc**]e, who shall be returned thither and become the public charge thereof. [*Passed February* 28,† 1774.

To have their share of ministry-, and school-lands, &c. 19 Pick., 317.

Charged with the maintenance of the poor. 4 Mass., 390.

CHAPTER 28.

AN ACT FOR SUPPLYING THE TREASURY WITH THREE THOUSAND POUNDS.‡

Whereas it is necessary that further provision should be made for the support of government, and to enable the treasurer to discharge the warrants that are already, and may be, drawn on him to May next, —

Preamble.

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the treasurer of the province be, and he hereby is, impowered and directed to borrow, from such person or persons who shall be willing to lend, a sum not exceeding three thousand pounds, in milled dollars at six shillings each, or in the several species of coin'd silver and gold enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coined silver and gold, English halfpence and farthings, may pass within the government"; and the sum so borrowed shall be applied in manner as in this act is hereafter directed; and for the sum or sums so borrowed, the treasurer shall give his receipt or obligation, payable the twentieth day of June, one thousand seven hundred and seventy-five, in the form following: —

Treasury supplied with £3,000.

1749-50, chap. 19.

Province of Massachusetts Bay, the day of , A. D. . Borrowed and received of the sum of , for the use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer to repay the said or to his order, the

Form of the treasurer's notes.

* Parchment mutilated.
† Signed March 9, according to the record. The engrossed act was never sealed.
‡ The engrossed act was never sealed.

twentieth day of June, A.D. one thousand seven hundred and seventy-five, the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intituled "An Act for ascertaining the rates at which coin'd silver and gold, English halfpence and farthings, may pass within this government," and according to the rates therein mentioned, with interest, annually, at five per cent.

Witness my hand, A. B., Treasurer.

A. B.,
C. D.,
E. F., } Committee.

[SECT. 2.] And the treasurer, in issuing said receipts or obligations, and the committee chosen to countersign them, shall observe and be governed by the rules and directions given them by an act of this province, made in the second year of his majesty's reign, intituled "An Act to supply the treasury with twenty-five thousand pounds."

1761–62, chap. 23.

And be it further enacted,

How appropriated.

[SECT. 3.] That the aforesaid sum of three thousand pounds, when received into the treasury, shall be applied by the treasurer for the discharge of such orders as have been, or may be, drawn on him by the governor, with the advice of council, to be paid out of the following appropriations; viz[t]., the sum of fifteen hundred pounds, part of the aforesaid sum of three thousand pounds, shall be applied for [the] payment of grants made or to be made by this court; and the further sum of fifteen hundred pounds, being the remaining part of the aforesaid sum of three thousand pounds, shall be applied for the discharge of [of] debts owing from this province to persons who have served and shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned for that purpose, and for writing, printing and paper for this court, and such repairs of the court-house and lighthouses as shall be made or that have been made by order of the general assembly.

And as a fund to enable the treasurer to discharge the receipts or obligations that he shall give by virtue of this act, —

Be it further enacted,

Fund for the redemption of the notes.

[SECT. 4.] That the tax that may be laid in May next, upon the several towns to reimburse the province for what has been paid out of the public treasury, to the persons who represented them in the general assembly at their session[s] in May, one thousand seven hundred and seventy-three, and in January, one thousand seven hundred and seventy-four, be applied by the treasurer for that purpose, and no other. [*Passed March* 8; *published March* 9, 1774.

CHAPTER 29.

AN ACT MAKING FURTHER PROVISION FOR REGULATING THE ALEWIVES FISHERY IN THE TOWN OF BRIDGWATER, AND FOR REPEALING AN ACT MADE IN THE ELEVENTH YEAR OF HIS PRESENT MAJESTY'S REIGN, INTITULED "AN ACT FOR REGULATING THE ALEWIVE FISHERY IN THE TOWN OF BRIDGWATER."*

Be it enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That the said act, made in the eleventh year of his present majesty's reign, intituled "An Act for regulating the alewive fishery in the town of Bridgwater," be repealed. Preamble. 1770-71, chap. 3. 133 Mass., 69.

Be it further enacted,

[Sect. 2.] That the town of Bridgwater may, at any meeting called for that purpose during the continuance of this act, by a committee of three or more persons chosen by the town for the purpose, farm out or let the privilege of taking and disposing the fish, in said town, called alewives, at such times and places in said town as the selectmen or committee for taking care of the sluices shall determine (if not otherwise ascertained by the town) to the highest bidder; due notice being publickly given of the time and place for sale. The privilege of taking alewives, to be granted by the town.

Be it further enacted,

[Sect. 3.] That the person or persons purchasing said privilege, shall give sufficient security to the treasurer of said town, for the time being, for the payment of such sum or sums of money as said privilege shall be sold for, to be paid at such time or times as shall be agreed upon; to be improved for the use and benefit of said town. Purchasers to give security for the use of the town of Bridgewater:

Be it further enacted,

[Sect. 4.] That the said purchaser or purchasers shall conform him-, and themselves to such days and places for taking [said] [*the*] fish as shall be appointed by the selectmen or committee aforesaid, and shall take said fish at no other time or place, under the same penalty or forfeiture as, in a subsequent paragraph in this law, is inflicted on persons presuming to take any of said fish in the town, other than the said purchaser or purchasers. — to conform to such regulations as shall be agreed on.

Be it further enacted,

[Sect. 5.] That the said purchaser or purchasers shall not ask or receive of any person applying to him or them to buy said fish, any more than one shilling per hundred, and so, in proportion, for a greater or less number; nor refuse or deny to supply any person or persons with fish, when it is in their power (they being ready to pay for the same), under the penalty of twenty shillings for each offence, to be sued for and recovered by action of debt before any justice of the peace for the county of Plymouth: one moiety thereof to him that shall sue for the same, and the other moiety to and for the use of said town. Penalty for refusing to dispose of the fish on certain terms.

Be it further enacted,

[Sect. 6.] That if any person or persons other than the purchaser or purchasers aforesaid, or those employed by them, shall presume to take said fish at any time or place in said town, even on those days prefixed for the purchasers and their substitutes to take them, he and they shall be liable to pay a fine of forty shillings for each offence, to be recovered by action of debt, before any of his majesty's Penalty on any that may take said fish, other than the purchasers of the privilege.

* The engrossed act was never sealed

How fines are to be recovered and disposed of.

courts of record proper to try the same: one moiety thereof to him that shall sue for the same, and the other to and for defreying the charges of said town.

Be it further enacted,

Selectmen, or committee, to regulate the opening and shutting the sluices.

[SECT. 7.] That the selectmen or committee aforesaid shall have power to order and cause the several sluices for the fish, in said town, to be opened whenever, or as soon as, the alewives shall ar[r]ive at them, and to order them shut again whenever all the fish have passed up the rivers to cast their spawn; any law, usage, or custom to the contrary notwithstanding.

Continuation.

[SECT. 8.] This act to continue and be in force for three years, and from thence to the end of the then next session[s] of the general court, and no longer. [*Passed March* 8; *published March* 9, 1774.

CHAPTER 30.

AN ACT TO PREVENT NEAT CATTLE, HORSES, SHEEP, GOATS AND SWINE FROM GOING AT LARGE UPON THE ISLAND OF CHABEQUIDICK AT CERTAIN SEASONS OF THE YEAR; AND FOR PREVENTING OTHER TRESPASSES BEING DONE ON ANY OF THE INDIAN LANDS ON SAID ISLAND, FOR THE FUTURE.

Preamble.

WHEREAS there are certain lands and meadows within the township of Edgartown, in the county of Dukes County, on the island of Chabequidick, that are owned by the Indian inhabitants of said island; and it being represented to this court, by said Indians, that they are greatly injured by reason of their wood being cut and carried off from said island, for market or otherwise, by some of the Indian proprietors thereof, as well as by some of their English neighbours, and also by neat cattle, horses, sheep, goats, and swine, going at large on said island at certain seasons of the year; and as the said Indians are unable to fence their fields, by reason of the scarcity of wood on said island, their crops of corn are much exposed and many times are almost wholly destroyed; for remedy whereof,—

Be it enacted by the Governor, Council and House of Representatives,

Neat cattle, &c., not to go at large on the Indian land between the 10th day of April and 30th day of October, on penalty.

[SECT. 1.] That, from and after the tenth day of April next, no person shall presume to turn or drive any neat cattle, horses, sheep, goats, or swine, upon any part of the Indian lands on the island of Chabequidick, in order to feed thereon, or suffer them to go at large there, from and after the tenth day of April, until the thirtieth day of October, annually, on the penalty of ten shillings per head for all neat cattle and horses, and three shillings per head for all sheep, goats, or swine, so turned on; and six shillings per head for all neat cattle and horses, and two shillings per head for all sheep, goats, or swine, that shall be found going at large on said island within said limited time: except such horses, neat cattle, sheep, goats, and swine which are in fact the property of some of the Indian proprietors of said island, also said cattle that shall be actually improved for plowing their lands, for planting and sowing the same, — all which last-mentioned creatures are allowed to go at large on said island from the thirtieth day of October until the twentieth day of May, annually, and no longer, under the same penalties as is by this act already provided.

And be it further enacted,

[Sect. 2.] That if any person or persons shall presume to cut for sale, or carry away from said island, any manner of wood, underwood, timber, poles, or trees, standing, growing, or lying upon any of the Indian lands on said island, on any pretence whatsoever, every person so offending shall forfeit and pay unto the party or parties injured or trespassed upon, — or to the use of the Indian proprietors, inhabitants on said island, or to their lawful guardians, for the use of said Indians, — the sum of twenty shillings for every tree of one foot over, and ten shillings for every tree or pole under that bigness, or for other wood, or underwood, treble the value thereof; to be recovered by action before any of his majesty's justices of the peace, for the county aforesaid, if the forfeiture exceed not forty shillings, but if above that sum, then before the court of common pleas within said county: and if any person shall be convicted a second time of the like offence, he, she, or they, shall forfeit and pay for the same the sum of twenty shillings, as a fine, over and above the above-mentioned forfeiture, or suffer one month's imprisonment. Penalty on those who shall cut or carry away wood, timber, &c., from any of the Indians' lands.

And be it further enacted,

[Sect. 3.] That the guardians, for the time being, that may be appointed by this court, from time to time, to take the care and oversight of said Indians, are hereby impowered and required to see to the due observance of this act, at the charge of the Indians, proprietors of said island, and to prosecute all breakers of the same; and all forfeitures arising for any breach of this act, to be applied to and for the use of the Indian proprietors inhabiting on said island, at the direction of said guardians. Guardians to take care this act be duly observed.

[Sect. 4.] This act to continue and be in force for and during the term of three years, and no longer. [*Passed and published March* 9, 1774. Continuation.

CHAPTER 31.

AN ACT TO ENABLE THE PROPRIETORS OF STOW, IN THE COUNTY OF MIDDLESEX, SO OFTEN AS IT SHALL BE THOUGHT NECESSARY FOR THEM, TO RAISE MONEY FOR THE USE OF SAID PROPRIETORS, AND TO TAX AND ASSES[S] THE ORIGINAL PROPRIETORS OF SAID TOWN AND THEIR HEIRS, IN EQUAL PROPORTION TO THEIR INTEREST WHEN THE FIRST LOTTS WERE DIVIDED AND DRAWN; AND TO ENABLE THE PRESENT COLLECTOR OF SAID PROPRIETORS TO RAISE MONIES ALREADY GRANTED AND ASSESSED BY AND ON SAID PROPRIETORS.* •

Whereas the proprietors of Stow, in the county of Middlesex, have long since divided almost all the common lands formerly belonging to said proprietors, into severalty; *and whereas*, of late, a dispute in law hath arose, whereby it is become necessary for the proprietors of Stow aforesaid, to raise money and assess the proprietors of Stow,— Preamble.

Be it therefore enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That it shall and may be lawful for the proprietors of Stow aforesaid, at any meeting of said proprietors regularly assem- Proprietors empowered to grant money.

* The engrossed act was never sealed.

bled for that purpose, to grant such sum or sums of money as shall, by a major vote of the said proprietors present at such meeting, be thought necessary for the use of said proprietors; and in making the assessment for any sum or sums granted as aforesaid, the same shall be assessed on such of the original proprietors of Stow, their and each of their heirs, in equal proportion, according to the interest they or their predecessors had at the time of the[*ir*] first division of the lotts being made and drawn in and by said propriety; and any such tax or assessment being made as aforesaid, and committed to the collector or collectors that now are or may hereafter be chosen (they having duly taken the oaths that such officers are required by the laws of this province to take), shall have full power to levy and collect the same, in as full and ample a manner as the collectors of any town, district, or parish in this province have in gathering and collecting town, district, or parish taxes: *saving only*, that if any of the said original proprietors, or their heirs, shall have conveyed by deed of release, his or their share in said propriety, to any other person or persons, such proprietor's proportion of such assessment shall be assessed on the present owner of such proprietor's share therein, who shall be obliged to pay the same to the collector or collectors of said proprietors, who are hereby impowered and required to collect the same, as aforesaid,

Assessment in proportion to the proprietors' interest.

Officers to be under oath.

Provision in case of sale.

And be it further enacted,

John Gates empowered to collect £50.

[SECT. 2.] That John Gates, the present collector of the said proprietors of Stow, be and hereby is enabled and impowered to collect of the proprietors of Stow, the sum of fifty pounds, granted by said proprietors of Stow at their legal meeting in the month of April last, for defreying expences due from said proprietors, and assessed on the said proprietors pursuant to their order, in like manner as is hereinbefore directed: *provided*, said grant and assessment be conformable to the rules hereinbefore mentioned.

Continuation.

[SECT. 3.] This act to continue and be in force for the space of five years, from the tenth of March next, and no longer. [*Passed March* 5; *published March* 9, 1774.

CHAPTER 32.

AN ACT IN ADDITION TO, AND FOR RENDERING MORE EFFECTUAL, AN ACT PASSED IN THE SEVENTH YEAR OF HIS PRESENT MAJESTY'S REIGN, INTIT[*U*]LED "AN ACT IN AD[D]ITION TO SEVERAL ACTS TO PREVENT THE DESTRUCTION OF SALMON AND OTHER FISH IN MERRIMACK RIVER, WITHIN THIS PROVINCE."*

Preamble. 1766-67, chap. 13.

WHEREAS many persons who live out of this province frequently fish in rivers and streams run[*n*]ing into Merrimack River, within the town of Andover, and the provision already made for the recovering of such persons the penalties inflicted by said act[s] being found ineffectual,—

Be it enacted by the Governor, Council and House of Representatives,

Persons chosen by the town of

[SECT. 1.] That such persons as shall be hereafter chosen by the town of Andover, at their annual meeting in March, as by law im-

* The engrossed act was never sealed.

powered, whose business it shall be to see that the passage-ways for fish are open, shall be, and they and each of them hereby are, impowered and enjoined, to apprehend any person or persons who shall hereafter catch any of the fish that pass up any of the rivers and streams that empty into Merrimack River, within the town of Andover, at any other time or place than by law allowed, and to command suitable aid therein, and to convey him, her, or them, before any of his majesty's justices of the peace for the county of Essex; and such justice is hereby impowered to cause such offender or offenders to find sufficient sureties for their appearance at the then next court of general sessions of the peace for the same county, to answer for their said offence, and [o][*i*]n failure of finding sureties as aforesaid, to commit him, her, or them, to the common goal for the county aforesaid; and such justice is also required to cause the witnesses against such offending persons, to recognize for their appearance to give evidence at said court.

Andover empowered to prosecute all offenders.

And be it further enacted,

[Sect. 2.] That if any person, being required to give aid as by this act is provided, shall neglect or refuse the same, and be thereof convicted before any justice of the peace, such person so refusing, shall forfeit and pay the sum of forty shillings; the one half thereof to the person or persons who shall sue for the same, and the other half to the poor of said town of Andover.

Penalty on those who shall refuse to give aid in prosecuting.

And be it further enacted,

[Sect. 3.] That if any of the fish called alewives shall be found newly taken, lying or being near to any place at any time by law prohibited for tak[*e*]ing the same, such fish, and the cask the same may be found in, shall be forfeited; and such officer is hereby impowered and required to s[ie][*ei*]ze the same, and make sale thereof, and the money arising by such sale, to pay into the treasury of said town of Andover, for the use of the poor of said town: said fines and forfeitures to be recovered by action of debt or presentment of the grand jury.

Fish taken contrary to this act, forfeited.

[Sect. 4.] This act to continue and be in force for the space of three years from the thirtieth day of March, 1774, and no longer. [*Passed March* 8; *published March* 9, 1774.

Continuation.

CHAPTER 33.

AN ACT FOR CONTINUING AN ACT INTIT[*U*]LED "AN ACT TO IMPOWER THE INHABITANTS OF THE TOWN OF DARTMOUTH TO REGULATE THE TAKING OF FISH WITHIN THE HARBOURS AND COVES OF SAID TOWNSHIP OF DARTMOUTH."*

Whereas the act intit[*u*]led "An Act to impower the inhabitants of the town of Dartmouth to regulate the taking of fish within the harbours and coves of said township of Dartmouth," made in the eleventh year of his present majesty's reign, is near expiring,—

Preamble. 1770–71, chap. 28.

Be it therefore enacted by the Governor, Council and House of Representatives,

That the aforesaid act be continued, with all and every article, clause, matter, and thing therein contained, and shall be in force

Continuation.

* The engrossed act was never sealed.

until the first day of November, one thousand seven hundred and seventy-eight, and from thence to the end of the then next session of the general court, and no longer. [*Passed March* 8; *published March* 9, 1774.

CHAPTER 34.

AN ACT FOR CONTINUING AN ACT INTIT[U]LED "AN ACT FOR GRANTING UNTO HIS MAJESTY SEVERAL RATES AND DUTIES OF IMPOST AND TONNAGE OF SHIPPING."*

Preamble. 1770-71, chap. 2.

WHEREAS the act intituled "An Act for granting unto his majesty several rates and duties of impost and tonnage of shipping," made in the eleventh year of his present majesty's reign, is near expiring, and having been found useful and beneficial,—

Be it therefore enacted by the Governor, Council and House of Representatives,

Continuation.

That the act aforesaid be continued, with all and every article, clause, matter and thing therein contained, and shall be in force until the first day of March, one thousand seven hundred and seventy-five, and no longer. [*Passed March* 8; *published March* 9, 1774.

NOTES. — There were but two sessions of the General Court this year, and both were held at Boston. The first session was prorogued June 29th, and the second, March 9, 1774. All the public acts of this year were printed, — chapter 14, separately. The engrossments of chapters 2, 3, 4, 7, 9, 10, 11, 14, 16, 18, 20, 24, 30, and of the private act, have not been preserved.

The title of the private act is as follows: —

"An Act to enable Bunker Sprague of Malden in the County of Middlesex to take the name of Ebenezer Harnden." — [*Passed June* 29.

All of the engrossed acts of the second session that are preserved, are without the province seal; and, as the extant acts of the next year are similarly defective, it is likely that the seal was not applied to any act after March, 1774.

It does not appear at what date the acts of either session were certified for transmission; but Gov. Hutchinson's letter accompanying his remarks on the acts of the first session (it appears, by his letter-book, that he sent duplicates, on the thirteenth of September) is dated Aug. 7, 1773. It reached the Plantations Office, Sept. 21, and from that office it was received by the clerk of the Privy Council, in waiting, Sept. 23, and, together with the acts, was laid before the Council, Oct. 8. On the same day, the acts were ordered to be sent to the Board of Trade, where they were received, Oct. 11. On the twenty-sixth, the Board referred them to Mr. Jackson, for his opinion thereon, whose report on all except chapter 5, bears date, Feb. 22, 1774, and his report on chapter 5, bears date, April 13, 1774. The latter report was read and considered, by the Board, April 21, and the former report was read at the Board, Jan 26, 1775.

Governor Hutchinson's letter accompanying the acts of the second session and his remarks thereon, is dated April 5, 1774. It reached the Board of Trade, May 24, and was delivered to the clerk of the Privy Council, in waiting, May 31. The next day it was laid, together with the accompanying papers, before the Council, and by them referred to the Board of Trade, where it was received on the third of June. On the sixteenth, the order of the Council referring them, was read, and the acts were ordered to be sent to Mr. Jackson, for his opinion, &c. Mr. Jackson's report, which is dated July 21, was received by the Board, August 22, but seems not to have been considered until Oct. 25, when that and the acts were read, and an order passed that the draught of a report to the Lords of the Committee of the Privy Council, upon these acts, be prepared.

As no further proceedings upon these acts have been discovered, it is presumed that they were suffered to "lie by" during the progress of more important and exciting events which were impending in Massachusetts before these acts had reached England, and which actually occurred before they had been finally acted upon.

The following communications which passed between the Governor and the House of Representatives show the jealousy with which the Governor had come to regard the innovations attempted by the popular party. How the proposed change could have affected the relations between the province and the crown is not obvious. It certainly could not have formed the basis of a claim to autonomy or independence. On the other hand it is equally clear that the Governor's interpretation of his instructions not to assent to any bill of an unusual or extraordinary nature was strained to meet this case, since the operation of the bill was not affected by the formal introduction of the regal style: —

* The engrossed act was never sealed.

"June 28, 1773. The Secretary has laid before me a number of Engrossed Bills, in which you have made an alteration in the usual form of inserting the year of the King's Reign.

I am not only averse to innovations, unless a manifest reason can be given, but I am also restrained by my Instructions from consenting to any Bill of an unusual and extraordinary nature without a suspending clause. I know of none for the alteration proposed and must desire you therefore to reconsider this matter, and to cause your Bills to be prepared in a form, which has not only been constantly practiced in this Government, but I have reason to think, in most parts of his Majesty's Dominions. T. Hutchinson

Mr. Gorham and others a Committee of the House of Representatives waited on his Excellency the Governor with the following Message viz^t—

May it please your Excellency

The House have read your Message just now laid before them, and cannot but wonder that you should consider the Bills that have passed the two Houses as of an extraordinary nature, merely because the words expressive of the year of the Kings Reign are in plain English instead of the Roman Language as usual; or that your Excellency should think yourself restrained by an Instruction from consenting to them.

It is immaterial to the House; and therefore if your Excellency thinks proper to order the Bills to be laid before us, we will, to gratify your Excellency, recede from that which you are pleased to stile an innovation." — *Council Records, vol.* XXX., *p.* 95.

"June 29, 1773. The Secretary, by order of the Governor, laid before the two Houses the several Bills that had been passed by them and laid before his Excellency; and an amendment in each of them was agreed to by both Houses, agreable to his Excellency's Message of yesterday." — *Ibid., p.* 103.

"It may be proper to observe that all these Laws were laid before me with the date of the year in this form. In the thirteenth year of King George the third. When I took notice of it as an Innovation, the House thought it immaterial whether Latin words were used or English words which conveyed the same ideas, but the English words did not convey the same ideas and the alteration was proposed to the House meerly to get rid of Magnæ Britannæ or any words which imply it which have always been used. The House in general I suppose were not acquainted with the design of the Person who proposed the alteration." — *Gov. Hutchinson to the Lords of Trade, Aug.* 7, 1773: "*Mass. Bay, B. T.,*" *vol.* 82, *P. p.*, 16.

"In the Parchment engrossed Bills to each Law is prefixed the Regal Stile and the year of the King's reign. For many years it has been the Practice of the Secretary's Office to send home the printed Bills as they are prepared to be bound up in the Law books and the Stile does not there appear. About thirty years ago the Stile always was written at large Anno Regni Regis Georgii Magnæ Britanniæ Franciæ &c to the end of it. Meerly to save trouble in writing it was afterwards abbreviated and after Georgii was added &c and so Secunde or Tertii. The last Session before this, a Member of the House who does nothing without design moved that the stile might be altered from Latin to English and accordingly all the Laws came to me engrossed with this stile — In the thirteenth year of George the third. I refused to assent to any unless they would alter the stile and make it as formerly Rather than lose the Bills they conformed. This Session they sent them in Latin but left out the words et cætera. The design was so evident that I immediately declined my assent to any Bill unless it conformed to the King's stile as had been usual and I am of opinion it is best they should be held to express the Stile at length instead of substituting &c in the place of Magnæ Britanniæ Franciæ & Hiberniæ." — *Gov. Hutchinson to the Lords of Trade, Apr.* 5, 1774: *ibid., P. p.*, 58.

The Governor seems not to have noticed that when, in the acts of the first session, the English words were replaced by the Latin formula, one act, at least (chapter 12), from which "etc." was omitted, had received his signature. The following is the Governor's reference to the subject, as historian: —

"Mr. Adams's attention to the cause in which he was engaged would not suffer him to neglect even small circumstances, which could be made subservient to it. * * * * * * * The year of the king's reign, and the royal style, had always been prefixed to the laws of the province in latin, as they are to acts of parliament; and in this style the royal authority over the whole dominions is expressed; but in all the bills prepared in the house this session, the prefix was altered from the old form in latin, to these English words, 'In the thirteenth year of king George the third.' The governor informed the house, by message, that he would not consent to any alteration in the style, it being something of an unusual and extraordinary nature. They, thereupon, desired the bills again, to restore the old title; but gave him a very disingenuous answer; wondering that he should consider the bills as of an 'extraordinary nature, merely because words are in plain English instead of the Roman language;' and, by the body of the people, his refusal, no doubt, was considered to proceed from mere humour." — *Hutchinson's Hist. of Mass. Bay, vol.* 3 *p.* 413.

Chap. 1. "Nov. 19, 1770. The House was mov'd that a Message be prepared to his Honor the Lieutenant-Governor to acquaint him, that as by late Advices from *London*, there is a Prospect of War with *Spain*, which probably may bring on a general War, it is the Desire of this House that his Honor would please to fill up the Vacancies in the several Regiments of Militia in the Province with proper Officers, and direct that the present Laws for regulating the same be duly executed: And to assure his Honor that the House will be ready to join with him in enacting such further Law as may be judged necessary.

Ordered, That Mr. *Samuel Adams*, Capt. *Heath*, Mr. *Porter*, Capt. *Brown*, and Mr. *Dennie*, prepare a Message to his Honor accordingly, and report." — *House Journal, p.* 169.

"Nov. 20, 1770. Mr. *Samuel Adams* from the Committee appointed Yesterday to pre-

pare a Message to his Honor the Lieutenant-Governor relating to the State of the Militia of the Province,' reported.

Read and accepted, and *Ordered*, That Capt. *Heath*, Mr. *Ingersol* of *Great-Barrington*, Mr. *Gardner* of *Cambridge*, Capt. *Mellen* and Capt. *Fuller*, be a Committee to present the same to his Honor, viz.

May it please your Honor,

The House of Representatives have heretofore view'd with Concern the deplorable State of the Militia of this Province. But have hitherto refrained from any public mention of it least some Misconstruction should be put upon it.

But by the last Advices from *Great-Britain*, the Nations of *Europe* appear to be upon the Eve of a general War; and perhaps America may be the Object in the Eye of some of those Nations.

And when some of the Regiments within this Province are destitute of Field-Officers, and many Companies without Captains or Subalterns, the Arms of the Militia we fear are deficient, and military Discipline too much neglected.

Duty to his Majesty, and a Regard to our own Safety constrain us to Address your Honor, praying that you would be pleased (as soon as may be) to fill up the Vacancies in the several Regiments (wherever such Vacancies are) with such Persons as to your Honor shall seem meet: And that your Honor would be pleased to use your Endeavours that the several Officers carefully Discharge the Trust reposed in them. And should any Amendments in, or Addition to the Laws for regulating the Militia of this Province be thought needful, at the next Session of the General Court the House of Representatives will chearfully do all in their Power towards putting the Militia on a respectable Footing."— *Ibid.*, *p.* 174.

Nothing further seems to have been done with regard to amending the militia laws, until Jan. 16, 1773, when a committee was appointed to bring in a bill for the better regulating the militia. This committee reported a bill, to the House, Jan. 28, which, after several amendments, was passed to be enacted, Feb. 10. This bill, which is now lost, made provision for supplying the militia with cannon and gun-houses, but it failed to receive the assent of the Governor. In the mean time a message was sent to the House and acted upon as follows: —

"Jan. 19, 1773. A Message from his Excellency the Governor by the Secretary, *viz.*

Gentlemen of the House of Representatives,

I have almost compleated the Settlement of the several Regiments of Militia in the Province, and am in Hopes that I shall be able, early in the ensuing Summer to begin to review them. The Reputation, which a Company of the Train under the Command of Major Paddock, in Col. Erving's Regiment, has very justly acquired, encourage me to form several other like Companies in the Regiments near the Sea; and I doubt not it will, in Time, be thought proper to separate such Companies from their respective Regiments, and to form one intire Regiment of the Train of Artillery.

I expected to be able to furnish several of these Companies out of the Stores at Castle-William, but the Store-Keeper upon Examination informs me that all the Cannon there, of a proper Size for Field Pieces for such Companies, are defective and not to be trusted to. The Officers of those Companies think the Expence of providing them greater than it is reasonable for them to be burthened with, and yet it is inconsiderable for the Province to pay, compared with the Utility of such an Improvement in the Militia. I therefore recommend to you to take this Matter into your Consideration, and to make such Provision as it shall appear to you that his Majesty's Service and the Interest of the Province require. T. HUTCHINSON.

Read and *Ordered*, That this Message be considered at Three o'Clock.

* * * * * * * * * * *

His Excellency's Message of this Forenoon was read according to Order, and committed to the Committee appointed to bring in a Bill for better regulating the Militia of the Province."— *Ibid.*, *p.* 166.

Feb. 25, 1773. Upon a Motion, *Ordered*, That Capt. *Doolittle*, Mr. *Allen* and Capt. *Derby*, be a Committee to consider and report what is proper to be done with the Arms at *Castle-William*."— *Ibid.*, *p.* 258.

"Mar. 4, 1773. The Committee appointed to enquire into the State of the Province Arms at Castle-*William*, reported.

Accepted, and *Ordered*, That his Excellency the Captain General be requested to give Order that such Artillery-Companies as he may think proper to raise, be furnished with Fire-Arms out of those at Castle *William*; and that Capt. *Heath*, Col. *Thaxter*, and Mr. *Gorham*, prepare a Message to his Excellency for that Purpose, and report."— *Ibid.*, *p.* 285.

"Mar. 5, 1773. The Committee appointed Yesterday to prepare a Message to his Excellency the Governor, reported.

Read and accepted. *Ordered*, that Capt. *Heath*, Mr. *Hancock*, Mr. *Ellis*, Col. *Gilbert*, and Capt. *Greenleafe*, be a Committee to wait on his Excellency with the same, viz.

May it please your Excellency,

In your Message of the 19th of January, your Excellency was pleased to acquaint the House of Representatives, that the Reputation which a Company of the Train under the Command of Major *Paddock*, in Col. *Erving's* Regiment, had very justly acquired, had encouraged your Excellency to form several other like Companies in the Regiments near the Sea; and recommended to the House to make such Provision for such Companies, as his Majesty's Service and the Interest of the Province should require. In Consequence of your Excellency's Message, the two Houses passed a Bill for the better regulating of the Militia, in which among other Things, Provision is made for providing such Companies with Cannon and Gun Houses; which Bill the House cannot but flatter themselves, will obtain your Excellency's Assent. The House still disposed to promote and encourage a Military Spirit, so essential to his Majesty's Service in the Safety of this

Province, (being apprehensive that the uniforming and arming of such Companies, will be attended with considerable Expence to the Privates) take the Liberty to Address your Excellency, and to desire that you would be pleased to give Order, that such Artillery Companies, as your Excellency shall think fit to raise, may be furnished with so many of the Province Arms, on Condition that the Officers of such Companies become accountable that said Arms shall be kept in good Order at all Times, and to return them when called for by the Captain General. * * * * * * * *

A Message from his Excellency the Governor, by the Secretary, *viz.*

Gentlemen of the House of Representatives,

All the Military Stores under my Care are properly the King's Stores and to be applied for his Service in the Protection and Defence of the Province as the Captain General shall think proper or as his Majesty shall think fit to direct.

I have not in my Possession a greater Number of Small Arms than may be necessary for His Majesty's Service at Castle William. Whilst they are there, under the immediate Charge of the Store-Keeper, I know that they are always kept in good Order and fit for Service. If delivered out and left in the Hands of the Officers of the Militia I shall be uncertain what Condition they are in. For these Reasons I must decline complying with your Desire. T. Hutchinson."—*Ibid., pp.* 288 *and* 289.

"June 24, 1773. Upon a Motion, the Question was put, *Whether it is expedient that twelve Field Pieces be provided for the Use of the Militia of the Province, to be distributed as the Commander in Chief shall think proper?* And pass'd in the Affirmative. Whereupon, *Ordered*, That Capt. *Heath* bring in a Bill for that Purpose."—*Ibid., p.* 82.

"An Act for furnishing the Militia of this Province with 12. brass field pieces.

I recommended to the Assembly to make this Provision but did not intend an Act for the purpose and the restraint of not sending them out of the Province is unnecessary seeing the Militia to whose use they are assigned cannot be sent out without the consent of the General Court."—*Gov. Hutchinson to the Lords of Trade, Aug.* 7, 1773: "*Mass. Bay, B. T.*," *vol.* 82, *P.p.*, 16. See, also, supplementary note on p. 383, *post.*

Chap. 2. June 1, 1773. Upon a Motion, *Ordered*, That Mr. *Hancock* bring in a Bill for Explanation of an Act for laying out a new Street leading from Middle-Street to Fore*-Street in *Boston.*

Mr. *Hancock* reported a Bill accordingly, which was read. Whereupon, *Ordered*, That the said Bill be read again To-morrow at Nine o'Clock."—*House Journal, p.* 23.

"Boston ss:

At a Meeting of His Majesty's Justices of the Peace dwelling in the Town of Boston & the Selectmen of said Town June 17. 1773—

Whereas a considerable number of the Freeholders & other Inhabitants of the Town of Boston did by their Petition to the Justices & Selectmen in said Town set forth that the greatest part of the Lands from Ann Street to Middle Street where by the Fire which happened in Boston on the 3d. Day of February 1767 became desolate & vacant; that Paddys Alley so called which runs through those Lands tho', very narrow was from its situation extremely beneficial & usefull to the said Inhabitants & that scarce any Street in Town was more improved than said Alley and that it was absolutely necessary to have a way there: The Petitioners therefore prayed that a commodious Street there should be laid out not only for the convenience of the Town but also that such of the Inhabitants as were burnt out might be encouraged to Re-build, and upon consideration of the Premisses said Justices and Selectmen on the sixteenth Day of April Anno Domi: 1767. laid out a new Street accordingly, but the same as then laid out being found to be prejudicial to numbers of Persons & inconvenient for the publick, before a Jury was appointed to Assess damages &c.; upon a Representation thereof made to the General Court at their Session in January last said Court by an Act then passed did set aside & disannul what was done by the Justices and Selectmen relative to the laying out of said new Street on the sixteenth Day of April 1767 and by said Act & another Act passed by said General Court at their Session in May last did give power to the Justices in said Town together with the Selectmen or a major part of each assenting thereto to state & lay out a new Street of twenty feet in wedth from Ann Street to Middle street beginging at Ann Street & so running up Paddys Alley to the Brick Wall on the Easterly end of Mr. Gedneys Land in said Alley and no further, and said Justices & Selectmen were also impowered by the last of said Acts to lay out said Street of a greater wedth than twenty Feet in or near the middle part thereof if they should Judge it more convenient

Whereupon We Edmund Quincy, John Hill, Belcher Noyes, Arnold Wells, Joseph Gardner John Avery John Tudor & Samuel Pemberton, being a major part of his Majestys Justices of the Peace for the County aforesaid dwelling in the Town of Boston, And we John Scollay, John Hancock, Timothy Newell, & Thomas Marshall being a major part of the Selectmen of said Town, having carefully view'd the said Alley and the Lands made desolate & vacant by said Fire & duly considered of the Premisses have for the conveniency and accommodation of that place and of the Inhabitants aforesaid pursuant to the power given us in & by the Acts aforesaid Stated laid out and Established a new Street through the vacant and desolate Lands aforesaid including the aforesaid Alley in manner following viz^t—begining at the North Easterly Corner of the Brick Tenement (or Ell so called) belonging to the Heirs or Assigns of M^rs. Miriam Tyler deceased fronting on said Ann Street and from thence running on Said Street to the North East Corner of the Brick House belonging to the Heirs or Assigns of Capt. William Fletcher deceased measuring on said Ann Street including Paddys Alley aforesaid twenty feet, and from said Ann Street it runs towards the Westward One hundred & thirty-three Feet of the wedth of twenty Feet, and from thence it widens untill it comes abreast of or opposite to

* *Sic:* Ann Street.

Capt. Robert Balls Gate where said new Street is twenty-three feet six Inches in wedth, and from thence on said opposite side it runs narrowing till it comes to said Gedneys Brick Wall where it ends on this side And is there of the wedth of twenty Feet, and then said Street is but fourteen feet wide and from thence continues on a line with said Gedneys Dwelling-houses & Land, somewhat bevelling till it comes to Middle Street where it is but twelve feet wide; on the opposite or Southwesterly side, said new Street runs from Ann Street beginging at the North East Corner of said Fletchers Brick House to Middle Street and the Lands bounding thereon belonging to the Heirs or Assigns of said William Fletcher deceased, Jonathan Cushing deceased Capt. Robert Ball the Heirs or Assigns of Robert Henry deceased, Joseph Sherburne Esq. Thomas Emmons Asa Stodder, John Briant and Joseph Jackson, when it comes into Middle Street And we have laid and set off the aforesaid Brick Ell or Tenement of said Tylers and all the lands of every Person whomsoever included & fallen within the Lines aforesaid into the same new Street, to remain and continue a part & parcel of said New Street forever — In Witness whereof we hereunto set our hands the seventeenth Day of June Anno Domini 1773 —

JOHN SCOLLAY
JOHN HANCOCK
TIMO. NEWELL
THO. MARSHALL
Selectmen of Boston.

EDM, QUINCY
JOHN HILL
BELCHER NOYES
ARNOLD WELLES.
JOHN AVERY
JOSEPH GARDNER
JOHN TUDOR
SAML. PEMBERTON
Justices of the peace." —

Boston Town-Files.

"Suffolk ss. To Nathaniel Ruggles Esqr. James Mears, Aaron Davis junr. Caleb Howard, Samuel Sumner, Nathaniel Felton, & John Greaton junr. all of Roxbury, Ebenezer Clap & Samuel Topliff of Dorchester, Elisha Gardner, Thomas Aspinwal & Eleazer Baker, all of Brookline, and all in the County of Suffolk — Greeting —

[Seal] [Seal] Whereas in and by an Act made and passed by the Great and General Court or Assembly of the province of the Massachusetts Bay held at Boston by Adjournment on the third day of January last, It was Enacted, that it shall be in the power of the Justices of the peace in the Town of Boston, together with the Selectmen (or the major part of Each Assenting thereto) to State and lay out a Street Way or passage through the Lands in said Act mentioned twenty feet wide from Middle street so called, to Ann Street so called, in said Town as should be most for the Convenience and accommodation of the place by extending enlarging, streightning, or otherwise altering the Street or Lane called Paddys Alley in said Act mentioned: And that where any particular person or persons shall have their Lands or Tenements or any part thereof taken away or lessen'd thereby, A Jury of twelve men shall be appointed by two Justices of the peace, and sworn to Ascertain the Value thereof, to be paid by the person to whose Land the same shall be added, or by the neighbourhood or Town in proportion to the benefit or Convenience any shall have thereby, according to their best Skill and understanding; provided nevertheless that the two Justices and Jury aforesaid shall not be Inhabitants of the Town of Boston. And whereas in and by one other Act of the Great & General Court aforesaid made and pass'd at their Sessions in May last, in Addition to and explanatory of the afore in part recited Act, It was Enacted that said Justices & Selectmen of the Town of Boston, or a major part of Each, be and they were thereby impowered and directed, as soon as may be, to lay out said Street twenty feet in wedth, begining at Ann Street, and so runing up Paddys Alley to the Brick wall on the Eastermost End of the Land of George Broughton Gedney in said Alley, and no further; And it was further Enacted, that if said Justices and Selectmen, or a major part of Each, should Judge it more convenient to have said Street of a greater wedth than twenty feet in or near the middle part of it, where the Lands are vacant, they were directed and impowered to lay out the same accordingly, the Act aforesaid notwithstanding, and that in all other Things the Justices Selectmen, Jury, and all persons interested or concerned were to proceed according to the directions of the aforementioned Act. All which in and by the afore in part recited Acts, (reference thereto being had) will more fully appear. And whereas a major part of the Justices, and a major part of the Selectmen, in the Town of Boston aforesaid, in pursuance of the aforesaid last mentioned Act, have Stated and laid out a Street including said Alley in manner following Viz^t. beginning at the North East Corner of the Brick Tenement (or Ell so called) belonging to the heirs or assigns of Mrs. Miriam Tyler decd, fronting on said Ann Street; and from thence runing on said Ann Street, to the Northeast Corner of the Brick house belonging to the heirs or assigns of Capt. William Fletcher decd, measuring on said Ann Street including Paddys Alley aforesaid twenty feet, and from said Ann Street it runs towards the westward one hundred & thirty three feet, of the wedth of twenty feet, and from thence it widens until it comes abreast of or opposite to Capt. Robert Balls gate where said new Street is twenty three feet six inches in wedth, and from thence on said opposite side it runs narrowing till it comes to said Gedneys brick wall where it ends on this Side, and is there of the wedth of twenty feet, and then said Street is but fourteen feet wide, and from thence continues on a line with said Gedneys Dwelling houses and Lands somewhat bevelling till it comes to Middle Street where it is but twelve feet wide; on the opposite or Southwesterly side, said new Street runs from Ann Street beginning at the Northeast Corner of said Fletchers Brick Dwelling house to Middle Street and the Lands bounding thereon belong to the heirs or assigns of said William Fletcher decd Jonathan Cushing decd, Capt. Robert Ball, the heirs or assigns of Robert Henry deceas'd, and William Jepson decd, Thomas Emmons, Asa Stoddard, John Briant, & Joseph Jackson when it enters into Middle street, said Justices and Selectmen also laid and Sett off the aforesaid Brick Ell or Tenement of said Tylers, and all the

Lands of every person whomsoever included within the Lines aforesaid, into said new Street; to remain and continue a part and parcel of the same forever; as by the Return made by the Justices dwelling in said Town of Boston, and the Selectmen of said Town (reference thereto being had) will fully appear.

Pursuant therefore to the Directions of the Acts aforesaid, and by virtue of the power therein given to us, We the Subscribers, viz^{t}. Nathaniel Hatch of Dorchester and Joseph Williams of Roxbury — two of His Majesty's Justices of the peace within and for the County of Suffolk, do hereby appoint you the said Nathaniel Ruggles Foreman James Mears, Aaron Davis Jun^{r}. Caleb Howard, Samuel Sumner, Nathaniel Felton, John Greaton Jun^{r}. Ebenezer Clap, Samuel Topliff, Elisha Gardner, Thomas Aspinwal & Eleazer Baker a Jury, and being first sworn, you are to go upon and view the Brick Tenement Lands and premisses that are taken in, and added unto the said new Street as stated and laid out by said Justices and Selectmen as aforesaid, and to whom they belonged, and you are then to Value and ascertain the Loss and Damages that any person or persons their heirs or assigns do suffer or sustain by having their Lands or Tenement taken away & added to said new Street, and you are to determine by whom such Loss and Damages, (and also the Costs and Charges attending the Buisness aforesaid) shall be paid, and if you shall find that any persons in the neighbourhood have taken in, and added to their Lands any part of said Paddys Alley, or you shall Judge the Town of Boston, or the Estates of any persons in the neighbourhood of said new Street or near the same will be benefited thereby, you are to assess said Town, and persons or their Estates, such a proportion of said Loss Damages and Charges, as to you shall seem just, according to your best Skill and Understanding. and as soon as you have compleated the same you are to make Return hereof with your doings thereon unto Us, or one of us, or to the Selectmen of the Town of Boston aforesaid that so the same may be Enter'd with the Records of said Town, and said new Street known for a publick Street or Highway forever. Given under our hands & Seals at Dorchester the nineteenth day of July, in the thirteenth year of His Majesty's Reign, Annoq Domi 1773. Nath^{l} Hatch

Note, The parties interested, or concern'd, are to be present; if they see cause. — Jo^{s}. Williams

Suffolk ss. Roxbury July 26: 1773. The aforenamed Nathaniel Ruggles, James Mears, Aaron Davis Jun^{r}. Caleb Howard Samuel Sumner, Nathaniel Felton John Greaton Jun^{r}. Ebenezer Clap Samuel Topliff, Elisha Gardner, Thomas Aspinwal & Eleazer Baker, personally appeared & made Solemn Oath that they would do and perform all the several Matters & things they are required & directed to do, in & by the aforewritten Warrant according to their best Skill and Understanding. — Before me

Jo^{s}: Williams, Justice Peace—

We the Subscribers a Jury appointed in & by the aforewritten Warrant hereunto annexted for the Purposes therein mentioned, being sworn by Joseph Williams Esq. One of his Majestys Justices of the peace, went several times upon the Brick Tenement Lands & premises taken away & added to the New Street by Paddeys Alley so Called in Boston stated & laid out by the Justices of the peace & Selectmen of said Town as particularly mentioned in said warrant & having notify'd the Proprietors of said Lands & heard them as also the Selectmen of Boston we carefully viewed the same, and find that the Lands & premisses taken from several persons and added to said New Street are as follow —

Viz. A large Brick Tenement fronting Easterly upon Ann Street measuring thereon fourteen feet two inches with a Celler under the same, and from said Ann Street it runs one hundred & fifty feet Nine inches to the Westward, of the wedth of fourteen feet two Inches thorough the Lands now or late belonging to the heirs or Assigns of M^{rs}. Miriam Tyler dec'd, & from thence said New Street runs thro' the Lands of William Scott Sixty Six feet in length, and fourteen feet Six inches in depth, & from said Scott it runs thro' the Lands of Jacob Emmons fifteen feet in length and Twenty three feet Six inches in depth, and from s^{d}. Emmons land it runs thro' the Lands of William Simpkins twenty feet in length including one half of a private Alley or passage way that lay in Common between him & Joseph Sherburn Esq. being, as t'is said their property & twenty one feet four inches in depth, and from thence it runs thro' said Sherburns lands including his half of said Alley Twenty two feet in length & Twenty One fee 4 Inches in depth, and from thence thro' the Lands belonging to the Estate of James Dodge dec^{d} fourteen feet six inches in length including half of a private Alley or passageway that (as tis said) belongs to said Dodges Estate, and the heirs of Rachel Hobby dec^{d}, and Six feet in depth and from thence it runs thro' the Lands of said Rachel Hobby or her heirs twelve feet Six inches in length (including half of said Alley) and Six feet in depth, and then said New Street meets with the Brick wall of a house belonging to George Broughton Gedney where it Ends of the Wedth of twenty feet, and then Said Street is but Fourteen feet in wedth, & so continues on a line on this Northeasterly side with said Gedney's Dwelling houses & Lands somewhat bevelling till it comes and enters into middle Street where it is but Twelve feet wide; on the opposet or Southwesterly side, said New Street runs from Ann Street to Middle Street, & the Lands bounded thereon belong to the heirs of M^{rs}. Margaret Fletcher dec^{d} Margaret Newman Cap^{n}. Robert Ball the heirs of Robert Henry dec^{d} Joseph Sherburn Esq. Thomas Emmons, Asa Stoddard John Bryant & Joseph Jacksons when it comes to Middle Street; or be the Measures of any of the Lands aforesaid be more, or be they less, We having maturely Considerd of all the Matters and things we were directd to, in and by the Warrent aforesaid, do Report our Determination thereupon as follows —

Viz That the Heirs, Assigns or Proprietor of the Tenement or Ell & Lands belonging to the Estate of M^{rs}. Miriam Tyler dec^{d}, be allowed & paid Two hundred & Thirty pounds for there Loss & Damages sustained by taking said Ell & Lands from them as laid out & added to the New Street Aforesaid That William Scott be Allowed Twenty Five

pounds for his Loss & Damages in taking from him Lands that is laid out in the New Street as Aforesaid —

That Jacob Emmons be Allow'd Thirty Five pounds for his Loss and Damages in taking from him Lands that is laid out in the New Street Aforesaid —

That William Simpkins be Allow'd Five pounds for his Loss and Damages in taking from him Lands that is laid out in the New Street Aforesaid —

That Joseph Sherburn Esq. be Allow'd Seven pounds for his loss and Damages in taking from him Lands that is laid out in the New Street Aforesaid —

That the heirs of James Dodge be Allow'd Three pounds for their Loss & Damages in taking from them Lands that is Laid out in the New Street Aforesaid That the heirs of Rachel Hobby be Allow'd Two pounds for their Loss & Damages in taking from them Lands that is laid out in the New Street Aforesaid —

That Sixteen pounds Ten shillings be allowed the Justices & Jury for their Time Trouble & Expences on the Business Assign'd them And we further Report that George Broughton Gedney be & hereby is Assessed, the Sum of Three pounds Meriams heirs One pound Joseph Jackson Three pounds John Bryant Two pounds Asa Stoddard Four pounds Thomas Emmons Five pounds The heirs of Robert Henry dec'd Three pounds Robert Ball Eighty pound for Priveledge & Land taken in Belonging to Paddys Alley Mrs. Newman Twenty Five pounds The heirs of the Widow Fletcher dec'd Twenty pounds for their Priveledge being better for The New Street. —

And we further say that the Sum of One hundred Seventy Seven pounds Ten Shillings Be paid by the Town of Boston Making in the whole the sum of Three hundred & Twenty three pounds Ten shillings & shall be in full (when paid) of Loss Damages Cost & Charges &c. Attending the Business Aforesaid And we further Report & Determine that the Aforesaid Brick Tenement (or Ell) belonging to the heirs or Assigns of said Miriam Tyler shall be pulled down, and the Celler filled up, and the Fences included in said New Street be removed, at the Cost & Charge of the Proprietor of said premisses, within Sixty days & that the several Sum & Sums of Money Assessed on the persons aforenamed be paid & the Woork dun in Forty Days from the Date hereof & we hereby Assess them & Their Estates for payment of the Same accordingly.—

And further we do Allow & Assign unto the proprietor of said Miriam Tylers Estate All the Bricks Windows & Materials of or belonging to said Brick Tenement or Ell, for their Use & Benefit Witness our hands this Third Day of August One Thousand seven Hundred & Seventy Three —

Jury
- NATHL RUGGLES
- JAMES MEARS
- AARON DAVIS JUN
- CALEB HAYWARD
- SAML SUMNER
- NATHLL FELTON
- JOHN GREATON JUNR
- EBENEZER CLAP
- SAML TOPLIFF
- ELISHA GARDNER
- THOS ASPINWALL JUR
- ELEAZER BAKER." — *Ibid.*

"Apr. 8, 1774. The Town Clerk having laid before the Town, the Doings of his Majesty's Justices, & the Gentlemen the Selectmen of Boston, together with the Return of the Jury appointed to make Assessments &c relative to the new Street in Paddy's Alley — Voted, That the Clerk be directed to record the same in the Town Book of Record — Memo all on File.— *Records of the Town of Boston. vol. 5, p. 501.*

"An Act confined to the Town of Boston and for the convenience of the Inhabitants."— *Gov. Hutchinson to the Lords of Trade, Aug. 7, 1773: "Mass. Bay, B.T.," vol. 82, P. p., 16.*

Chap. 3. "To His Excellency Thomas Hutchinson Esqr Captain General Governor & Commander in Chief in & Over his majestys Province of the massachusetts Bay &c The Honourable His majestys Councele: & House of Representatives in General Assembly Convened —

The Subscribers Humbly Shew — that your Petitioners Purchased from the Heirs of Brigadeer Waldo A tract of Land Near Six miles Square Situate on the Westerly Side of Penobscot Bay Bounded—Begining at the Westerly Bounds of the township of Frankfort from thence Westerly Round the Harbour Called Passageesewokey to Little River from thence up Said River as far as Salt Water flows then Crossing Said River to A Black Burch tree Computed to be thirty Seven Chains from thence South Sixty Eight Degrees west two Hundred: & twenty three Chains to A Burch tree from thence North twenty two Degrees West three Hundred & Seventy two Chains to A rock maple tree one rod westerly from a quarey of Stones from thence North Sixty Eight Degrees East Six hundred & two Chains to the westerly Line of Said Frankfort from thence South thirty Seven Chains to the Largest of Halfway Creek Ponds from thence Down Said Creek to the Bounds first mentioned and Whereas the Vendors Could not Convey jurisdicktion the Vendees have no Legal Power to Vote assess or Levey taxes for any Publick use & many of the Vendees being Now Settled on the Premisses & Scarcely able in Point of Circumstances to Perform their own Settlements Suffer Greatly Being Destitute of the Gospell Schools mills Bridges &c and Whereas the Vendors Did not Oblige the Vendees to Settle the Premisses Sundry of them are non Residents and Should the Premisses be Incorporated in Common form the Poor Residents must Suffer all the inconveniences of Being the first Settlers & pay all the taxes for the Publick uses Aforesaid: and the non Residents have the advantage of Lumber from their Lands & the Value of Lands increasing Every Day at the Expence & By the Labour of the Residents —

Therefore you Petitioners Humbly Pray your Excellency & Honours to Incorprate the Premisses into A township by the Name of Belfast & Grant them all the Privileges &

Invest them with all the Legal Authority Necessary to Enable the Said Purchasers to Hold Legal meetings & to Chuse all Necessary officers the Vots to be Numbred According to the Interest of Each Purchaser Present at Said meetings to Vote assess & Levey taxes from time to time to Expedite Said Settlement from all the Purchasers of Said Premisses Whither Resident or non Resident according to their Intrast in Said Premisses Numbring as afores^{d} and in Case any Purchaser Neglect or Refuse to Pay any tax Voted as afores^{d} for the Space of Sixty Days Next after the Day Said Vote was Recorded A Committee Chosen as afores^{d} be Impowered to Sell at Publick Vendue: giving thirty Days Notice Before Said Sale as much of Said Purchasers Land as will Pay Said tax or taxes & all Incidentel Charges — Returning the overpluch if any to the Purchaser Every meeting to be Notified by the Clark of Said town in the most Publick Place in Said Belfast fifteen Days before Said meeting giving an Explict account in writing under his hand of time & Place & of what to be acted at Said meeting & that whatsoever tax the Residents are obliged to Pay be assessd & Levied in manner as afores^{d} for teen years Next after the Date of Said Incorporation & after that Period to be assessed Levied and Paid as other towns assess & Pay their taxes — and your Petitioners as in Duty Bound — Will Ever Pray &^{c} —

JAMES MILLER	WILLIAM PATTERSON IUR	DAVID HEMPHILL
WILLIAM PETTEKSON	WILLIAM MCGLECHLAN	JOHN DURHAM JUNER
NATHANIEL PATTERSON	ROB^{T} PATTERSON	JOHN BARNET
JOHN GILMAN	JOHN STEL	JOSEPH MORRISON
JAMES PATTERSON	SAMUEL MORRISON	ALEX^{R} WILSON
JOHN MITCHEL	MO^{S} BARNETT	SAMUEL MARSH
JOHN TUFFT	JOHN BROWN	JOSEPH GRAGG
JOHN DURHAM	JOHN MOOR	JOHN TUFFT
JOHN DAVIDSON	SAM^{LL} HOUSTON	ALEXANDER LITTLE
RICHARD STIMSON	SAM^{LL} HOUSTON JUR	JOHN COCHRAN
EPHRAIM STIMSON	JAMES MACGREGORE JUN^{R}	JAMES GILMORE
		DAVID GILMAN."—*Mass.*

Archives, vol. 118, *p.* 726.

"June 8, 1773. A Petition of *Ephraim Stimson* and others, Inhabitant of Lands on the West Side of *Penobscot* River, praying to be erected into a Township.

Read and committed to Capt. *McCobb*, Mr. *Bayley* and Dr. *Holton*."—*House Journal, p.* 35.

"June 11, 1773. The Committee on the Petition of the Inhabitants of a Place called *Belfast*, reported That the Petitioners have Leave to bring in a Bill. Accepted."—*Ibid.*, *p.* 46.

"To his Excellency Thomas Gage Esq^{r}, Cap^{t}. genneral Governor & Commander in chief in and over his Majesties Province of The Massachusetts Bay in New England and To the Honnourable y^{e} Council and house of Representatives Convean^{d}, at Boston —

Whereas a Certain Number of People Purchased a Certain Tract of Land of the Hiers of Brigadier Waldow Said Land Lying on the Westerly Side of Penobscut Bay and is Incorporated into a Town By the Name Of Belfast and Whereas S^{d} Purchasers Entered into an Obbligatory Bond To make an Immediate Settlement Upon the said Land and s^{d} Bond Not Being Authentick the one half of said Purchasers Declines Settlement Which renders us the Inhabitants unable To Carry on In the Form of a Town. Being Neither in a Capacity To maintain a gospel Minister To Build a Meetinghouse To have the Priveledge of Schools Neither to Repair roads and to Build Bridges &c — And Therefore we think Our Circumstances in a Worse Condition than they were Before our Incorporation: and Whereas a Party of The Nonresidenters Insisted Upon the Incorporation of Said Town and wanted us the Inhabitants to Sign with Them which we Refused to Do untill they Came to an Aggreement to have the Land Taxed which they Assented too and then We the Inhabitants Signed with Them.— And Now we are Incorporated in the Common Form Which Renders it Disaggreeable to the Inhabitants and Contrary to the Prayer of our former petition Which gives us Reason to Think that Our Circumstances and Abbilities Relateing to the Settlement of the plac Was Not Rightly Represented — Therefore We your Humble Petitioners Begs that your Excellency & Honnours Would Be pleased to Considder the Difficulties of our Case at present — and Further Begs if it might please your Excellency & Honnours for to pass an Act For to Tax all the Un Settled Lands in Said Town and To Invest us Who are the Inhabitants of Said Town with Full Power and Authoritie To Sell as much of the Delinquents Land at Publick Vendue as shall Pay Thier Taxes In Equal proportion to Defray all Necesary Charges from Time to time — And if your Excellency & Honnours Would Think it Proper to Lay a Tax upon the Land By the Acre we have thought that Twopence p^{r} Acre Lawfull is as Little as we Think will Do yearly For some Term of years or as Long as your Honnours Would Think Proper —

And we Who are your Humble Petitioners Who are in Duty Bound Will Ever Pray —

Belfast May y^{e} 16th 1774

JAMES GILMORE	JAMES PATTERSON	WILLIAM PATTERSON
JOHN TUFFT	BENJ^{N} NESMITH	DAVID GLIMOR
DAVID HEMPHILL	JAMES MURRAY	JOHN DAVIDSON
JOHN TUFFT	JAMES MILLER	SAM^{LL} HOUSTON
JOHN BROWN	TOLFORD DURHAM	ALEX^{DR} CLARK
JOHN BARNET	JOHN DURHAM	WILLIAM PETTERSON
WILLIAM NICKLY	NATHANIEL PATTERSON	

In the House of Representatives June 11th 1774 Resolved that the Petitioners notify the Propriators of the Lands in the Town of Belfast with a Copy of this Petition By Inserting the Substance thereof in Two of the Boston News papers Three weeks Successively and also by Serveing the Clerk of said Propriaty with a Copy of s^{d} Petition & this order forty Days before the Next Siting of the General Court, that they shew Cause, (if any they have) on the Second Wednesday of the next Sitting thereof why the Prayer thereof should not be granted Sent up for Concurrence T CUSHING Spk^{r}

In Council June 14th 1774 — Read and Concurred —
JNO COTTON D. Secry." — *Mass. Archives, vol.* 118, *p.* 821.

"A new Town East of Kennebeck in common form." — *Gov. Hutchinson to the Lords of Trade, Aug.* 7, 1773: "*Mass. Bay, B.T.,*" *vol.* 82, *P.p.*, 16.

Chap. 4. "June 5, 1773. A Petition of the Inhabitants of a Place called *Broad-Bay*, praying to be incorporated into a Town.

Read and committed to Mr. *McCobb*, Col. *Worthington* and Mr. *Bigelow*." — *House Journal, p.* 32.

"June 11, 1773. The Committee on the Petition of the Inhabitants of *Broad-Bay*, reported.

Ordered, That the Petitioners have Leave to bring in a Bill." — *Ibid., p.* 45.

"For incorporating a Plantation East of the River Kennebeck." — *Gov. Hutchinson to the Lords of Trade, Aug.* 7, 1773: "*Mass. Bay, B.T.,*" *vol.* 82, *P.p.*, 16.

Chap. 5. "To his Excellency the Governor, the honble his Majesty's Council, & the honble. House of Representatives, of the Province of Massachusetts-Bay, in General Court assembled — the Petition of the Subscribers, Inhabitants of Marblehead, & who are or have been Masters of Ships or other Vessels, — humbly sheweth

That they are desirous of forming a Marine Society for the Purpose of improving the Knowledge of this Coast, & of Navigation in General, by the several Members communi cating their Observations about them in Writing, to be lodged with the Society; and also to relieve one another & their Families in Poverty or other adverse Accidents of Life, to which they are peculiarly liable; for which End they propose to raise a common Stock; & knowing that these Designs cannot effectually be carried into Execution without an In corporation: Your Petitioners humbly request your Excellency & Honours to incorporate & make them a Body Politic for the Purposes aforesaid, by the Name of the *Marine Society* at *Marblehead* in *New-England;* and to grant that they, their Associates & Sucessors may have perpetual Succession by said Name, & have a Power of making By-Laws for the Preservation & Advancement of said Body, with Penalties, either of Disfranchisement from said Society, or pecuniary, or without Penalties, as shall seem best, & have Leave to appoint their common Seal, & be liable to be sued, & enabled to sue, & make Purchases, & take Donations of Real & personal Estates for the Purposes aforesaid, & to manage & dispose said Estate as shall seem fit, & to chuse a Master, Treasurer, Clerk, & other Officers they shall think proper; & have & exercise such other Powers as your Excellency & Honours shall deem necessary & beneficial for said Society. And, as in Duty bound, shall ever pray &c.

Marblehead April 12 1773. —

JONATHAN GLOVER	RICHARD HINKLEY	WILLIAM COLES
SAM HOOPER	WM ANDREWS	JOHN COLLYER
SAMUEL POTE	GEORGE RAPALL	JOHN RUSSELL
EDWD FETTYPLACE	SAMUEL GREEN	THOS COLLYER
HENRY FLORANCE	MICHAL MERRICKS	JOSEPH NORTHEY
RICHARD STACEY	NATHANIEL LEECH	NICHOLAS BARTLETT
JOSEPH SKILLIN	GEORGE GORDON	WILLM SINGELAR
JOSEPH BUBIER	DAVID LEE	HUGH HILL
JOHN STEVENS	EDWARD FETTYPLACE JUR	EDWARD BOWEN
JEREMIAH BALESTER	JOHN LEE,	JOHN HOOPER
JOHN BURNAM	JOHN TITTLE	JNO GRUSH
BENJAMIN BODEN	AMOS GRANDY	JOSEPH HOMAN
ALEXR ROSS	PETER FENL JONES	RICHD DOLIBER." —

Mass. Archives, vol. 66, *p.* 525.

"May 28, 1773. A Petition of *Jonathan Glover*, and others, of *Marblehead*, praying to be incorporated by the Name of, *The Marine Society in* Marblehead *in* New-England. Read and *Ordered*, That the Prayer be granted; and that Mr. *Gerry* and Col. *Orne* bring in a Bill for the Purpose." — *House Journal, p.* 16.

"For incorporating a Marine Society at Marblehead Two Acts of the same Tenour have been allowed by the King." — *Gov. Hutchinson to the Lords of Trade, Aug,* 7, 1773: "*Mass. Bay, B.T.,*" *vol.* 82, *P.p.*, 16.

"In obedience to your Lordships commands signified to me by Mr Pownall I have perused and considered an Act passed by the Governor Council and House of Representatives of the Province of Massachusetts Bay in June 1773 intitled

'An Act to incorporate Jonathan Glover and others therein named, into a Society by the Name of the Marine Society at Marblehead in the County of Essex and the Province of the Massachusetts Bay in New England.'

And am of Opinion that the same is proper in Point of Law." — *Report of R. Jackson, Apr.* 13, 1774: *ibid., P.p.*, 46.

"Their Lordships also read and considered two reports of Mr. Jackson, one upon a Law of the Province of Massachusets Bay for incorporating a Marine Society, the other upon a General Question, whether the General Court of that Province was authorized under the Charter to incorporate*." — *Journal of the Board of Trade, Apr.* 21, 1774: *vol.* 82, *p.* 43.

Chap. 6. "Jan. 12, 1773. A Petition of the Inhabitants of the Town of *Northfield*, praying for a Grant of a Tract of Land mentioned therein; and that certain Lands also mentioned, in said Petition, with the Inhabitants may be annexed to the Town.

Read together with the Petition of the Inhabitants and Proprietors of said Lands, and committed to Mr. *Fisher*, Col. *Thaxter*, and Col. *Bowers*." — *House Journal, p.* 150.

* See this report, in the note to 1771–72, chap. 21, p. 191, *ante.*

"Jan. 15, 1773. The Committee on the Petition of *Seth Field*, Agent for the Town of *Northfield*, reported.

And thereupon *Ordered*, That the Petitioners have Leave to bring in a Bill for certain Purposes mentioned in the Petition." — *Ibid., p.* 158.

"June 21, 1773. The Committee on the Petition of *Northfield* reported; and thereupon, *Ordered*, That the Petitioners have Leave to bring in a Bill for the Purpose of the Petition." — *Ibid., p.* 70.

Relates to a Township on the borders of New York, New Hampshire." — *Gov. Hutchinson to the Lords of Trade, Aug.* 7, 1773: "*Mass. Bay, B.T.*," *vol.* 82, *P.p.*, 16.

Chap. 7. "Province of the Massa Bay } To his Excellency Thomas Hutchinson Esquire Captain General and Governor in Chief of the Province aforesaid — The Honble his Majesty's Council and Honble House of Representatives in General Court Assembled at Boston June 1773 —

The Memorial of John Kirtland of Murrayfield in the County of Hampshire as Agent for and in behalf of such of the Inhabitants of said Murrayfield as Live in the Easterly part thereof — Humbly Shews

That in the year 1762 this Great and General Court Sold at Publick Vendue to the Honble John Chandler Esqr & others all the Lands in said Murrayfield (Excepting what was before granted out to particular Persons) for a certain Price and on certain Conditions of Settlement as by the Records of this Honble Court appears, That there was then about Seven Thousand five hundred Acres part of the said Township granted out to particular Persons all lying Eastward of a large mountain called Moose Hill that runs North and South through the said Township. That the said Colo. Chandler & others the Purchasers of the Unappropriated Lands there, had on their said Lands (under Contracts of performing Setlers Duties there) about forty persons, all of which excepting one, were West of the line that the said Purchasers made the divisional line of said Town. — That in the year 1765 on the application of the said Purchasers of said Unappropriated Lands to this Honourable Court, and not of the Inhabitants or any of them, the said Lands including said Grants & the Inhabitants thereon were Incorporated & Erected into a Town with the Powers & Immunities of other Towns in the Province. — That in the year 1767 a House for Public Worship was set up by said Purchasers in said Town on the West side of said Moose Mountain meerly to accommodate their Setlers the Inhabitants on that part of the Town and where all the Setlers under said Purchasers excepting one then dwelt. —

That in the year 1765 Eight or nine Families were Setled on the Grants aforesaid and the number of them now Setled on said Grants is increased to about Thirty five.

That since the year 1767 — the said Town have laid out considerable Monies towards finishing the Meeting House set up as aforesaid: That in the year 1770 — the said Town Setled a Minister and gave him Seventy Pounds for a Settlement and Engaged to give him Sixty pounds per Annum Salary. That there are to this day but Six Families in said Town Setled East of said divisional line, under the said Purchasers all the Rest being on the Old Grants aforesaid; That the Building said Meeting House and Setling said Minister answer for said Purchasers towards a fulfilling in part the Conditions of their Grant from the Province, and to the Setlers under them, it Answers as a Performance in part of their Setling Contracts with said Original Purchasors but answers no purpose of Advantage whatever to any of the People Setled on the East side of said Mountain as they cannot without insupportable Expence and Labour attend Public Worship among them, they all of them living from five to Eight Miles distant from the said Place of Public Worship beyond said Mountain.

That by the Kind application of these Original Purchasers (in favour of their Tenents or under Purchasers) to this Honourable Court and procuring the Incorporation aforesaid they have brought the Setlers on the Grants aforesaid (as they are the minor part in said Town) Subject to a Proportion of the expence of fulfilling their Duty in part to the Province in Regard to their Lands in which these Setlers have no Interest and with whom most of them never Consented to be any way Concerned, and in the Year 1768 when the first Tax of Eighty pounds was made for Town charges, many of the Setlers under the Purchasers being turned off their Lands, two-fifths of the burthen of said Tax actually fell upon the Setlers on the Grants.

That these Memorialists under these Circumstances Sollicited the Town that as they paid their proportion to these Expences, of Setling a Minister and pay their proportion of his yearly Salary that they might have a Proportionable part of the Preaching on their side of the Mountain where they could Enjoy it, which the Town granted them for the Space of Three Years, but since July last have wholly Denied to do for the future.

Your memorialists beg Leave to observe to your Excellency and Honors that as the Tract of Land Sold to those Gentlemen was very large, much more than an Ordinary Township they have always been at a Loss for the Reason that induced your Excellency and Honors to make those Grants (without the Knowledge and Consent of the Proprietors & Setlers) part of the Same Town with the Western part of said Purchass tho' they were never at a Loss for the Reasons that Induced said Purchasers to apply for it.

That this Act of Incorporation so Extended has not only thus Unequally burdened the present Setlers of said Grants in the Respects before mentioned but also in this Respect that it is a great Discouragement to the further Sale or Settlement of such of the said Lands as yet remain unsold.

The said Memorialists the Inhabitants on the East side of said Mountain in said Murrayfield under these Difficulties are Constrain'd humbly to Implore your Excellency and Honors that there may be a Division of the said Town of Murrayfield by the following Line vizt beginning at the South west corner of Ingersolls grant so called thence extending on the West line of said grant till it comes to the Second Division Lot No. one, owned by said John Chandler Esqr from thence a streight line to the South East corner of Lot

N°. Sixteen and from thence running on the East line of said Lot and on the East Line of lots, N°. fifteen, twenty eight, and Twenty nine to Chesterfield Southwest corner and that the Inhabitants and Lands in said Township East of said Line may be Erected into a Seperate Town or District with the Powers and Priviledges that other Towns in this Province Enjoy

And they as in duty bound shall ever pray &c

JOHN KIRTLAND } Agent for the
{ Memorialists."—

Mass. Archives, vol. 118, *p.* 722.

"June 12, 1773. A Petition of John Kirtland Agent for the Inhabitants of the Easterly part of the Town of Murrayfield in the County of Hampshire — Praying that the said Town may be divided agreable to the Line mentioned in the Petition.

In the House of Representatives. Ordered that Major Hawley, Mr. Paine and Colo Warren with such as the hon^ble. Board shall join be a Committee to take this Petition and the papers accompanying the same into consideration and report.

In Council, Read and nonconcurred and Ordered that the Petitioner notify the Proprietors of Murrayfield by serving their Clerk with a Copy of this Petition & Order that they may shew cause, if any they have, on the second Thursday of the next sitting of the General Court, why the prayer thereof should not be granted. In the House of Representatives, Read and Concurred." — *Council Records, vol.* XXX., *p.* 46.

"June 17, 1773. *Walter Spooner*, Esq; brought down a Bill *for erecting the East Part of* Murrayfield *District into a District.*

Read in Council, and pass'd to be engross'd. Sent down for Concurrence." — *House Journal, p.* 64.

"June 19, 1773. A Bill *for erecting the Easterly Part of* Murrayfield *District into a District.*

Read the first and second Time, and committed for Amendment to Mr. *Pickering* Major *Foster* and Mr. *Bacon*." — *Ibid., p.* 67.

"June 21, 1773. A Bill *for erecting the Easterly Part of* Murrayfield *District into a District.*

Read the third Time with Amendment, and pass'd a Concurrence to be engross'd." — *Ibid., p.* 71.

"June 23, 1773. Upon a Motion, *Ordered*, That Col. *Bowers* go up to the honorable Board, to desire they would send down the *Murrayfield* Petition and Bill." — *Ibid., p.* 77.

"June 25, 1773. In the House of Representatives. Ordered that M^r Hancock, M^r Payne and M^r Phillips be a Committee on the part of this House to confer with a Committee of the hon^ble. Board on the subject matter of this Bill.

In Council, Read and Concurred and Artemas Ward, James Humphrey and Humphrey Hobson Esq^rs. are joined." — *Council Records, vol.* XXX., *p.* 80.

"June 28, 1773. In Council. The Committee of the Board appointed to confer with the Committee of the hon^ble House on the subject matter of the Bill intituled An Act for erecting the easterly part of the Town of Murrayfield in the County of Hampshire into a District by the name of ——having conferred with the said Committee, reported as their opinion that it would be advisable to concur the several amendments made by the House on the said Bill, except the amendment at B. — Read & concurred accordingly with the said amendments, except that at B and passed to be Engrossed. In the House of Representatives, Read and Concurred. — *Ibid., p.* 94.

"For a new District in usual form." — *Gov. Hutchinson to the Lords of Trade, Aug.* 7, 1773: "*Mass. Bay, B. T.*," *vol.* 82, *P. p* , 16.

Chap. 8. "June 11, 1772. A Petition of Benjamin Pemberton Esq^r and others Freeholders in the Town of Roxbury — Setting forth, That their Estates are situate in that part of the first precinct in s^d Town which lies in the Neighbourhood of & borders upon the new or middle Precinct in said Town — That the resident freeholders by reason of the nearness of their several dwellings to the Meeting House in the last mentioned Precinct, have for the time past attended & still continue to attend divine Worship there, weekly contributing towards the Support thereof thó at the same time obliged to pay their quota of the Taxes raised by the first mentioned Precinct — That the Estates of the Non resident Freeholders are intermixt with and contiguous to the other Estates & lye under the same obligation respecting said Taxes. And praying that those of them who are residents, with their Estates as well as the Estates of those of them who are non residents, may be set off to the said new or middle Precinct, and thereby exempted from any future Tax of the said first Precinct.—

In Council, Read and Ordered that the Petitioners notify the first Precinct in the Town of Roxbury by serving them with a Copy of this Petition that they may shew cause, if any they have, on Wednesday the 24. instant, why the prayer thereof should not be granted. In the House of Representatives, Read & Concurred."— *Council Records, vol. XXIX., p.* 253.

"July 2, 1772. A Petition of Benjamin Pemberton Esq^r & others, as entred the 11^th day of June last.

In Council Read again, together with the Answer of the first Parish in Roxbury and ordered that this Petition be dismissed. In the House of Representatives, Read & Concurred.

In the House of Representatives. Reconsidered & nonconcurred the Vote of Council and ordered that the further consideration of this Petition be referred till the next Session of the General Court. In Council, Read & Concurred."— *Ibid., p.* 304.

"Jan. 28, 1773. A Petition of Benjamin Pemberton Esq^r. and others Freeholders in the Town of Roxbury — Praying that they and their Estates may be set off to the new or middle Precinct in the said Town — as entered the 11 day of June last.

In Council, Read again and Ordered that Artemas Ward and James Gowen Esq^rs. with such as may be joined by the hon^ble House be a Committee to take this Petition with the

papers accompanying the same into consideration, hear the parties and report what they think proper this Court should do thereon. In the House of Representatives, Read and Concurred and Col°. Murray Mr Bayley and Capt. Allen are joined."— *Ibid., p.* 444.

"Feb. 6, 1773. The Committee appointed the 28th of January on the Petition of Benjamin Pemberton Esqr and others — reported as their opinion that the said Petition & the Answer thereto be referred to the second Wednesday of the next Session of the General Court.

In Council, Read and accepted and Ordered that the Petition and Answer abovementioned and all the papers accompanying the same be referred accordingly. In the House of Representatives, Read and Concurred."— *Ibid., p.* 463.

"June 14, 1773. A Petition of Benjamin Pemberton Esqr. and others Freeholders in the first Precinct in Roxbury — Praying to be set off to the third Precinct in said Town, as entered the 11th day of June 1772.

In Council, Read again together with the Answers and Ordered that Jeremy Powell, Samuel Phillips and Jedediah Preble Esqrs. with such as the honble House shall join be a Committee to take this Petition with the Answers and papers accompanying the same, into consideration, hear the parties and make report. In the House of Representatives, Read and Concurred, and Mr. Fisher, Capt. Greenleaf, Mr. Allen of Gloucester and Capt. Whitcomb are joined."— *Ibid., vol.* XXX., *p.* 49.

"June 23, 1773. On the Petition of Benjamin Pemberton Esqr. & others — In Council. Ordered that Walter Spooner Esqr. be of the Committee in the room of Jedediah Preble Esqr. who is absent. In the House of Representative, Read and Concurred."— *Ibid., p.* 71.

"June 25, 1773. The following report was made by the Committee appointed for the purpose therein mentioned viz^t—

The Committee on the Petition of Benjamin Pemberton Esqr. and others, praying that they, their Families and Estates lying within the bounds of the first Precinct in Roxbury may be set off to the third Precinct in said Town there to do duty and receive privileges &c have attended that service and beg leave to report as followeth viz^t. that Benjamin Pemberton Esqr, Benjamin May, Capt. John Williams, Ebenezer May, Jeremiah Parker and Lemuel May with their Families and that part of their Estates lying between Jamaica Pond and the Town Road leading from Gambling end to Rocky Swamp so called, Also that the Estates of John Troutbeck, Jonathan Williams and Samuel Austin, lying within the bounds above mentioned, with the Families that do now or may hereafter dwell on said Estates, shall be considered as part of the third Precinct in said Town, there to do duty and receive privileges, And that a Bill be brought in accordingly. Which is submitted Jer. Powell pr Order

In Council, Read and accepted and Ordered that a Bill be brought in accordingly.

In the House of Representatives, Read and Concurred."— *Ibid., p.* 85.

"Merely for altering Parish Bounds."— *Gov. Hutchinson to the Lords of Trade, Aug.* 7, 1773: "*Mass. Bay, B.T.,*" *vol.* 82, *P.p.*, 16.

Chap. 9. "In the House of Representatives June 25 1773 Ordered that Mr Speaker and Mr Adams with such as the Honble Board shall joyn be a Committee to countersign the Treasurers Notes as they may from time to time be issued by Virtue of an Act of this Court. Sent up for Concurrence T Cushing Spkr.

In Council June 25th 1773 — Read & Concurred & James Pitts Esqr is joined —

Jno. Cotton D. Secry

Consented to — T Hutchinson "— *Mass. Archives, vol.* 104, *p.* 628.

"For supplying the Treasury in usual form." — *Gov. Hutchinson to the Lords of Trade, Aug.* 7, 1773: "*Mass. Bay, B. T.,*" *vol.* 82, *P. p.*, 16.

Chap. 10. "To His Excellency Thomas Hutchinson Esqr, Captain, General, and Commander in Cheif, in and over His Majestys Province of the Massachusetts Bay — The Honorable His Majestys Council, and House of Representatives, in General Court Assembled May 1773 —

The Petition of a Number of the inhabitants of the Town of Boston — Humbly Sheweth

That the Law of the Province, fixing the number, & regulating the conduct of Auctioneers in this Town, was made, we apprehend, to releive the trade of the Town, from the late growing evil of a multiplicity of Auctions; which threatned its destruction. A principal part of the evil complained of, we apprehend, was occasioned, by the Auctioneers selling goods, in large & small quantitys, at private Sale; to the very great damage of all persons concerned in trade —

The Law above referred to, limits the number of Auctioneers to four, and impowers the Selectmen to appoint them, under particular regulations, but leaves the Auctioneers at liberty to sell goods at private as well as at public Sale; and we know, that it is their intention, to conduct in this respect, as they have hitherto done; in which case, it is our opinion, that the Trade of the Town will be in a much worse state than it was before the Law aforementioned was made —

We therefore humbly pray your Excellency and Honors, that an addition may be made to the Law, that as the Auctioneers thereby have an *exclusive* right to all the public Sales in this Town, they may be restricted from selling Goods in large or small quantitys, at private Sale. And your petitioners, as in duty bound, shall ever pray —

Samuel Grant & Son	John Simpkins	Amᴬ Davis
Jno Barrett & sons	Jno Langdon	Wm Cunningham
Nathan Frazier	Nath: Langdon	John Joy
Samuel Austin	Thomas Parker Junr	Obah Curtis
Wm Wingfield	Charles Sigourney	John Stedman
Ebenezer Storer	Robert Jenkins	John Cunningham
Andrew Dexter	Duncan Ingraham jun	Bartw Kneeland

PHILIP FREEMAN	WILLIAM BANT	JOHN ADAMS
ROBT SERVILL	JOSEPH BARRELL	JNO SEMPLE
JOHN KNEELAND	HARBOTTLE DORR	HENRY KNOX
SAM: ABBOT & COMPY	FREDK WM GEYER	OLIVER SMITH
SMITH & ATKINSON	CHAS DALENEY	ROBERTS & LEE
CYRUS BALDWIN	JOHN HUNT TERS	WILLIAM GOOCH
JOHN LEVERETT	HERMAN BRIMMER	PETER HUGHES
SAM PARTRIDGE	ANDW BRIMMER	BENJ AUSTIN
SAM DASHWOOD	WILLIAM DAVIES	JOHN PITTS
ISAAC SAVAGE	LEE & JONES	JOB PRINCE
WM EVANS	FRANCIS GREEN	WM WAINE
JA: SALISBURY	WM SCOTT	RALPH FISHER
SAML ELIOT	SAML RUGGLES	WILLM BLAIR TOWNSEND
SAMUEL PARKMAN	GILBT DEBLOIS	PETER VERSTILLE
NATHL ABRAHAM	WILLIAM JONES	JOHN BOYLES
EBENR HANCOCK	GREEN & CLEVERLY	CHARLES MILLER
RD SALTER	JAMES HENDERSON	WILLIAM MCALPINE
ROBERT RUGGLES	JOHN SMITH	JAMES FOSTER
WILLIAM GRAY	SAMUEL FRANKLIN	DANL WALDO
JOHN ANDREWS	NATHL & JOS CRANCH	THO S STODDARD
JOSEPH PEIRCE	PHILIP FREEMAN JUNR	WILLIAM PITTS
		JOHN SHORT."— *Mass. Archives, vol.* 120, *p.* 719.

"May 31, 1773. A Petition of Samuel Grant and others Inhabitants of the Town of Boston — Praying, that, inasmuch as the number of Auctioneers in the said Town by a late Law of the Province is limited to four, who have an exclusive right to all the public Sales in the Town, they may be restricted from selling Goods at private sale.

In the House of Representatives. Ordered that Capt. Doolittle, Capt. Brown of Abington, Capt. Bacon, Mr. Pickering, Mr. Gardner of Stow, Mr. Hopkins and Colo. Gilbert with such as the honble. Board shall join be a Committee to take this Petition together with the Petitions of Martin Bicker John Badger and David Symonds into consideration and report. In Council, Read and Concurred and William Brattle, James Bowdoin James Russell, James Otis, James Pitts and Samuel Dexter Esqrs are joined." — *Council Records, vol.* XXX., *p.* 13.

"To His Excellency the Governor, The Honorable Members of his Majestys Council, and The Honorable Representatives of the Province of the Massachusetts Bay in General Court Assembled.

The Petition of William Hunter of Boston in the said province late Auctioneer

Most humbly sheweth —

That some years ago, the Petitioner became a Settler in Boston aforesaid, and entered into the Business of an Auctioneer, at a time, when only two persons followed the same Calling. That your Petitioner has given the most convinceing proof of his Integrity and dilligence in the said Business and was, and is, at all times ready to give the Town, any security, for conforming to such Laws as are established for its Government.

That by the late Act of the Honorable Court, your Petitioner is deprived of the means of getting Bread for himself and Family, as his Wounds in the last War, have rendered him incapable of following the Sea, to which he was bred.

Therefore The Petitioner most humbly prays your Excellency and Honors, to take his Case into Consideration, and to make such alterations in the Law regarding Vendues, as may leave him at liberty to reEnter into his former Business, as the only means by which he can procure a livlihood. And your Petitioner as in duty bound shall ever pray &ca.

Boston 1st June 1773 WILLIAM HUNTER." — *Mass. Archives, vol.* 120, *p.* 724.

"Province of the Massachusetts Bay

To His Excellency Thomas Hutchinson Esqr Governor &c The Honble. His Majestys Councill and the Honble House of Representatives in General Court Assembled —

The Petition of Archibald Bowman late Auctioneer Humbly sheweth

That your Petitioner having been employ'd in the Business of selling Goods at Public Vendue for a number of years last past whereby he has been enabled to support himself and his Dependants in a decent manner to the approbation of his Employers That being by a late Act of Government with regard to Auctioneers totally debarr'd from his said Employ, he is now rendred incapable of supporting his heavy Charge and most anxious for the Consequences his being out of Business must necessarily produce.

Wherefore your Petitioner humbly prays Your Honors would take his Case into your serious Consideration and reinstate him in his Business Aforesaid or otherwise grant him such Releif as your Honors Wisdom and Candor shall dictate and your Petitioner as in Duty bound shall ever pray &c.

Boston 1st June 1773. ARCHIBALD BOWMAN." — *Ibid., p.* 722.

"June 1, 1773. A Petition of William Hunter, late an Auctioneer in the Town of Boston Praying that such alteration may be made in the Law respecting Vendues as may leave him at liberty to re-enter into that business, as his wounds, in the last War, have rendered him incapable of following the Sea (to which he was bred) to procure a livelihood.

In the House of Representatives. Read and Ordered that Capt. Doolittle Capt. Brown of Abington, Capt. Bacon, Mr. Pickering, Mr. Gardner of Stow Mr. Hopkins and Colo. Gilbert, with such as the honble. Board shall join, be a Committee to take this Petition into consideration and report. In Council, Read and Concurred and William Brattle, James Bowdoin James Russell, James Otis, James Pitts and Samuel Dexter Esqrs. are joined.

A Petition of Archibald Bowman late an Auctioneer in the Town of Boston — Setting

forth; That by a late Law of this Province he is debarred from following the said business, on which he depended for a support for himself & dependants. And praying that he may be reinstated in the said business or otherwise relieved.

In the House of Representatives. Read and Ordered that Capt. Doolittle Capt. Brown of Abington, Capt. Bacon, Mr. Pickering, Mr. Gardner of Stow Mr. Hopkins and Colo. Gilbert with such as the honble. Board shall join, be a Committee to take this Petition into consideration and report. In Council, Read and Concurred and William Brattle, James Bowdoin James Russell, James Otis, James Pitts and Samuel Dexter Esqrs. are joined." — *Council Records, vol. XXX., p.* 16.

"The Committee of both Houses on the Petitions of Samuel Grant and others Merchants of Boston and William Hunter, Archibald Bowman, Martin Bicker, John Badger and David Symonds late Auctioneers in said Town, have attended the services assigned them, fully heard the Petitioners and having maturely considered everything offered in support of their several Petitions, beg leave to make the following Report upon them collectively vizt.

That, in the opinion of the Committee it is highly reasonable that such Persons as are now, or may hereafter be licensed, in the Town of Boston to sell at public Auction should as well in consideration of such exclusive privilege as to put an end to the evils which the Act lately passed 'to regulate the sale of Goods at public Vendue and to limit the number of Auctioneers' was intended to prevent, be effectually restrained from disposing of such Goods and Merchandize as are usually imported from Great Britain and Ireland, at private sale.

The Committee are further of opinion that it will be of no disadvantage to the Province in general, nor to the Trade of the Town of Boston and most likely to satisfy all Persons who deem themselves aggrieved by the Act aforesaid, that the selectmen of said Town be impowered to grant Licenses to such persons in addition to those already licensed within the same, to exercise the business of selling at public Auction as said Selectmen shall judge reasonable and most for the benefit of the public, so that the number do not exceed ten in any one year — And that a Bill be brought in, in addition to the Act aforesaid for the purposes above mentioned. — Which is humbly submitted

JAMES OTIS *p*r order." — *Mass. Archives, vol.* 120, *p.* 728.

"June 15, 1773. The Committee appointed on the Petitions of Samuel Grant and others Merchants of Boston, and William Hunter, Archibald Bowman, Martin Bicker, John Badger and David Symonds late Auctioneers in said Town — made report, after having heard the Petitioners and maturely considered every thing offered in support of their several Petitions. In Council, Read and accepted and Ordered that a Bill be brought in for the purposes abovementioned. In the House of Representatives, Read and Concurred." — *Council Records, vol. XXX., p.* 50.

"Feb. 1, 1774. A Petition of Samuel Grant and others of Boston, Praying that the Auctioneers in the said Town may be restricted from selling Goods at private sale — as entered the 31 day of May last.

In the House of Representatives, Read and revived and Ordered that Colo. Lincoln, Mr. Allen and Major Fuller with such as the honble. Board may join, be a Committee to take this Petition under consideration and report. In Council, Read and Concurred and Mr. Sever & Colo. Cushing are joined." — *Ibid., p.* 143.

"To His Excellency Thomas Hutchinson Esqr Governor, The honorable his Majesty's Councill, & the honorable the House of Representatives of this Province, in General Court assembled

The Memorial of Isaac Smith and others a Committee of the Merchants trading in Brittish Goods in the Town of Boston humbly sheweth that Whereas your Memorialists, in Concert with their Constituents, did at the last Session of this Honourable Court present a petition praying that such Restrictions might be laid on the Auctioneers in Respect to private Sales of Brittish Goods & Merchandize as your Excellcy: and Honors might think fit — and whereas their said petition was by a Vote of the honourable Court refer'd over to this Session — We your Memorialists with all due Defference to the Wisdom of this honorable Court, beg leave to observe that the Subject of our said petition involves in it nothing less than the very Mercantile Existence of the Importers and Venders of Brittish Goods in this and every trading Town thro this Province; the Ability of the Merchants to pay their proportion of Taxes towards the Support of Government; and even the Subsistance of a vast Number of Tradesmen and their Families who depend on *their* Employ for the necessaries of Life — and *so* is of the most interesting Importance —

And whereas an imperfect View of the Case or any Misapprehensions, arising from the Ex-Parte Representation of the Auctioneers, may have the most fatal Effects — We would humbly request; that our said petition may be revived and that this further Restriction be laid, vizt that the public Sales be limited to one Day in a Week & that, previously to passing on the same, we may be heard (in behalf of our Constituents the Body of the Merchants aforesaid) before a Committee of this honourable Court upon the Subject — And your Memorialists as in Duty bound shall ever pray

FREDK WM GEYER	FRANCIS GREEN	SAMUEL AUSTIN
SAML BARRETT JUNR	DANL HUBBARD	JOHN AMORY
SAML ELIOT	ISAAC SMITH	RICHARD SMITH

Boston 3d Febv 1774 —

In the House of Representatives Feb 3 1774

Ordered that this Petition be referd to the Consideration of the Committee of both Houses appointed to consider the Petitition of Samuel Grant Esqr & others and that Cap Heath Mr Gorham & Coll Bowers with such as the Hon Board shall joyn be added to said committee Sent up for Concurrence T CUSHING SPKR

In Council Febv — 3d — 1774 — Read & Concurred, & James Pitts & Samuel Dexter Esqrs are joined — JNO COTTON D. Secry." — *Mass. Archives, vol.* 120, *p.* 733.

"To the Honorable the Committee of His Majesty's Council and House of Representatives —

The answer of the Auctioneers in the Town of Boston, to the Memorial of The Importers of British Goods, &c.

May it please your Honors,

Before we go into an Examination of the Considerations offered by the Committee of Importers, to induce your Honors to favor the Prayer of their Petition and Memorial, it will be necessary to observe — That the Act of the General Court limiting the number of Auctioneers in this Town, and giving the Select-men an Imprimatur on their Books and Business, was introduced and enacted upon the Petition, and at the Request, of the Importers of British Goods; and by them then represented as a necessary Restriction in favor of Trade, in which we took no part: — So that if the Auctioneers now enjoy any exclusive Priviledge, it is under the Provision and limitation of the Laws of the Province, and at the express desire of the Persons now complaining. — Whether the limitation of Auctioneers in this Town, or elsewhere, to any particular number whatever, either has been, or ever will be, of any advantage to a trading Community; or whether like most other Restrictions on Trade & Commerce, it will not be found highly detrimental and injurious, is not our Province now to inquire, it is sufficient for us to acquit ourselves of having contributed to the measure. —

That the legislative Body in every well governed Country have an undoubted right to make and establish Laws for the regulating, encouraging, promoting and extending Commerce is agreed on all hands; and that the English Constitution (to which ours bears a near analogy) is admirably calculated for these great Purposes is acceded to. The British Legislature have on all occasions exerted their Authority to this end; but they have ever been slow in granting the Prayer of Petitions similar to this now depending: — In support of this we would only beg leave to adduce one Instance to our purpose, — A number of years ago the Shopkeepers of the Cities, Towns and Boroughs of Great-Britain preferred a Petition to Parliament praying, that a certain sett of Men known by the name of Chapmen or Pedlars might be suppressed, urging for reasons, that these Men carried about large quantities of Merchandize for Sale, and undersold them, which threatned the total ruin of their Trade; and further alledged that these Men were of no benefit to the Nation, inasmuch as they paid no national Taxes. — A long Debate was had upon the matter in Parliament, and finally it was adjudged contrary to the nature of the British Constitution to trample on the Liberty of one Subject to the Emolument or agrandizing of another, and finally an Act was passed that they should be licensed Yearly, and pay the Sum of Forty Shillings Sterling to the Crown

The Committee of the body of Importers lay down as the Basis of all their Arguments this Proposition, namely, — 'That in a Commercial Country, every particular Branch of Trade established for, and conducive to, the general Interest of the Community, justly intitles its Supporters to the special care and attention of the Legislature,' and then add, 'That the Importation of British Goods is what gives life and spirit to every other branch of Trade and Commerce among us.' — In answer to which we shall only say, that admitting the Proposition in its full latitude, it can never be construed to extend to the abrogating, or even curtailing the Rights and Priviledges of any other part of the Community, whether Traders, Husbandmen or Manufacturers; and therefore we hope and assuredly trust, That a Petition of the Importers of British Goods, however dignified in Persons, Estates or Profession, must and ever will require (before so respectable a Committee) the same Test of Truth, and the same support and Foundation in Reason, as the Petition of any other Subject whatever, and will be attended to so far only, as its Tendency to the general good shall be discoverable.

They next alledge, — 'That the allowing of *Private Sales* by Auctioneers has an inevitable Tendency to establish a Monopoly in their hands, for the benefit of a few Merchants and Manufacturers in England, to the exclusion of the *regular Importers* of British Goods in America,' — whereas the reverse of this is true, A monopoly has in our Apprehension, always been supposed to mean a restriction or limitation of any particular branch of Trade or Commerce to a Person or Corporation, in exclusion of other Subjects of the same State alike intitled without such Restriction to the use of such particular Trade. — If this Definition be just, we would ask who are striving for a Monopoly (ever odious in a free State) the Petitioners who now pray an Abridgment in us, of a Right we enjoy in common with them, and other our Fellow-Subjects, or we who contend only for the enjoyment of a common Priviledge and Advantage, namely, the buying and selling, for the benefit and support of ourselves and Families. — If a Monopoly or the shadow of one is in the hands of the Auctioneers, it consists in the exclusive liberty we enjoy under the late Laws of the Province of selling Goods at Public Vendue; and this if any how detrimental to Trade in general, or subversive of the rights of the Subject (which by the way we by no means allow) is surely attributive to the Seekers of that Law — *The Merchants* rather than to the Auctioneers, who never took any part or ever wished either its Promotion or Continuance. — We are, and have, and trust always shall be ready and willing to share in common with our Fellow-Citizens, not only the right of Private and Public Sales, but every other branch of Business — And we think the Insinuation that the Business we carry on under the Sanction of the Laws of the Province, is in any respect comparable to the Trade of the East-India Company, as unfriendly and injurious both to the Community and to us, as it is inapplicable to their present purpose; and we cannot help saying, that as such an Insinuation could answer no good end, it savors too much of the poor, tho' too common expedient, of obviating a merited and expected Charge by making the first Complaint, and this the Importers themselves apprehend, when in their next Paragraph they endeavour to remove the objection, 'That they are seeking their own private good, and labouring only for their own Emolument.'

They next say, 'The Trade of the Town has long been carried on to the satisfaction of the Mother-Country' — That Innovations are dangerous,' &c. — this we do not dispute, nor indeed is it we, but they who desire an alteration of its course — Auctioneers have

existed as long as the Importers of British Goods, tho' they have never flourished and grown rich. — But, say the Importers in their next Paragraph, 'The Auctioneers almost universally make their Remittances in Cash or Bills of Exchange, whereas the Merchants export the Produce of the Country,' &c. — To this we beg leave to say — that neither Merchants or Auctioneers will ever remit the Debts they owe in England, or elsewhere, in Cash or Exchange, so long as Remittances can be more beneficially made in the Produce of the Country, or any other Merchandize; nor on the other hand will such Produce or Merchandize be sent, while a better Profit can be made by remitting Cash or Exchange; and we are astonished the Merchants should suppose such Reasons as these could possibly be construed to operate more in their favor than ours, or be even mentioned by them, as giving weight to their Petition — But to put an end to this Objection of theirs in a a word, we do affirm, that the Sum total of the whole Remittance that has ever been made to England by all the Auctioneers in this Town united together during the whole course of their Business, does not amount to more than Seven hundred and eighty-five Pounds Sterling, a mere Fraction when compared with the Sums annually remitted by the Importers of British Goods, or as Shakespeare, we think, more beautifully expresses it, — 'A Mote in the Mind's Eye.'

Their next Paragraph is as extraordinary as the foregoing, namely, That the Purchasers of Goods do not bring all the Money they can possibly collect and scrape together to them, but sometimes carry a small part of it to the Auctioneers, and this they do notwithstanding it is against their Interest. If this Paragraph is attended to, we apprehend it will demonstrably prove the rise of this very urgent application against the Auctioneers, and furnish a Clue sufficient to unravel this mighty Embarrassment on Trade, — The Importers of British Goods, either by very large Capitals, or their very extensive Credit in England, it is probable, will soon be enabled to manage and regulate as they please, the whole British Trade, and confine all Importations of British Goods to themselves, and by this means be able to make what Profits and Estates they please, while the rest of the Community must be contented to act as their Factors and Servants, provided these Importers can remove a few Clogs and Incumbrances out of their way, the principal of which are the Auctioneers in Town, who having in general no Capitals of their own, and depending on the quickness of their Sales for a Living, are obliged to sell for a small Profit, and thereby, induce Country Traders to apply to them, rather than to the Merchant who expects greater Profit; — this we very readily admit is detrimental to the great Gains of the Importers and Wholesale dealers, but we contend that it is highly beneficial to the Community in general.

In answer to the fears and apprehensions of the Petitioners, 'That Fraud and Embezzlement will be encouraged, by the *Private Sales* of the Auctioneers,' we beg leave to say, That we humbly apprehend, neither the Petitioners, or any one else have ever had any just reason to suppose the Auctioneers of this Town more likely to encourage Fraud or Embezzlement of any kind than the Importers. — It is true while Public Sales were permitted in the Night-time, as well Auctioneers as Buyers were liable to Impositions, but since that matter has been regulated by the Legislature, no danger can accrue. — Our Private Sales are under the same Restrictions, and subject to the same Regulations by Law, as the private Sales of all other Traders; and we flatter ourselves they will never be thought to need any other, by the Legislature or any other candid and disinterested Persons.

We readily admit, 'That Trade is the great mean of Wealth, and that Wealth is essentially necessary to a vigorous and successful Opposition to arbitrary Power,' but we contend, that the more generally the Wealth of the Community is diffused, the better enabled will it ever be to exert its whole Strength upon every occasion; and that nothing can be more alarming to a Free People, than to see the Riches of the State running in a narrow Channel, and into a few hands, because by such means the *wealthy few* are frequently enabled to arrogate to themselves the *Power*, as well as the Wealth of the State.

The regard the Petitioners really have for the Community will much better appear from their Actions than their Professions; we do however most chearfully allow, they have often deserved well of their Country, but as we have already said, we hope and trust this will never entitle them, either with your Honors, or any one else, to any undue Advantages or extraordinary Priviledges.

They next go on to pray a further and more grievous Burthen may be laid on the Auctioneers, namely, 'That in addition to their being excluded from all right of Private Sales they should be limited and restricted in their Public Sales to one day in a week,' (directly counteracting the Divine Command, '*Six Days shalt thou labour, and do all thy work*;') 'and that an Act might be passed for this purpose and be made Perpetual, or at least extend to a very distant day' — In answer to which we cannot help saying, the Petitioners would have discovered more Humanity, and more of a benevolent Spirit, if they had directly prayed that we and our Families should be literally starved, unless we would consent to become the menial Servants or Slaves to the Importers of British Goods — It reminds us of that old, tho' true Adage, '*That the love of Riches, increases with the increase of Riches;*' and we believe we may safely affirm, That Commerce in every Age and Country has sustained more detriment from the endeavors of those, who having gained immense Riches in Trade, have become jealous of their less successful Brethren, than by any other means whatever: — To this Jealousy and this narrow Policy is owing the Existance and vast Wealth of all the great Trading Companies in Europe, who, if they benefited the Community by first extending the limits of Commerce, have always amply compensated themselves by their exclusive and exorbitant Gains.

May it please your Honors.

Having now gone thro' all the Arguments the Petitioners have offered, shall only add, — That as on the one hand we wish for no exclusive Right or Priviledge above our Brethren, so we hope and trust we shall not be especially restrained from the enjoyment of a common Benefit. — That if we are restricted from our private Trade, we can by no means support ourselves or Families, and how much less if our Public Sales should be also limited.

—That with all our advantages so much complained of and so earnestly petitioned against, our Gains bear no Proportion to those of the Importers of British Goods.—That if Goods sent to Auction must always be sold by inch of Candle or the stroke of the Mallet, the necessitous part of the Community who are obliged to sell off their Goods & Effects for ready Money would very often suffer vastly more in their Estates than they now do, while their Goods have the advantage of a private as well as a Public Sale.—That the Act limiting the number of Auctioneers being made to continue only for two Years (one of which is past) no great Injury can be sustained by the Merchants, if their present reasoning is well grounded, because there is no danger the Act, if really injurious to the Trade of the Province, will ever be revived or continued.

May it therefore please your Honors.

For these and other reasons too tedious to enumerate, and which your Wisdom will easily discover, we most humbly pray your Honors would not favor the Prayer of their Petition, but report a dismission thereof. Confiding in the Justice of our Cause, and the unbiassed Integrity of our Judges, we cannot be apprehensive of the Injury intended us, and most chearfullly submit to the Decision of the distinguished Guardians of the natural and constitutional Rights and Liberties of the Subject.—

MOSES DESHON	BENJA CHURCH
ROBT GOULD	JOS. RUSSELL
MARTIN BICKER	WM GREENLEAF
WILLIAM HUNT	ANDREW OLIVER
	WILLIAM FALLASS."—*Ibid.*, *p.* 735.

"Mar. 8, 1774. The Committee appointed on the Petition of Samuel Grant Esqr. and others and the Memorial of Isaac Smith Esqr. and others, having heard the Petitioners and Memorialists, and also the Auctioneers of the Town of Boston—Reported—that they judged it unreasonable that the Auctioneers should have any further restrictions laid upon them respecting their public sales but that they were of opinion the Auctioneers should be restrained from selling at private sale all such Goods and Merchandize as are usually imported from Great Britain and Ireland, saving only such commodities as are of a perishable nature.

In Council, Read and accepted and Ordered that the Petitioners have leave to bring in a Bill accordingly for the purposes therein mentioned. In the House of Representatives, Read and Non concurred and Ordered that the Petitioners have leave to withdraw their Petition. In Council, Read and Concurred."—*Council Records*, *vol. XXX.*, *p.* 272.

"An Addition to an Act relative to Vendues passed the last year upon which I then remarked."—*Gov. Hutchinson to the Lords of Trade, Aug.* 7, 1773: "*Mass. Bay, B. T.*," *vol.* 82, *P. p.*, 16.

"In humble obedience to your Lordships Commands signified to me by Mr. Pownall. I have perused and considered an Act passed by the Governor, Council and House of Representatives of his Majesty's Province of the Massachusetts Bay in June 1773 intitled

An Act in addition to an Act made and passed in the present year of his Majesty's reign, intitled An Act to regulate the Sale of Goods at Publick Vendue, and to limit the number of Auctioneers.

Which your Lordships will observe is made to amend a former Act passed for the same purpose, and is liable to the same objection, namely that it entrusts a Power to the Select Men of Boston which for many reasons is more fit to be exercised by his Majesty's Governor."—*Extract from report of R. Jackson, Feb.* 22, 1774: *ibid.*, *P. p.*, 66.

Chap. 11. "June 5, 1773. A Petition of *John Locke*, and others, Assessors of the Town of *Ashby*, praying an Explanation of a Clause in the Act for taxing the Lands in new Townships.

Read and committed to Dr. *Holton*, Mr. *Bulling* and Col. *Orne*."—*House Journal*, *p.* 33.

"June 17, 1773. The Committee on the Petition of *James Locke*, junr. reported. *Ordered*, That the Petitioner have Leave to bring in a Bill accordingly."—*Ibid.*, *p.* 62.

"For the convenience of the Inhabitants of Ashby a new settlement."—*Gov. Hutchinson to the Lords of Trade, Aug.* 7, 1773: "*Mass. Bay, B. T.*," *vol.* 82, *P. p.*, 16.

Chap. 12. "An Act for the convenience of Boston."—*Ibid.*

"I have likewise perused and considered another Act passed in June 1773. intitled

An Act for regulating Lamps already set up, or that may hereafter be set up for enlightening the Streets, Lanes, Alleys or Passage Ways in the Town of Boston.

Which likewise appears to me to be improper, as it gives the Select Men of Boston, Powers that may be used for purposes of Oppression, against such Persons as they may conceive a dislike to—the Act empowering the Select Men to set an arbitrary Value on any accidental damage done to any Post Iron or other Furniture thereof; and in case of non-payment to recover double the damage and Costs of Prosecution.

There is another Objection to this Act of the same sort, it impowers the Select Men to compel the Owner of a sign or Post which they shall judge to intercept or lessen the light of a Lamp to remove such Sign or Post—it is obvious that any Post or Sign may be so deemed—that this Power may not improbably be used very partially and to serve mischievous purposes especially as the Removal is to be at the Expence of the Owner and there is no Appeal given—I cannot therefore but advise your Lordships to report this Act as fit to be repealed unless your Lordships should judge that it may be better corrected by an Act for that purpose."—*Extract from the report of R. Jackson, Feb.* 22, 1774: *ibid.*, *P. p.*, 66.

Chap. 13. "June 20, 1772. A Petition of Caleb Graffum and Micah Walker a Committee in behalf of the Inhabitants of the Town of Windham in the County of Cumberland—setting forth—That most of the Lands in said Town are laid out into hundred Acre

lots on some of which Improvements are by* making by Settlers — That although the proprietors have made large advances to enable the said Inhabitants to settle and support public worship and other Charges, yet large sums are still wanting for supporting the preaching of the Gospel and for clearing Roads and making them passable in the said Town — That the said hundred Acre lots, except what is actually improved, cannot be charged with any sort of Taxes either by the Town or the Proprietors, although clearing and preparing Roads are principally for their advantage. And praying that the Selectmen or Assessors of said Town for the time being, may be authorized to assess all the unimproved Lands one penny half penny ℔r Acre Yearly, to be applied for the purposes aforesaid; the General Court several Years ago having granted a Tax of the like kind, but one of the Assessors dying and one other refusing to act, the said Town received no benefit from the Grant.

In the House of Representatives, Read and ordered that the Petitioners notify the Proprietors of the unimproved Lands in said Town of Windham by publishing the substance of this Petition in Edes and Gills and Drapers News papers three Weeks successively to shew cause on the second Wednesday of the next Session of the General Court why the prayer should not be granted. In Council, Read and Concurred."— *Council Records, vol. XXIX., p.* 279.

"Jan. 28, 1773. A Petition of Caleb Graffam and Micah Walker a Committee in behalf of the Inhabitants of the Town of Windham in the County of Cumberland — Praying that a Tax may be laid on all the unimproved Lands in said Town of one penny half penny ℔r Acre yearly to enable them to support the preaching of the Gospel and to clear Roads and make them passable in the said Town — as entered the 20 day of June last.

In Council, Read again together with the Answer of Nathan Bowen and others, and Ordered that James Gowen Esqr. with such as the honble. House may join, be a Committee to take the same into consideration and report what they may judge proper for this Court to do thereon. In the House of Representatives, Read and Concurred and Capt. Mosely and Mr. Pierce are joined with the Committee of the honorable Board." — *Ibid., p.* 413.

"Feb. 17, 1773. The Committee appointed the 28 day of January on the Petition of the Inhabitants of the Town of Windham in the County of Cumberland, made the following report viz^{t} —

The Committee of both Houses appointed to consider the Petition of the Inhabitants of the Town of Windham and the Answer of the proprietors thereto have attended that service, fully heard the parties and duly considered the same and are of opinion that the prayer of said Petition be so far granted that the Assessors of the Town of Windham for three years next be authorized and impowered to assess yearly one penny half penny an Acre on every hundred Acre lot in said Town of Windham, not otherwise taxed, except Ministerial and School Lands, and that one half of the Money raised by said Tax be paid into the hands of the Treasurer of said Town of Windham to be by them applied to the payment of the Minister and other Town charges, and the other half to be paid into the said Proprietors Treasury to be by them applied to the opening and making passable such Ways in said Town as are not passable, and that the Petitioners have liberty to bring in a Bill for that purpose — Which is humbly submitted — JAMES GOWEN ℔r Order

In Council, Read and accepted and Ordered that the Petitioners have leave to bring in a Bill accordingly.— Sent down for Concurrence."— *Ibid., p.* 505.

"Confined to a Town in Cumberland County in form as usual." — *Gov. Hutchinson to the Lords of Trade, Aug.* 7, 1773: "*Mass. Bay, B. T.*," *vol.* 82, *P. p.*, 16.

"Sept. 19, 1780. †In the House of Representatives On the Petition of Caleb Graffam of Windham in the County of Cumberland representing that in the Year 1773 he was chosen by the said Town of Windham to collect the sums assessed on the hundred acre lots there agreeably to an Act of the General Court entituled — 'An Act empowering the Assessors of the Town of Windham in the County of Cumberland to assess yearly for the three Years next ensuing one penny half penny per acre on every of the hundred acre lots in said Town already lotted out & not otherwise taxed (ministerial and School lands in said Town excepted)' — That he posted up Copies of the lists of Assessments committed to him by the Assessors as in & by said act were directed, in the Towns of Windham Falmouth &, Marblehead — That he can procure evidence of his having posted up such notifications in the Towns of Windham & Falmouth, but on account of the death and removal of a great number of persons who then lived in Marblehead he finds himself unable to obtain sufficient evidence of their being posted up there & therefore praying the Court to determine with respect to the evidence of such notifications in causes at Law wherein he may be interested — Resolved that in all causes or actions at Law wherein the said Caleb Graffam shall be interested & wherein the proof of notifications as abovementioned being posted up at the three Towns aforesaid shall be required, the oath of the said Caleb that the same were posted up in the Town of Marblehead together with other proof that they were posted up in the Towns of Falmouth & Windham shall be accounted sufficient evidence & the several Courts at Law within this State wherein such cause or action may be depending are hereby empowered & directed to receive the same so accordingly — In Council — Read & Concurred Consented to by fifteen of the Council." — *Council Records, vol. XL., p.* 565.

Chap. 14. The article recommended by the Lords of Trade to be inserted in the instructions to Gov. Hutchinson, forbidding him to assent to any tax-act which did not contain a clause exempting all persons from being taxed for official incomes not received by virtue of an act of the provincial legislature (see note to 1769–70, chapter 1, *ante*), was accordingly prepared, and was numbered twenty-seven in the list of instructions received by him.

The date of these instructions was Mar. 6, 1771, and, in compliance therewith, the Governor refused his assent to a tax act on the fourth of July of that year. The present act is in the usual form, and makes no exception in favor of the officers of the customs. As

* *Sic.*

† Printed resolves, chapter XLIV.

this instruction was, in substance, renewed to Governor Gage, and as no evidence has been discovered that it was suspended, or that Hutchinson had permission to disregard it in this particular instance, it is exceedingly difficult to suggest any plausible explanation of his conduct in signing this bill.

The following are the proceedings on the tax bill of 1771: —

"July 4, 1771. The Secretary went down to the House of Representatives with the following Message from his Excellency the Governor viz^t.

Gentlemen of the House of Representatives —

The Secretary has laid before me an Engrossed Bill intitled 'An Act for apportioning and assessing a Tax of fifteen thousand pounds' &c

I find that this Bill is of the same tenor with the Acts which of late years have been annually passed by the General Court. By virtue of those Acts the Assessors in several Towns have taxed the officers of the Crown who have been resident in such Towns for the profits which they receive from their Commissions, although their offices have no peculiar relation to this Province. I doubt whether this could be the intent of the former Acts, but as this construction has been put upon them, I cannot sign another Act in the same form, being expressly forbid by his Majesty's 27^th Instruction from giving my Consent to such an Act upon any pretence whatsoever. I cannot doubt of your being of the same sentiment with me that such a general clause as is now in the Bill which impowers the assessors to Tax all Commissions of profit, needs some qualification, and that it should extend no farther than to Commissions which peculiarly relate to this Province, otherwise any of his Majesty's Servants who may occasionally reside here for a short term may be taxed for the profit which they receive from their Commissions and places in Great Britain and every other part of his Majesty's Dominions. T. HUTCHINSON." — *Council Records, vol. XXIX., p.* 119.

"July 5, 1771. Mr. Hancock and others a Committee of the House of Representatives waited on his Excellency the Governor with the following Message viz^t —

May it please your Excellency

The House of Representatives have taken into consideration your Excellency's Message of this day. The reason you are pleased to assign for withholding your assent to the Tax Bill is surprizing and alarming. We know of no Commissioners of his Majesty's Customs, nor of any Revenue his Majesty has a right to establish in North America: We know and feel a Tribute levied and extorted from those, who if they have property, have a Right to the absolute disposal of it.

By the Royal Charter it is expressly granted that the General Assembly shall have full power and authority to impose and levy proportionable and reasonable assessments, Rates and Taxes upon the Estates and Persons of *all and every the Proprietors and Inhabitants* of this Province: Hence it plainly appears that the power of raising and levying Taxes is vested in the General Assembly; and that power which has the sole right of raising and levying Taxes, has an uncontroulable Right to order and direct in what way and manner and *upon whom* such Taxes shall be raised and levied. Therefore for your Excellency to withhold your assent to this Bill merely by force of Instruction is effectually vacating the Charter and giving Instructions the force of Laws within this Province. And we are constrained to say that your Excellency's present determination is to be governed by them tho' this should be the consequence. We must further observe that such a doctrine, if established, would render the Representatives of a free people, mere Machines; and they would be reduced to this fatal alternative either to have no Taxes levied and raised at all, or to have them raised and levied in such way and manner and upon those only whom his Majesty pleases.

As to the operation of Law mentioned in your Excellencys Message the Law of this Province, at least in this respect, has rightly operated as it ever ought to, and we know no reason nor any semblence of reason why the Commissioners, their superior or subordinate officers who are equally protected with the other Inhabitants, should be exempted from paying their full proportion of Taxes for the support of Government within this Province." — *Ibid., p.* 125.

"I shall only observe upon your Message presented me this day in Answer to my Message to you of yesterday, that whatever may be the Rights of the General Assembly in matters of Taxation, the Crown hath certainly reserved to itself the Prerogative of disallowing every Law of what nature soever; and as the disallowance of a Tax Act, after it is in part executed, would cause great perplexity, I think that his Majesty's Instruction pointing out to you, through me his Servant, those parts of your Tax Acts which he disapproves of, should be considered as an instance of his tenderness and paternal regard to his Subjects and that it is not liable to the least exception. I shall transmit my Message and this your extraordinary Answer to be laid before his Majesty." — *Extract from Gov. Hutchinson's speech to the House, July* 5, 1771: *ibid., p.* 129.

The committee appointed upon the petition of the inhabitants of the town of Taunton, praying for a settlement of the bounds between Taunton and Middleborough, having reported April 19, 1771, they, —

"At the same time laid before the Court an Account of their time and expences in the above affair; upon which the following Order passed viz^t. In Council, Read and sent down.

In the House of Representatives. Read and Resolved that the sum of five pounds, fourteen shillings be allowed and paid out of the public Treasury to the said Committee, and that the said Sum be laid on the Town of Taunton in the next Tax Act. In Council, Read and Concurred, Consented to by the Governor." — *Ibid., vol. XXVIII., p.* 524.

"May 31, 1771. The House took into Consideration the Circumstances of such Towns in the Province as have not returned Members to the General Assembly the present Year, and *Ordered*, That the further Consideration thereof be referred till To-Morrow Eleven o'Clock." — *House Journal, p.* 13.

"June 1, 1771. The House according to Order enter'd into the further Consideration of the Circumstances of such Towns as have return'd no Members to represent them in this Assembly.

Ordered, That a Fine be laid upon each of the following Towns for neglecting to return Members to this Assembly, *viz.*

Hanover, in the sum of	*Nine Pounds*,
Middleton,	*Nine Pounds*,
Scarborough,	*Fifteen Pounds*,
Eastham and Wellfleet,	*Ten Pounds*,
Sunderland and Montague,	*Ten Pounds*,
Dudley,	*Ten Pounds*,
North-Yarmouth,	*Ten Pounds*,
Northfield,	*Eight Pounds*,
Easton,	*Seven Pounds*,
Plympton,	*Twelve Pounds*,
Tewksbury,	*Seven Pounds*,
Dracut,	*Seven Pounds*,
Lincoln,	*Eight Pounds*,
Acton,	*Eight Pounds*,
Wenham.	*Eight Pounds*,
Edgartown,	*Ten Pounds*."

— *Ibid.*, *p.* 15.

"June 20, 1771. The House entered into further Consideration of the Circumstances of such Towns as had returned no Members to this Court.

Whereupon, *Resolved*, That the following Sums be assessed on the Towns hereafter mentioned, for their neglecting to return Members to the General Assembly the present Year, viz.

Bellingham, in the Sum of	*Six Pounds.*
Littleton,	*Twelve Pounds.*
Wilmington,	*Six Pounds.*
Holliston,	*Ten Pounds.*
Dunstable,	*Five Pounds.*
Edgartown,	*Ten Pounds.*
Leominster,	*Seven Pounds.*
Hardwick,	*Twelve Pounds*
Western,	*Eight Pounds.*
Petersham,	*Ten Pounds.*
Westminster,	*Seven Pounds.*
Sandisfield,	*Eight Pounds.*

Richmond & *Lenox*, *Eight Pounds*, to pay the same severally in Proportion, as they are respectively taxed." — *Ibid.*, *p.* 66.

"May 29, 1772. The House took into Consideration the Circumstances of those Towns which return'd no Members, and thereupon, *Ordered*, That a Fine be laid on the several Towns hereafter mention'd as follows, *viz.*

Southborough,	*Ten Pounds*,
Grafton,	*Ten Pounds*,
Hardwick,	*Ten Pounds*,
Littleton,	*Twelve Pounds*,
Tewksbury,	*Ten Pounds*,
Holliston,	*Ten Pounds*,
Wenham,	*Five Pounds*,
Northfield,	*Ten Pounds*,
Middleton,	*Ten Pounds*,
Methuen,	*Ten Pounds*,
North-Yarmouth,	*Fifteen Pounds*,
Dudley,	*Nine Pounds*,
Sturbridge,	*Ten Pounds*,
Leominster,	*Nine Pounds*,
Kingston,	*Twelve Pounds*."

— *Ibid.*, *p.* 10.

"June 2, 1772. The House entered into the further Consideration of the Circumstances of such Towns as have return'd no Members to the General Assembly the present Year: And thereupon,

Resolved, That a Fine be laid upon each of the Towns hereafter named, for neglecting to return a Representative to the General Assembly, in the Sums following, *viz.*

Wilmington,	*Ten Pounds*,
Acton,	*Ten Pounds*,
Dunstable,	*Ten Pounds*,
Lincoln,	*Ten Pounds*,
Westminster,	*Six Pounds*,
Brunswick, and the District of *Harpswell*, to be proportion'd as they shall be assess'd in the Tax Bill.	*Fifteen Pounds*,
Sandisfield,	*Ten Pounds*,
Dracut,	*Ten Pounds*."

— *Ibid.*, *p.* 18.

"June 5, 1772. A Petition of the Selectmen of the Town of *Plympton*, praying that a Fine impos'd upon said Town for neglecting to return a Representative the last Year, may be remitted, for Reasons mentioned.

Read and committed to Col. *Warren*, Mr. *Bigelow* of *Worcester*, and Capt. *Heath*." — *Ibid.*, *p.* 26.

"June 9, 1772. The Committee on the Petition of the Town of *Plympton*, reported. *Ordered*, That the Prayer be granted accordingly; and that the Fine impos'd on said Town of *Twelve Pounds* for not returning a Representative the last Year be remitted. And the Treasurer is directed not to assess the said Town therefor."—*Ibid.*, *p.* 35.

"June 17, 1772. A Petition of Samuel March in behalf of the Town of Scarborough in the County of Cumberland—Setting forth—That the s^d. Town was fined in the sum of ten pounds in the Year 1770, and the sum of Fifteen pounds in 1771. for not sending a Representative to the General Court in those Years. And as the said Town have not neglected to send a Representative for twenty Years past, except in one or two Instances beside those aforementioned and have lately been at great expence in settling a Minister and have suffered near five hundred pounds lawful Money by means of defective Collectors of Taxes and otherwise sustained great losses, Praying that the s^d. Fines may be remitted.

In the House of Representatives, Resolved that the Prayer of this Petition be granted; that there be allowed and paid out of the public Treasury into the Hands of M^r. Samuel March for the use of the Town of Scarborough the sum of Ten pounds being the sum assessed on said Town for neglecting to return a Representative to the General Assembly in the Year 1770, and also that the Fine laid on said Town for omitting to return a Representative in the Year 1771. be remitted. In Council, Read & Concurred Consented to by the Governor."—*Council Records, vol., XXIX., p.* 269.

"June 19, 1772. A Petition of Capt. *Ephraim Doolittle*, Representative of the Town of *Petersham*, praying that a Fine laid on said Town for omitting to return a Representative the last Year may be remitted, for Reasons mentioned.

Read and committed to Col. *Gilbert*, Mr. *Allen* and Col. *Whitcomb*."—*House Journal*, *p.* 61.

"June 27, 1772. The Committee on the Petition of Capt. *Ephraim Doolittle*, reported that the Fine laid upon the Town of *Petersham* for not returning a Member as mentioned in the Petition, be remitted.

Read and accepted, and *Ordered*, That the same be remitted accordingly."—*Ibid.*, *p.* 80.

"June 29, 1772. A Petition of *Thomas Cooke*, Esq; praying that a Fine of *Ten Pounds* laid on the Town of *Edgartown*, for not returning a Member the last Year may be remitted, for Reasons mentioned.

Read and committed to Col. *Gilbert*, Mr. *Rawson*, and Col. *Murray*."—*Ibid.*, *p.* 81.

"July 6, 1772. A Petition of *Thomas Brigden*, Esq; in Behalf of the Town of *Westminster*, praying that a Fine laid on the Town for not returning a Member to this Court the present Year, and also another Fine for not returning a Member the last Year, may be remitted, for Reasons mention'd.

Read and committed to Capt. *Brown* of *Abington*, Mr. *Dennie* and Col. *Bowers*."—*Ibid.*, *p.* 93.

"July 7, 1772. The Committee on the Petition of *Thomas Brigden*, Esq; in Behalf of the Town of *Westminster*, enter'd the 6th Instant, reported.

Read and accepted, and *Ordered*, That the Prayer be granted, and that the Fines laid on said Town for not returning a Member to this Court, for the Years 1771 and 1772, be remitted."—*Ibid.*, *p.* 96.

"Jan. 12, 1773. A Petition of the Inhabitants of *New-Gloucester*, praying that their Tax to the Province for the present Year, may be remitted for Reasons mentioned.

Read and committed to Mr. *Tyng*, Col. *Thayer*, Col. *Bowers*, Mr. *Hobson*, and Capt. *Heath*.

A Petition of the Inhabitants of *Peirsonton*. Also a Petition of the Inhabitants of *New-Boston*, each praying for a Remission of their Taxes.

Read and committed to the Committee appointed to consider the Petition of the Inhabitants of *New-Gloucester*.

* * * * * * * * * * * * * * * *

A Petition of the Inhabitants of *Partridgefield*, praying for a Remission of their Province Tax.

Read and *Ordered* to lie."—*Ibid.*, *pp.* 151 *and* 152.

"Jan. 18, 1773. A Petition of *David Stockbridge*, Esq; praying that a Fine laid on the Town of *Hanover*, for not returning a Member to the General Assembly in 1770, may be remitted.

Read and committed to Dr. *Tufts*, Mr. *Gorham* and Mr. *Bigelow*."—*Ibid.*, *p.* 163.

"Jan. 19, 1773. The Committee on the Petition of *David Stockbridge*, Esq; reported, that the Fine laid on the Town of *Hanover* for omitting to return a Member to the General Court in 1771, be remitted.

Read and accepted, and *Ordered*, That the said Fine be remitted accordingly."—*Ibid.*, *p.* 167.

"May 28, 1773. A Petition of the Inhabitants of *Winthrop*, praying to be exempted from a Provincial Tax for five Years.

Read and committed to Mr. *Ellis* of *Dedham*, Capt. *Brown*, Mr. *Allen*, Capt. *Gray*, Col. *Lincoln*, Mr. *Fisher* and Capt. *White*."—*Ibid.*, *p.* 16.

"May 29, 1773. The House took into Consideration the Circumstances of such Towns as have not return'd Persons to serve as Representatives in this Court the present Year.

Whereupon, *Ordered*, That the several Towns hereafter mentioned, be assessed in the following Sums, *viz.*

Bellingham, *eight Pounds.*
Medway, *twelve Pounds.*
Needham, *twelve Pounds.*
Townshend and Ashby, *ten Pounds.*
Bedford, *ten Pounds.*
Wesford, *fourteen Pounds.*
Tewksbury, *eight Pounds.*
Acton, *ten Pounds.*
Manchester, *nine Pounds.*
Methuen, *fourteen Pounds.*
Wareham, *six Pounds.*
Duxbury, *twelve Pounds.*
Holden, *eight Pounds.*
Grafton, *eleven Pounds.*
Sturbridge, *fourteen Pounds.*
Dudley, *ten Pounds.*

Littleton, *twelve Pounds.*
Dracut, *ten Pounds.*
Lincoln, *nine Pounds.*
Wilmington, *eight Pounds.*
Holliston, *twelve Pounds.*
Wenham, *seven Pounds.*
Middleton, *nine Pounds.*
Leominster, *twelve Pounds.*
Upton, *six Pounds.*
Western, *eleven Pounds.*
Rainham, *ten Pounds.*
Berkley, *seven Pounds.*
Truro, *nine Pounds.*
Edgartown, *nine Pounds.*
Dunstable, *nine Pounds.*" — *Ibid.*, *p.* 18.

"May 31, 1773. A Petition of *Joseph North* and *Gideon Gardner*, Agents for the Inhabitants of the Plantation called *Gardner's-Town*, praying that their Taxes may be remitted or abated, for Reasons mentioned.

Read and *Ordered*, That the Committee appointed to consider the Petition of the Inhabitants of the Town of *Winthrop*, consider this Petition also and report." — *Ibid.*, *p.* 22.

"June 1, 1773. The House according to Order entered into the Consideration of the Expediency of a Tax-Act the present Year. And thereupon,

Resolved, That the Sum of *Fifteen Thousand Pounds* be raised the present Year, by Way of a Tax, on the rateable Polls and Estates; and *Ordered*, That Mr. *Pickering*, Mr. *Gorham*, Capt. *White* of *Brookline*, Col. *Orne* and Col. *Gilbert*, be a Committee to bring in a Bill for the said Purpose." — *Ibid.*, *p.* 23.

"June 2, 1773. A Petition of the Inhabitants of *New-Gloucester*, praying an Abatement of Taxes.

Read and committed to the Committee appointed to consider the Petition of the Town of *Winthrop*." — *Ibid.*, *p.* 26.

"June 5, 1773. A Petition of Capt. *John Gray*, Agent for the Town of *Kingston*, praying that a Fine laid on said Town the last Year for omitting to return a Member to the General Court, may be remitted.

Read and committed to Capt. *Nye*, Capt. *Bragdon* and Mr. *Bliss*." — *Ibid.*, *p.* 33.

"June 8, 1773. A Petition of the Inhabitants of *Partridgefield*, praying for an Abatement of their Taxes.

Read and *Ordered*, That the Committee appointed to consider the Petition of the Town of *Winthrop*, consider this Petition and report." — *Ibid.*, *p.* 39.

"June 10, 1773. The House reconsidered their Vote to raise the Sum of *Fifteen Thousand Pounds*, and *Resolved*, That the Sum of *Twenty Thousand six Hundred and twenty-five Pounds*, be raised by Way of Tax on Rateable Polls and Estates the present Year." — *Ibid.*, *p.* 44.

"June 11, 1773. A Petition of the Inhabitants of *Royalston*, praying an Abatement of their Taxes.

Read and *Ordered*, That the Committee appointed to consider the Petition of the Town of *Winthrop*, consider this Petition also, and report." — *Ibid.*, *p.* 47.

"June 12, 1773. A Petition of *Joseph Buckminster*, Esq; and others, Agents for the Town of *Framingham*, setting forth that said Town by Means of an Act of the General Court, have been obliged to pay into the Province Treasury the Sum of *fifty-four Pounds thirteen Shillings and three Pence half-penny*, as mentioned in the Petition, which they apprehend to be against Right; and therefore pray the Consideration and Relief of this Court.

Read and committed to Col. *Worthington*, Col. *Leonard* and Mr. *Payne*." — *Ibid.*, *p.* 51.

"June 24, 1773. The Committee on the Petition of Capt. *John Gray*, in Behalf of the Town of *Kingston*, reported that the Prayer be granted; and that the Fine laid on said Town for not sending a Member to the General Court in the Year 1772, be remitted." — *Ibid.*, *p.* 80.

"June 25, 1773. The Committee on the Petitions of *Royalston*, *Winthrop*, *Bellingham* and *Belchertown*, praying an Abatement of their Taxes, reported. *Ordered*, That said Petitions be dismiss'd." — *Ibid.*, *p.* 84.

"Feb. 4, 1774. In the House of Representatives. Whereas the Town of Hardwick was fined by the House for not returning a member to the General Court in the year 1771 the sum of twelve pounds, which Fine was remitted to said Town in the last Session of this Court; nevertheless the said Town is taxed for the same. — Resolved that there be allowed and paid out of the public Treasury into the hands of Capt. Paul Mandel the sum of twelve pounds for the use of the said Town of Hardwick. In Council, Read and Concurred, Consented to by the Governor.

In the House of Representatives. Whereas the Town of Kingston was Fined by this House for not returning a member to the General Court in the year 1772 the sum of twelve pounds, which Fine was remitted to said Town in the last Session of this Court, nevertheless the said Town is taxed for the same. Resolved that there be allowed and paid out of the public Treasury into the hands of Capt. John Gray the sum of twelve pounds for the use of said Town of Kingston. In Council, Read and Concurred Consented to by the Governor." — *Council Records*, *vol.* XXX., *p.* 153.

"Feb. 17, 1774. In the House of Representatives. Resolved that there be paid out of the public Treasury to Barnabas Freeman Representative for the Town of Eastham and District of Wellfleet the sum of five pounds, eleven shillings & eight pence for the use of the said Eastham, and also the sum of four pounds eight shillings and four pence for the use of said Wellfleet, being in the whole the sum of ten pounds, which sum said Town and District was fined and assessed in the last Tax Act for not sending any person to represent them in the Great and General Court in the year 1770. — In Council, Read and Concurred, Consented to by the Governor." — *Ibid.*, *p.* 190.

"Feb. 24, 1774. A Petition of John Child and others a Committee of the Town of Holden—Setting forth—That a Fine was laid on the said Town, the last Session of this Court, for not sending a Representative. And, as the said Town consists of a great number of poor people, has many Roads and Bridges to support and are about settling a Minister, Praying that the said Fine may be remitted.

In the House of Representatives — On the Petition of John Child and others in behalf of

the Town of Holden praying that a Fine of eight pounds laid on said Town at the last Session of this Court may be remitted — Resolved that the Province Treasurer be and hereby is directed to pay to Mr. Phinehas Heywood for the use of the Town of Holden aforesaid the said sum of eight pounds. In Council, Read and Concurred, Consented to by the Governor." — *Ibid., p.* 215.

"June 10, 1774. A Petition of the Selectmen of the Town of Needham — Praying that the Fine laid on the said Town for not sending a Representative to the General Court in the year 1773, may be remitted.

In the House of Representatives — Resolved that the prayer be granted and that there be allowed and paid out of the public Treasury into the hands of the Selectmen for the use of the Town of Needham twelve pounds being the sum assessed on the said Town for neglecting to return a Representative to the General Court in the year 1773. In Council, Read and Concurred, Consented to by the Governor." — *Ibid., p.* 304.

"June 11, 1774. A Petition of the Selectmen of Wareham in the County of Plymouth Praying that the Fine laid on the said Town for not sending a Representative the last year may be remitted.

In the House of Representatives — Resolved that the sum of Six pounds laid on the Town of Wareham by the General Court at their Session in May 1773 as a Fine for not sending a Representative be remitted, and that the sum of six pounds be paid out of the public Treasury of this Province to Capt. Ebenezer White for the use of the said Town of Wareham; they having been taxed for the same. In Council, Read and Concurred, Consented to by the Governor.

A Petition of Joseph Read Agent for the Town of Westford — Praying that the Fine laid on the said Town for not sending a Representative the last year may be remitted.

In the House of Representatives — Resolved that there be allowed and paid out of the public Treasury into the hands of Mr. Joseph Read for the use of the Town of Westford the sum of fourteen pounds being the sum assessed on said Town for neglecting to return a Representative to the General Court the last year. In Council, Read and Concurred, Consented to by the Governor." — *Ibid., p.* 305.

"June 14, 1774. A Petition of Jonathan Adams Agent for the Town of Medway — Praying that a Fine laid on the said Town for not sending a Representative to the General Court the last year, may be remitted.

In the House of Representatives — Resolved that the prayer of the foregoing Petition be granted and the Fine laid upon the Town of Medway mentioned in this Petition being twelve pounds be accordingly remitted to them and the Province Treasurer is accordingly directed to pay to Capt. Jonathan Adams for the use of said Town the said sum, it appearing that they have been assessed for the same. In Council, Read and Concurred, Consented to by the Governor." — *Ibid., p.* 310.

"June 15, 1774. A Petition of Israel Nichols of Leominster, in behalf of the said Town Praying that the several Fines laid on the said Town for not sending a Representative in the years 1771, 1772 & 1773 may be remitted.

In the House of Representatives — Read and Resolved that the prayer of said Petition be so far granted that there be paid out of the Province Treasury the sum of twelve pounds to Mr. Israel Nichols for the use of said Town of Leominster; said sum being added to their Province Tax the last year. In Council, Read and Concurred Consented to by the Governor.

A Petition of George Partridge of Duxborough in behalf of the said Town — Praying that a fine laid upon the said Town for not sending a Representative to the General Court the last year, may be remitted.

In the House of Representatives — Read and Resolved that the prayer of said Petition be granted, and that the sum of twelve pounds be paid out of the Province Treasury to Mr. George Partridge for the use of the Town of Duxborough; said sum of twelve pounds being added to their Province Tax the last year. In Council, Read and Concurred, Consented to by the Governor.

* * * A Petition of Abiel Sadler Agent for the Town of Upton—Praying that the Fine laid on the said Town the last year for not sending a Representative, may be remitted.

In the House of Representatives. Resolved that the prayer be granted, and that there be allowed and paid out of the public Treasury into the hands of Abiel Sadler for the use of the Town of Upton the sum of Six pounds being the sum assessed on said Town for neglecting to return a Representative to the General Assembly in the year 1773 — In Council, Read and Concurred Consented to by the Governor." — *Ibid., pp.* 316 *and* 318.

"June 16, 1774. A Petition of Joseph Danforth and others in behalf of the Town of Dunstable—Praying that the Fines laid on the said Town in the years 1770 & 1773 may be remitted; the said Town being unable in those years to send a Representative.

In the House of Representatives. Resolved that the prayer of the foregoing Petition be granted, and the Fines mentioned in this Petition being twenty-nine pounds in the whole, which was taxed on the said Town in the year 1770 & in the year 1773 be remitted to them, and the Province Treasurer is hereby directed to repay the same out of the Province Treasury to John Tyng Esqr. for the use of said Town. In Council, Read and Concurred Consented to by the Governor.

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A Petition of John Sherman Agent for the Town of Grafton—Praying that the Fines laid on the said Town in the years 1772 & 1773 for not sending a Representative may be remitted.

In the House of Representatives—Read and Resolved that the prayer of the Petition be so far granted that there be allowed and paid out of the public Treasury the sum of eleven pounds to the Petitioner for the use of said Town of Grafton in full of the Assessment

mentioned in said Petition. In Council, Read and Concurred, Consented to by the Governor.

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A Petition of Josiah Hartwell of Littleton in behalf of the said Town Praying that the sum of thirty-six pounds assessed on the said Town, the three last years, for not sending a Representative may be remitted.

In the House of Representatives, Resolved that the prayer of the Petition of Josiah Hartwell in behalf of the Town of Littleton be so far granted that there be allowed and paid out of the public Treasury into the hands of Mr. Josiah Hartwell for the use of the Town of Littleton the sum of twelve pounds being one third part of the sum assessed on said Town for neglecting to return a Representative to the General Assembly the three last years. In Council, Read and Concurred Consented to by the Governor." — *Ibid.*, *pp.* 319, 320 *and* 322.

"A Tax Act which alters the Proportion of the several Towns but the money must have been drawn in though in a different proportion if this Act had not passed." — *Gov. Hutchinson to the Lords of Trade, Aug.* 7, 1773: "*Mass. Bay, B. T.,*" *vol.* 82, *P. p.*, 16.

"June 27, 1777. *In the House of Representatives. Whereas There was a fine of fourteen pounds ten shillings laid on the Town of Harpswell for not returning a Representative to the General Court for the Years, One thousand Seven hundred and Seventy One and One thousand Seven hundred and Seventy Two, and it appearing to this Court that the Town of Harpswell was not notified by the Town of Brunswick to choose a Representative, therefore—Resolved That there be allowed and paid out of the Public Treasury of this State to the Selectmen of Harpswell or their Order for the Use of the said Town of Harpswell the Sum of Fourteen pounds ten shillings they giving a receipt of the Same— In Council — Read and Concurred — Consented to by fifteen of the Council." — *Council Records, vol. XXXVII., p.* 108.

Chap. 15. "To alter the time of holding the Superior Court for Middlesex." — *Gov. Hutchinson to the Lords of Trade, Apr.* 5, 1774: "*Mass. Bay, B. T.,*" *vol.* 82, *P. p.*, 58.

Chap. 16. "Jan. 31, 1774. Upon a Motion, *Ordered*, That Mr. *Hopkins* bring in a Bill to enable Persons to bring and maintain Actions of Debt upon Judgments obtained in the Courts of Law in other Governments." — *House Journal, p.* 112.

"Mar. 8, 1774. *Samuel Dexter*, Esq; came down from the Council Board to propose an Amendment on the Bill to enable Persons to bring and maintain Actions of Debt on Judgments had in other Colonies, and propos'd an Amendment thereon.

The House took the propos'd Amendment into Consideration; and thereupon, *Ordered*, That Mr. *Adams* acquaint the honorable Board that this House do concur therein." — *Ibid., p.* 239.

"To make the Record of a Judgment in the neighbouring Colonies evidence equal to the Judgment itself. As the Superior Court have been in doubt whether such Record could be admitted the Provision by the Act becomes necessary." — *Gov. Hutchinson to the Lords of Trade, Apr.* 5, 1774: "*Mass. Bay, B. T.,*" *vol.* 82, *P. p.*, 58.

§ 3. It is probable that the words "have removed," or some equivalent expression, after the word "aforesaid" in the fifth line of this section were inadvertently omitted by the printers; but as both the engrossment and the original bill are missing from the State archives, this conjecture is only supported by the preamble, and the context.

§ 4. "The" was probably omitted, in the same manner, between "maintain" and "same" in the sixth line of this section.

Chap. 17. "Feb. 17, 1774. Upon a motion, *Ordered*, That Capt. *Darby* bring in a Bill for regulating the Workhouse in *Salem*." — *House Journal, p.* 169.

"Respects the Workhouse in the Town of Salem and gives no greater power to the Overseers than the Laws before gave to Select Men." — *Gov. Hutchinson to the Lords of Trade, Apr.* 5, 1774: "*Mass. Bay, B. T.,*" *vol.* 82, *P. p.*, 58.

Chap. 18. "Jan. 29, 1774. A Petition of *Israel Hewens*, and others, living in the West Part of the Town of *Stockbridge*, praying to be set off into a District or Parish.

Also a Petition of *Johannes Milknear*, and others, living in the West Part of the Town of *Stockbridge*, praying to be set off to the Town of *Alford*.

These two Petitions were read, and ordered to lie on the Table 'till the Member from *Stockbridge* shall come into the House." — *House Journal, p.* 109.

"Feb. 16, 1774. A Petition of sundry Inhabitants of the Town of *Stockbridge*, praying to be set off into a District.

Read and *Ordered*, That the Petitioners have Leave to bring in a Bill for that Purpose." — *Ibid., p.* 160.

"Incorporates a new Town by the name of West Stockbridge." — *Gov. Hutchinson to the Lords of Trade, Apr.* 5, 1774: "*Mass. Bay, B. T.,*" *vol.* 82, *P. p.*, 58.

Chap. 19. "June 11, 1773. A Petition of Jonathan Field and others Inhabitants of the Easterly part of the Town of Sunderland — Setting forth, That they are severed from the westerly part of the said Town by an impassable ridge of Mountains, and that the number of Families already settled in the said East part is about thirty and their number constantly increasing. And praying, in order to relieve them from the many difficulties they now labour under, that the said Easterly part of Sunderland, as bounded and described in the Petition, may be incorporated into a Town, and be invested with all the privileges and immunities which Towns in this Province enjoy excepting that of sending a Representative to the General Court.

In the House of Representatives. The foregoing Petition was read and thereupon Ordered that the Town of Sunderland be notified of the contents thereof and that they

* Printed resolves, chapter CXII.

have day on the second Wednesday of the next sitting of the General Court to answer to the said Petition and to shew cause, if any they have, why the prayer thereof should not be granted; and that for the notifying of the said Town of Sunderland, the Petitioners shall cause the Town Clerk of the said Town to be served with a Copy of the same Petition and of this Order attested by the Secretary fifteen days before the said second Wednesday of the next Session of this Court. In Council, Read and Concurred." — *Council Records, vol.* XXX., *p.* 38.

"Feb. 16, 1774. A Petition of Jonathan Field and others Inhabitants of the easterly part of the Town of Sunderland — Praying to be Incorporated into a separate Town — as entered the 11th day of June last.

In Council, Read again, together with the Answer, and Ordered that William Sever with such as may be joined by the honble House be a Committee to take the same into consideration, hear the parties and report. In the House of Representatives, Read and Concurred and Mr. Cutt and Mr. Swift are joined." — *Ibid., p.* 180.

"Feb. 25, 1774. The Committee appointed the 16th instant to take into consideration the Petition of Jonathan Field and others Inhabitants of the easterly part of the Town of Sunderland and the Answer thereto — having considered the same reported their opinion that the prayer of the said Petition be granted and that the Petitioners be Incorporated into a separate Town or District accordingly. In Council, Read and accepted and Ordered that the Petitioners have leave to bring in a Bill for the purposes mentioned in their Petition. In the House of Representatives, Read and Concurred." — *Ibid., p.* 221.

"Another Act of Incorporation by the name of Leverett." — *Gov. Hutchinson to the Lords of Trade, Apr.* 5, 1774: "*Mass. Bay, B. T.,*" *vol.* 82, *P. p.*, 58.

Chap. 20. June 2, 1772. A Petition of *David Butt*, and others, Inhabitants of a Tract of Land mention'd in the Petition, praying that their Lands may be annexed to the District of *Wilbraham*.

Read and committed to Col. *Day*, Col. *Walker* and Dr. *Taylor*." — *House Journal, p.* 17.

"June 5, 1772. The Committee on the Petition of *David Bent*,* and others, reported. And thereupon,

Ordered, That the Petitioner have Leave to bring in a Bill." — *Ibid., p.* 25.

"Feb. 1, 1774. A Petition of *David Butt*, and others, praying that a certain Tract of Land may be annexed to the Town of *Wilbraham*.

Read and committed to Major *Hawley*, Mr. *Gardner* of *Stow*, and Dr. *Holton*." — *Ibid., p.* 115.

"Annexes lands not within the bounds of any Township to Wilbraham. When Connecticut received the Towns which revolted from this Government in 1749 according to a Line which they claimed Part of Somers remained in this Province and are the lands now annexed to Wilbraham." — *Gov. Hutchinson to the Lords of Trade, Apr.* 5, 1774: "*Mass. Bay, B. T.,*" *vol.* 82, *P. p.*, 58.

Chap. 21. "To his Excelency Thomas Hutchinson Esqr. Captain General and commander in Cheif in and over his Majestys Province of the Massachusetts Bay in New England To the Honourable his Majestys council and the Honourable House of Representatives of Said Province in Generall Court Assembled — January 26th A : D : 1774.

The Inhabitants of a New plantation in the County of Lincoln in Said Province Called Freetown and Jeremi Squom Island Humbly Sheweth that your Petitioners consist of more Than one Hundred Famalys have long Laboured under the Disadvantage of being unincorporated by which we are depriv'd of many Blessings of civil Societys, being distitute of the Power of Settleing a Gospel Minister of Jesus Christ and Of chuseing a school Master and of Raising Taxes for their Support and Likewise the Assesing the Province & County Rate, and of Laying out Roads for the Benifit of said Plantation all which is to the great Disadvantage of the Inhabitants of Said Plantation and Whereas your Humble Petitioners have Raizd a Frame for a Meeting house for the further Promoting of the Gospel and are very desirous to Settle a Minister of the Gospel among us Your Patitioners humbly Pray your Excellency and Honours to take this our Petition into your wise consideration and that The Said Distrest Plantation Bounding Northerly on new Castle Easterly on the Town of Boothbay Southerly on the Cross river So called and Westerly on Sheepscott River mount Sweeg bay So as to Include Jeremi Squom Island the Said New Plantation Being about Seven miles in Length and five in Breadth — May be Incorporated into a Town, and be invested with all The rights and priveledges Belonging or appertaining to an Incorporated Town agreable To the Royall charter and the Severall Acts of the Province Relative to Towns Incorporated And your Humble Petitioners as in Duty Bound will ever Pray &c." — *Mass. Archives, vol.* 118, *p.* 760.

"An Act of Incorporation by the name of Edgecomb." — *Gov. Hutchinson to the Lords of Trade, Apr.* 5, 1774: "*Mass. Bay, B. T.,*" *vol.* 82, *P. p.*, 58.

Chap. 22. "Feb. 24, 1774. A Petition of the Proprietors of a Plantation called *New-Gloucester*, praying to be incorporated.

Read and committed to Mr. *Allen*, Mr. *Gardner*, Mr. *How*, Dr. *Holten* and Dr. *Taylor*.' — *House Journal, p.* 193.

"Another Act of Incorporation by the name of New Glocester." — *Gov. Hutchinson to the Lords of Trade, Apr.* 5, 1774: "*Mass. Bay, B. T.,*" *vol.* 82, *P. p.*, 58.

Chap. 23. The preamble of this chapter recites that "the westerly part of Richmont hath by one law of this province, made in the seventh year of his present majesty's reign,

* *Sic:* Butt.

been incorporated into a distinct town by the name of Richmont." This appears to be a mistake. The easterly part of Richmont was, in that year, incorporated into a district by the name of Lenox (1766–67, chapter 11), but the plantations of Yokum and Mount Ephraim had been incorporated, the year before, into a town by the name of Richmont (1765–66, chapter 16).

The separation of the district of Lenox from Richmont, did indeed leave to the latter the westerly part of the town, but it is not accurate to say that the territory so left was then re-incorporated by the old name.

"June 5, 1773. A Petition of *David Rossiter*, and others, Selectmen of *Richmond;* praying that the Assessors may be empowered to assess Taxes agreeable to an Act made for that Purpose, but lately expired.

Read and committed to Mr. *Brown* of *Stockbridge*, Mr. *Rawson* and Mr. *Bayley*." — *House Journal*, *p.* 32.

"June 9, 1773. The Committee on the Petition of Mr. *David Rossiter*, reported.

Read and accepted, and *Ordered*, That the Petitioner have Leave to bring in a Bill for the Purpose of the Petition." — *Ibid.*, *p.* 39.

"June 23, 1773. *Walter Spooner*, Esq; brought down the Bill to enable the Proprietors of *Richmond* to enforce the Payment of certain Taxes.

Pass'd in Council, *June* 23, 1773. Read and concurr'd to be engross'd with Amendment. Sent down for Concurrence." — *Ibid.*, *p.* 75.

"Feb. 16, 1774. A Bill *to enable the Proprietors of Land in* Richmond *to enforce the Payment of certain Taxes.*

Read the second Time. *Ordered*, That this Bill be read again To-Morrow Ten o'Clock." — *Ibid.*, *p.* 166.

"Respects the Town of Richmond and needs no remark." — *Gov. Hutchinson to the Lords of Trade*, *Apr.* 5, 1774: "*Mass. Bay*, *B. T.*," *vol.* 82, *P. p.*, 58.

Chap. 24. In the note to 1772–73, chapter 30, *ante*, reference was made to the resolves of the Legislature for equitably adjusting the conflicting claims of certain proprietors and purchasers of lands, in Ashfield, sold for the non-payment of taxes. These resolves, and the proceeding upon which they were founded are given below.

Neither these resolves, nor the act above mentioned, having been found sufficient to settle all disputes, partly on account of the illegality of the meetings of the proprietors at which their agents were chosen, and partly for other reasons which appear in the preamble, further legislation was deemed indispensable, and the present chapter — the final action of the General Court towards repairing the injury inflicted by their own unjust legislation — was enacted.

"June 14, 1771. A Petition of Obadiah Dickinson and others a Committee of the proprietors of Ashfield in the County of Hampshire — Setting forth — That the proceedings of the said Proprietors respecting the sale of some of the delinquent Proprietors Lands are by some supposed to be not strictly legal, and if the same should not be established the Propriety will be thrown into the greatest confusion: And praying that a Committee may be appointed to examine the whole proceedings of the said Proprietors and report what shall appear to them upon such examination; and in case their proceedings shall be found not to occasion any other or further wrong to those delinquents whose Lands have been sold than might have happened by a sale of the same in every respect conformable to the said acts, that then their said proceedings may be established; the want of entire conformity to Law notwithstanding.

In Council, Read and Ordered that William Sever and Timothy Woodbridge Esq^rs. with such as shall be joined by the hon^ble. House be a Committee to take this Petition into consideration and report what they think proper this Court should do thereon.

In the House of Representatives, Read and Concurred and Colonel Gilbert, Col^o. Williams of Hatfield and M^r. Ingersoll are joined. In Council, Ordered that Caleb Cushing Esq^r. be of the Committee abovementioned in the room of William Sever Esq^r. who is absent.

In the House of Representatives, Read and Concurred." — *Council Records, vol. XXIX.*, *p.* 44.

"June 24, 1771. The Committee appointed the 21 instant on the Petition of Obadiah Dickinson and others a Committee of the Proprietors of Ashfield, made the following Report viz^t — The Committee of the two Houses appointed to take under consideration the Petition of the Proprietors of the Town of Ashfield, and to report facts relative to the proceedings of said Proprietors; the said Committee have attended that service, but find the length of time, the many and various matters that have been transacted and the perplexities into which the said Proprietors are thereby involved, and the Committee not being furnished with the Records of the Clerk of said Proprietors, renders it impracticable for the Committee in any perfect manner to ascertain the numerous facts that appears necessary for the Court to be acquainted with in order to take measures for the removing the difficulties which the said Town of Ashfield labours under, and which will enevitably prove the ruin of that place unless prevented by the interposition of the General Court — Wherefore the Committee beg leave to report it as their opinion that a Committee of both Houses be ordered in the recess of the General Court to repair to the Town of Ashfield and that the Proprietors of said Town be ordered to call a meeting of the Proprietors to assemble within the Town of Ashfield at the same time that the Committee shall attend the service, and that timely and sufficient notice be given both to resident and nonresident Proprietors of the time and place of said meeting by posting up a notification on the fore-side of the meeting house in said Ashfield fourteen days before said meeting and by publishing the same in three of the Boston Weekly News papers twenty days before said meeting of the time, place and occasion of said meeting that the Committee may make a perfect enquiry into the proceedings of the Proprietors and the grievances complained of by the Petitioners; and that the cost and charge of the said Committee be paid as this

Court shall hereafter order; That the Committee make report of the facts, and circumstances of said Town of Ashfield on the third Wednesday of the next sitting of the General Court and what they shall judge ought to be done thereon, And that all further proceedings, Actions and Suits relative to the doings of the said Proprietors be staid in the mean time. All which is humbly submitted— CALEB CUSHING ℔ order—

Upon which the following Order passed viz^{t}—

In Council, Read and accepted and thereupon Ordered that Timothy Woodbridge Esq^{r}. with such as may be appointed by the hon^{ble} House be a Committee to repair to Ashfield for the purposes mentioned in the foregoing Report. In the House of Representatives, Read and Concurred and M^{r}. Ingersoll and M^{r}. Dennie are joined." — *Ibid.*, *p.* 76.

"Apr. 23, 1772. The Committee appointed the 24 day of June last to repair to Ashfield in consequence of a Petition from Obadiah Dickinson and others a Committee of the Proprietors of the said Town, made report. — Signed TIM^{o}. WOODBRIDGE ℔ Order—

In Council, Read and sent down.

In the House of Representatives. On the Petition of the Proprietors of Ashfield, Resolved that the consideration of the same together with the report of Timothy Woodbridge Esq^{r}. and others a Committee sent by order of the two Houses of Assembly to make enquiry into the proceedings of the Proprietors and the grievances complained of relative to the proceedings of the proprietors of said Township be referred until the second Wednesday of the next Session of the General Court: And further Resolved that all processes, Actions and suits at Law founded or to be brought upon the proceedings of said Proprietors are and shall be hereby suspended until that time. In Council, Read and Concurred." — *Ibid.*, *p.* 193.

"June 6, 1772. The Report of the Committee of both Houses on the Petition of Obadiah Dickinson and others Proprietors of Ashfield, made in April last, was again read; whereupon the following Order passed Viz^{t}.

In Council, Read again & Ordered that Col^{o}. Otis & M^{r}. Phillips, with such as shall be joined by the Hon^{ble} House be a Committee to take the same with all the papers relating thereto into consideration, hear the parties and report what may be proper to be done thereon. In the House of Representatives, Read & Concurred & Col^{o}. Williams of Pittsfield, M^{r}. Sprague & Col^{o}. Whitcomb are joined." — *Ibid.*, *p.* 245.

"June 18, 1772. The Committee appointed the 6. Instant to take into consideration the report of the General Court's Committee that went to Ashfield in Sep^{r}. last — having met and examined the same & heard the parties thereon, Reported sundry Resolves for the consideration of the Court. In Council, Read & sent down

In the House of Representatives. Ordered that the Petition of the Proprietors of Ashfield be recommitted. In Council Read & Concurred." — *Ibid.*, *p.* 274.

"June 24, 1772. The Committee appointed on the Affairs of Ashfield, reported some alterations to their former Report—In Council Read & sent down.

In the House of Representatives Read & recommitted and Ordered that Col^{o}. Bowers and Cap^{t}. Barney with such as the hon^{ble} Board shall join be added to the Committee. — In Council Read & Concurred & Samuel Dexter Esq^{r}. is joined." — *Ibid.*, *p.* 288.

"July 14, 1772. In the House of Representatives. Whereas there is a Bill now depending in this Court (but for want of time not likely to be enacted in this Session) for establishing and confirming making effectual and valid the sales of Land in the Township of Ashfield in the County of Hampshire which were made in the Years 1763, 1764, 1765. for the levying of Taxes which had been granted by the proprietors of the said Township and assessed by the Assessors appointed by the said proprietors, and for quieting the possessions of such Persons who hold Lands there under the said sales, notwithstanding there were some circumstantial and immaterial variations in the proceedings of the said Assessors previous to & in making the said sales from the forms and Methods prescribed in the Act or Law according to which the said Assessors endeavoured to proceed in making the same, not to any real hurt or damage of such proprietors whose Lands were then sold for the purpose aforesaid. And whereas some Actions in Law have been already brought & are now depending & others may possibly be brought by such Persons as were the Owners of the Land sold as aforesaid before and until the making the sales aforesaid or to their Heirs to the great injury, wrong and disquiet of such persons who honestly purchased the same, their Heirs or Assigns. It is therefore Ordered and Resolved that all such Actions as are now depending and all such Actions as may be hereafter brought or entred in any Court for the recovery of such Lands by reason of any Imperfections in the said sales or damages on account of such imperfections shall be staid and that no further proceedings shall be had on such Actions as are now depending than have been already had but what are necessary for the continuance and sustaining the same in the state they are now in, nor on such as may be hereafter brought or entred before the another Session of the Great and General Court or Assembly but only to continue and sustain the same when entred until the end of the next Session of a Great and General Court or Assembly of this Province, & that all the Executive Courts of this Province are hereby ordered and enjoined to take notice and conform to this Order. In Council, Read and Concurred, Consented to by the Governor." — *Ibid.*, *p.* 313.

"The Committee appointed to take into consideration the Report of the General Courts Committee that went to Ashfield in September last have met and have examined that report and heard the parties and beg leave to report the following Resolves as taken into a new draft — JAMES OTIS ℔^{r} Order

1. Resolved That the sales of Land made by the Assessors or Committee for said sales in Ashfield in the years 1763, 1764 & 1765 for the payment of Taxes agreed upon and granted by the Proprietors of said Town are and shall be deemed good and valid to all intents and purposes in the Law.

2. Resolved that all those Proprietors their Heirs, Executors or Administrators whose Lands, in said Ashfield, were sold for payment of Taxes by their Assessors chosen in the year 1769 and were by them sold in the year 1770 who are inclined to redeem their Lands

then sold shall and hereby are impowered to redeem the same by paying their respective Taxes and the costs that have arisen by such sales with the Interest of the Money of the said Taxes and the costs of sale and charges of improvement where any is made, and also returning such overplus as may have been received by any that have had their Lands sold as aforesaid, and the Interest of the same: and if any of the said Proprietors who have had their Lands sold in the year 1770 for the payment of their Taxes as aforesaid, shall neglect or refuse to redeem the same, as before expressed, within the space of three months from the first day of October next, by paying as aforesaid, that then the sales so made be and hereby are confirmed to the purchasers and shall be thereafter held good and valid in Law to all intents and purposes whatsoever; provided notwithstanding that the Land of Chileab Smith which was sold through mistake for the payment of a Tax laid on his fifty acre Lot in 1769 be and hereby is confirmed to him without such redemption.

3^{dly} To prevent disputes between the Proprietors and the purchasers as to what sum or sums shall be paid by any of the Proprietors for the redemption of his Lands sold in 1770 —Resolved that in every such dispute be a Committee to determine the Sum or Sums to be paid for redemption as aforesaid, and the Judgment of two of the three to be final and to be given within said time of redemption.

4. Resolved that there be and hereby is granted a Tax of two pence by the acre on all the Lands in the said Town of Ashfield, the public Lands and the Lands owned by the Baptists, in said Town excepted, for the space of three years yet to come to enable them to pay their debts and to fulfil the conditions of the Grant to the original Proprietors of said Town and for the payment of the General Courts Committee and other extraordinary expences said Town of Ashfield has been put to since 1769—and that the Committee of said Proprietors have leave to bring in a Bill for the inforcing the payment of said Tax of two pence ℔^{r} acre for the term aforesaid.

5 Resolved That by reason of the unhappy difficulties that have arisen of late in the Town of Ashfield and of their poverty and present distressed circumstances the said Town of Ashfield be and is hereby exempted from paying Province and County Taxes for the space of three years to come.

6 Resolved That the Inhabitants of the Town of Ashfield exclusive of the Baptists, be at the charge of finishing the meeting house in said Town and supporting the Rev^{d}. M^{r} Sherwin for the future —

In Council 25 June 1772 Read and sent down

In the House of Representatives June 26 1772 Read & recommitted sent up for Concurrence T CUSHING Spk^{r}

In Council June 26th. 1772 Read & Concurred THO^{S} FLUCKER Sec.

July 1st 1772 the Comittee have Reconsidered the foregoing Report and Desire Leave to Report as By ye Bill herewith Presented JAMES OTIS ℔^{r} order

In Council July 1st 1772—Read & sent down."—*Mass. Archives, vol.* 118, *p.* 578.

"Feb. 5, 1773. In the House of Representatives. Whereas doubts have arisen concerning the validity of the sales of the Lands of such as were called delinquent proprietors of the Township of Ashfield in the County of Hampshire made by the Assessors or Committees of the proprietors of the said Ashfield for the years 1763–1764 & 1765 and Actions are now depending in the Law for recovering the possession of parcel of said Lands from the persons who purchased the same or from such as hold under them. And whereas it will tend to the great disquiet of the said Township if such sales should be adjudged invalid and insufficient in Law; therefore Resolved that George Leonard jun^{r}. Esq^{r}. Jedediah Foster Esq^{r}. and M^{r}. Thomas Denny be a Committee fully authorized and impowered to repair to the said Town of Ashfield to hear the Committee of the proprietors and also each of the Persons or their representatives whose Lands have been sold in the years and in manner as aforesaid and to judge and determine what the Lands thus sold were truly worth at the time of the sales over and above the sums for which they were in fact sold, together with all the damage which may have actually accrued to each of the proprietors of the said Lands respectively by means of the sales aforesaid, and the Committee are to make report of their doings at the Session of this Court in May next that such Order may be then taken for establishing and rendering valid the sales aforesaid as to the Court shall then appear to be just and equitable. And all proceedings in the Law grounded upon the invalidity of such sales are staid in the mean time. And the Committee of this Court shall give public notice of the time and place of meeting that so all persons interested may attend, if they shall see cause. In Council, Read and Concurred, Consented to by the Governor."—*Council Records, vol. XXIX., p.* 462.

"June 10, 1773. The following Report was made by the Committee appointed for the purposes therein mentioned viz^{t}—

The Committee appointed in February 1773 to repair to the Town of Ashfield in the County of Hampshire to hear the Committee of the proprietors and also each of the persons or their Representatives whose Lands have been sold in the years 1763, 1764 & 1765 and to judge and determine what the Lands there sold were truly worth at the time of the sales over and above the sums for which they were in fact sold; together with all the damage which may have actually accrued to each of the Proprietors of the said Lands respectively by means of the sales aforesaid; beg leave to report as followeth—Having notified all parties concerned agreable to the order of the General Court, we attended that service at Ashfield on the 26 day of April 1773 when the Committee of the Proprietors and sundry other persons concerned were present and heard in the premises, there being no objections to the sales of any of the Lands in said Township, sold in the years aforementioned, except the following viz^{t}. —

We find that in the year 1763 House Lot N^{o}. 60 which did belong to William Densmore containing 50 Acres was sold for	£7 : 10 : —
Valued by the Committee at the time of sale 7 : 10 more	7 : 10 : —
And damage	4 : 10 : —

And that House lot N°. 40 which did belong to Peirce & Smith containing 50 Acres sold for	7: 6:—
Valued at 7: 14 more	7:14:—
And damage	4:14: 4
And that in the year 1764, 40 Acres of 2d division of House lot N°. 20 which did belong to Thomas White was sold for	3:12:—
Valued at 8: 8 more	8: 8:—
And damage	4: 1: 8
And 30 Acres of 2d. division house Lot N°. 23 which did belong to Daniel Williams Esqr. was sold for	5: 1:—
Valued at £5: 9 more	5: 9:—
And damage	13: 8:10
And 25 Acres of 2d division house lot N°. 2 which did belong to Ephraim Hunt, was sold for	4:10:—
Valued at 10s more	0:10:—
And damage	5: 5
And that in the year 1765, 40 Acres of 2d division of house lot N°. 43 which did belong to Gideon Tirrell was sold for	5: 2:—
Valued at £4: 18 more	4:18 —
And damage	4: 8 —
And 50 Acres of second division of House lot N°. 4 which did belong to Samuel Badlam was sold for	6: 7:—
Valued at £3: 13 more	3:13:—
And damage	1:14: 8
And 40 Acres of 2d. division of House lot N°. 20 which did belong to Thomas White was sold for	2:14:—
Valued at £9: 6 more	9: 6:—
And damage	4: 5: 4
And 40 Acres of 2d. division of house lot N°. 60 which did belong to William Densmore sold for	4:17:—
Valued at £13: 3 more	13: 3:—
And damage	20: 7:—
And 40 Acres of 2d. division of house lot N°. 2 which did belong to Ephraim Hunt, sold for	4: 1:—
Valued at £1: 19 more	1:19:—
Damage	18: 8
And 40 Acres of 2d. division of house lot N°. 8 which did belong to Thomas Copeland, was sold for	4:12:—
Valued at £5: 8 more	5: 8:—
And damage	2:11: 6

All which is humbly submitted — GEO. LEONARD junr. &c. Order

In Council, Read and Ordered that James Humphrey and Timothy Woodbridge Esqrs. with such as may be joined by the honble. House, be a Committee to take this report into consideration, hear the parties and report what they think proper this Court should do thereon. In the House of Representatives, Read and Concurred and Capt. Heath Colo. Leonard and Mr. Noble are joined to the Committee of the honble. Board." — *Ibid., vol. XXX., p.* 34.

"June 21, 1773. The Committee appointed the 10th instant to take into consideration the report of George Leonard junr. Esqr and others a Committee appointed 5 February last to repair to Ashfield — made report. In Council, Read and accepted.

In the House of Representatives, Read and nonconcurred and Ordered that this report be recommitted and that Mr. Ingersol and Mr. Rawson with such as the honble. Board shall join be added to the Committee. In Council, Read and Concurred and Artemas Ward Esqr. is joined." — *Ibid., p.* 62.

"June 23, 1773. The Committee appointed by the two Houses to take under consideration the report of George Leonard junr. Esqr and others the Committee appointed Feby 5. 1773 to repair to the Town of Ashfield — made report; whereupon the following Resolves passed viz^{t}—

In Council. Resolved That all the sales of Lands made by the proprietors of the Township of Ashfield by their Assessors or Committee in the years 1763, 1764, 1765 for payment of taxes to bring forward the settlement of said Town be confirmed and made good and valid to all intents and purposes in Law. — And that the Estate in the several Lots of Land purported by the several deeds thereof executed by the said proprietors Assessors or Committees in the years aforesaid to be conveyed to the respective vendees in said Deeds mentioned be and hereby are confirmed to the said vendees their Heirs and Assigns respectively in as full and ample a manner as they would have been in case there had been no defect or illegality in the proceedings in said sales made as aforesaid by the said proprietors, their Assessors or Committees — Upon condition nevertheless that each of the purchasers of the several Lots of Land sold as aforesaid, their Heirs or Assigns pay within six months next after the date hereof to the persons that owned said Lots of Land at the time of the

sales aforesaid, their Executors or Administrators or Assigns respectively the several sums of money reported by the Committee appointed by the General Court February 5. 1773 to repair to the Town of Ashfield and judge and determine what the said Lots sold as aforesaid for the payment of Taxes were actually worth more than what the said lots were sold for at the time of the sale and the damage which accrued to the owners of said Lands by said sales. And any and every of the said persons who have purchased any of the said lots sold as aforesaid for the payment of Taxes and taken deeds of the proprietors, Assessors or Committees as aforesaid, who shall refuse or neglect to pay to the persons that owned said lots of Land at the time of the sales aforesaid their Executors or Administrators respectively the sums of money reported by the Committee to repair to the Town of Ashfield to judge and determine what said lots so sold were actually worth more at the time of the sale than said lots were sold for and the damages accruing by said sales to the owners, shall not have or receive any benefit in by or from the foregoing Resolve. And such of the said purchasers only that comply with the foregoing condition shall be benefited thereby.

Be it further Resolved that the proprietors of the Town of Ashfield pay Daniel Williams Esq^r. within twelve months after the acceptance of this report the sum of twenty pounds as an indemnification for the expence and trouble he has been put to on his own account and as Agent for several of said delinquent proprietors since application has been made to the General Court in this matter. And the Committee appointed by the Court to settle the affairs of the Town of Ashfield are impowered to assess the Lands of the said proprietors and collect money for the payment of the same, and in case the aforesaid sum is not paid by the said Committee by the time prefixed as abovesaid the said Daniel shall have and maintain his Action in Law against said Proprietors for the recovery thereof. And that the Treasurer of said propriety account with and pay to the said persons that were owners of said lots at the time of sale or their order, their Heirs and Assigns respectively the monies arising by said sales over and above the amount of the Taxes for the payment of which said Lands were sold and the expences of said sales. And if the defendants in two several Actions now pending at the Inferior Court of Common pleas within and for the County of Hampshire viz^t. William Dunmore and Wife plaintiffs v^s. Enoch Allen defendant, and Daniel Williams Esq^r. plaintiff v^s. John Wilkie defendant, pay to the plaintiffs in said suits their legal cost to be taxed by said Court, then and in that case the aforesaid suits to be discontinued; but upon failure thereof the said Daniel and William and Wife have right to proceed and pursue their Actions as before this Resolve took place.

In the House of Representatives, Read and Concurred, Consented to by the Governor." — *Ibid.*, *p.* 69.

"Feb. 7, 1774. A memorial of *Obadiah Dickinson*, praying that an Act may be made to enable the Proprietors of *Ashfield*, to raise Monies for certain Purposes, and to do other Things as mentioned in the Petition.

Read and committed to Mr. *Akin*, Capt. *Derby*, Mr. *Pickering*, Major *Ingersol*, and Mr. *Fisher*."— *House Journal*, *p.* 133.

"Feb. 8, 1774. The Committee on the Petition of *Obadiah Dickinson*, reported that the Petitioner have Leave to bring in a Bill for the Purpose thereof.

Ordered, That the Petitioner have Leave to bring in a Bill accordingly."— *Ibid.*, *p.* 139.

"To correct some defects in a former Act respecting Ashfield occasioned by the disallowance of a Law. Care is taken that the Baptists have no cause of complaint from this Act."— *Gov. Hutchinson to the Lords of Trade*, *Apr.* 5, 1774: "*Mass. Bay*, *B. T.*," *vol.* 82, *P. p.*, 58.

Chap. 25. "Feb. 18, 1774. A Petition of a Number of Inhabitants of *Stoughton* and *Stoughtonham*, praying to be empowered to make Sale of certain Lands therein mentioned, on certain Conditions.

Read and committed to Capt. *Darby*, Col. *Walker* and Mr. *Fisher*." — *House Journal*, *p.* 171.

"Feb. 19, 1774. The Committee on the Petition of the Inhabitants of *Stoughton* and *Stoughtonham*, praying to be empowered to make Sale of Ministerial Lands, reported.

Ordered, That the Petitioners have Leave to bring in a Bill." — *Ibid.*, *p.* 175.

"To enable a Town and District jointly interested in Ministry Lands to make sale of them The appropriating Lands to the Ministry is meerly nominal in this Government When an Agreement is made with a Minister he has a less salary in proportion to the Ministry Lands or otherwise the Towns take the profit of such lands the appropriation notwithstanding."— *Gov. Hutchinson to the Lords of Trade*, *Apr.* 5, 1774: "*Mass. Bay*, *B. T.*," *vol.* 82, *P. p.*, 58.

Chap. 26. "Province of Massachusetts Bay } To his Excellency Thomas Hutchinson Esq Captain General & Governor in Chief in and over his Majesty's Province of Massachusetts Bay The honourable his Majesty's Council and House of Representatives in General Court assembled at Boston y^e 31^st Day of May 1773 —

The Inhabitants of the first Parish in the Town of Springfield in the County of Hampshire, humbly Shew —

That about the Year 1636 a Number of Persons from Boston and the neighbouring Towns, travelled across the Country hither to explore the Lands on Connecticut River; and having found that Tract of Intervale Land that is now called the great Field on the west Side Connecticut River in this Town, from it's Circumstances and Quality strongly inviting Improvement, they determined to settle beside it — and very soon removed themselves and their Families here — Considering however the Situation of these Lands and of those that lie around them, & the most likely Methods of Subsistence & Improvement, in their then very feeble infant State, so far removed into the Wilderness; they determined

to fix their Dwellings on the East Side, altho' the Lands which were the grand Inducement to their Migration and Settlement, were on the west Side said River — Accordingly they began the Settlement of this Parish and laid out and divided among themselves in that & a few succeeding Years, the House Lots which have been the House Lots of themselves, their Children, Descendants and Successors, from their Beginning to this Time; and are now the principal of the House Lots of the Petitioners living in the midst of said Parish; and lie abutting on said River, which alone now divides them from the same Field; in which Field the greatest and best Part of their Meadow and Tillage Lands have always heretofore been, and still are to this Day —

That many Years after the first Settlement here on the East Side, some few Persons removed themselves to dwell on the West Side said River, & settled themselves around and in the neighbourhood of said General Field — And in the Year were increased to such a Number, as to be made a Parish distinct from the Inhabitants on the East Side said River, with this special Regulation and Restriction, viz'. That the Lands only which the Inhabitants on the West Side said River owned and improved, should be liable to be taxed, in said second or West Parish — In Consequence of which and subsequent Regulations respecting the Lands in said Field; they have always been taxable and taxed for parochial Dues, only in the Parish where the then present Owner dwelt —

That exclusive of Wilbraham, which is set off from it, the said Town now consists of five Parishes, two on the East, and two on the west Side said River, and the fifth being on the North, & commonly called Chicabee Parish, lies partly on each Side said River making in the whole 803 rateable Polls; 427 of which are on the East, & 376 of them on the West Side said River.

That some Years since, when the Town was in great Peace, the Inhabitants on the West Side said River in said Town, induced only by the Consideration of their Situation and Increase, requested the Town for their Consent to a Division of the same by Connecticut River, which the said Town then declining, they being well united and happy together, the Matter was no farther pursued —

That from our earliest Memory, and as we have heard from our Fathers, the Town of Springfield even from it's Beginning, has been happily distinguished from many others, by the unity and Concord, with which the Inhabitants have managed their public Affairs, till very lately — But that within a very few years past, that Happiness has began to suffer some Interruptions — and some Matters of Dispute have arisen as needless as disagreable particularly to relate of very little Consequence in themselves, chiefly between the Inhabitants on the different Sides of said River — There have been the little Seeds of Contention — which if they have not been industriously cherished, have been unhappily kept alive, and have at last increased to great Discord and Confusion — The Degree to which these Disputes have arisen & the unhapiness of the present State of the Town, we conceive cannot be better communicated to your Excellency & Honors in few Words, than by saying that the Town spent four Days at their last March Meeting, in choosing the ordinary annual Officers of the Town, which they have most commonly chosen in the half of one — nor would they have finished that Business so soon, if they had not fallen on the Expedient they did, to suspend the melancholy Influence of the Animosities that subsisted among them — which Expedient & the Proceedings thereon your Petitioners beg Leave particularly to relate —

The Town, after two or three Days time spent in fruitless Contention in their Meeting; observing, as we conceive, with general Concern, the very unhappy State they were in, and the absolute Necessity they were under of receeding from that Spirit of Contention & Discord — and adopting more moderate Measures; chose a large Committee from the several Parts of said Town 'to consider their State, and the Disputes & Animosities that subsisted between the several Parts, the Matters that lay before the Meeting to be acted upon, and the Imbarrassments that attended the same, and to project some Method for their Removal' — The Meeting being adjourned for that Purpose, the Committee accordingly met, and entered into a very serious Consideration of the matters referred to them, and on such Consideration thereof have reported their Opinion 'That the said Town is in a most unhappy and melancholy State, that considering the Situation and Circumstances of the Town, and the Inclinations & Tempers of the Inhabitants, there is no Prospect they can longer manage their public Affairs to mutual and general Advantage in one intire corporate Body — but that it is quite necessary there should be some Division thereof —

'That no Mode or Terms of Division can be devised which the Generality of the Inhabitants in the several Parts of the Town, would accede to & acquiesce in —

'That it is consequently absolutely necessary for the Peace and Happiness of the whole, that the Mode & Terms of their Division should be referred and submitted to the Determination of judicious & disinterested Persons, from abroad —

'They therefore farther report their Opinion and Advice to the Town that (as the only Expedient to restore Peace or to prevent the various increasing Mischiefs of Discord and Contention among them & so remove the Imbarrassments aforesaid) they should now unitedly agree to petition the General Assembly at their next Sessions for such Division of the Town as may by them be thought best, and that a Committee of the Assembly may then be appointed of judicious & disinterested Gentlemen to repair to this Town, to view the Situation of it's Parts to consider it's Circumstances & to judge at large thereon what Division, and on what Terms and Conditions, shall be made thereof, and to report the same to the End that the Town may by the said Assembly be divided in such manner as may in all Respects be best; and that a Committee of the Town be now appointed to petition therefor accordingly —

'That whereas the Town heretofore voted the Sum of two hundred Pounds towards building a Bridge over Agawam River, and appointed a Committee to build a Bridge in Case &c. as by their Votes appears, and whereas the said Committee have proceeded in said Business and procured great Part of the Timbers for the same, touching which the said Committee are apprehensive great and sharp Disputes & Contentions will arise,

unless prevented by some prudent and amicable Composition and Agreement they beg leave to report the following Proposal of an Agreement thereon, which they approve themselves and recommend to the Town for their Acceptance. viz^{t} —

'That of the Stock of Money or Securities for Money in the Treasury of said Town, brought in or due for Lands sold or otherwise (not brought in by Taxes, nor specially appropriated by the Donors to the Support of the Poor, nor otherwise specially appropriated) amounting to about £459-16-7. the Inhabitants on the west Side Connecticut River in said Town should have such Proportion of the same as they are assessed on the last Assessment in said Town; and the Inhabitants on the East Side said River in said Town, shall have the Residue thereof when Division shall take Place between them. That at present the said Committee for building said Bridge should receive of the same, to the amount of two hundred Pounds as Part of the Proportion aforesaid of the Inhabitants on the west Side of said River, to be improved in defreying the Charge and Expence of building & finishing said Bridge, the s^{d} Committee indemnifying the Town from any farther Expence for the same Bridge in future, and that on such proposed Division of the said Town, the Inhabitants on the West Side said River to receive the Residue of the Proportion aforesaid of such Stock in the Treasury; the Remainder thereof to be for the Inhabitants on the East Side, to be disposed of as they shall agree or as shall be ordered for them; the Division of said Stock both at present and hereafter to be made reasonably, having proper Regard to the Quality of said Debts and the Probability of speedy Payment thereof, by a Committee to be appointed for that Purpose —

'That in the mean Time the Grammar School in said Town be kept where it is at present' —

The Town abundantly sensible of the Truth and Justice of the Substance of that Report of their Committee, did at their Meeting afterwards or the Adjournment accept the same — only with this Amendment, that instead of applying directly to this honourable Assembly for a Committee to hear consider & determine of a Division of said Town — they agreed to refer the Matter to an impartial Committee to be appointed by themselves, to repair to said Town, to view the Situation of its Parts, to consider its Circumstances, and to judge at large thereon; what Division and on what Terms & Conditions such Division should be made thereof — And made Choice of Erastus Woolcut Esq of Windsor in Connecticut, William Williams Esq of Hatfield, & Joseph Root Esq of Montague as a Committee for that Purpose —

The same Committee soon afterwards at the Request of the said Town repaired hither, heard all Parties from the several Parishes of the said Town on the Matter & Mode of Division aforesaid — and after full Hearing and Consideration of the same, made their Report in Writing to the Town under their Hands — a Copy of which is herewith humbly presented to your Excellency and Honors —

The said Town afterwards (which your Petitioners are very sorry to be obliged to relate) very inconsistently (as they conceive) with their former Votes, or the pretended Sincerity with which they made their Submission aforesaid to their said Committee; did by a very small Majority, refuse the Acceptance of the said Committee's Report — And so the good Effects that were hoped for from that Submission and Reference, are in Danger to be lost, unless by the Aid of your Excellency and Honors prevented —

Your Petitioners are very Sensible (as the Town by their Vote aforesaid have declared themselves to be) that a Division of the same is absolutely necessary for the Peace and Happiness thereof in future — and they are persuaded, the Town refused to accept said Committee's Report, not from any Change of Sentiments with Regard to the Necessity of a Division, but from Dislike to some Circumstances respecting the Mode and Terms thereof — your Petitioners are also fully persuaded, that said Committee discovered great Judgment Impartiality & Wisdom in their Report, both with Respect to a Division and the Mode and Conditions of it — and that it would finally promote the Interest of all Parties to abide by their s^{d} Submission and to be ready to rest in the Report aforesaid —

They therefore pray your Excellency and Honors Consideration of the Premises, and that the said Town may be divided according to the Report of said Committee, or in such other Manner as your Excellency & Honors shall think best; to prevent farther Contention, Discord & Confusion among this People, and to promote the general Tranquility of the whole —

And they as in Duty bound shall pray —

Geor: Pynchon
Moses Bliss
Jon^{a}: Bliss

} Agents for the said Inhabitants of said first Parish, in this Particular." — *Mass.*

Archives, vol. 118, *p.* 707.

"June 11, 1773. In the House of Representatives. The Petition of the Inhabitants of the first Parish in Springfield, and the Petition of Bononi Banister and others Inhabitants of the third and fourth Parishes in said Town, and the Petition of John Hubbard and others Inhabitants of the place called Stony Hill in said Springfield, all praying for a division of said Town agreable to the report of a Committee appointed by said Town to consider of and report to them of the mode and terms of a division thereof, or for such other division as may by this Court be thought proper, being read — Ordered that the Petitioners serve the said Town of Springfield with Copies of their several and respective Petitions by leaving the same with the Clerk of said Town, that they shew cause if any they have, on the second Tuesday of the next sitting of this Court why the prayer thereof should not be granted. In Council, Read and Concurred." — *Council Records, vol. XXX., p.* 43.

"Province of the Massachusetts Bay } To his Excellency Thomas Hutchinson Esqr, Govenor in chief in and over his Majestys said Province; the Honorable his Majestys Council, and the Honorable House of Representatives of the said Province; in General Court assembled, January 26th, 1774. —

The Petition of the Inhabitants, of the Third Parish, in the Town of Springfield, in the County of Hampshire, & Province aforesaid. humbly sheweth. —

That, although the Settlement of that Part of said Springfield, now known by the Name of the third Parish, or Long Meadow, began about the same Time as the Settlements in s^d^ Town — yet the Inhabitants of the said Third Parish, for a great Number of years, with chearfulness, & Harmony, attended at the first Parish, to enjoy the Civil and Religious Priviledges of the said Town — That their Numbers increasing, & thereby rendering their Attendance at the first Parish, more and more Burdensome; upon Application to the Town, & the General Court, setting forth, 'the Difficultys they laboured under.' in the year 1713 they were incorporated into a seperate Parish, by the Name of Long Meadow. by which Means they were considerably relieved, by being enabled to transact a considerable part of their Concerns as a Society, among themselves. — since which Time (more than Sixty years) your Petitioners, & their Predcessors, have been obliged to attend at the first Parish, to transact all Town Affairs. — which has been attended with great Expence and Difficulty, considering the Distance, few living less than four Miles, & many seven, or Eight Miles distant, from the usual Place of holding Town Meetings. to this might be added, the great Difficulty of travelling, at that Season of the year, when the most important Part of Town Business is by Law required to be transacted. — & also the extraordinary Time, which is unavoidably taken up, in transacting the publick Business of so large a Town, more than would be necessary, in smaller Societys — They also further humbly shew. that the Town of Springfield, (consisting of Five Parishes,) as they are greatly Scatter,d in their Situation; so they are greatly divided in their Interests. which much retards the Dispatch of publick Business, & prevents that Harmony, and Unanimity, from taking Place in their Publick Meetings, which has been peculiarly enjoyed, by your Petitioners in transacting their Parish Affairs, & which they most heartily wish to enjoy, in all their publick Concerns; but despair of, whilst connected with such a large Body, whose Interest is so different from theirs, in many Cases, as renders it very difficult, if not impossible, to obtain, what *they* call *Justice*, from *them* as a *Town*. — in particular, they beg leave to mention — That though by Reason of their Situation, the Repairs of High Ways, in the third Precinct, are more expensive in one year, than those in the first Parish are in four or five — yet the Town have always refused, ('tho repeatedly requested) to defray any Part of the Expence of such Repairs. & your Petitioners have always been obliged, to do all Repairs within their Precinct, at their own Charges. — We would also beg leave further to represent, the difficultys, *we*, in comon with the *Town*, labour under, by being obliged to transact our Publick Affairs together. We experience the Difficulty, of having suitable Persons appointed to places of trust, in our several Parishes; as their Qualifications are mostly unknown, to the Majority of Voters. — the Difficultys the Select-Men, labour under in managing the Prudentials of the Town; taking Care of the Poor; providing private Schools &c — the great Difficulty of Meeting, if they are chosen out of the several Parishes, being apt to render them remiss in their Duty. or, if chosen near together, the greatest Part of the Town would be deprived, of the Benefit of their Inspection, and oversight — & also we experience the Disadvantage, of having Assessors, who must unavoidably be unacquainted with the Circumstances, and Estate, of the greatest Part of those they assess — Your Petitioners having been long sensible, of these Disadvantages, and Difficultys, which continue to encrease, in Proportion to the Increase of Inhabitants. — & being now about Ninty Familys, & the Inhabitants of the said third Parish daily increasing. — they are desirous of having those Difficultys removed, in the only Manner which appears to remain for their Relief — viz of being incorporated into a Distinct, and seperate District. or Town. — for which Purpose, by an Unanimous Vote of the Inhabitants of said third Parish, application was made to the said Town, at their annual Town Meeting in March 1772, for their Consent. that your Petitioners might be set off as a distinct & seperate Town, or District — under certain Restrictions and Regulations — which was then Voted as petition,d for, (as the Petitioners understood.) — but some Difficultys happening in the construction of the said Vote — & the Circumstances of the Town, still rendering the Disadvantages of an Union with them, greater & greater; your Petitioners again applied to the Town, at a legal Town Meeting on the Seventeenth of January Instant. for their Consent to be set off as a distinct Town or District. — at which Meeting the said Town Voted 'That they consent that the said third Parish, be set off as a distinct Town or District, by the Limits they now enjoy as a Parish,' under certain Restrictions & Regulations therein mentioned — agreable to the Vote of the said Town herewith exhibited. — Your Petitioners therefore most humbly supplicate your Excellency and Honors, that they may be relieved from the Difficultys, they now Labour under, as above specified; (& which prove a great Discouragement from the Settlement of the yet uncultivated Lands in the said Parish,) by granting the Prayer of this Petition. viz: That the said Third Parish of the Town of Springfield, may be incorporated into a seperate & distinct Town, or District, with all the Priviledges, and Immunities of other Towns, in this Province; (that only of sending a Representative to y^e^ Great & General Court excepted in the Choice of whom, they are still willing to join with the said Town of Springfield.) agreable to the said last mentioned Vote, of the said Town of Springfield. — by granting of which Petition, we shall not only be greatly relieved of those Burdens which we have long born — be enabled to transact the Business of the Society, with much less trouble and expence, and more to our own Satisfaction; but also we apprehend the Peace, & Prosperity of the whole Town, will be

thereby increased; and no Disadvantage, that we can conceive of, will thereby accrue to the Publick, or any Part of the said Town. — And as in Duty bound will ever pray

Springfield Longmeadow
Februry 2d. 1774

JONATHAN STEBBINS
NATHL ELY 2D
AARON COLTON
SAMLL WILLIAMS
DAVID BURT 3D
JONA HALE JUNR
JONA BURT 2ND
} Comittee of the said third Parish for this Purpose." — *Mass. Archives, vol.* 118, *p.* 715.

"Feb. 11, 1774. The following Order passed on the Petition of the Inhabitants of the first Parish in Springfield and the Petitions of Benoni Banister and others Inhabitants of the third and fourth Parishes in said Town and the Petition of John Hubbard and others Inhabitants of the place called Stony hill in said Springfield — as entered the 11th day of June last.

In Council, Read again together with the Answer and Ordered that William Brattle and Benjamin Greenleaf Esqrs. with such as may be joined by the honble House be a Committee to take the same into consideration, hear the parties and make report. In the House of Representatives, Read and Concurred and Mr. Danielson Mr. Gorham and Doctr. Holton are joined, and Ordered that the same Committee take into consideration a Petition of the third Parish in Springfield which is now a paper accompanying the Petition. In Council, Read and Concurred." — *Council Records, vol. XXX., p.* 169.

"The Comtee of both Houses to whom were referred the Petitions of the Inhabitants of the First Parish in Springfield and the Petitions of numbers of the Inhabitants of the Third and Fourth Parishes in said Town respectively, praying for a General Division of the said Town by Connecticut River under certain Restrictions &c

& The Petition of the Inhabitants of that part of the said Town of Springfield that is called and known by the Name of Stony Hill* praying that they may be made a seperate District, and the Petition of the Inhabitants of the third Parish in said Town commonly called Long Meadow Parish, praying that they also may be made a seperate District, and the Petition from a Number of the Inhabitants of said Long Meadow Parish praying that the Prayer of the Petition of that Parish might not be granted — And the Answer to the Town of Springfield to the three first of said Petitions. Have carefully attended to the said Petitions and Answer & fully heard the Agents for the Petitioners for a general Division of said Town, and the Agent of the Town and their Council respecting such general Division &c And beg leave to Report

That the Petition of the Inhabitants of the Third Parish in said Springfield called Long Meadow Parish be dismiss'd.

That they are of opinion considering the number and circumstances of the Inhabitants of that part of said Springfield called Stony Hill which live within the limits in their petition aforesaid mentioned; that It would not be consistent with the wisdom of the Assembly or the Interest of those People that the Prayer of their Petition should at present be granted At the same time, the Comtee are of Opinion, That as their local Circumstances are such that they can receive little or no Advantage in Regard to public Worship in the first and fourth Parishes to which they belong in said Town, That altho they should continue to be taxed to all Parish charges in common with others in said Parishes, yet that they should for the future and until this Court shall otherwise order be intitled to receive from the Treasurys of said Parishes from Year to Year, so much money as they shall pay into the same respectively to be improved for the purpose of procuring Preaching among themselves, provided they improve the same moneys for that purpose only. — And the Inhabitants of the said Parishes be enabled to raise so much more money than otherwise they need in Order to Supply the Deficiency thereby occasioned of what may be necessary to defrey their respective Parish Charges Annually.

The said Comtee further report That the Town of Springfield be divided into two distinct and Seperate Towns by connecticut River, under the Condition or restriction hereafter mentioned — And that the part of the said Town of Springfield that now is, That lies on the East side said Connecticut River be and remain the Town of Springfield. And that the part of said Town that lies on the West side said River be erected into a distinct and seperate Town with all the Powers and priviledges of a Town, excepting only and providing, with regard to the Lands in the great and general Field so called on the West side sd Connecticut River in said Town that lie Southerly of a line running from the Ferry over said River at the upper Wharf so called, to the Pond called Turtle pond in said Field, and from thence to the West end of the Hill called New Field Hill, and from thence to the Ferry over Agunam River at Moses Leonards, That such part of said Land (so lying in said Field Southerly of said Line) as is or may be owned by any of the Inhabitants on the East side said Connecticut River in said Springfield shall be taxable and taxed for all Province, County, Town and Parish Charges only in said Town of Springfield at all times hereafter.

That in such Division the Inhabitants on each side said River shall divide or Support together the poor of said Town in proportion as they pay to the Charges of said Town in their last Assessment; & pay all the present Debts of the Town in the same proportion And that they shall share between themselves in the same proportion all the Town Moneys Debts and Stock of Ammunition excepting £200 — agreed by said Town to be appropriated to the Building a Bridge on Chicaber River, which sum also if it be not made use of for that purpose in the Space of ten Years shall also be divided in the same proportion. — And that all the Ministerial School Lands belonging to sd. Town of Springfield & lying in the outward Comon so called there both on the East & West Sides of sd Connecticut River be holden or divided between the Inhabitants of the sd two Towns in the same

* See note to chapter 27, *post.*

proportion with their other joint Intrest before mention'd—& that this Division shall not affect or alter the Rights or Limits of Parishes heretofore settled & establish'd in s^d^ Town —

The Committee beg leave to add that this Report so far as respects the General Division of said Town and the Terms and Conditions thereof is made not only Agreable to the opinion of all the Com^tee^. but also conformable to the Agreement of the said Agents made before them. W BRATTLE by order

In Council Feb^y^. 17^th^ 1774— Read & accepted, & Ordered that the Petitioners of the first Parish in the Town of Springfield, have leave to bring in a Bill accordingly — Sent down for Concurrence JN^o^. COTTON D. Secr^y^

In the House of Representatives Feb 17 1774 Read and Concured excepting that part which relates to Stony Hill & orderd that that part of the Town of Springfield Called Stony Hill be incorporated into a district agreable to their petition

Sent up for Concurrence T CUSHING Spk^r^

In Council February 18^th^ 1774 Read & Concurred — JN^o^. COTTON D. Secr^y^."— *Mass. Archives, vol.* 118, *p.* 719.

"An Act for incorporating West Springfield The Governor formerly had an Instruction to make no new Towns unless care was taken that the number of the Representatives * which afterwards was relaxed and extended to Towns only which were made out of old Towns. The Instruction is now wholly withdrawn I have however so far as respects the division of old Towns generally governed myself by the reason of the Instruction and I dont remember any instances of my assent to any Bill without such exception. The Town of Springfield is a very large Town,— Connecticut River as wide as the Thames at London Bridge runs through the middle of it. Now it is divided each Town is larger than by far the greater part of the other Towns in the Province. If I had refused my assent to the Bill there was no probability of another Bill with the usual exception Chapter five [chapter 19] for incorporating Leverett has not so good a claim as this Act. I must acknowledge I gave my assent suddenly and upon further consideration should have refused it. Seeing the increase of weight will in some degree follow the increase of numbers in the House of Representatives it requires some provision to prevent such increase of numbers."— *Gov. Hutchinson to the Lords of Trade, Apr.* 5, 1774: "*Mass. Bay, B. T.*," *vol.* 82, *P. p.*, 58.

Chap. 27. "June 11, 1771. A Petition of the Inhabitants of that part of the Town of Springfield called Stony Hill — Setting forth — That the said Settlement consists of about fifty Families, and that there is a fair prospect their number may in a few years be very considerably increased — That the most of them live eight miles and many of them much further from the established places of public Worship in the Parishes to which they respectively belong; and that they live from eight to twelve miles distant from the established place of holding Town Meetings in said Town — That they are very rarely any of them able without great inconvenience and expence to attend the public worship of God in their respective Parishes and seldom attend Town Meetings in said Town — That for several years past they have maintained public Worship among themselves and have during that time paid their full proportion of Town and Parish Taxes — And praying that they may be Incorporated into a District by certain bounds mentioned in their Petition; the Town of Springfield having consented thereto.

In the House of Representatives. The foregoing Petition being read, thereupon Resolved and Ordered that the Petitioners notify the first Parish in Springfield and the fifth parish of said Town by serving the respective Clerks of each of the aforesaid Parishes with an attested Copy of the Petition and Order thereon, to shew cause, if any they have, on the second Wednesday of the next Session of the General Court why the prayer of said Petition should not be granted. In Council, Read and Concurred."— *Council Records, vol.* XXIX., *p.* 35.

"Apr. 22, 1772. A Petition of the Inhabitants of that part of the Town of Springfield called Stony Hill — Praying to be Incorporated into a District, as entered the 11^th^ day of June last.

In Council. Ordered that the consideration of this Petition be referred to the fourth Wednesday of the next Session of the General Court. In the House of Representatives, Read and Concurred."— *Ibid.*, *p.* 179.

"June 18, 1772. A Petition of the Inhabitants of that part of the Town of Springfield called Stony Hill, Praying to be erected into a District, as entred the 11^th^ day of June 1771 —

In Council, Read again and Ordered that this Petition be revived, & that William Sever and James Humphrey Esq^rs^. with such as the hon^ble^. House shall join, be a Committee to take this Petition and the several Answers thereto into consideration and report what they shall judge necessary for this Court to do thereon.— In the House of Representatives, Read & Concurred & Cap^t^. Mosely, M^r^. Bridgham and Col^o^. Murray are joined."— *Ibid.*, *p.* 272.

"June 25, 1772. The Committee appointed the 18. instant on the Petition of the Inhabitants of that part of the Town of Springfield called Stony Hill, having considered the same as also the Answers of the first and fifth Parishes in said Town and other papers accompanying the said petition — reported, as their opinion, that the said Petition be dismissed — Signed WILL^M^ SEVER P^r^. Order

In Council, Read & Accepted & Ordered that the s^d^. petition be dismissed accordingly — In the House of Representatives, Read and Nonconcurred and Ordered that the Peti-

* *Sic*, in Mr. Sainsbury's transcript. The words "be not thereby increased," or some equivalent expression, are evidently omitted. This, however, was not the purport of the instruction, which was not to assent "to any bill for erecting a new town, or dividing an old one, without a suspending clause, &c."

tioners have leave to bring in a Bill for the purpose of the Petition. In Council Read & Nonconcurred and the Board adhere to their own Vote."— *Ibid., p.* 289.

"To Incorporate a District by the name of Ludlow."— *Gov. Hutchinson to the Lords of Trade, Apr.* 5, 1774: "*Mass. Bay, B. T.,*" *vol.* 82, *P. p.*, 58.

See, also, note to chapter 26, *ante*.

Chap. 28. "An Act for Supply of the Treasury as usual." — *Ibid.*

Chap. 29. June 9, 1773. A Petition of Josiah Edson Esq^r. of Bridgwater in behalf of the said Town — Setting forth — That the Law of this Province for regulating the Alewive Fishery in the said Town has been found ineffectual to that purpose. And praying that some alterations and additions may be made thereto.

In the House of Representatives. Resolved that the Petitioner serve the owners of said Perkins's Dam with an attested Copy of this Petition with the Courts Order thereon, by leaving the same with one of the principal of said owners that they may shew cause, if any they have, on the second Wednesday of the next Sessions of the General Court why the prayer thereof should not be granted. In Council, Read and Concurred."— *Council Records, vol. XXX., p.* 31.

"Feb. 18, 1774. The Petition of *Josiah Edson*, Esq; in Behalf of the Town of *Bridgwater*, praying for an Alteration of and Addition to the Law passed in the Fifth Year of the present Reign relating to Alewives, which Petition was enter'd the 9th of *June* 1773. Read again and reviv'd, and *Ordered*, That the Member from *Bridgewater* have leave to bring in a Bill for the Purpose of the Petition." — *House Journal, p.* 173.

"Mar. 3, 1774. On the Petition of Robert Treat Paine and Daniel Leonard Esq^rs. Agents for the Inhabitants of the Town of Taunton.

In the House of Representatives — Read and Ordered that Henry Gardner and Benjamin Lincoln Esq^rs. with such as the hon^ble. Board shall join be a Committee to take this Petition into consideration, together with the Petitions of the Towns of Bridgwater and Middleborough, all of them praying for the regulating the Alewive Fishery in Taunton Great River, and to repair the next season of the passing of said Fish up said River to the Town of Taunton and the several Towns thro' or by which said River runs or any stream or streams run or pass into said River, in which stream or streams said Fish pass up and report to this Court at the next Session thereof what new regulations, if any, are necessary to be made for taking Alewives in Taunton Great River and the several branches or streams runing into the same. In Council, Read and Concurred and Artemas Ward Esq^r. is joined in the affair."— *Council Records, vol. XXX., p.* 244.

"Respects the Fishery of Alewives in Bridgwater the like Provisions in other Towns."— *Gov. Hutchinson to the Lords of Trade, Apr.* 5, 1774: "*Mass. Bay, B. T.,*" *vol.* 82, *P. p.*, 58.

Chap. 30. "June 29, 1773. Upon the Petition of John Peas and others William Brattle, Thomas Foster and Daniel Howard Esq^rs. were appointed to take the same under consideration; they repaired to Chapequiduck viewed the Lands purchased by the English of the Indians on said Island, took Surveys and plans thereof &c Upon the Committees having attended the service assigned them, they at Plymouth on their return left the papers with the said Thomas to draw a report which tho' often requested he hath neglected to do; upon the subscribers mentioning the fact to the present hon^ble. Board, which he did the year before in writing and the year before that verbally to preceeding Boards, this hon^ble. Board by Express sent an order to him forthwith to attend with the papers: through bodily indisposition he could not attend, but sent the papers, whereupon the Board ordered the subscriber to make report — which in obedience to said order is now done in the following manner. — That upon the plans that were taken of the Lands purchased by the English of the Indians on the Island aforesaid, it manifestly appears in the first place, that by far the greatest part of the Deeds contain more Acres than are mentioned in said Deeds. 2^dly That in some of said Deeds there is no valuable consideration — in most if not in every one not a consideration by any means equal to the true value of the Lands when purchased. 3^dly. It appears that every purchase aforesaid was made directly contrary to the Law that they were under when belonging to the Government of New York and directly contrary to the Law of the Colony of the Massachusetts Bay and the Law of the Province of the Massachusetts Bay after Capawa or Martha's Vineyard was made part thereof, and above all directly contrary to an Award signed and sealed A D 1715 by his then Excellency Joseph Dudley Esq^r., the hon^ble. Will^m. Tailer Samuel Sewall, Pen Townsend and John Cushing Esq^rs. Arbitrators mutually chosen by the Indian proprietors of Chapequiduck and the English, which Award was in Council Decem^r. 19 1715 read and approved and sent down for concurrence J. Woodward Sec.

In the House of Representatives Decem^r 20. 1715 Read and concurred

John Burrill Speaker,

By the hon^ble. Lieutenant Governor, I consent to this determination Will^m. Tayler—

A true Copy of Record Attest J Willard Secretary —

4 — Notwithstanding the truth as above and this further truth that many of these purchases were made with their eyes open knowing that it was against Law, against the Award aforesaid ratified and confirmed by the General Court as aforesaid — yet considering the very great inconveniences hardships and in some instances great injustice that would ensue was not the whole matter viewed in equity and determinations in equity had thereon — The subscriber humbly proposes that a Committee might be chose to take this whole matter into consideration, together with all breaches and trespasses made upon the Indian proprietors of Chapequiduck contrary to the award aforesaid and of all purchases that have been made by the English of the Indians of Lands lying on said Island, since the last committee went there, make such an adjustment and settlement in equity with

respect to every purchase or Trespass as aforesaid and also with respect to what shall appear to them due from the English to the Indians with respect to the matters in said Award contained as they in their judgment shall think right and equitable, they to report at the next Session of this Court, and that as soon as this is done, the General Court appoint Guardians over said Indians. All which is humbly submitted

W BRATTLE

In Council, Read and accepted and Ordered that Walter Spooner Esq^r. with such as may be joined by the hon^ble House, be a Committee for the purposes above-mentioned, also that they take into consideration the circumstances of the Indians at Gayhead, and make report of their doings at the next Session of the General Court. In the House of Representatives, Read and Concurred and M^r. Bacon and M^r. Lothrop are joined." — *Council Records, vol.* XXX., *p.* 100.

"Feb. 21, 1774. The Committee appointed in June last to repair to the Island of Marthas Vineyard and there take into consideration the Trespasses committed on the Indian Lands on the Island of Chabbaquiddick & also to consider the state and circumstances of the Indians at Gayhead on the abovesaid Island of Marthas vineyard — Reported a state of facts and prayed the further Order of the Court — and also reported, as their opinion, that Guardians be appointed for the Indians at Gayhead.

In Council, Read and Ordered that this Report be recommitted that the Committee may consider and report what they may judge proper for the General Court to do that a just and equitable settlement may be made between the English and Indian Inhabitants on the Island of Chabbaquiddick. In the House of Representatives, Read and Concurred." — *Ibid.*, *p.* 198.

"Feb. 23, 1774. The Committee of both Houses appointed in June last to repair to the Island of Marthas Vineyard and there take into consideration the Trespasses committed on the Indians Lands on the Island of Chabbaquiddick, having reported a state of facts only — the said Report was, on the 21^st of February instant, recommitted that the Committee might consider and report what they judged proper for the General Court to do that a just and equitable settlement might be made between the English and Indian Inhabitants of the said Chabbaquiddick. The said Committee accordingly made the following Report viz^t —

Your Committee agreable to the above Order have duly considered thereon and report as follows — that a Law be made this Session to prevent any Cattle, Horses, Sheep, Goats or Swine from going at large on the Island Chabbaquiddick from the tenth day of April next until the thirtieth day of October next and so to be continued annually, and also to prevent any Wood being sold or transported from off the Indian Lands on said Island on any pretence whatsoever. 2^dly that a Committee be appointed to set off to the English purchasers or Patentees such quantity of Lands to each of them, by meets and bounds, in full consideration of their several purchases as to said Committee in equity, all circumstances considered, may appear just and reasonable, excepting such purchases as have been made since the year 1768 at a time when a Committee of this Court had the matters relative to the disputes between the English and Indians on said Island under consideration, those purchases your Committee are of opinion ought to be declared null and void. 3^dly that said Committee be directed to report what sum of money the Patentees or purchasers ought to pay for time past as well as for time to come for the privilege of mowing the Salt Meadow on the Island of Chabbaquiddick and Grazing Cattle thereon, agreable to the Award made in 1715 — 4^thly Said Committee to take into consideration any other matters or things relative to said disputes and to act thereon as to them shall appear just and reasonable to be done between said English and Indians on said Island, so that a final settlement may be made between them and report to the General Court for their consideration and Order thereon, as soon as conveniently may be. 5^thly That Guardians be appointed with full power to have the care and oversight of the Indians and their interest on said Island. All which is submitted WALTER SPOONER ℔' Order

In Council, Read and accepted and Ordered that Walter Spooner and Edward Bacon Esq^rs. and M^r. Isaac Lothrop be a Committee to bring in a Bill for the purpose therein mentioned, and also for repairing to the Island of Chabbaquiddick to set off the Land to the English Inhabitants in full of their respective purchases agreable to said report, and for ascertaining what sum or sums of money the English Inhabitants ought to allow and pay the Indians for the privilege of Mowing the Salt Meadow and Grazing Cattle thereon, and to take into consideration and determine upon such other matters as shall appear to them just and reasonable finally to adjust all disputes, and report their doings to the General Court for confirmation as soon as may be; and that Guardians be chosen to have the care and oversight of the Indians interest. And that all conveyances of Lands, purchased of the Indians, on the Island of Chabbaquiddick, since the year 1768, be and hereby are declared null and void. In the House of Representatives, Read and Concurred." — *Ibid.*, *p.* 207.

"Feb. 24, 1774. In the House of Representatives. Resolved that there be granted and allowed to be paid out of the public Treasury to Walter Spooner and Edward Bacon Esq^rs. and M^r. Isaac Lothrop the sum of forty pounds for the use of the Indians Proprietors of and Inhabitants on the Island of Chabbaquiddick, to be applied for the sole purposes of paying sundry charges that said Indians have been at for Simon Porridge's expences as Agent for them the said Indians at the Court of Great Britain, and the further expence of said Indians for attending the General Court the present Sessions; the Committee to be accountable to this Court. In Council, Read and Concurred, Consented to by the Governor." — *Ibid.*, *p.* 209.

"Mar. 8, 1774. The two Houses according to agreement proceeded to the choice of Guardians for the Indians of Chabboquiddick, and upon examining the votes it appeared that William Mayhew and Jonathan Allen Esq^rs. and George Johnson jun^r. were chosen. Consented to by the Governer." — *Ibid.*, *p.* 263.

"For preserving the Meadows at Chabbiquidick like Provision in many other Places." — *Gov. Hutchinson to the Lords of Trade, Apr.* 5, 1774: "*Mass. Bay, B. T.*," *vol.* 82, *P. p.*, 58.

Chap. 31. "Feb. 15, 1774. A Petition of *Henry Gardner*, Esq; Agent for the Town of *Stow*, praying that the Proprietors thereof may be empowered to levy and collect certain Taxes.

Read and *Ordered*, That Mr. *Gardner* have Leave to bring in a Bill." — *House Journal*, *p.* 156.

"To correct some irregular Proceedings in the Town of Stow only." — *Gov. Hutchinson to the Lords of Trade, Apr.* 5, 1774: "*Mass. Bay, B. T.*," *vol.* 82, *P. p.*, 58.

Chap. 32. Feb. 17, 1774. Upon a Motion, *Ordered*, That Mr. *Webster*, Mr. *Bridges* and Col. *Bacon*, be a Committee to bring in a Bill for regulating the Fishery in *Merrimack* River." — *House Journal*, *p.* 168.

"Mar. 7, 1774. *Benjamin Greenleafe*, Esq; came down from the Council Board to propose an Amendment on the Bill for preventing the Destruction of Salmon in *Merrimack* River and laid the said Bill on the Table. The same was consider'd in the House.

Ordered, That Mr. *Hancock* go up to the Council Board, and acquaint them that this House do concur with the honorable Board in said Amendment." — *Ibid.*, *p.* 232.

"To regulate the Salmon Fishery in Andover." — *Gov. Hutchinson to the Lords of Trade, Apr.* 5, 1774: "*Mass. Bay, B. T.*," *vol.* 82, *P. p.*, 58.

Chap. 33. "To continue a former Act respecting Dartmouth." — *Ibid.*

Chap. 34. "Mar. 2, 1774. Upon a Motion *Ordered*, That Mr. *Gorham*, Mr. *Hancock*, and Major *Fuller*, be a Committee to prepare a Bill for the Revival of the Impost Act, and report." — *House Journal*, *p.* 221.

"To continue the former Impost Act. — *Gov. Hutchinson to the Lords of Trade, Apr.* 5, 1774: "*Mass. Bay, B. T.*," *vol.* 82, *P. p.*, 58.

Supplementary note to chapter 1. — The following extracts from "The Diary and Letters," &c., of Governor Hutchinson, published since the foregoing notes were prepared, show that this chapter had been laid aside for disallowance, as early as August 17, 1774. They also show that, as late as the 12th of the same month, the field-pieces had not been shipped. This agrees with Hutchinson's statement in his History, that "the person intrusted with this money applied it to other uses, and desired his correspondent in England to send the field-pieces, promising remittance. This caused some delay, or, for some other reason, they were not shipped, until the disorders rose to such heights in the province, that the ministry, receiving information that such pieces were preparing, gave orders to stop them." — (*Vol.* 3, *p.* 390, *note*) : —

"Aug. 12, 1774. M^r^ Pain informed me he had not shipped the field-pieces. He delayed because of a report that they were designed to oppose the King's troops: and L^d^ North, he says, advised to it. Afterwards, from some losses in America, he took up a resolution to give no credit in America, N^o^ nor S^o^ [?]; and as Cushing had made him no remittance, he would not ship them. I told him they were sent for upon my recommendation, and he thereupon agreed to send them to M^r^ Pepperrell, to be delivered upon payment being secured." — *Diary*, *p.* 218.

"Aug. 17, 1774. M^r^ Pownall called also. I mentioned to him the affair of the field-pieces. He said the Act for purchasing them was laid by, and would be disallowed: and that the Act for vendue masters was actually disallowed. I told him I hoped both was done before my arrival; otherwise they would be charged to me. The Vendue Bill, he said, was [disallowed] long before." — *Ibid.*, *p.* 222.

ACTS,

PASSED 1774.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE TWENTY-FIFTH DAY OF MAY, A. D. 1774, AND HELD, BY ADJOURNMENT, AT SALEM, ON THE SEVENTH DAY OF JUNE FOLLOWING.

CHAPTER 1.

AN ACT FOR THE SAFE KEEPING OF THE RECORDS OF THE PROPRIETORS OF LANDS BROUGHT TO SEVERALTY, WHICH HAD BEEN BEFORE HELD IN COMMON.

Preamble.

WHEREAS the laws of this province have made provision, and impowered the proprietors of land lying in common and undivided, "to manage, improve and divide the same, in such way and manner as hath been or shall be concluded and agreed on by the major part of the interested"; and, "by a major vote, to choose a clerk to enter and record all votes and orders that, from time to time, shall be made and passed in the proprietors' meetings"; but no provision is made for the preservation and safe keeping of such proprietors' records, after they have made a full and compleat division of their lands lying in common and undivided and reduced the same to severalty; for remedy whereof for the future, —

1692-3, chap. 28, § 3.

1712-13, chap. 9, § 1.

Be it enacted by the Governor, Council and House of Representatives,

Clerk chosen by the proprietors of undivided lands, to execute his office notwithstanding the division.

[SECT. 1.] That the last clerk chosen by the proprietors of any common and undivided land in this province, who are, or have been, or may hereafter be, impowered by law to hold meetings, choose a clerk and other officers, shall continue to execute the office of clerk to which he was appointed, notwithstanding the final and total division of the lands said proprietors held in common, as fully, to all intents, constructions and purposes whatsoever, as though there was no such division made.

And be it further enacted,

Provision in case of the decease of the clerk.

[SECT. 2.] That whensoever it shall so happen that the clerk of any such propriety, after the final division of their lands held in common, or the clerk of any propriety where the proprietors shall cease any further division, shall die, or is already dead, or where such clerk shall otherwise be unable to act as clerk, or where any clerk who shall be chosen as in and by this act is hereafter provided, shall die, remove, or be otherwise unable to act as clerk, then and in such case it shall and may be lawful for the owner of such land held in severalty, which originally was held in common, from time to time, to call a meeting of such owners of land held in severalty; which meeting shall be called in the same manner as is provided in an act made in the twelfth year of the reign of her late majesty Queen Ann, intituled "An Act directing how meetings of proprietors of lands

Owners, how to call a meeting of the proprietors.

1712-13, chap. 9.

lying in common may be called," who, when met, shall have power, by the major vote of the owners present at such meeting (the vote being determined according to the interest), to choose a moderator and clerk; which clerk, so chosen, shall be under oath for the faithful discharge of his office, and shall have power to demand and receive such proprietors' books and other papers in the hands of the former clerk, or in whosesoever hands they may be found: and said clerk, so chosen, shall be impowered to give and attest copies of the records in such books entred, or original papers in his hands, which copies shall be as good and valid in law as attested copies under the hand of the clerk chosen by the tenants or proprietors of land held in common. [*Passed June* 17.

Clerk empowered to give attested copies.

CHAPTER 2.

AN ACT FOR MAINTAINING A LIGHTHOUSE UPON BRANT POINT, AT THE ENTRANCE OF THE HARBOUR OF NANTUCKET.

Preamble.

WHEREAS the inhabitants of the island of Nantucket, at their own cost and charge, have, at different times, erected three lighthouses upon Brant Point, at the entrance of the harbour of Nantucket, the first of which was destroyed by fire, and the second by a violent gust of wind; the third is now standing and is absolutely necessary for all vessels coming in and going out of said harbour, but the inhabitants of said island have hitherto borne all the charge of erecting and maintaining the said lighthouse, which burthen ought, in equity, to be borne by all vessels receiving advantage from that light, belonging to strangers as well as to the said inhabitants who have humbly petitioned this court for relief, —

Therefore be it enacted by the Governor, Council and House of Representatives,

Vessels of fifteen tons and upwards, to pay.

[SECT. 1.] That from and after the first day of August, *Anno Domini* one thousand seven hundred and seventy-four, all vessels of fifteen tons burthen and upwards, coming in or going out of said harbour of Nantucket, shall pay the sum of six shillings at the time of their first coming in or going out; and no further sum shall be demanded of any such vessel for the space of twelve months next following.

And be it further enacted,

Not to be cleared, unless.

[SECT. 2.] That no vessel of fifteen tons burthen and upwards shall be clear'd or entered by the impost officer residing at said island of Nantucket, until the said sum of six shillings be paid to him for the support and maintenance of the said lighthouse; and the said

Impost officer, directed.

impost officer, for the time being, is hereby directed and required to receive the sum of six shillings, for each vessel so enter'd or cleared, and no more, to be applied for the purposes of maintaining of said

Money collected, how to be applied.

lighthouse, and shall keep a fair account of all such monies received, and pay the same to the selectmen of the town of Sherburne, or the major part of them, or their successors in said office, to be applied for the purposes aforesaid. [*Passed June* 17.

CHAPTER 3.

AN ACT FOR INCORPORATING A TRACT OF LAND IN THE COUNTY OF WORCESTER, KNOWN BY THE NAME OF RUTLAND DISTRICT, INTO A TOWN BY THE NAME OF HUTCHINSON.

Preamble

Whereas the north-westerly part of the township of Rutland, in the county of Worcester, at the session of the general court begun and held on the 28th day of March, 1753, was incorporated into a district by the name of Rutland District, and invested with all the powers and privileges that towns in this province do or may enjoy, that of sending a representative to the general assembly only excepted; *and whereas* the said district, which is of the contents of six miles square, is now competently filled with inhabitants, who have made it appear to this court that it is very inconvenient for them to join with the town of Rutland and the districts of Oakham and Hubbardston in the choice of representatives (as by law they are now obliged), by reason of their great distance from the place of election, they living, many of them, sixteen miles therefrom, —

Be it therefore enacted by the Governor, Council and House of Representatives,

Incorporated into a town, &c.

[Sect. 1.] That the said Rutland District be and hereby is incorporated into a town by the name of Hutchinson, and that the inhabitants thereof be and hereby are invested with all the powers, privileges and immunities that the inhabitants of towns in this province, by law, do or ought to enjoy.

And be it further enacted,

District officers empowered, until new ones are chosen by the town.

[Sect. 2.] That all the several district officers in said district that have been chosen into, and have actually been legally in, office in said district until the passing of this act, shall be and hereby are impowered to continue and exercise all the powers, in the several offices in said town, that they might, by law, have exercised in said district if this act had not been made, until new officers may be chosen in said town, in the month of March next; and that the selectmen that now are in said district, be and hereby are impowered to call a meeting of the inhabitants of said town in the month of March next, for the choice of all town officers, in all respects as they might have called a meeting of the said district if this act had not been passed. [*Passed June* 17.

Selectmen empowered to call a meeting.

CHAPTER 4.

AN ACT IN ADDITION TO AN ACT INTITULED "AN ACT FOR THE INCORPORATING THE WEST PART OF THE TOWN OF STOCKBRIDGE, INTO A DISTRICT BY THE NAME OF WEST STOCKBRIDGE," MADE AND PASSED IN THE PRESENT YEAR OF HIS MAJESTY'S REIGN.

Preamble.

1773-74, chap. 18.
12 Mass., 400.

Whereas, in and by the said act, the lines and limits of the said district of West Stockbridge are described as followeth; that is to say, "beginning at the north-west corner of the said town," meaning the town of Stockbridge, "and thence, running southerly, upon the west line of said town, to the south-west corner of the same"; "thence, running

easterly, in the south line of said town, one mile and an half; thence, running northerly, in a line parallel with the west line of said town, to the north line of the same"; "and from thence, in the same north line, to the said north-west corner first mentioned": by which it appears that the said district of West Stockbridge is but one mile and an half in width, which is to the great damage of the inhabitants of said district and to others who ought, at that time, to have been incorporated with them; and it being now made evident to this court that it was the intent of the general court, at the time of making and passing the act before mentioned, that the said district should have been two miles and an half in width; wherefore, —

Be it enacted by the Governor, Council and House of Representatives,

Bounds described.

That the lines and limits of the said district of West Stockbridge shall be as follows; that is to say, beginning at the north-west corner of said district, which was the north-west corner of the township of Stockbridge, and, from thence, running southerly, upon the west line of said district, which was the west line of Stockbridge, to the south-west corner of the said district, which was the south-west corner of Stockbridge; thence, running easterly, in the south line of said district, which was the south line of Stockbridge, two miles and an half; thence, running northerly, in a line parallel with the west line before mentioned, to the north line of that tract of land which, before the passing of said act, was the township of Stockbridge, and, from thence, in the north line of that tract of land which was formerly the township of Stockbridge, to the north-west corner first mentioned:

Inhabitants entitled to privileges and subjected to duties.

and that all the inhabitants now dwelling, or who may hereafter dwell, within the limits and lines last described, shall be intitled to all the privileges, and subjected to all the duties, that the inhabitants of said district, in and by the act aforesaid, are intitled or subjected to. [*Passed June* 17.

CHAPTER 5.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF FOURTEEN THOUSAND FIVE HUNDRED AND FIFTY POUNDS, FOR THE SUPPORT OF GOVERNMENT THE ENSUING YEAR.

Preamble.

WHEREAS it is necessary, in order to defrey the charges of government the ensuing year, that provision be made by the general court for the payment of the grants and allowances that have been and may be made, —

Be it enacted by the Governor, Council and House of Representatives,

Treasury supplied with £14,550.

[SECT. 1.] That the treasurer of the province be, and he hereby is, impowered and directed to borrow, from such person or persons as shall be willing to lend the same, from time to time, as he shall have occasion for the money, a sum not exceeding fourteen thousand five hundred and fifty pounds; and the sum so borrowed shall be applied in manner as in this act is hereafter directed. And the treasurer shall give his receipts or obligations, payable the twentieth day of June, in the year of our Lord one thousand seven hundred and seventy-six, in the form following: —

Form of the treasurer's notes.

Province of Massachusetts Bay, the day of , A. D. .
Borrowed and received of the sum of , for the

use and service of the province of the Massachusetts Bay; and, in behalf of said province, I do hereby promise and oblige myself and successors in the office of treasurer to repay the said or his order, the twentieth day of June, A.D. one thousand seven hundred and seventy-six, the aforesaid sum of , in Spanish mill'd dollars at six shillings each, or in the several species of coined silver and gold enumerated in an act, made and passed in the twenty-third year of his late majesty King George the Second, intitled "An Act for ascertaining the rates at which coin'd silver and gold, English halfpence and farthings, may pass within the government," and according to the rates therein mentioned, with interest, annually, at the rate of five per cent. 1749-50, chap. 19.

Witness my hand, H. G., Treasurer.

A. B.,
C. D., } Committee.
E. F.,

[Sect. 2.] And the treasurer, in issuing said receipts or obligations, and the committee chosen to countersign them, shall observe and be governed by the rules and directions given by an act of this province, made in the second year of his present majesty's reign, intituled "An Act to supply the treasury with the sum of twenty-five thousand pounds." 1761-62, chap 23.

And be it further enacted,

[Sect. 3.] That the sum of fourteen thousand five hundred and fifty pounds, when received into the treasury, shall be applied by the treasurer for the discharge of such orders as shall be drawn on him by the governor, with the advice of council, to be paid out of the following appropriations; that is to say, the sum of five thousand seven hundred pounds, part of the aforesaid sum of fourteen thousand five hundred and fifty pounds, shall be applied for the payment of grants made and which shall be made by this court; and the further sum of five thousand pounds, part of the aforesaid sum of fourteen thousand five hundred and fifty pounds, shall be applied for the discharge of debts owing from this province to persons who have served and shall serve them, by order of this court, in such matters and things where there is no establishment nor any certain sum assigned for that purpose, and for writing, printing and paper for this court, and such repairs of the publick buildings belonging to this province as shall be made by order of the general assembly; and the further sum of two thousand seven hundred pounds, part of the aforesaid sum of fourteen thousand five hundred and fifty pounds, shall be applied for the payment of his majesty's council and the members of the house of representatives serving in the great and general court during the several sessions of the present year; and the further sum of seven hundred pounds, part of the aforesaid sum of fourteen thousand five hundred and fifty pounds, shall be applied for the payment of the expences in maintaining the garrison at Fort Pownall the present year; and the further sum of four hundred pounds, part of the aforesaid sum of fourteen thousand five hundred and fifty pounds, shall be applied for the purchasing provisions and the commissary's disbursements for Fort Pownall; and the further sum of fifty pounds, part of the aforesaid sum of fourteen thousand five hundred and fifty pounds, shall be applied to pay such contingent charges as may arise, and for no other purpose whatever. How appropriated.

And, as a fund to enable the treasurer effectually to discharge the receipts and obligations by him given, with the interest thereon, in pursuance of this act,—

Be it further enacted,

[Sect. 4.] That the tax granted to his most excellent majesty

this session, of ten thousand three hundred and twelve pounds ten shillings, to be levied on polls and estates, when received into the treasury, be and hereby is appropriated for that purpose and no other.

And, as a further fund to enable the treasurer to discharge said receipts and obligations,—

Be it enacted,

Fund for the redemption of the notes.

[SECT. 5.] That the monies arising upon impost duties for the years one thousand seven hundred and seventy-four and one thousand seven hundred and seventy-five, be appropriated for that purpose. [*Passed June* 17.

CHAPTER 6.

AN ACT TO EXEMPT THE PEOPLE CALLED QUAKERS, AND ANTIPEDOBAPTISTS, FROM PAYING TAXES FOR THE SUPPORT OF MINISTERS SETTLED BY THE LAWS OF THIS PROVINCE, AND FOR THE BUILDING AND REPAIRING [OF] MEETING-HOUSES OR PLACES OF PUBLIC[K] WORSHIP.

Preamble. 1770-71, chap. 10.

WHEREAS the act for exempting persons called Quakers, and Antipedobaptists, within this province, from paying ministerial taxes, is expired, —

Be it enacted by the Governor, Council and House of Representatives,

Who to be exempted from paying taxes towards the support of ministers, &c.

[SECT. 1.] That none of the persons who are either of the perswasion of the people called Quakers, or Antipedobaptists, who alledge a scruple of conscience as the reason of their refusal to pay any part or proportion of such taxes as are, from time to time, assessed for the support of the minister or ministers of any church settled by the laws of this province, shall have their polls, or estate real or personal, in their own hand and under their actual improvement, taxed or assessed in any tax or assessment hereafter made for the raising any monies toward[s] the settlement or support of such minister or ministers, nor for building or repairing any meeting-house or place of public[k] worship, or be obliged to collect any taxes granted for the purposes aforesaid.

And, to the intent that it may be better known who are to be exempted by this act, —

Be it enacted,

Proviso.

[SECT. 2.] That no person in any town, district or precinct in this province, shall for the future be esteemed or taken to be of the perswasion of the people called Quakers, or Antipedobaptists, so as to have his, her, or their, poll or polls, or any estate to him, her, or them, belonging, exempted, by virtue of this act, from paying a proportionable part of the ministerial or other taxes in this act mentioned, but such whose names shall be contained in a list or lists, taken and signed by three members of some Quaker, or Antipedobaptist, society or congregation, who shall be chosen by said society or congregation for that purpose (one whereof to be the minister, where there is any); who shall therein certify, for substance, with respect to the people called Quakers, in the form following; viz[t]., —

Form of certificate.

We, the subscribers, being chosen a committee by the society of the people called Quakers, who meet together for religious worship on the Lord's Day

or first day of the week, in , to exhibit a list or lists of the names of such persons as belong to said society or congregation, do certify, that do belong to said society or congregation, and that they do frequently and usually, when able, attend with us in our meetings for religious worship on the Lord's Day or first day of the week; and we verily believe are of our perswasion.

Signed, A. B., C. D., E. F., } Committee.

Dated,

And, with respect to the Antipedobaptists, in the words following; viz[t]., —

Form of certificate.

We, the subscribers, being chosen a committee by the society of the people called Antipedobaptists, who meet together for religious worship on the Lord's Day, in , to exhibit a list or lists of the names such persons as belong to said society or congregation, do certify, that do belong to said society or congregation, and that they do frequently and usually, when able, attend with us in our meetings for religious worship on the Lord's Day, and we do verily bel[ei][*ie*]ve are, with respect to the ordinance of baptism, of the same religious sentiments with us.

Signed, A. B., C. D., E. F., } Committee.

Dated,

— which certificate, so signed, the said committee shall cause to be delivered to the town, district or precinct clerk, respectively, where such person or persons, contained in such list or lists, dwell or have estate[*s*] liable to be taxed, on or before the first day of September, annually; and the clerk, on receiving such certificate, shall enter the same at large in the town, district or precinct book, in his keeping, with the time when the same was delivered to him; and shall deliver an attested copy of such certificate, and the time when the same was delivered to him, to any person desiring the same, receiving therefor fourpence only; which copy shall be received as evidence on any tryal respecting the taxing the persons whose names are contained in said certificate, for any ministerial charge or charges, or for building or repairing any meeting-house.

Be it further enacted,

Qualification of voters relating to the support of a minister, &c.

[Sect. 3.] That no person shall be allowed to have any vote in any matter relating to the settlement or support of any minister, or building or repairing of any meeting-house or place of publick worship, towards the settlement or support of which minister, or toward the building or repairing of which meeting-house or place of publick worship, such person or persons shall, by virtue of this act, in any way be exempted from paying or being taxed.

Provided, *nevertheless*, *and be it further enacted*,

Proviso.

[Sect. 4.] That it shall always hereafter, during the continuance of this act, be in the power of any town, district or precinct, where any person or persons dwell or have any rateable estate who profess themselves to be either of the people called Quakers, or Antipedobaptists — at any meeting of such town, district or parish, lawfully assembled by virtue of a warrant or notification in which a clause for this purpose shall be inserted — by a vote of the major part of the qualified voters other than those who profess themselves to be Quakers, or Antipedobaptists, to exempt and excuse from ministerial tax, or taxes for building any meeting-house or place of public[k] worship, the pol[*l*][e]s and estate[*s*], respectively, of any person or persons dwelling, or having any rateable estate, in any such town, district or precinct, who profess themselves to be of the people called Quakers, or Antipedobaptists, altho' no such list or lists as is before

mentioned in this act should be exhibited to the clerk of such town, district or precinct; and that, in every such case, it shall not be lawful for the assessors of any town, district or precinct, to assess any person or persons so exempted, to any ministerial tax or taxes, or for the building or repairing of any meeting-house or place [of] [*for*] publick worship, during the time for which they shall be so exempted, any thing in this act to the contrary notwithstanding.

Provided, nevertheless, —

[SECT. 5.] Nothing in this act shall be construed to exempt any proprietor of any new township from paying his part and proportion with the major part of the other proprietors of such new township, in settling a minister and building a meeting-house which hath been or shall be required as a condition of their grant.

Time of continuance.

[SECT. 6.] This act to be in force for the space of three years from and after the first day of July next, and from thence to the end of the then next session of the general court, and no longer. [*Passed June* 16.*

CHAPTER 7.

AN ACT FOR REVIVING AND CONTINUING CERTAIN LAWS THAT ARE EXPIRED, OR NEAR EXPIRING.

Preamble.

WHEREAS the two acts hereinafter mentioned, the one of which is expired, and the other near expiring, have been found useful and beneficial; viz[t]., one act made in the fourth year of his present majesty's reign, intitled "An Act in addition to an act, intit[u]led 'An Act providing in case of sickness;'" and another act made in the twelfth year of the same reign, intit[u]led "An Act in addition to an act, made in the fifth year of the reign of his present majesty, intit[u]led 'An Act to prevent the destruction of oysters in the several bays and rivers, hereafter mentioned, within this province.'"

1764-65, chap. 12.

1771-72, chap. 13.

Be it therefore enacted by the Governor, Council and House of Representatives,

Revival and continuance of two acts.

That the first of the before-mentioned acts, which is expired, be revived; and that the other act before mentioned, not yet expired, be continued, with all and every clause, matter and thing in them, or either of them, contained, and shall be in force until the tenth day of November, one thousand seven hundred and seventy-eight, and from thence to the end of the then next session of the general court, and no longer. [*Passed June* 17.

* Signed June 17, according to the record.

CHAPTER 8.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF TEN THOUSAND THREE HUNDRED AND TWELVE POUNDS TEN SHILLINGS; AND ALSO FOR ASSESSING A TAX OF TWO THOUSAND THREE HUNDRED ONE POUNDS AND FIFTEEN SHILLINGS, PAID THE REPRESENTATIVES FOR THEIR TRAVEL AND ATTENDANCE IN THE GENERAL COURT, IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SEVENTY-THREE; AND FURTHER TO ASSESS THE TOWN OF SWANSEY THE SUM OF FIFTY POUNDS, BEING PART OF WHAT WAS LENT SAID TOWN IN CONSIDERATION OF THEIR HAVING BEEN VISITED BY THE SMALL-POX; ALSO FOR ASSESSING THE TOWN OF SHERBURNE ON NANTUCKET, ONE HUNDRED AND NINETY-EIGHT POUNDS SEVEN SHILLINGS AND SEVENPENCE, BEING IN FULL OF WHAT SAID TOWN WAS IN ARREARS, ARISING FROM THE DEFICIENCY OF THOMAS ARTHUR, A DEFECTIVE COLLECTOR OF TAXES, FOR THE YEARS ONE THOUSAND SEVEN HUNDRED AND SIXTY-FIVE AND ONE THOUSAND SEVEN HUNDRED AND SIXTY-SIX; AND THE DISTRICT OF NORTHBRIDGE THE SUM OF THIRTY-SIX POUNDS AND SIX SHILLINGS, BEING THEIR PROPORTION OF THE TAX LAST YEAR SET ON THE TOWN OF UXBRIDGE; AND THE SUM OF FIVE POUNDS EIGHTEEN SHILLINGS ON THE TOWN OF BARNSTABLE, FOUR POUNDS THIRTEEN SHILLINGS AND THREEPENCE ON THE TOWN OF SANDWICH, FOUR POUNDS FOUR SHILLINGS AND THREEPENCE ON THE TOWN OF YARMOUTH, THREE POUNDS EIGHT SHILLINGS AND SIXPENCE ON THE TOWN OF EASTHAM, THREE POUNDS SEVEN SHILLINGS AND SIXPENCE ON THE TOWN OF HARWICH, TWO POUNDS AND NINE SHILLINGS ON THE DISTRICT OF WELLFLEET, THIRTY-TWO SHILLINGS AND FOURPENCE ON THE TOWN OF CHATHAM, TWO POUNDS AND ONE SHILLING ON THE TOWN OF TRURO, THREE POUNDS SEVEN SHILLINGS AND FIVEPENCE ON THE TOWN OF FALMOUTH, BEING THEIR SEVERAL PROPORTIONS OF THIRTY-ONE POUNDS ONE SHILLING AND THREEPENCE, ORDERED TO BE PAID BY THE COUNTY OF BARNSTABLE TO THE TOWN OF PLYMOUTH, AND THE COURT'S COMMITTEE, FOR THEIR ATTENDANCE TO BARNSTABLE; AND THE DISTRICT OF AMHERST THIRTY POUNDS NINE SHILLINGS AND TWOPENCE, BEING THE EXPENCE OF A COMMITTEE SENT TO SAID DISTRICT TO ENQUIRE INTO THE PROPRIETY OF DIVIDING THE SAME.

Wherefore, for the ordering, directing and effectually drawing in the said sum of twelve thousand nine hundred sixty pounds and nine shillings, we, his majesty's dutiful and loyal subjects, the representatives in general court assembled, pray that it may be enacted, —

And be it accordingly enacted by the Governor, Council and House of Representatives,

[Sect. 1.] That each town, district, parish or other place within this province, be assessed and pay, as such town, district, parish and place's proportion of the sum of twelve thousand nine hundred and sixty pounds and nine shillings, the several sums following; that is to say, —

IN THE COUNTY OF SUFFOLK.

	REPRESENTATIVES' PAY.	FINES AND ASSESSMENTS ORDERED BY THIS ACT.	PROVINCE TAX.	SUM TOTAL.	
Boston,	£66 15*s.* 0*d.*	£0 0*s.* 0*d.*	£951 15*s.* 2*d.*	One thousand eighteen pounds ten shillings and twopence,	£1,018 10*s.* 2*d.*
Roxbury,	16 10 0	0 0 0	96 17 3	One hundred thirteen pounds seven shillings threepence,	113 7 3
Dorchester,	15 10 0	0 0 0	69 10 10	Eighty-five pounds and tenpence,	85 0 10
Milton,	17 10 0	0 0 0	39 5 5	Fifty-six pounds fifteen shillings and fivepence,	56 15 5
Braintree,	20 5 0	0 0 0	85 0 9	One hundred five pounds five shillings and ninepence,	105 5 9
Weymouth,	20 5 0	0 0 0	46 2 4	Sixty-six pounds seven shillings and fourpence,	66 7 4
Hingham,	13 8 6	0 0 0	62 4 4	Seventy-five pounds twelve shillings and tenpence,	75 12 10
Dedham,	19 0 0	0 0 0	73 18 4	Ninety-two pounds eighteen shillings and fourpence,	92 18 4
Medfield,	19 15 0	0 0 0	29 15 1	Forty-nine pounds ten shillings and one penny,	49 10 1
Wrentham,	21 0 0	0 0 0	74 16 7	Ninety-five pounds sixteen shillings and sevenpence,	95 16 7
Brookline,	16 5 0	0 0 0	28 11 8	Forty-four pounds sixteen shillings and eightpence,	44 16 8
Needham,	0 0 0	0 0 0	30 3 8	Thirty pounds three shillings and eightpence,	30 3 8
Stoughton,	11 0 0	0 0 0	58 10 0	Sixty-nine pounds ten shillings,	69 10 0
Stoughtonham District,	5 0 0	0 0 0	26 15 7	Thirty-one pounds fifteen shillings and sevenpence,	31 15 7
Medway,	0 0 0	0 0 0	30 4 6	Thirty pounds four shillings and sixpence,	30 4 6
Bellingham,	0 0 0	0 0 0	19 11 10	Nineteen pounds eleven shillings and tenpence,	19 11 10
Hull,	0 0 0	0 0 0	6 17 8	Six pounds seventeen shillings and eightpence,	6 17 8
Walpole,	16 5 0	0 0 0	24 13 8	Forty pounds eighteen shillings and eightpence,	40 18 8
Chelsea,	0 0 0	0 0 0	19 15 11	Nineteen pounds fifteen shillings and elevenpence,	19 15 11
Cohasset,	5 11 6	0 0 0	21 0 0	Twenty-six pounds eleven shillings and sixpence,	26 11 6
	£284 0*s.* 0*d.*	£0 0*s.* 0*d.*	£1,795 10*s.* 8*d.*	Two thousand seventy-nine pounds ten shillings and eightpence,	£2,079 10*s.* 8*d.*

IN THE COUNTY OF ESSEX

Salem,	£32 5*s.* 0*d.*	£0 0*s.* 0*d.*	£273 18*s.* 11*d.*	Three hundred six pounds three shillings and eleven pence,	£306 3*s.* 11*d.*
Danvers,	20 10 0	0 0 0	85 18 3	One hundred six pounds eight shillings and threepence,	106 8 3
Ipswich,	18 15 0	0 0 0	146 12 7	One hundred sixty-five pounds seven shillings and sevenpence,	165 7 7
Newbury,	21 15 0	0 0 0	136 1 3	One hundred fifty-seven pounds sixteen shillings and threepence,	157 16 3
Newburyport,	21 15 0	0 0 0	139 19 10	One hundred sixty-one pounds fourteen shillings and tenpence,	161 14 10

Marblehead,	12	15	0	0	0	0	186	15	11	One hundred ninety-nine pounds ten shillings and elevenpence,	199	10	11
Lynn,	19	5	0	0	0	0	66	13	4	Eighty-five pounds eighteen shillings and fourpence,	85	18	4
Andover,	20	0	0	0	0	0	112	4	0	One hundred thirty-two pounds four shillings,	132	4	0
Beverly,	20	15	0	0	0	0	78	14	2	Ninety-nine pounds nine shillings and twopence,	99	9	2
Rowley,	10	12	6	0	0	0	63	17	1	Seventy-four pounds nine shillings and sevenpence,	74	9	7
Salisbury,	19	0	0	0	0	0	55	15	3	Seventy-four pounds fifteen shillings and threepence,	74	15	3
Haverhill,	21	5	0	0	0	0	80	5	6	One hundred one pound ten shillings and sixpence,	101	10	6
Gloucester,	21	10	0	0	0	0	115	1	5	One hundred thirty-six pounds eleven shillings and fivepence,	136	11	5
Topsfield,	19	10	0	0	0	0	29	18	6	Forty-nine pounds eight shillings and sixpence,	49	8	6
Boxford,	20	0	0	0	0	0	37	16	8	Fifty-seven pounds sixteen shillings and eightpence,	57	16	8
Almsbury,	22	0	0	0	0	0	50	1	7	Seventy-two pounds one shilling and sevenpence,	72	1	7
Bradford,	20	15	0	0	0	0	45	3	3	Sixty-five pounds eighteen shillings and threepence,	65	18	3
Wenham,	0	0	0	0	0	0	18	3	1	Eighteen pounds three shillings and one penny,	18	3	1
Middleton,	0	0	0	0	0	0	24	13	9	Twenty-four pounds thirteen shillings and ninepence,	24	13	9
Manchester,	0	0	0	0	0	0	23	19	4	Twenty-three pounds nineteen shillings and fourpence,	23	19	4
Methuen,	0	0	0	0	0	0	37	14	11	Thirty-seven pounds fourteen shillings and elevenpence,	37	14	11
	£342	7*s.*	6*d.*	£0	0*s.*	0*d.*	£1,809	8*s.*	7*d.*	Two thousand one hundred fifty-one pounds sixteen shillings and one penny,	£2,151	16*s.*	1*d.*

IN THE COUNTY OF MIDDLESEX.

Cambridge,	£16	5*s.*	0*d.*	£0	0*s.*	0*d.*	£83	3*s.*	6*d.*	Ninety-nine pounds eight shillings and sixpence,	£99	8*s.*	6*d.*
Charlestown,	16	10	0	0	0	0	82	10	0	Ninety-nine pounds,	99	0	0
Watertown,	19	5	0	0	0	0	34	14	2	Fifty-three pounds nineteen shillings and twopence,	53	19	2
Woburn,	19	0	0	0	0	0	56	18	5	Seventy-five pounds eighteen shillings and fivepence,	75	18	5
Concord,	9	5	0	0	0	0	52	0	3	Sixty-one pounds five shillings and threepence,	61	5	3
Newton,	17	10	0	0	0	0	48	9	2	Sixty-five pounds nineteen shillings and twopence,	65	19	2
Reading,	20	5	0	0	0	0	55	6	11	Seventy-five pounds eleven shillings and elevenpence,	75	11	11
Marlborough,	20	15	0	0	0	0	63	14	0	Eighty-four pounds nine shillings,	84	9	0
Billerica,	18	15	0	0	0	0	43	6	3	Sixty-two pounds one shillings* and threepence,	62	1	3
Framingham,	8	2	6	0	0	0	50	6	4	Fifty-eight pounds eight shillings and tenpence,	58	8	10
Lexington,	18	10	0	0	0	0	34	14	10	Fifty-three pounds four shillings and tenpence,	53	4	10
Chelmsford,	21	0	0	0	0	0	38	17	3	Fifty-nine pounds seventeen shillings and threepence,	59	17	3
Sherburne,	16	0	0	0	0	0	24	15	0	Forty pounds fifteen shillings,	40	15	0
Sudbury,	20	10	0	0	0	0	67	12	10	Eighty-eight pounds two shillings and tenpence,	88	2	10
Malden,	19	0	0	0	0	0	32	4	9	Fifty-one pounds four shillings and ninepence,	51	4	9

* *Sic.*

IN THE COUNTY OF MIDDLESEX — *Continued.*

	REPRESENTATIVES' PAY.	FINES AND ASSESSMENTS ORDERED BY THIS ACT.	PROVINCE TAX.	SUM TOTAL.	
Weston,	£13 0*s.* 0*d.*	£0 0*s.* 0*d.*	£32 6*s.* 6*d.*	Forty-five pounds six shillings and sixpence,	£45 6*s.* 6*d.*
Medford,	15 10 0	0 0 0	41 5 0	Fifty-six pounds fifteen shillings,	56 15 0
Littleton,	0 0 0	0 0 0	31 13 9	Thirty-one pounds thirteen shillings and ninepence,	39* 13 9
Hopkinston,	13 15 0	0 0 0	32 19 7	Forty-six pounds fourteen shillings and sevenpence,	46 14 7
Westford,	0 0 0	0 0 0	35 13 7	Thirty-five pounds thirteen shillings and sevenpence,	35 13 7
Waltham,	20 0 0	0 0 0	31 2 5	Fifty-one pounds two shillings and fivepence,	51 2 5
Stow,	19 10 0	0 0 0	28 12 1	Forty-eight pounds two shillings and one penny,	48 2 1
Groton,	10 12 0	0 0 0	49 2 2	Fifty-nine pounds fourteen shillings and twopence,	59 14 2
Shirley,	4 0 0	0 0 0	17 9 4	Twenty-one pounds nine shillings and fourpence,	21 9 4
Pepperrell,	5 13 0	0 0 0	27 4 10	Thirty-two pounds seventeen shillings and tenpence,	32 17 10
Townshend,	0 0 0	0 0 0	20 19 4	Twenty pounds nineteen shillings and fourpence,	20 19 4
Ashby,	0 0 0	0 0 0	9 2 2	Nine pounds two shillings and twopence,	9 2 2
Stoneham,	0 0 0	0 0 0	12 4 6	Twelve pounds four shillings and sixpence,	12 4 6
Natick,	0 0 0	0 0 0	16 4 2	Sixteen pounds four shillings and twopence,	16 4 2
Dracut,	0 0 0	0 0 0	28 5 0	Twenty-eight pounds five shillings,	28 5 0
Bedford,	0 0 0	0 0 0	22 12 6	Twenty-two pounds twelve shillings and sixpence,	22 12 6
Holliston,	0 0 0	0 0 0	27 2 8	Twenty-seven pounds two shillings and eightpence,	27 2 8
Tewksbury,	0 0 0	0 0 0	21 13 6	Twenty-one pounds thirteen shillings and sixpence,	21 13 6
Acton,	0 0 0	0 0 0	25 10 10	Twenty-five pounds ten shillings and tenpence,	25 10 10
Dunstable,	0 0 0	0 0 0	23 12 2	Twenty-three pounds twelve shillings and twopence,	23 12 2
Lincoln,	0 0 0	0 0 0	23 5 2	Twenty-three pounds five shillings and twopence,	23 5 2
Wilmington,	0 0 0	0 0 0	19 15 4	Nineteen pounds fifteen shillings and fourpence,	19 15 4
	£362 12*s.* 6*d.*	£0 0*s.* 0*d.*	£1,346 10*s.* 5*d.*	One thousand seven hundred nine pounds two shillings and tenpence,	£1,709 2*s.* 10*d.*

* *Sic.*

Springfield,	£14	1s.	9d.	£0	0s.	0d.	£54	3s.	1d.	Sixty-eight pounds four shillings and tenpence,	£68	4s.	10d.
Willbraham,	6	10	2	0	0	0	25	1	11	Thirty-one pounds twelve shillings and one penny,	31	12	1
Northampton,	14	0	0	0	0	0	56	7	11	Seventy pounds seven shillings and elevenpence,	70	7	11
Southampton,	5	0	0	0	0	0	20	1	6	Twenty-five pounds one shilling and sixpence,	25	1	6
Hadley,	6	15	0	0	0	0	23	14	4	Thirty pounds nine shillings and fourpence,	30	9	4
South Hadley,	4	19	0	0	0	0	18	9	2	Twenty-three pounds eight shillings and twopence,	23	8	2
Amherst,	7	12	0	30	9	2	26	13	0	Sixty-four pounds fourteen shillings and twopence,	64	14	2
Granby,	3	19	0	0	0	0	12	14	5	Sixteen pounds thirteen shillings and fivepence,	16	13	5
Hatfield,	5	9	1	0	0	0	28	5	3	Thirty-three pounds fourteen shillings and fourpence,	33	14	4
Whatley,	1	18	5	0	0	0	9	19	5	Eleven pounds seventeen shillings and tenpence,	11	17	10
Williamsburgh,	1	7	5	0	0	0	7	3	3	Eight pounds ten shillings and eightpence,	8	10	8
Westfield,	10	19	6	0	0	0	40	5	3	Fifty-one pounds four shillings and ninepence,	51	4	9
Deerfield,	3	10	0	0	0	0	29	5	0	Thirty-two pounds fifteen shillings,	32	15	0
Greenfield,	1	19	6	0	0	0	18	14	8	Twenty pounds fourteen shillings and twopence,	20	14	2
Shelburne,	1	1	3	0	0	0	11	3	5	Twelve pounds four shillings and eightpence,	12	4	8
Conway,	1	9	3	0	0	0	12	14	2	Fourteen pounds three shillings and fivepence,	14	3	5
Sunderland,	9	9	3	0	0	0	15	0	6	Twenty-four pounds nine shillings and ninepence,	24	9	9
Montague,	8	13	3	0	0	0	14	6	2	Twenty-two pounds nineteen shillings and fivepence,	22	19	5
Northfield,	23	10	0	0	0	0	20	16	4	Forty-four pounds six shillings and fourpence,	44	6	4
Brimfield,	5	15	8	0	0	0	34	12	10	Forty pounds eight shillings and sixpence,	40	8	6
South Brimfield,	3	9	4	0	0	0	20	15	1	Twenty-four pounds four shillings and fivepence,	24	4	5
Monson,	3	0	0	0	0	0	17	19	3	Twenty pounds nineteen shillings and threepence,	20	19	3
Pelham,	0	0	0	0	0	0	19	10	2	Nineteen pounds ten shillings and twopence,	19	10	2
Greenwhich,	0	0	0	0	0	0	19	8	7	Nineteen pounds eight shillings and sevenpence,	19	8	7
Blanford,	0	0	0	0	0	0	14	5	4	Fourteen pounds five shillings and fourpence,	14	5	4
Leverett,	2	7	6	0	0	0	3	2	7	Five pounds ten shillings and one penny,	5	10	1
Palmer,	0	0	0	0	0	0	19	17	0	Nineteen pounds seventeen shillings,	19	17	0
Granville,	0	0	0	0	0	0	34	12	0	Thirty-four pounds twelve shillings,	34	12	0
New Salem,	0	0	0	0	0	0	17	8	3	Seventeen pounds eight shillings and threepence,	17	8	3
Belchertown,	0	0	0	0	0	0	22	0	11	Twenty-two pounds elevenpence,	22	0	11
Colrain,	0	0	0	0	0	0	12	15	8	Twelve pounds fifteen shillings and eightpence,	12	15	8
Ware,	0	0	0	0	0	0	10	6	3	Ten pounds six shillings and threepence,	10	6	3
Warwick,	0	0	0	0	0	0	8	5	0	Eight pounds five shillings,	8	5	0
Bernardston,	0	0	0	0	0	0	11	5	2	Eleven pounds five shillings and twopence,	11	5	2
Murrayfield	0	0	0	0	0	0	12	14	10	Twelve pounds fourteen shillings and tenpence,	12	14	10
Charlemont,	0	0	0	0	0	0	9	3	6	Nine pounds three shillings and sixpence,	9	3	6
Ashfield,	0	0	0	0	0	0	0	0	0		0	0	0
Worthington,	0	0	0	0	0	0	5	4	6	Five pounds four shillings and sixpence,	5	4	6

IN THE COUNTY OF HAMPSHIRE — *Continued.*

	REPRESENTATIVES' PAY.	FINES ORDERED BY THIS COURT.	PROVINCE TAX.	SUM TOTAL.	
Shutesbury,	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£11 4*s.* 3*d.*	Eleven pounds four shillings and threepence,	£11 4*s.* 3*d.*
Chesterfield,	0 0 0	0 0 0	16 18 2	Sixteen pounds eighteen shillings and twopence,	16 18 2
Southwick,	4 10 6	0 0 0	14 19 3	Nineteen pounds nine shillings and ninepence,	19 9 9
Suffield,	0 0 0	0 0 0	11 3 4	Eleven pounds three shillings and fourpence,	11 3 4
Enfield,	0 0 0	0 0 0	5 4 2	Five pounds four shillings and twopence,	5 4 2
Somers,	0 0 0	0 0 0	5 9 5	Five pounds nine shillings and fivepence,	5 9 5
West Springfield,	14 13 2	0 0 0	56 11 6	Seventy-one pounds four shillings and eightpence,	71 4 8
Ludlow District,	1 19 11	0 0 0	7 13 0	Nine pounds twelve shillings and elevenpence,	9 12 11
	£168 0*s.* 0*d.*	£30 9*s.* 2*d.*	£867 8*s.* 11*d.*	One thousand sixty-five pounds eighteen shillings and one penny,	£1,065 18*s.* 1*d.*

IN THE COUNTY OF PLYMOUTH.

Plymouth,	£21 0*s.* 0*d.*	£0 0*s.* 0*d.*	£72 13*s.* 0*d.*	Ninety-three pounds thirteen shillings,	£93 13*s.* 0*d.*
Scituate,	19 15 0	0 0 0	89 3 3	One hundred eight pounds eighteen shillings and threepence,	108 18 3
Duxbury,	0 0 0	0 0 0	32 8 7	Thirty-two pounds eight shillings and sevenpence,	32 8 7
Marshfield,	20 0 0	0 0 0	37 16 5	Fifty-seven pounds sixteen shillings and fivepence,	57 16 5
Bridgwater,	20 10 0	0 0 0	130 5 0	One hundred and fifty pounds fifteen shillings,	150 15 0
Middleborough,	20 5 0	0 0 0	111 6 2	One hundred thirty-one pounds eleven shillings and twopence,	131 11 2
Rochester,	20 0 0	0 0 0	54 0 8	Seventy-four pounds and eightpence,	74 0 8
Plymton,	21 10 0	0 0 0	41 6 8	Sixty-two pounds sixteen shillings and eightpence,	62 16 8
Pembroke,	20 0 0	0 0 0	47 6 5	Sixty-seven pounds six shillings and fivepence,	67 6 5
Kingston,	15 0 0	0 0 0	27 13 8	Forty-two pounds thirteen shillings and eightpence,	42 13 8
Hanover,	18 0 0	0 0 0	25 15 2	Forty-three pounds fifteen shillings and twopence,	43 15 2
Abington,	20 15 0	0 0 0	33 2 4	Fifty-three pounds seventeen shillings and fourpence,	53 17 4
Halifax,	0 0 0	0 0 0	16 18 9	Sixteen pounds eighteen shillings and ninepence,	16 18 9
Warham,	0 0 0	0 0 0	16 3 9	Sixteen pounds three shillings and ninepence,	16 3 9
	£216 15*s.* 0*d.*	£0 0*s.* 0*d.*	£735 19*s.* 9*d.*	Nine hundred fifty-two pounds fourteen shillings and ninepence,	£952 14*s.* 9*d.*

IN THE COUNTY OF BARNSTABLE.

Barnstable,	£20 10*s.* 0*d.*	£5 18*s.* 0*d.*	£66 15*s.* 6*d.*	Ninety-three pounds three shillings and sixpence, £93 3*s.* 6*d.*
Sandwich,	15 15 0	4 13 3	51 19 5	Seventy-two pounds seven shillings and eightpence, 72 7 8
Yarmouth,	18 0 0	4 4 3	46 18 2	Sixty-nine pounds two shillings and fivepence, 69 2 5
Eastham,	10 13 7	3 8 6	38 2 3	Fifty-two pounds four shillings and twopence,* 52 4 4
Harwich,	19 10 0	3 7 6	38 9 2	Sixty-one pounds six shillings and eightpence, 61 6 8
Wellfleet,	7 6 5	2 9 0	27 8 8	Thirty-seven pounds three shillings and one penny, 37 3 1
Chatham,	19 15 0	1 12 4	18 3 1	Thirty-nine pounds ten shillings and fivepence, 39 10 5
Truro,	0 0 0	2 1 0	22 17 4	Twenty-four pounds eighteen shillings and fourpence, 24 18 4
Falmouth,	16 15 0	3 7 5	38 3 2	Fifty-eight pounds five shillings and sevenpence, 58 5 7
	£128 5*s.* 0*d.*	£31 1*s.* 3*d.*	£348 16*s.* 9*d.*	Five hundred eight pounds three shillings, £508 3*s.* 0*d.*

IN THE COUNTY OF BRISTOL.

Taunton,	£36 10*s.* 0*d.*	£0 0*s.* 0*d.*	£81 19*s.* 1*d.*	One hundred eighteen pounds nine shillings and one penny, £118 9*s.* 1*d.*
Rehoboth,	20 5 0	0 0 0	102 15 0	One hundred twenty-three pounds, 123 0 0
Swanzey with Shawamet,	16 10 0	50 0 0	47 8 9	One hundred thirteen pounds eighteen shillings and ninepence, 113 18 9
Dartmouth,	21 15 0	0 0 0	177 3 8	One hundred ninety-eight pounds eighteen shillings and eightpence, 198 18 8
Norton,	8 6 4	0 0 0	37 4 0	Forty-five pounds ten shillings and fourpence, 45 10 4
Mansfield,	5 18 8	0 0 0	24 4 3	Thirty pounds two shillings and elevenpence, 30 2 11
Attleborough,	19 0 0	0 0 0	60 7 5	Seventy-nine pounds seven shillings and fivepence, 79 7 5
Dighton,	18 15 0	0 0 0	34 11 7	Fifty-three pounds six shillings and sevenpence, 53 6 7
Freetown,	21 0 0	0 0 0	40 6 7	Sixty-one pounds, six shillings and sevenpence, 61 6 7
Raynham,	0 0 0	0 0 0	25 6 5	Twenty-five pounds six shillings and fivepence, 25 6 5
Easton,	7 15 0	0 0 0	28 6 0	Thirty-six pounds one shilling and tenpence,* 36 1 10*
Berkley,	0 0 0	0 0 0	19 14 0	Nineteen pounds fourteen shillings, 19 14 0
	£175 15*s.* 0*d.*	£50 0*s.* 0*d.*	£679 6*s.* 8*d.**	Nine hundred five pounds one shilling and eightpence, £905 1*s.* 8*d.*

* *Sic.*

IN THE COUNTY OF YORK.

	REPRESENTATIVES' PAY.	FINES ORDERED BY THIS COURT.	PROVINCE TAX.	SUM TOTAL.	
York,	£22 15*s.* 0*d.*	£0 0*s.* 0*d.*	£80 10*s.* 8*d.*	One hundred three pounds five shillings,	£103 5*s.* 0*d.*
Kittery,	20 0 0	0 0 0	88 7 11	One hundred eight pounds seven shillings and elevenpence,	108 7 11
Wells,	11 0 0	0 0 0	62 17 3	Seventy-three pounds seventeen shillings and threepence,	73 17 3
Berwick,	16 10 0	0 0 0	95 7 7	One hundred eleven pounds seventeen shillings sevenpence,	111 17 7
Arundel,	7 15 0	0 0 0	28 13 3	Thirty-six pounds eight shillings and threepence,	36 8 3
Biddeford,	0 0 0	0 0 0	33 3 3	Thirty-three pounds three shillings and threepence,	33 3 3
Pepperrellborough,	0 0 0	0 0 0	24 3 2	Twenty-four pounds three shillings and twopence,	24 3 2
Lebanon,	0 0 0	0 0 0	8 18 11	Eight pounds eighteen shillings and elevenpence,	8 18 11
Sanford,	0 0 0	0 0 0	8 12 11	Eight pounds twelve shillings and elevenpence,	8 12 11
Buxton,	0 0 0	0 0 0	7 13 10	Seven pounds thirteen shillings and tenpence,	7 13 10
	£78 0*s.* 0*d.*	£0 0*s.* 0*d.*	£438 8*s.* 2*d.*	Five hundred sixteen pounds eight shillings and twopence,	£516 8*s.* 2*d.*

IN THE COUNTY OF DUKES COUNTY.

Edgartown,	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£25 2*s.* 9*d.*	Twenty-five pounds two shillings and ninepence,	£25 2*s.* 9*d.*
Chilmark,	10 0 0	0 0 0	31 1 2	Forty-one pounds one shilling and twopence,	41 1 2
Tisbury,	0 0 0	0 0 0	22 16 1	Twenty-two pounds sixteen shillings and one penny,	22 16 1
	£10 0*s.* 0*d.*	£0 0*s.* 0*d.*	£79 0*s.* 0*d.*	Eighty-nine pounds,	£89 0*s.* 0*d.*

IN THE COUNTY OF NANTUCKET.

Sherburne,	£12 2*s.* 6*d.*	£198 7*s.* 7*d.*	£121 13*s.* 9*d.*	Three hundred thirty-two pounds three shillings tenpence,	£332 3*s.* 10*d.*

Worcester,	£20	15s.	0d.	£0	0s.	0d.	£65	17s.	3d.	Eighty-six pounds twelve shillings and threepence,	£86	12s.	3d.
Lancaster,	21	10	0	0	0	0	82	1	7	One hundred three pounds eleven shillings and sevenpence,	103	11	7
Mendon,	20	15	0	0	0	0	60	18	5	Eighty-one pounds thirteen shillings and fivepence,	81	13	5
Brookfield,	21	10	0	0	0	0	78	19	4	One hundred pounds nine shillings and fourpence,	100	9	4
Oxford,	10	6	9	0	0	0	28	9	4	Thirty-eight pounds sixteen shillings and one penny,	38	16	1
Charlton,	10	8	3	0	0	0	28	12	10	Thirty-nine pounds one shilling and one penny,	39	1	1
Sutton,	20	5	0	0	0	0	77	18	7	Ninety-eight pounds three shillings and sevenpence,	98	3	7
Leicester,	8	18	1	0	0	0	28	19	8	Thirty-seven pounds seventeen shillings ninepence,	37	17	9
Spencer,	7	14	8	0	0	0	25	3	9	Thirty-two pounds eighteen shillings and fivepence,	32	18	5
Paxton,	5	2	3	0	0	0	16	12	4	Twenty-one pounds fourteen shillings and sevenpence,	21	14	7
Rutland,	2	12	3	0	0	0	37	19	6	Forty pounds eleven shillings and ninepence,	40	11	9
Oakham,	0	14	6	0	0	0	11	9	5	Twelve pounds three shillings and elevenpence,	12	3	11
District of Rutland,	2	2	5	0	0	0	33	6	8	Thirty-five pounds nine shillings and one penny,	35	9	1
Hubbardston,	0	8	4	0	0	0	6	12	1	Seven pounds and fivepence,	7	0	5
New Braintree,	0	0	0	0	0	0	26	3	7	Twenty-six pounds three shillings and sevenpence,	26	3	7
Southborough,	6	0	0	0	0	0	29	7	0	Thirty-five pounds and seven shillings,	35	7	0
Westborough,	10	18	8	0	0	0	29	19	2	Forty pounds seventeen shillings and tenpence,	40	17	10
Northborough,	6	16	4	0	0	0	20	4	9	Twenty-seven pounds one shilling and one penny,	27	1	1
Shrewsbury,	21	0	0	0	0	0	55	12	2	Seventy-six pounds twelve shillings and twopence,	76	12	2
Lunenburgh,	13	5	1	0	0	0	40	12	8	Fifty-three pounds seventeen shillings and ninepence,	53	17	9
Fitchburgh,	4	14	11	0	0	0	13	17	4	Eighteen pounds twelve shillings and threepence,	18	12	3
Uxbridge,	0	0	0	0	0	0	29	0	6	Twenty-nine pounds and sixpence,	29	0	6
Harvard,	20	10	0	0	0	0	39	17	9	Sixty pounds seven shillings ninepence,	60	7	9
Dudley,	0	0	0	0	0	0	25	12	10	Twenty-five pounds twelve shillings and tenpence,	25	12	10
Bolton,	15	5	0	0	0	0	38	4	10	Fifty-three pounds nine shillings and tenpence,	53	9	10
Upton,	0	0	0	0	0	0	15	13	8	Fifteen pounds thirteen shillings and eightpence,	15	13	8
Sturbridge,	0	0	0	0	0	0	35	15	3	Thirty-five pounds fifteen shillings and threepence,	35	15	3
Leominster,	0	0	0	0	0	0	30	0	8	Thirty pounds and eightpence,	30	0	8
Hardwick,	23	5	0	0	0	0	43	17	8	Sixty-seven pounds two shillings and eightpence,	67	2	8
Holden,	0	0	0	0	0	0	20	18	6	Twenty pounds eighteen shillings and sixpence,	20	18	6
Western,	0	0	0	0	0	0	27	19	0	Twenty-seven pounds nineteen shillings,	27	19	0
Douglass,	0	0	0	0	0	0	17	5	3	Seventeen pounds five shillings and threepence,	17	5	3
Grafton,	0	0	0	0	0	0	29	10	5	Twenty-nine pounds ten shillings and fivepence,	29	10	5
Petersham,	18	10	0	0	0	0	29	15	9	Forty-eight pounds five shillings and ninepence,	48	5	9
Royalston,	0	0	0	0	0	0	6	7	4	Six pounds seven shillings and fourpence,	6	7	4
Westminster,	0	0	0	0	0	0	25	5	7	Twenty-five pounds five shillings and sevenpence,	25	5	7
Athol,	0	0	0	0	0	0	16	6	9	Sixteen pounds six shillings and ninepence,	16	6	9
Templeton,	0	0	0	0	0	0	19	19	7	Nineteen pounds nineteen shillings and sevenpence,	19	19	7

IN THE COUNTY OF WORCESTER — *Continued.*

	REPRESENTATIVES' PAY.	FINES ORDERED BY THIS COURT.	PROVINCE TAX.	SUM TOTAL.	
Princeton,	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£18 14*s.* 9*d.*	Eighteen pounds fourteen shillings and ninepence,	£18 14*s.* 9*d*
Ashburnham,	0 0 0	0 0 0	9 0 0	Nine pounds,	9 0 0
Winchendon,	0 0 0	0 0 0	7 8 0	Seven pounds eight shillings,	7 8 0
Woodstock,	0 0 0	0 0 0	5 15 3	Five pounds fifteen shillings and threepence,	5 15 3
Northbridge,	0 0 0	36 6 0	10 9 0	Forty-six pounds fifteen shillings,	46 15 0
	£293 7*s.* 6*d.*	£36 6*s.* 0*d.*	£1,301 15*s.* 10*d.*	One thousand six hundred thirty-one pounds nine shillings and fourpence,	£1,631 9*s.* 4*d.*

IN THE COUNTY OF CUMBERLAND.

Falmouth,	£12 17*s.* 6*s.*	£0 0*s.* 0*d.*	£105 8*s.* 11*d.*	One hundred eighteen pounds six shillings and fivepence,	£118 6*s.* 5*d.*
Cape Elizabeth,	4 12 6	0 0 0	39 0 1	Forty-three pounds twelve shillings and sevenpence,	43 12 7
North Yarmouth,	9 5 0	0 0 0	39 5 8	Forty-eight pounds ten shillings and eightpence,	48 10 8
Scarborough,	23 15 0	0 0 0	40 2 3	Sixty-three pounds seventeen shillings and threepence,	63 17 3
Brunswick,	0 0 0	0 0 0	21 2 10	Twenty-one pounds two shillings and tenpence,	21 2 10
Harpswell,	0 0 0	0 0 0	19 15 4	Nineteen pounds fifteen shillings and fourpence,	19 15 4
Gorham,	10 5 0	0 0 0	20 17 10	Thirty-one pounds two shillings and tenpence,	31 2 10
Windham,	0 0 0	0 0 0	9 2 4	Nine pounds two shillings and fourpence,	9 2 4
Piersontown,	0 0 0	0 0 0	4 12 10	Four pounds twelve shillings and tenpence,	4 12 10
New Boston,	0 0 0	0 0 0	3 1 0	Three pounds one shilling,	3 1 0
New Gloucester,	0 0 0	0 0 0	7 13 10	Seven pounds thirteen shillings and tenpence,	7 13 10
	£60 15*s.* 0*d.*	£00 0*s.* 0*d.*	£310 2*s.* 11*d.*	Three hundred seventy pounds seventeen shillings and elevenpence,	£370 17*s.* 11*d.*

IN THE COUNTY OF LINCOLN.

Pownallborough,	£0 0s. 0d.	£0 0s. 0d.	£28 14s.11d.	Twenty-eight pounds fourteen shillings and elevenpence,	£28 14s.11d.
Georgetown,	9 3 2	0 0 0	37 18 10	Forty-seven pounds two shillings,	47 2 0
Woolwich,	3 16 10	0 0 0	12 6 8	Sixteen pounds three shillings and sixpence,	16 3 6
Newcastle,	0 0 0	0 0 0	11 10 6	Eleven pounds ten shillings and sixpence,	11 10 6
Topsham,	0 0 0	0 0 0	12 5 4	Twelve pounds five shillings and fourpence,	12 5 4
Boothbay,	0 0 0	0 0 0	14 6 7	Fourteen pounds six shillings and sevenpence,	14 6 7
Bristol,	0 0 0	0 0 0	15 2 3	Fifteen pounds two shillings and threepence,	15 2 3
Bowdoinham,	0 0 0	0 0 0	3 18 0	Three pounds eighteen shillings,	3 18 0
Medumcook,	0 0 0	0 0 0	4 0 4	Four pounds and fourpence,	4 0 4
Hallowell,	0 0 0	0 0 0	4 19 1	Four pounds nineteen shillings and one penny,	4 19 1
Broadbay,	0 0 0	0 0 0	9 19 2	Nine pounds nineteen shillings and twopence,	9 19 2
Vassallborough,	0 0 0	0 0 0	4 9 9	Four pounds nine shillings and ninepence,	4 9 9
St. Georges,	0 0 0	0 0 0	9 16 4	Nine pounds sixteen shillings and fourpence,	9 16 4
Winthrop,	0 0 0	0 0 0	3 8 6	Three pounds eight shillings and sixpence,	3 8 6
Winslow,	0 0 0	0 0 0	3 10 6	Three pounds ten shillings and sixpence,	3 10 6
Gardinerstown,	0 0 0	0 0 0	6 4 10	Six pounds four shillings and tenpence,	6 4 10
	£13 0s. 0d.	£0 0s. 0d.	£182 11s. 7d.	One hundred ninety-five pounds eleven shillings and seven pence,	£195 11s. 7d.

IN THE COUNTY OF BERKSHIRE.

Sheffield,	£22 15s. 2d.	£0 0s. 0d.	£43 4s. 9d.	Sixty-five pounds nineteen shillings and elevenpence,	£65 9s.11d.
Great Barrington,	9 16 4	0 0 0	18 19 0	Twenty-eight pounds fifteen shillings and fourpence,	28 15 4
Stockbridge,	20 10 0	0 0 0	19 18 6	Forty pounds eight shillings and sixpence,	40 8 6
Pittsfield,	19 15 0	0 0 0	25 7 0	Forty-five pounds two shillings,	45 2 0
New Marlborough,	0 0 0	0 0 0	24 7 4	Twenty-four pounds seven shillings and fourpence,	24 7 4
Egremont,	5 3 3	0 0 0	9 19 10	Fifteen pounds three shillings and one penny,	15 3 1
Richmond,	11 11 1	0 0 0	17 18 4	Twenty-nine pounds nine shillings and fivepence,	29 9 5
Lenox,	7 3 11	0 0 0	11 11 2	Eighteen pounds fifteen shillings and one penny,	18 15 1
Tyringham,	18 10 0	0 0 0	10 6 9	Twenty-eight pounds sixteen shillings and ninepence,	28 16 9
Loudon,	0 0 0	0 0 0	1 18 8	One pound eighteen shillings and eightpence,	1 18 8
Alford,	3 5 3	0 0 0	7 1 7	Ten pounds six shillings and tenpence,	10 6 10
Lanesborough,	26 15 0	0 0 0	25 12 3	Fifty-two pounds seven shillings and threepence,	52 7 3
Sandisfield,	0 0 0	0 0 0	18 0 6	Eighteen pounds and sixpence,	18 0 6
Williamstown,	11 10 0	0 0 0	15 18 4	Twenty-seven pounds eight shillings and fourpence,	27 8 4

IN THE COUNTY OF BERKSHIRE—*Continued.*

	REPRESENTATIVES' PAY.	FINES ORDERED BY THIS COURT.	PROVINCE TAX.	SUM TOTAL.	
Becket,	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£7 4*s.* 4*d.*	Seven pounds four shillings and fourpence,	£7 4*s.* 4*d.*
Gageborough,	0 0 0	0 0 0	8 7 9	Eight pounds seven shillings and ninepence,	8 7 9
Partridgefield,	0 0 0	0 0 0	5 12 2	Five pounds twelve shillings and twopence,	5 12 2
East Hoosuck,	0 0 0	0 0 0	8 3 4	Eight pounds three shillings and fourpence,	8 3 4
Jericho,	0 0 0	0 0 0	3 12 2	Three pounds twelve shillings and twopence,	3 12 2
Plantation No. 5,	0 0 0	0 0 0	5 3 1	Five pounds three shillings and one penny,	5 3 1
Plantation No. 7,	0 0 0	0 0 0	5 3 1	Five pounds three shillings and one penny,	5 3 1
Plantation Hartwood	0 0 0	0 0 0	2 6 3	Two pounds six shillings and threepence,	2 6 3
	£156 15*s.* 0*d.*	£0 0*s.* 0*d.*	£295 16*s.* 2*d.*	Four hundred fifty-two pounds eleven shillings and twopence,	£452 11*s.* 2*d.*

Suffolk,	£284 0*s.* 0*d.*	£0 0*s.* 0*d.*	£1,795 10*s.* 8*d.*	Two thousand seventy-nine pounds ten shillings and eightpence,	£2,079 10*s.* 8*d.*
Essex,	342 7 6	0 0 0	1,809 8 7	Two thousand one hundred fifty-one pounds sixteen shillings one penny,	2,151 16 1
Middlesex,	362 12 6	0 0 0	1,346 10 5	Seventeen hundred nine pounds two shillings and elevenpence,	1,709 2 11
Hampshire,	168 0 0	30 9 2	867 8 11	One thousand sixty-five pounds eighteen shillings and one penny,	1,065 18 1
Plymouth,	216 15 0	0 0 0	735 19 9	Nine hundred fifty-two pounds fourteen shillings ninepence,	952 14 9
Barnstable,	128 5 0	31 1 3	348 16 9	Five hundred eight pounds three shillings,	508 3 0
Bristol,	175 15 0	50 0 0	679 6 9	Nine hundred five pounds one shilling and eightpence,	905 1 8
York,	78 0 0	0 0 0	438 8 2	Five hundred sixteen pounds eight shillings and twopence,	516 8 2
Dukes County,	10 0 0	0 0 0	79 0 0	Eighty-nine pounds,	89 0 0
Nantucket,	12 2 6	198 7 7	121 13 9	Three hundred thirty-two pounds three shillings and tenpence,	332 3 10
Worcester,	293 7 6	36 6 0	1,301 15 10	One thousand six hundred thirty-one pounds nine shillings and fourpence,	1,631 9 4
Cumberland,	60 15 0	0 0 0	310 2 11	Three hundred seventy pounds seventeen shillings and elevenpence,	370 17 11
Lincoln,	13 0 0	0 0 0	182 11 7	One hundred ninety-five pounds eleven shillings and sevenpence,	195 11 7
Berkshire,	156 15 0	0 0 0	295 16 2	Four hundred fifty-two pounds eleven shillings and twopence,	452 11 2
	£2,301 15*s.* 0*d.*	£346 4*s.* 0*d.*	£10,312 10*s.* 0*d.*	Twelve thousand nine hundred sixty pounds and nine shillings,	£12,960 9*s.* 0*d.*

And be it further enacted,

[Sect. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town, district, parish or other place, within this province, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town, district, parish or other place, in manner following; that is to say, to assess all rateable polls above the age of sixteen years, within their respective towns, districts, parishes or other places, or next adjoining to them, belonging to no other town or place, at one shilling and one penny; and proportionably in assessing the additional sum paid out of the treasury to the representatives, for their travel and attendance aforesaid; and for other sums assessed on several towns and other places over and above their proportion of the province tax (excepting the governor, lieutenant-governor and their families, the president, fellows, professors, Hebrew instructor, students of Harvard College, settled ministers and grammar-school masters, who are hereby exempted as well for being taxed for their polls, as their estates being in their own hands, and under their actual management and improvement; as also the estate pertaining to Harvard College); and other persons, if such there be, who, thro' age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards public charges, they may exempt their polls or estate, or abate part of what they are set at, as in their prudence they shall think fit and judge meet.

Treasurer to issue his warrants to the selectmen or assessors.

Rules for assessment.

[Sect. 3.] And the justices in their general sessions, in their respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns, districts, parishes and other places in such county, in proportion to the province tax; and the assessors of each town in the province are also directed, in making an assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying within the limits of such town, district, parish or other place, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession the same is or shall be found, and also the incomes or profits which any person or persons, except as before excepted, do or shall receive from any trade or faculty, business or employment whatsoever, and all profits which shall or may arise by money, or commissions of profits, in their improvement, at one shilling per pound; and to abate or multiply the same, if need be, so as to make up the sum set and ordered hereby for each town, district, parish or other place to pay; and in making said assessment, to estimate houses and lands to the amount of six years' yearly rent whereat the same may be reasonably set or let for in the place where they lie; the said houses and lands to be taxed to such persons as shall be the actual tenants thereof upon the first day of September next: *saving* all agreements between landlord and tenant, and where no agreement is, the landlord to reimburse one-half of the tax set upon such houses and lands (new cleared lands for tillage not to be rated until the first crop be taken off); and to estimate Indian, negro and molatto servants proportionably as other personal estate, according to their sound judgment or discretion; as also to estimate every ox of four years old and upwards, at forty shillings; every cow or heifer of three years old and upwards, at thirty shillings; and every horse and mare of three years old and upwards, at forty shillings; and every swine of one year old and upwards, at eight shillings; goats and sheep of one year old and upwards, at three shillings each; the several beasts aforementioned to be taxed to their respective owners or occupants, by the

assessors of the town in which the owners or occupants dwell: likewise requiring the assessors to make a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade and faculty, and if as guardian, or for any estate, in his or her improvement, in trust, to be distinctly expressed; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collector or collectors, constable or constables, of any such town or district, parish or other place, and to return a certificate of the name or names of such collector or collectors, constable or constables, with the sum total to each of them committed, unto himself, some time before the first day of December next.

Lists to be committed to constables or collectors.

Treasurer to issue his warrants to constables or collectors.

[SECT. 4.] And the treasurer for the time being, on receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector or collectors, constable or constables, of such town, district, parish or other place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collection, and to issue their accounts of the whole, at or before the tenth day of March, which will be in the year of our Lord one thousand seven hundred and seventy-five.

And be it further enacted,

Notice to be given to the inhabitants, to bring in a true list of polls, and estate in possession the first day of September next.

[SECT. 5.] That the assessors of each town, district, parish or other place, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town, district, parish or other place, or notify the inhabitants some other way, to give and bring in to the assessors true and perfect lists of their polls, and rateable estate they shall be possessed of on the first day of September next, and income by trade or faculty, and gain by money at interest, which they are to render to the assessors, on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are impowered to doom them; and if any person or persons shall neglect or refuse so to do, or bring in a false list, it shall be lawful to and for the assessors, to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agreeable to the rules herein given, under the penalty of twenty shillings for each person that shall be convicted by legal proof, in the judgment of said assessors, in bringing in a false list; the said fines to be for the use of the poor of such town, district, parish or place where the delinquent lives, to be levied by warrant from the assessors, directed to the collectors or constables, in manner as is directed for gathering the town assessments, to be paid into the town, district, or parish treasury, for the use aforesaid: *saving* to the party aggrieved at the judgment of the assessors in setting forth such fine, liberty of appeal therefrom to the court of the general sessions of the peace within the county, for relief as in the case of being overrated. And if any person or persons shall not bring in a list of their estate, as aforesaid, to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

[SECT. 6.] And if the person be not convicted of any falseness in the list, by him presented, of the polls, rateable estate, or income by trade or faculty, business or employment, which he does or shall

exercise, or in gain by money at interest or otherwise, or other estate not particularly assessed, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed.

And forasmuch as, oftentimes, sundry persons, not belonging to this province, bring considerable trade and merchandize into the same, and by reason that the tax or rate of the town where they come to is finished and delivered to the constable or collectors, and, before the next year's assessment, are gone out of the province, and so pay nothing towards the support of the government, though, in the time of their residing here, they reaped considerable gain by trade, and had the protection of the government, —

Be it therefore enacted,

Transient traders to be rated.

[Sect. 7.] That when any person or persons shall come and reside in any town within this province, and bring any merchandize, or trade, to deal therewith, the assessors of such town are hereby impowered to rate and assess all such persons, according to their circumstances, pursuant to the rules and directions of this act provided, though the former rate may have been finished, and a new one not perfected as aforesaid.

And be it further enacted,

Merchants to be rated for carrying on trade in any town besides where they dwell.

[Sect. 8.] That when any merchant, trader or factor, shall set up a store, or traffick, or carry on any trade or business, in any town within this province, not being an inhabitant of such town, the assessors of such town where such trade and business shall be carried on as aforesaid, be and hereby are impowered to rate and assess all such merchants, traders and factors, their goods and merchandize, for carrying on such trade and business, and exercising their faculty in such town, pursuant to the rules and directions of this act: *provided*, before any such assessors shall rate such persons, as aforementioned, the selectmen of the town where such trade is carried on shall transmit a list of such persons as they shall judge may and ought to be rated, within the intent of this act, to the assessors of such town or district.

Selectmen to transmit a list of such persons before they are rated.

[Sect. 9.] And the constables or collectors are hereby enjoined to levy and collect all such sums committed to them, and assessed on persons who are not of this province, or are resident in other towns than those where they carry on their trade, and pay the same.

And whereas it has been the practi[s][c]e of some of the inhabitants of the town of Boston, to remove to some other town in this province, and there reside [*for*] some months, to avoid paying their part of the taxes in the town of Boston, to which they really belong, to the great injury of the said town, —

Be it therefore enacted,

Inhabitants of Boston who remove out of town and return in a year, to pay their tax in Boston.

[Sect. 10.] That when any inhabitant of the town of Boston shall remove to any other town in this province, and shall, in one year after, remove back to said Boston, and shall have been taxed in the said town, shall be subject to pay the said taxes, in like manner as he would have been had he not have removed from said Boston (saving so much as he shall be taxed in the town removed to), anything in this act to the contrary notwithstanding. [*Passed June* 17.

Notes. — The General Court was convened at Boston, May 25, 1774, by virtue of writs issued by Governor Hutchinson. Gen. Gage arrived, with his commission as Governor, May 13th, and met the Assembly at the time appointed, but informed them, in his speech delivered on the second day of the session, that he had "the King's particular Commands for holding the General Court at Salem," after the first of the next month and "until His Majesty shall have signified his Royal Will and Pleasure for holding it again at Boston." Fearing a voluntary adjournment by the House, the Governor, on Saturday, the twenty-eighth of May, adjourned the Legislature to Salem, there to meet on Tuesday the seventh of June. Upon reassembling at Salem, the Representatives made it their first business to

protest, in five resolves, adopted June 8, against this adjournment, and on the ninth, they prepared their answer to the Governor's speech. The Council also prepared an answer to the same speech, which the Governor resented, as containing unjust reflections upon his predecessors, Bernard and Hutchinson. The session thus inharmoniously begun, continued until the seventeenth of June, when the Governor, having been apprised of the doings of the Representatives, — who, after passing resolves appointing delegates to the Continental Congress at Philadelphia, and making an appropriation to defray their expenses, in which the Council had concurred, were proceeding with other measures which he deemed revolutionary, — issued his proclamation dissolving the General Court. This proclamation was read by the secretary, upon the stairs leading to the Representatives' chamber, which was locked against him.

Thus ended the last legislative Assembly regularly convened in Massachusetts under writs issued by a governor appointed by the crown.

Eight acts were passed by this assembly, the engrossments of the last three of which, only, are preserved, and of these, the last (chapter 8) is imperfect, and neither of them bears the province seal.

The letter of Governor Gage to the Earl of Dartmouth, transmitting certified copies of the acts of this year, is dated July 27, 1774, but the date of the certificate does not appear. They were received by the Lords of Trade, September 17, and transmitted to the Privy Council, on the fourth of October. October 19, they were referred to a committee of the Privy Council, and ordered to be sent back to the Board of Trade, for consideration, November 15; but did not reach the Board until the seventeenth. The order of the Council was read at the Board, November 28, and they were then ordered to be sent, forthwith, to Mr. Jackson, for his opinion thereon in point of law. Mr. Jackson's report on all of these acts except chapter 5, in which he represents that they "are proper in point of Law," is dated December 10, 1774. This report was received by the Board, December 12, and, together with the acts, was read, December 28, and, again, January 6, 1775.

Mr. Jackson's report on chapter 5, the substance of which is given in the note to that chapter, *post*, is dated, March 28, 1775. It was received by the Board of Trade, April 6, and read, May 11. No record of further action upon either of these acts, has been discovered.

Chap. 1. "Jan. 28, 1774. Upon a Motion, *Ordered*, That Mr. *Denny*, Major *Hawley* and Col. *Whitcomb*, be a Committee to prepare a Bill providing for the safe keeping the Books and Records of the Original Proprietors of Lands, when incorporated into Towns or Districts." — *House Journal*, *p.* 107.

"Mar. 2, 1774. The Committee appointed to consider of proper Means for the safe keeping of the Records of Proprietors of common and undivided Lands in the Province, after the said Proprietors shall have made compleat Division, reported that a Bill be brought in to empower the Owners of such Land to call a Meeting from Time to Time, and chuse a Clerk to keep such Records.

Ordered, That Mr. *Denny*, Major *Foster* and Mr. *Fisher*, prepare and bring in a Bill accordingly." — *Ibid.*, *p.* 220.

"June, 13, 1774. A Bill *for the safe keeping of the Records of Proprietors of Lands.* Read the first Time. *Ordered*, That this Bill be read again To-Morrow at Ten o'Clock." — *Ibid.*, *p.* 31.

"June 15, 1774. A Bill *for safe keeping the Records of Proprietors of Lands brought to severalty, which had before been in common.* Read the second and third Time, and pass'd to be engross'd." — *Ibid.*, *p.* 36.

"June 16, 1774. A Bill intituled 'An Act for the safe keeping of the Records of the proprietors of Lands brought to severalty, which had been before held in common' — having passed the House of Representatives to be enacted.

In Council, Read a third time and passed a concurrence to be enacted." — *Council Records*, *vol.* XXX., *p.* 321.

Chap. 2. "May 27, 1774. A Petition of the Inhabitants of *Sherburne*, in the County of *Nantucket*, praying for an Act for the support of a Light-House there.

Ordered, That Mr. *Hussey* bring in a Bill for the same Purpose." — *House Journal*, *p.* 10.

Chap. 3. "June 22, 1773. A Petition of John Caldwell and others Agents of Rutland District in the County of Worcester — Setting forth — That the said District is of the contents of six miles square and now contains about two hundred Families; That ever since their incorporation they have joined with Rutland in the choice of a Representative, which they find very inconvenient, as many of the Inhabitants of the said District live fifteen or sixteen miles from the place of Election. And praying that the said District may be Incorporated into a Town and invested with the privileges to Towns belonging.

In the House of Representatives. The foregoing Petition being read Ordered that the Petitioners notify the Town of Rutland and the Districts of Oakham and Hubbardston by serving the respective Clerks thereof with an attested Copy of the said Petition and Order thereon to shew cause, if any they have, on the third Wednesday of the next Session of this Court why the prayer thereof should not be granted. In Council, Read and Concurred." — *Council Records*, *vol.* XXX., *p.* 66.

"Feb. 10, 1774. A Petition of John Caldwell and others Agents for the District of Rutland Praying that the said District may be Incorporated into a Town — as entered the 22d day of June last.

In Council, Read again and it appearing that the Town of Rutland and the Districts of Oakham and Hubbardston have been notified agreable to the Order of the two Houses on the 22d of June last and no Answer being made Ordered that the prayer of the Petition be

so far granted as that the Petitioners have leave to bring in a Bill for the purpose therein mentioned.

In the House of Representatives, Read and Concurred." — *Ibid.*, *p.* 165.

Chap. 4. "May 27, 1774. Upon a Motion, *Ordered*, That Mr. *Williams* of *Stockbridge*, bring in a Bill to annex a certain Tract of Land to the Town of West *Springfield*." * — *House Journal*, *p.* 10.

Chap. 5. "May 27, 1774. Upon a Motion, *Ordered*, That Mr. *Gorham*, Col. *Leonard*, and Capt. *Heath*, bring in a Supply Bill." — *House Journal*, *p.* 11.

"May it please your Lordships, In obedience to your Lordships Commands, signified to me by Mr. Pownall I have perused and considered, An Act passed by the Governor Council and House of Representatives of the Province of the Massachusetts Bay in June 1774 intitled

An Act for supplying the Treasury with the sum of fourteen thousand five hundred and fifty Pounds for the support of Government the ensuing year.

And I conceive that unless your Lordships should judge the time of passing this Act a time of emergency (within the 4th. section of the 24th. of George 2nd. C. 53) this Act of the Province would be void within a Rigid construction of that Act of Parliament. The Act of Parliament declares, that all Acts of Assembly in the Province of the Massachusetts Bay, among others, for the creating or issuing any Paper Bills or Bills of Credit of any kind or denomination whatsoever shall be void — except Bills for the current service of the year, where Provision is made for their Repayment within two years from the passing the Act now your Lordships will observe, that the Act in question passed the 15th. of June 1774, and the time of Repayment fixed by the Treasurers Obligations is the 20. June 1776." — *R. Jackson to the Lords of Trade, Mar.* 28, 1775: "*Mass. Bay, B. T.*," *vol.* 82, *P.p.*, 68.

"At the Board of Trade. * * * Pownall was greatly alarmed at discovering that Gen. Gage had signed an Act for issuing Treasurer's Notes for four days more than two years, the time limited by Act of Parliament, by which he was for ever disqualified from holding any place in Governm^t. I thought it best to say nothing about it, and added that I did not believe the Obligation given by the Treasurer could be considered, as the Bills of Credit intended by that Act: for tho' they were assignable, they passed as money between man and man, as in the Paper Money Colonies." — *Hutchinson's "Diary and Letters": April* 11, 1775.

Chap. 6. "Feb. 15, 1774. A Petition of a Number of Persons who are Antipædo-Baptists, in the Town of *Springfield*, praying for the Continuance of a Law mention'd in the Petition.

Read and committed to Major *Ingersol*, Capt. *Thurston*, Mr. *Gardner* of *Stow*, Col. *Gerrish* and Mr. *Webster*." — *House Journal*, *p.* 160.

"Feb. 17, 1774. A Petition of *Isaac Backus*, setting forth that a Number of Persons of the Antipædo-baptist Denomination are imprisoned in the Goal at *Northampton*, for Non-payment of Ministerial Taxes assessed on them, and praying the Interposition of this Court.

Read and committed to Mr. *Heywood*, Mr. *Denny*, Mr. *Fisher*, Mr. *Webster* and Mr. *Rawson*." — *Ibid.*, *p.* 170.

"May 27, 1774. Upon a Motion, *Ordered*, That Mr. *Denny*, Mr. *Pickering* and Mr. *Webster*, be a Committee to prepare a Bill to exempt the People called Quakers, and Antipædobaptists from paying Parish Charges, and report." — *Ibid.*, *p.* 10.

Chap. 7. "May 26, 1774. Upon a Motion, *Ordered*, That Dr. *Holton*, Capt. *Heath* and Major *Fuller*, be a Committee to prepare a Bill for Revival and continuing sundry Laws expired and near expiring, and report." — *House Journal*, *p.* 9.

Chap. 8. "Feb. 23, 1774. Major *Foster* according to Order brought in the following Resolve on the Account of Expences exhibited by the Committee appointed to repair to *Upper-Housatonick* in *June* last, *viz.*

Resolved, That there be allow'd and paid out of the publick Treasury the Sum of *twenty-two Pounds four Shillings*, to *Artemas Ward*, *John Whitcomb* and *Timothy Dwight* Esqrs; who were a Committee appointed by the General Court to repair to the Lands at *Upper-Housatonick* in *June* last, upon the Petition of *David Ingersol*, Esq; and *John Williams*, and others, which Sum is in full of said Committees Expences and Disbursements. And that the same be laid upon the Town of *Great-Barrington* in the next Tax Act. Read and accepted." — *House Journal*, *p.* 187.

"May 27, 1774. Upon a Motion, *Ordered*, That Col. *Lincoln*, Col. *Bowers*, and Col. *Prescot*, be a Committee to bring in a Tax Bill.

Upon a Motion *Resolved*, That this House will take into Consideration a proper Sum to be laid on the Polls and Estates of the Inhabitants of this Province, by Way of Tax, this Afternoon at six o'Clock. * * * * * * * * * * * * *

The House according to Order took into Consideration a suitable Sum to be raised by Way of Tax on Polls and Estates, the current Year, and thereupon

Resolved, That the Sum of *Ten Thousand Three Hundred* and *Twelve Pounds*, be raised by Way of Tax on Polls and Estates, the current Year." — *Ibid.*, *pp.* 11 *and* 13.

"June 8, 1774. Upon a Motion, *Ordered*, That Capt. *Cushing* be of the Committee to prepare a Tax Bill in the Room of Col. *Bowers* who is absent." — *Ibid.*, *p.* 19.

Upon the petition of Josiah Chauncy and others, inhabitants of the district of Amherst, it was, on the tenth of June, 1774, —

"Ordered that the Inhabitants of the said District pay unto the original Petitioners for their costs and charges in and about prosecuting and supporting their said Petition the

* *Sic:* Stockbridge.

sum of twenty eight pounds, fifteen shillings and eight pence, and that the Treasurer of the said District be and hereby is impowered and directed to pay the same out of the Treasury accordingly: and that the sum of thirty pounds, nine shillings and two pence be paid out of the Province Treasury to the Committee appointed at the last Session of the General Court to repair to Amherst, for their time and expence in the affair, and that the same be laid on the said District in the next Province Tax. In Council, Read and Concurred, Consented to by the Governor." — *Council Records, vol. XXX., p.* 302.

"June 13, 1774. A Petition of the Selectmen of *Hatfield*, setting forth that a Part of a Tax which was laid on said Town, should have been laid on *Whately* and *Williamsburgh*, and praying an Order of this Court thereon.

Read and *Ordered*, That the Committee appointed to bring in a Tax-Bill, consider this Petition and report." — *House Journal, p.* 30.

"June 11, 1774. In the House of Representatives — Upon the Petition of Joseph Reed in behalf of the Town of Uxbridge; Read and Resolved that the prayer of said Petition be so far granted as that the sum of thirty six pounds, six shillings be assessed on the District of Northbridge in addition to their Province Tax the current year and by them be paid into the Province Treasury, and that there be paid out of the Province Treasury to the Town of Uxbridge the said sum of thirty six pounds, six shillings, being for so much assessed last year on the Town of Uxbridge which ought to have been assessed on the Town of Northbridge. In Council, Read and Concurred, Consented to by the Governor." — *Council Records, vol. XXX., p.* 307.

"June 14, 1774. The Committee appointed the 19th day of February last to repair to the Town of Plymouth, and to such parts of the County of Barnstable as they might think necessary, and hear the Agents of the Town of Plymouth and of the County of Barnstable relative to the repairs of Eell River Bridge — having attended the service and heard the parties, made report; whereupon the following Order passed viz^{t} —

In Council, Read and accepted and thereupon Resolved that the sum of twenty four pounds, one shilling and three pence be paid out of the public Treasury to the Agents for the Town of Plymouth for the use of said Town being the one half of the expence of rebuilding Eell River Bridge aforesaid in the year 1770, as set forth in said Petition, and that the said sum of twenty four pounds, one shilling and three pence, and also the sum of Seven pounds in full for the time and expences of the Committee appointed as abovesaid be paid out of the public Treasury and laid on the several Towns within the County of Barnstable in the next Tax Act in proportion to their Province Tax, and that for the future the said County of Barnstable be discharged from paying any further sum towards the Building or repairing the Bridge over Eell River aforesaid.

In the House of Representatives, Read and Concurred, the House reserving to itself the right of originating Taxes. Consented to by the Governor." — *Ibid.*

"June 16, 1774. In the House of Representatives. On the Petition of Eliel Todd and others of East Hoosuck in the County of Berkshire praying that the Tax set on said Plantation for the year 1772 and 1773 may be remitted. Ordered that the prayer thereof be so far granted that the Province Treasurer be and he is hereby directed to stay his Execution against the Collector of said East Hoosuck for the Tax set on them for the year 1772 until the further Order of this Court. And whereas the sum of Sixteen pounds, six shillings and seven pence set on said Plantation for the year 1773 has not yet been assessed. Therefore it is further Ordered that the Assessors of said East Hoosuck for the current year be impowered and directed to assess the same sum of Sixteen pounds, six shillings and seven pence upon the said Inhabitants the present year according to the rules and directions given for assessing Province Taxes in the year 1773 And the said Assessors are hereby ordered and directed to return a Certificate of the name or names of the Collector or Collectors, Constable or Constables to whom they shall commit a List or Lists of said Tax or assessment, with the sum total to each of them committed unto the Treasurer of the Province by the first day of December next; and the Treasurer of the Province for the time being on the receipt of such certificate is hereby impowered and ordered to include the same sum in the Warrant or Warrants that he shall issue for the collection of the Tax laid upon the said Plantation for the present year. In Council, Read and Concurred Consented to by the Governor." — *Ibid., p.* 325.

"State of Massachusetts Bay

In the House of Representatives Oct 17. 1777 *

Whereas many Constables & Collectors of Town County and Parish Taxes, levied on Towns- Counties & Parishes respectively previous to the Declaration of Independency, have not perfected their Collections, being in doubt whether by the Warrants delivered them before that Period, they have sufficient Power for the same —

Wherefore Resolved — That all such delinquent Constables and Collectors of Town County and Parish Taxes — be and they hereby are directed to perfect their Collections on such Warrants respectively, and that said Warrants are and ought to be considered in full Force the Declaration of Independence notwithstanding.

Sent up for Concurrence J WARREN Spk

In Council Oct^{r} 18th. 1777 Read & Concurred JN^{o} AVERY D^{s} Sec^{y}

Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 215, *p.* 445.

* Printed resolves, chapter CLXV.

ACTS,

PASSED 1775–76.

ACTS

Passed at the Session begun and held at Watertown, on the Nineteenth day of July, A. D. 1775.

CHAPTER 1.

AN ACT TO CONFIRM AND ESTABLISH THE RESOLVES OF THE SEVERAL PROVINCIAL CONGRESSES OF THIS COLONY.

Preamble.

Whereas this oppressed colony has, for many months past, been deprived of the free exercise of its usual powers of government, which has necessarily occasioned the public business thereof to be conducted by congresses; and as many matters of the greatest importance, for the recovery and preservation of that liberty which God, nature and compact have given to this people, have been resolved, done and transacted by provincial congresses, some of which have not yet had their full effect; *and whereas* the legality of such resolves, doings and transactions may hereafter be called in question, and may occasion much litigation, unless confirmed and established in some known, constitutional manner, —

Be it therefore enacted by the Council and House of Representatives of this colony, in General Court assembled, and by the authority of the same,

Doings of the provincial congresses confirmed.

[Sect. 1.] That all and every the resolves, doings and transactions of the several provincial congresses of this colony, from and after the fourth day of October, one thousand seven hundred and seventy-four, to the twentieth day of July, one thousand seven hundred and seventy-five, be, and they hereby are, confirmed and established as lawful[1] and valid, to all intents, constructions and purposes whatsoever, as fully and effectually as if the same resolves, doings and transactions had been done by any general court or assembly, of this colony.

And be it further enacted by the authority aforesaid,

Records of them to be given in evidence under the general issue:

[Sect. 2.] That whenever any person or persons shall be sued or prosecuted before any superior court of judicature, court of assize and general goal delivery, or before any inferior court of common pleas, or any court of general sessions of the peace, or before any single magistrate, for any thing done in obedience to, or in compliance with, any of the resolves, doings, recommendations, or other proceedings of said congresses, such person or persons shall and may give this act, and the record of the resolves, doings and transactions of the several provincial congresses aforesaid, in evidence under the general issue, and the same, thus given in evidence, shall avail, to all intents and purposes, as if the same were specially pleaded; any law, usage or custom to the contrary notwithstanding.

And be it further enacted by the authority aforesaid,

— to be lodged in the secretary's office, who shall give out attested copies of them.

[SECT. 3.] That the records of the resolves, doings and transactions of the several provincial congresses aforesaid, be immediately lodged, and forever hereafter kept, in the secretary's office of this colony; and that the secretary shall copy and authenticate all such records of said resolves, doings and transactions as shall be demanded of him to be used in any of the courts aforesaid; which copies, so authenticated, shall be received as full evidence in said courts of all such resolves, doings and transactions. [*Passed August* 23.

CHAPTER 2.

AN ACT FOR MAKING AND EMITTING OF BILLS OF PUBLIC CREDIT.

Preamble.

WHEREAS the exigencies of this colony require an immediate emission of bills of public credit, to discharge the public debts, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Bills of credit to be issued to the amount of £100,000.

[SECT. 1.] That there be forthwith stamped, on copperplates, a certain number of bills of credit, on this colony, to the amount of the sum of one hundred thousand pounds, lawful money, of the following denominations; viz., of one shilling, of two shillings, of two shillings and sixpence, of four shillings, of five shillings, of six shillings, of seven shillings and sixpence, of eight shillings, of ten shillings, of eleven shillings, of twelve shillings, of seventeen shillings, of twenty shillings, of twenty-four shillings, of thirty shillings, and of forty shillings; and to be ten thousand of each denomination, and no more: four-tenths of the number of each denomination to be of the tenor and form following; viz., —

Forms of the bills.

Colony of the Massachusetts Bay. } (No.) August 18, 1775.

The possessor of this bill shall be paid, by the treasurer of this colony, two shillings and sixpence, lawful money, by the eighteenth day of August, 1778; which bill shall be received for the aforesaid sum, in all payments at the treasury, and in all other payments. By order of the general assembly.

A. B., C. D., E. F., } Committee.

— and so, *mutatis mutandis*, for a greater or lesser sum: three-tenths of each denomination to be of the tenor and form following; viz., —

Colony of the Massachusetts Bay. } (No.) August 18, 1775.

The possessor of this bill shall be paid, by the treasurer of this colony, two shillings and sixpence, lawful mon[e]y, by the eighteenth day of August, 1779; which bill shall be receiv[e]d for the aforesaid sum, in all payments at the treasury, and in all other payments. By order of the general assemb'y.

A. B., C. D., E. F., } Committee.

— and so, *mutatis mutandis*, for a greater or lesser sum: three-tenths of each denomination to be of the tenor and form following; viz., —

Colony of the Massachusetts Bay } (No.) August 18[th], 1775.

The possessor of this bill shall be paid, by the treasurer of this colony, two shillings and sixpence, lawful money, by the eighteenth day of August, 1780; which bill shall be received for the aforesaid sum, in all payments at the treasury, and in all other payments. By order of the general assembly.

A. B., C. D., E. F., } Committee.

— and so, *mutatis mutandis*, for a greater or lesser sum; and that, on the back of each of said bills, shall be stamped the value of the bill, its date, and the figure of an American, with a sword in his right hand, with the following inscription suspended therefrom; viz[t]., "*Ense petit placidam sub libertate quietem*;" and from his left hand, "*Magna Charta*," and round the figure, these words, "Issued in Defence of American Liberty." Made a tender in all payments.

[Sect. 2.] Which bills shall be paid and received in the public treasury, and in all payments in this colony, without any abatement or discount, upon any pretence whatever, under the penalty and forfeiture of treble [of] the value of the bill or bills so passed, to be paid and forfeited by the receiver; which penalty may be recover[*e*]d by action of debt, complaint or indictment, in any court proper to try the same, in the county, in this colony, where the offence shall be committed.

And be it further enacted by the authority aforesaid,

[Sect. 3.] That the committee hereafter to be appointed by this court, to authenticate, by signing and numbering, all the bills aforesaid, be, and they hereby are, directed and impower[*e*]d to take care and make effectual provision, as soon as may be, to cause the said bills, of the several denominations aforesaid, to be stamped and emitted to the amount of the said sum of one hundred thousand pounds, and no more; and to sign and deliver the same to the treasurer and receiver-general of this colony, taking his receipt for the same; and the said committee shall be under oath for the faithful[l] management of the business aforesaid, and the trust reposed in them; they to be rewarded for their service as this court shall determine. Committee to forward the emission.

And be it further enacted by the authority aforesaid,

[Sect. 4.] That the treasurer be, and he hereby is, order[*e*]d and impower[*e*]d to issue forth and emit the said bills, towards payment of the public debts of this colony already contracted, and the further growing charge for the defence thereof; for payment of grants, salaries and allowances made, or that may hereafter be made, by the great and general court, for the support of the government of this colony, and answering the incident and contingent charges thereof; according to such draughts as, from time to time, shall be made upon him, by warrant or order of the council, or such draught and orders as have already been made on him by any committee heretofore appointed by the Congress of this colony, impower[*e*]d to draw on the receiver-general; and the said bills shall pass out of the treasury, and shall be taken and accepted, in all payments, at the rate therein expressed. Treasurer to emit the same in discharge of all the debts of the government.

And whereas it is necessary, to give a currency to this emission of bills and to support the faith and credit of this colony, that there shou[*l*]d be suitable provision made for calling in and paying the same; therefore, —

Be it further enacted by the authority aforesaid,

A tax of £100,000 granted to discharge the same.

[SECT. 5.] That there be and hereby is granted a tax of one hundred thousand pounds, to be levied on polls, and estates both real and personal, within this colony, in manner following; that is to say, forty thousand pounds of the one hundred thousand pounds aforesaid, according to such rules, and in such proportion [o][*i*]n the several towns and other places within this colony, as shall be agreed upon and order[*e*]d by the general court or assembly at their session[s] in May, one thousand seven hundred and seventy-seven, to be paid into the public treasury on or before the last day of May next after; and the further sum of thirty thousand pounds, part of the one hundred thousand pounds aforesaid, according to such rules, and in such proportions on the several towns and other places aforesaid, as shall be agreed upon and order[*e*]d by the general court at their session in May, one thousand seven hundred and seventy-eight, and to be paid into the public treasury on or before the last day of May next after; and the further sum of thirty thousand pounds, part of the one hundred thousand pounds aforesaid, according to such rules, and in such proportions on the several towns and other places aforesaid, as shall be agreed on or ordered by the general court or assembly at their session in May, one thousand seven hundred and seventy-nine, and to be paid into the treasury on or before the last day of May next after.

1777-78, chap. 13.

1778-79, chap. 12.

1779-80, chap. 12.

And be it further enacted by the authority aforesaid,

To be paid by town taxes, in case.

[SECT. 6.] That if the general court, at their session in May, one thousand seven hundred and seventy-seven, or at their session in May, one thousand seven hundred and seventy-eight, or at their session in May, one thousand seven hundred and seventy-nine, and some time before the twentieth day of July, in each year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be, in each of said years, assessed and levied, that then and in such case each town and other places [with]in this colony shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sums as the said towns and other places were taxed by the general court in the tax act then last prece[*e*]ding.

[SECT. 7.] And the colony treasurer is hereby fully impower[*e*]d and directed, some time in the month of July, in each of the years aforesaid, to issue and send forth his warrants, directed to the selectmen or assessors of each town within this colony, requiring them to assess the polls, and estates both real and personal, within their several towns, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury at the aforemention[*e*]d times; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as [shall] have been given in the last prece[*e*]ding tax act. [*Passed August* 23.

CHAPTER 3.

[*AN**] ACT DECLARATORY OF THE RIGHT OF CERTAIN TOWNS AND DISTRICTS IN THE COLONY OF THE [*MASSACHUSETTS**] BAY, IN NEW ENGLAND, TO ELECT AND DEPUTE A REPRESENTATIVE, OR REPRESENTATIVES, TO SERVE FOR AND [*REPRESENT TH**]EM IN ANY GREAT AND GENERAL COURT OR ASSEMBLY AT ANY TIME TO BE HELD AND KEPT FOR THE SERVICE OF THE SAID COLONY.

Preamble.

Whereas there are divers acts or laws heretofore made and passed by former general courts or assemblies of this colony, for the incorporation of towns and districts, which, against common right, and in derogation of the rights granted to the inhabitants of this colony by the charter, contain an exception of the right and priviledge of chusing and sending a representative to the great and general court or assembly, —

Be it therefore e[*nac**]*ted* [*and dec**]*lared by the Council and House of Representatives in General Court assembled, and by the authority* [*of the same,**]

Every town containing thirty freeholders shall have the right to send a representative.

[Sect. 1.] [*Tha*]t* henceforth every such exception contained in any act or law heretofore made and passed by any [*general **] court or assembly of this colony, for the erecting or incorporating any town or district, shall be held and taken to be altogether null and void; and that every town and district in this colony, consisting of the number of thirty or more freeholders and other inhabitants, qualified by charter to vote in the election of a representative[*s*], shall henceforth be held and taken to have full right, power and priviledge to elect and depute one or more persons, being freeholders and resident in such town or district, to serve for and represent them in any great and general court or assembly hereafter to be held and kept for this colony, according to the limitations in an act or law of the general assembly [*entitled* "*An Act **] for ascertaining the number and regulating the house of representatives;" any exception of that [*right and **] priviledge contained or expressed in the respective acts or laws, for the incorporation of such town or district notwithstanding.

1692-3, chap. 38.

1763-4, chap. 20, §§ 1 and 2.

And whereas, in and by an act or law of this colony, entitled "An Act for erecting part of the town of Newbury into a new town by the name of Newburyport" it is enacted and provided, that the said town of Newburyport shou[*l*]d have the right of chus[e]i[*ng **] and [*sen **]ding, from time to time, but one person to represent them in the great and general [*court of this**] colony; and that the inhabitants of the town of Newbury, from and [*after**] the time of the making and passing the said act, should have a right to chuse and send no more than one person to represent them in the great and general court of this colony, —

Be it enacted and declared by the authority aforesaid, —

Towns of Newbury and Newburyport to have the same right.

[Sect. 2.] That henceforth each of the said towns of Newbury and Newburyport shall have the full power and right of chusing and sending as many persons to represent them, respectively, in the great and general court or [*assembly of **] this colony, as each of the said towns would have had a right to have chosen [*and sent **] to the said general court, by virtue of the above-mention[*e*]d act or law, entitled "An Act for ascertaining the number and regulating the house of

* Engrossment mutilated.

representatives," in case there had not been any restrictions upon the said towns, touching their rights and priviledge of chusing and sending persons to represent them, respectively, in the great and general court or assembly, contained or expressed in the said act for the constituting and making that [*part of the* *] former town of Newbury now called Newburyport, a distinct town.

Districts made towns.

And be it further enacted and declared by the authority aforesaid, [SECT. 3.] That every corporate body in this colony which in the act for the incorporation thereof is said and declared to be made a district, and has, by such act, granted to it, or is declared to be vested with, the rights, powers, priviledges or immunities of a town, with the exception above mention[*e*]d of chusing and sending a representative to the great and general court or assembly, [*shall hence* *]forth be, and shall be holden, taken and intended to be, a town to all intents [*and purposes* *] whatsoever. [*Passed August* 23.

CHAPTER 4.

AN ACT FOR REMOVING FROM THEIR RESPECTIVE OFFICES AND PLACES ALL THE OFFICERS, BOTH CIVIL AND MILITARY, BELONGING TO THIS COLONY OF THE MASSACHUSET[*T*]S BAY, IN NEW ENGLAND, HOLDING, OR CLAIMING TO HOLD, THEIR RESPECTIVE OFFICES OR PLACES BY OR UNDER ANY NOMINATION, APPOINTMENT OR COMMISSION MADE OR GRANTED BY ANY GOVERNOR OR LIEUTENANT-GOVERNOR OF THE PROVINCE OF THE MASSACHUSETTS BAY, IN NEW ENGLAND, EITHER WITH OR WITHOUT THE ADVICE AND CONSENT OF THE COUNCIL OR ASSISTANTS OF THE SAID PROVINCE, OR BY THE MAJOR PART OF THE COUNCIL OR ASSISTANTS OF SAID PROVINCE, IN THE ABSENCE OF THE GOVERNOR AND LIEUTENANT-GOVERNOR, BEFORE THE PRESENT MEETING OF THIS GENERAL COURT.

Preamble.

WHEREAS many of the civil and military officers of the said colony of the Massachusetts Bay, in New England, have clearly manifested themselves unfriendly to the rights and liberties of these American colonies, and therefore unfit to hold or exercise the offices and employments to which they have been appointed and commissionated; *and whereas* it is necessary for the peace and safety of this colony that all such officers should be deprived of their offices, and that other men, who are able, true and real friends to American liberty, should be appointed and commissionated in their stead; and as it would be not only disagre[*e*]able, but also very inconvenient, either by act or proclamation, singly and by name, to deprive all such unfit persons of their respective offices, and to substitute and commissionate faithful[*l*] men in their stead, leaving such as are friendly to right and liberty to exercise and discharge their respective offices by virtue of their present commissions,— this court doth judge it expedient that all the officers, both civil and military, belonging to this colony, now holding their offices under or by virtue of any appointment or commission made or granted by any governor or lieutenant-governor of the said province of the Massachusetts Bay, in New England, either

* Engrossment mutilated.

with or without the advice and consent of the council, or by the major part of the council, in the absence of the governor and lieutenant-governor, before the present meeting of this general court, should be deprived of their respective offices, and that all such appointments and commissions should, from and after the nineteenth day of September next, wholly cease and determine, —

Be it therefore enacted and declared by the Council and House of Representatives in General Court assembled, and by the authority of the same,

All offices, civil and military, to cease and determine from the 19th day of Sept., 1775.

That, from and after the said nineteenth day of September, all the nominations, appointments and commissions, at any time before the present meeting of this general court made or granted by any governor or lieutenant-governor of the said province of the Massachusetts Bay, in New England, or by the major part of the council, in the absence of the governor and lieutenant-governor, appointing or commissionating any person or persons to any office, civil or military, shall be utterly null, void and of none effect; and that all the powers and authorities, either civil or military, of all and every person and persons belonging to the said colony of the Massachusetts Bay, in New England, now holding or claiming to hold his or their office or place by or under any nomination, appointment or commission, made or granted by any governor or lieutenant-governor, of the said province of the Massachusetts Bay, in New England, whether with or without the advice and consent of the council or assistants of the said province, or by the major part of the council or assistants of the said province, in the absence of the governor and lieutenant-governor, shall, from and after the nineteenth day of September, one thousand seven hundred and seventy-five, wholly cease and determine. [*Passed August* 23.

CHAPTER 5.

[*AN ACT**] PRESCRIBING THE FORM OF AN OATH TO BE TAKEN BY ALL COMMISSION OFFICERS, BOTH CIVIL AND MILITARY, WHO HAVE BEEN [*COM**]MISSIONATED FOR THIS COLONY SINCE THE NINETEENTH DAY OF JULY LAST, OR MAY BE HEREAFTER COMMISSIONATED, UNTILL THE FURTHER ORDER OF THE GREAT AND GENERAL COURT.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

All officers, civil and military, to take the oath of office.

[Sect. 1.] That all and every commission officer or officers, civil and military, who have been commissionated since the s[*ai*]d nineteenth day of July last, or may hereafter be commissionated by the council or assistants of the colony of the Massachusetts Bay, in New England, or the major part of them, or deriving any authority from, by, or under, any commission made or to be made by the said council, shall, untill the further order of the great and general court or assembly, before they proceed in or enter upon the execution of their respective offices, take the oath hereinafter prescribed, to be administered by any two or more of said council or assistants, or such others,

* Engrossment mutilated.

as shall be by the said council, or assistants, or the major part of them, thereunto appointed; that is to say, —

Form of the oath.

You, A. B., being appointed to the office of , do solemnly swear, that you will honestly, faithfully, and impartially execute all the duties of the said office, according to the best of your skill and abilities. So help you God.

And be it further enacted and declared by the authority aforesaid,

[SECT. 2.] That all commission officers, civil and military, who have been, or may be commissionated in manner as aforesaid, having taken the said oath in manner as above prescribed, shall be, and are hereby authori[z][s]ed, impowered, and required, to proceed in the execution and exercise of their respective offices; and that every act and thing, which shall be done by such officers, respectively, in the execution of such commission and office, shall be to all intents and purposes, valid and effectual in law, without his or their taking or subscribing any other oath, or declaration whatsoever, any law, usage, or custom whatsoever, in any wise to the contrary hereof, notwithstanding. [*Passed August* 23.

ACTS

Passed at the Session begun and held at Watertown, on the Twentieth day of September, A. D. 1775.

CHAPTER 6.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF FORTY-SIX THOUSAND POUNDS, UPON THE SEVERAL TOWNS AND OTHER PLACES IN THIS COLONY HEREINAFTER NAMED, FOR DEFREYING THE PUBLIC CHARGES AND FOR THE SUPPORT OF GOVERNMENT.

Whereas it is necessary that the aforesaid sum of forty-six thousand pounds should be raised and paid into the public treasury of this colony as soon as may be to defrey such public charges as have arisen, or may arise, and for the support of government; therefore, for the ordering, directing and effectual[*l*]y drawing into the treasury the said sum of forty-six thousand pounds, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That each town and other place within this colony be assessed, and pay as such town, and other place's proportion of the sum of forty-six thousand pounds, the following sum set against them respectively; that is to say, —

COLONY TAX.

IN THE COUNTY OF SUFFOLK.

Boston, . . .					
Roxbury, . .	Three hundred and seventy-seven pounds nine shillings and one penny three farthings, .	£377	9*s.*	1*d.*	3*q.**
Dorchester, . .	Three hundred and forty-eight pounds eight shillings and fourpence halfpenny, . .	348	8	4	2
Milton, . . .	One hundred and ninety-six pounds fifteen shillings and one penny farthing, . . .	196	15	1	1
Braintree, . .	Four hundred and twenty-six pounds one shilling and one penny three farthings, . .	426	1	1	3
Weymouth, . .	Two hundred and thirty-one pounds one shilling and one penny, ...	231	1	1	0
Hingham, . .	Three hundred and eleven pounds fourteen shillings and fourpence halfpenny, . .	311	14	4	2

* In the engrossment, the farthings are represented by vulgar fractions; thus, "¾," &c.

SUFFOLK COUNTY — *Continued.*

Dedham,	Three hundred and seventy pounds six shillings and ninepence farthing,	£370	6*s.*	9*d.*	1*q.*
Medfield,	One hundred and forty-nine pounds and fivepence three farthings,	149	0	5	3
Wrentham,	Three hundred and seventy-four pounds eighteen shillings and twopence halfpenny,	374	18	2	2
Brookline,	One hundred and forty-three pounds four shillings and one penny three farthings,	143	4	1	3
Needham,	One hundred and fifty-one pounds four shillings and sixpence,	151	4	6	0
Stoughton,	Two hundred and ninety-three pounds two shillings and elevenpence halfpenny,	293	2	11	2
Stoughtonham District.	One hundred [and] thirty-four pounds three shillings and fourpence halfpenny,	134	3	4	2
Medway,	One hundred and fifty-one pounds eight shillings and eightpence three farthings,	151	8	8	3
Bellingham,	Ninety-eight pounds three shillings and one-penny three farthings,	98	3	1	3
Hull,	Thirty-four pounds nine shillings and eightpence three farthings,	34	9	8	3
Walpole,	One hundred and twenty-three pounds thirteen shillings and fourpence farthing,	123	13	4	1
Chelsea,	Ninety-nine pounds three shillings and sevenpence farthing,	99	3	7	1
Cohasset,	One hundred and five pounds four shillings and threepence farthing,	105	4	3	1
	Four thousand one hundred and nineteen pounds twelve shillings and sevenpence,	£4,119	12*s.*	7*d.*	0*q.*

IN THE COUNTY OF ESSEX.

Salem,	Thirteen hundred and seventy-two pounds ten shillings and eightpence farthing,	£1,372	10*s.*	8*d.*	1*q.*
Danvers,	Four hundred and thirty pounds eight shillings and ninepence three farthings,	430	8	9	3
Ipswich,	Seven hundred and thirty-four pounds twelve shillings and elevenpence halfpenny,	734	12	11	2
Newbury,	Six hundred and eighty-one pounds fourteen shillings and elevenpence halfpenny,	681	14	11	2
Newburyport,	Seven hundred and one pounds seven shillings and tenpence,	701	7	10	0
Marblehead,	Seven hundred and one pounds eighteen shillings and threepence farthing,	701	18	3	1
Lynn,	Three hundred and thirty-four pounds and threepence three farthings,	334	0	3	3
Andover,	Five hundred and sixty-two pounds two shillings and elevenpence halfpenny,	562	2	11	2
Beverly,	Three hundred and ninety-four pounds six shillings and elevenpence,	394	6	11	0
Rowley,	Three hundred and nineteen pounds eighteen shillings and fivepence three farth[*in*]gs,	319	18	5	3
Salisbury,	Two hundred and seventy-nine pounds seven shillings and eightpence,	279	7	8	0
Haverhill,	Four hundred and two pounds three shillings and elevenpence,	402	3	11	0
Gloucester,	Four hundred and thirty-two pounds eight shillings and three farthings,	432	8	0	3
Topsfield,	One hundred and forty-nine pounds eighteen shillings and sevenpence,	149	18	7	0
Boxford,	One hundred and eighty-nine pounds ten shillings and a halfpenny,	189	10	0	2
Almsbury,	Two hundred and fifty pounds eighteen shillings and twopence,	250	18	2	0
Bradford,	Two hundred and twenty-six pounds five shillings and fivepence three farthings,	226	5	5	3
Wenham,	Ninety pounds nineteen shillings and one penny farthing,	90	19	1	1
Middleton,	One hundred and twenty-three pounds thirteen shillings and ninepence farthing,	123	13	9	1

Essex County — *Concluded.*

Manchester, . .	One hundred and twenty pounds and sixpence halfpenny, ...	£120	0*s.*	6*d.*	2*q*
Methuen, . . .	One hundred and eighty-nine pounds two shillings and threepence farthing, . .	189	2	3	1
	Eight thousand six hundred and eighty-seven pounds nine shillings and ninepence halfpenny, ...	£8,687	9*s.*	9*d.*	2*q.*

IN THE COUNTY OF MIDDLESEX.

Cambridge, . .	Three hundred and sixty-four pounds twelve shillings and ninepence halfpenny, . .	£364	12*s.*	9*d.*	2*q.*
Charlestown, .	Fifty-one pound[*s*] thirteen shillings and fourpence, ...	51	13	4	0
Watertown, . .	One hundred and seventy-three pounds seventeen shillings and elevenpence, . . .	173	17	11	0
Woburn, . . .	Two hundred and eighty-five pounds three shillings and eightpence three farthings, .	285	3	8	3
Concord, . . .	Two hundred and sixty pounds eleven shillings and tenpence three farthings, . . .	260	11	10	3
Newto[w]n, . .	Two hundred and forty-two pounds fifteen shillings and eightpence three farth[*in*]gs, .	242	15	8	3
Reading, . . .	Two hundred and seventy-seven pounds five shillings and tenpence three farthings, . .	277	5	10	3
Marlborough, . .	Three hundred and nineteen pounds three shillings and one farthing, ...	319	3	0	1
Billerica, . . .	Two hundred and seventeen pounds and one penny, ...	217	0	1	0
Framingham, . .	Two hundred and fifty-two pounds two shillings and tenpence halfpenny, ...	252	2	10	2
Lexington, . .	One hundred and seventy-four pounds two shillings and threepence, ...	174	2	3	0
Chelmsford, . .	One hundred and ninety-four pounds fourteen shillings and twopence farthing, . . .	194	14	2	1
Sherburne, . .	One hundred and twenty-four pounds and a halfpenny, ...	124	0	0	2
Sudbury, . . .	Three hundred and thirty-eight pounds seventeen shillings and elevenpence three farth[*in*]gs, ...	338	17	11	3
Malden, . . .	One hundred and sixty-one pounds ten shillings and threepence three farthings, . .	161	10	3	3
Weston, . . .	One hundred and sixty-one pounds nineteen shillings and one penny three farth[*in*]gs, .	161	19	1	3
Medford, . . .	Two hundred and six pounds thirteen shillings and fivepence, ...	206	13	5	0
Littleton, . . .	One hundred and fifty-eight pounds fifteen shillings and twopence halfpenny, . .	158	15	2	2
Hopkin[*s*]ton, .	One hundred and sixty-five pounds four shillings and sevenpence three farthings, . .	165	4	7	3
Westford, . .	One hundred and seventy-eight pounds fifteen shillings and twopence halfpenny, . .	178	15	2	2
Waltham, . .	One hundred and fifty-five pounds eighteen shillings and eightpence, ...	155	18	8	0
Stow, . . .	One hundred and forty-three pounds six shillings and twopence three farthings, . .	143	6	2	3
Groton, . . .	Two hundred and forty-six pounds and tenpence farthing, ...	246	0	10	1
Shirley, . . .	Eighty-seven pounds ten shillings and twopence halfpenny, ...	87	10	2	2
Pepper[*r*]ell, . .	One hundred and thirty-six pounds nine shillings and eightpence farthing, . . .	136	9	8	1
Townsend, . .	One hundred and five pounds and elevenpence farthing, ...	105	0	11	1
Ashby, . . .	Forty-five pounds twelve shillings and eightpence, ...	45	12	8	0
Stoneham, . .	Sixty-one pounds four shillings and elevenpence halfpenny, ...	61	4	11	2
Natick, . . .	Eighty-one pounds four shillings and a halfpenny, ...	81	4	0	2
Dracut, . . .	One hundred and forty-one pounds ten shillings and ninepence, ...	141	10	9	0

MIDDLESEX COUNTY — *Concluded.*

Bedford,	One hundred and thirteen pounds seven shillings and one penny,	£113	7*s.*	1*d.*	0*q.*
Holliston,	One hundred and thirty-five pounds eighteen shillings and tenpence,	135	18	10	0
Tewksbury,	One hundred and eight pounds ten shillings and tenpence three farthings,	108	10	10	3
Acton,	One hundred and twenty-seven pounds nineteen shillings and fourpence farthing,	127	19	4	1
Dunstable,	One hundred and eighteen pounds five shillings and sevenpence halfpenny,	118	5	7	2
Lincoln,	One hundred and sixteen pounds and sixpence three farthings,	116	0	6	3
Wilmington,	Ninety-nine pounds and eightpence halfpenny,	99	0	8	2
	Six thousand three hundred and thirty-two pounds eleven shill[*in*]gs and eightpence three farth[*in*]gs,	£6,332	11*s.*	8*d.*	3*q.*

IN THE COUNTY OF HAMPSHIRE.

Springfield,	Two hundred and seventy-one pounds six shillings and sixpence,	£271	6*s.*	6*d.*	0*q.*
Willbraham,	One hundred and twenty-five pounds fourteen shillings and eightpence farthing,	125	14	8	1
Northampton,	Two hundred and eighty-two pounds eleven shillings and one penny halfpenny,	282	11	1	2
Southampton,	One hundred pounds eleven shillings and sevenpence,	100	11	7	0
Hadley,	One hundred and eighteen pounds sixteen shillings and fivepence three farthings,	118	16	5	3
South Hadley,	Ninety-two pounds nine shillings and sevenpence,	92	9	7	0
Amherst,	One hundred and thirty-three pounds ten shillings and fivepence farthing,	133	10	5	1
Granby,	Sixty-three pounds fourteen shillings and sevenpence three farthings,	63	14	7	3
Hatfield,	One hundred and forty-one pounds twelve shillings,	141	12	0	0
Whatley,	Forty-nine pounds nineteen shillings and one penny farthing,	49	19	1	1
Williamsburgh,	Thirty-five pounds nineteen shillings and ninepence farthing,	35	19	9	1
Westfield,	Two hundred and one pounds four shillings and fivepence three farthings,	201	4	5	3
Deerfield,	One hundred and forty-six pounds ten shillings and elevenpence halfpenny,	146	10	11	2
Greenfield,	Ninety-three pounds seventeen shillings and one penny halfpenny,	93	17	1	2
Shelburne,	Fifty-five pounds nineteen shillings and fourpence,	55	19	4	0
Conway,	Sixty-three pounds thirteen shillings and fourpence three farthings,	63	13	4	3
Sunderland,	Sixty-five pounds fourteen shillings and ninepence,	65	14	9	0
Montague,	Seventy-one pounds thirteen shillings and eightpence three farthings,	71	13	8	3
Northfield,	One hundred and four pounds five shillings and tenpence three farthings,	104	5	10	3
Brimfield,	One hundred and seventy-three pounds eleven shillings and twopence three farthings,	173	11	2	3
South Brimfield,	One hundred and three pounds nineteen shillings and sevenpence three farthings,	103	19	7	3
Monson,	Eighty-nine pounds nineteen shillings and tenpence three farthings,	89	19	10	3
Pelham,	Ninety-seven pounds fourteen shillings and ninepence halfpenny,	97	14	9	2
Greenwich,	Ninety-seven pounds six shillings and tenpence farthing,	97	6	10	1
Blanford,	Seventy-one pounds nine shillings and sixpence three farthings,	71	9	6	3

Hampshire County — *Concluded.*

Leverett,	Twenty-five pounds four shillings and fourpence,	£25	4*s.*	4*d.*	0*q*
Palmer,	Ninety-nine pounds nine shillings and a halfpenny,	99	9	0	2
Granville,	One hundred and seventy-three pounds seven shillings and three farthings,	173	7	0	3
New Salem,	Eighty-seven pounds four shillings and ninepence farthing,	87	4	9	1
Belchertown,	One hundred and ten pounds nine shillings and three farthings,	110	9	0	3
Colrain,	Sixty-four pounds and elevenpence,	64	0	11	0
Ware,	Fifty-one pounds thirteen shillings and fourpence,	51	13	4	0
Warwick,	Forty-one pounds six shillings and eightpence,	41	6	8	0
Bernardston,	Fifty-six pounds eight shillings and one penny farthing,	56	8	1	1
Murrayfield,	Sixty-three pounds sixteen shillings and eightpence three farthings,	63	16	8	3
Charlemont,	Forty-five pounds nineteen shillings and fourpence farthing,	45	19	4	1
Ashfield,		0	0	0	0
Worthington,	Twenty-six pounds three shillings and sixpence halfpenny,	26	3	6	2
Shutesbury,	Fifty-six pounds three shillings and sixpence,	56	3	6	0
Chesterfield,	Eighty-four pounds fourteen shillings and threepence farthing,	84	14	3	1
Southwick,	Seventy-four pounds nineteen shillings and threepence halfpenny,	74	19	3	2
Suffield,	Fifty-five pounds nineteen shillings and elevenpence,	55	19	11	0
Enfield,	Twenty-six pounds one shilling and tenpence halfpenny,	26	1	10	2
Somers,	Twenty-seven pounds eight shillings and twopence farthing,	27	8	2	1
West Springfield,	Two hundred and eighty-three pounds nine shillings and one penny,	283	9	1	0
Ludlow District,	Thirty-eight pounds six shillings and sixpence halfpenny,	38	6	6	1
	Four thousand three hundred and forty-six pounds three shillings and one penny three farth[*in*]gs,	£4,346	3*s.*	1*d.*	3*q.*

IN THE COUNTY OF PLYMOUTH.

Plymouth,	Three hundred and sixty-three pounds nineteen shillings and tenpence farthing,	£363	19*s.*	10*d.*	1*q.*
Scituate,	Four hundred and forty-six pounds thirteen shillings and fourpence halfpenny,	446	13	4	2
Duxbury,	One hundred and sixty-two pounds nine shillings and sixpence farthing,	162	9	6	1
Marshfield,	One hundred and eighty-nine pounds nine shillings and ninepence halfpenny,	189	9	9	2
Bridgwater,	Six hundred and fifty-two pounds eleven shillings and eightpence farthing,	652	11	8	1
Middleborough,	Five hundred and fifty-seven pounds thirteen shillings and sevenpence farthing,	557	13	7	1
Rochester,	Two hundred and seventy pounds fourteen shillings and fourpence three farthings,	270	14	4	3
Plym[*p*]ton,	Two hundred and seven pounds one shilling and ninepence three farthings,	207	1	9	3
Pembroke,	Two hundred and thirty-seven pounds one shilling and eightpence three farthings,	237	1	8	3
Kingston,	One hundred and thirty-eight pounds thirteen shillings and elevenpence halfpenny,	138	13	11	2
Hanover,	One hundred and twenty-nine pounds one shilling and eightpence,	129	1	8	0
Abington,	One hundred and sixty-five pounds eighteen shillings and ninepence,	165	18	9	0

PLYMOUTH COUNTY — *Concluded.*

Halifax,	Eighty-four pounds seventeen shillings and fivepence farthing,	£84	17*s.*	5*d.*	1*q.*
War[*e*]ham,	Eighty-one pounds two shillings and a halfpenny,	81	2	0	2
	Three thousand six hundred and eighty-seven pounds nine shillings and sevenpence halfpen[*n*]y,	£3,687	9*s.*	7*d.*	2*q.*

IN THE COUNTY OF BARNSTABLE.

Barnstable,	Three hundred and thirty-four pounds eleven shillings and twopence,	£334	11*s.*	2*d.*	0*q.*
Sandwich,	Two hundred and sixty pounds seven shillings and eightpence halfpenny,	260	7	8	2
Yarmouth,	Two hundred and thirty-five pounds and fivepence,	235	0	5	0
Eas[*t*]ham,	One hundred and ninety pounds nineteen shillings and a halfpenny,	190	19	0	2
Harwich,	One hundred and ninety-two pounds thirteen shillings and eightpence farthing,	192	13	8	1
Wellfleet,	One hundred and thirty-seven pounds eight shillings and tenpence three farthings,	137	8	10	3
Chatham,	Ninety pounds nineteen shillings and fourpence farthing,	90	19	4	1
Truro,	One hundred and fourteen pounds eleven shillings and threepence three farthings,	114	11	3	3
Falmouth,	One hundred and ninety-one pounds three shillings and sevenpence halfpenny,	191	3	7	2
	One thousand seven hundred and forty-seven pounds fifteen shillings and twopence halfpenny,	£1,747	15*s.*	2*d.*	2*q.*

IN THE COUNTY OF BRISTOL.

Taunton,	Four hundred and ten pounds twelve shillings and twopence,	£410	12*s.*	2*d.*	0*q.*
Reboboth,	Five hundred and fourteen pounds sixteen shillings and a halfpenny,	514	16	0	2
Swanzey, with Shawamet,	Two hundred and thirty-seven pounds thirteen shillings and fivepence,	237	13	5	0
Dartmouth,	Eight hundred and eighty-seven pounds fourteen shillings and sevenpence three farth[*in*]gs,	887	14	7	3
Norton,	One hundred and eighty-six pounds seven shillings and sevenpence,	186	7	7	0
Mansfield,	One hundred and twenty-one pounds six shillings and twopence,	121	6	2	0
Attleborough,	Three hundred and two pounds nine shillings and fivepence farthing,	302	9	5	1
Dighton,	One hundred and seventy-three pounds four shillings and elevenpence three farthings,	173	4	11	3
Freetown,	Two hundred and two pounds one shilling and one penny three farthings,	202	1	1	3
Raynham,	One hundred and twenty-six pounds seventeen shillings and twopence three farth[*in*]gs,	126	17	2	3
Easton,	One hundred and forty-one pounds fifteen shillings and ninepence,	141	15	9	0
Berkley,	Ninety-eight pounds fourteen shillings,	98	14	0	0
	Three thousand four hundred and three pounds twelve shillings and sixpence three farth[*in*]gs,	£3,403	12*s.*	6*d.*	3*q*

IN THE COUNTY OF YORK.

York,	Four hundred and three pounds nine shillings and ninepence halfpenny,	£403	9*s.*	9*d.*	2*q.*
Kittery,	Four hundred and forty-two pounds seventeen shillings and sevenpence three farthings,	442	17	7	3
Wells,	Three hundred and fourteen pounds nineteen shillings and one penny farthing,	314	19	1	1
Berwick,	Four hundred and seventy-seven pounds seventeen shillings and fivepence farth[*in*]g,	477	17	5	1
Arundel,	One hundred and forty-three pounds twelve shillings and one penny,	143	12	1	0
Biddeford,	One hundred and sixty-six pounds three shillings,	166	3	0	0
Pepperellborough,	One hundred and twenty-one pounds and ninepence,	121	0	9	0
Lebanon,	Forty-four pounds sixteen shillings and fourpence halfpenny,	44	16	4	2
Sandford,	Forty-three pounds six shillings and eightpence three farthings,	43	6	8	3
Buxton,	Thirty-eight pounds ten shillings and eightpence halfpenny,	38	10	8	2
	Two thousand one hundred and ninety-six pounds fourteen shillings and sevenpence [*one*] farth[*in*]g,	£2,196	14*s.*	7*d.*	1*q.*

IN THE COUNTY OF DUKES COUNTY.

Edgartown,	One hundred and twenty-five pounds eighteen shillings and elevenpence halfpenny,	£125	18*s.*	11*d.*	2*q.*
Chilmark,	One hundred and fifty-five pounds twelve shillings and twopence,	155	12	2	0
Tisbury,	One hundred and fourteen pounds five shillings and a halfpenny,	114	5	0	2
	Three hundred and ninety-five pounds sixteen shillings and twopence,	£395	16*s.*	2*d.*	0*q*

IN THE COUNTY OF NANTUCKET.

Sherburne,	Six hundred and nine pounds thirteen shillings and seven pence three farth[*in*]gs,	£609	13*s.*	7*d.*	3*q.*

IN THE COUNTY OF WORCESTER.

Worcester,	Three hundred and twenty-nine pounds nineteen shillings and eightpence three farth[*in*]gs,	£329	19*s.*	8*d.*	3*q.*
Lancaster,	Four hundred and eleven pounds four shillings and eightpence farthing,	411	4	8	1
Mendon,	Three hundred and five pounds four shillings and sixpence halfpenny,	305	4	6	2
Brookfield,	Three hundred and ninety-five pounds twelve shillings and ninepence three farthings,	395	12	9	3
Oxford,	One hundred and forty-two pounds twelve shillings and fivepence halfpenny,	142	12	5	2
Charlton,	One hundred and forty-three pounds nine shillings and elevenpence three farthings,	143	9	11	3
Sutton,	Three hundred and ninety pounds eight shillings and tenpence,	390	8	10	0
Leicester,	One hundred and forty-five pounds four shillings and twopence three farthings,	145	4	2	3
Spencer,	One hundred and twenty-six pounds three shillings and tenpence halfpenny,	126	3	10	2

WORCESTER COUNTY — *Concluded.*

Paxton,	Eighty-three pounds five shillings and a halfpenny,	£83	5*s.*	0*d.*	2*q*
Rutland,	One hundred and ninety pounds five shillings and threepence,	190	5	3	0
Oakham,	Fifty-seven pounds nine shillings and fourpence three farthings,	57	9	4	3
Hutchinson,	One hundred and sixty-seven pounds and twopence halfpenny,	167	0	2	2
Hubbardston,	Thirty-three pounds one shilling and ninepence,	33	1	9	0
New Braintree,	One hundred and thirty-one pounds three shillings and fivepence,	131	3	5	0
Southborough,	One hundred and forty-seven pounds and elevenpence three farthings,	147	0	11	3
Westborough,	One hundred and fifty pounds one shilling and elevenpence farthing,	150	1	11	1
Northborough,	One hundred and one pounds seven shillings and tenpence farthing,	191	7	10	1
Shrewsbury,	Two hundred and seventy-eight pounds twelve shillings and twopence halfpen[*n*]y,	278	12	2	2
Lunenburgh,	Two hundred and three pounds eleven shillings and sevenpence halfpenny,	203	11	7	2
Fitchburgh,	Sixty-nine pounds nine shillings and fivepence three farthings,	69	9	5	3
Uxbridge,	One hundred and forty-five pounds eight shillings and fivepence,	145	8	5	0
Harvard,	One hundred and ninety-nine pounds sixteen shillings and tenpence three farth[*in*]gs,	199	16	10	3
Dudley,	One hundred and twenty-eight pounds nine shillings and fourpence halfpenny,	128	9	4	2
Bolton,	One hundred and ninety-one pounds eleven shillings and elevenpence halfpenny,	191	11	11	2
Upton,	Seventy-eight pounds eleven shillings and sixpence farthing,	78	11	6	1
Sturbridge,	One hundred and seventy-nine pounds three shillings and sixpence three farth[*in*]gs,	179	3	6	3
Leominster,	One hundred and fifty pounds nine shillings and fivepence three farthings,	150	9	5	3
Hardwick,	Two hundred and nineteen pounds seventeen shillings and threepence halfpenny,	219	17	3	2
Holden,	One hundred and four pounds sixteen shillings and ninepence,	104	16	9	0
Western,	One hundred and forty pounds one shilling and eightpence farthing,	140	1	8	1
Douglas[s],	Eighty-six pounds nine shillings and ninepence,	86	9	9	0
Grafton,	One hundred and forty-seven pounds eighteen shillings and one penny,	147	18	1	0
Petersham,	One hundred and forty-nine pounds four shillings and ninepence three farthings,	149	4	9	3
Royalston,	Thirty-one pounds seventeen shillings and elevenpence halfpenny,	31	17	11	2
Westminster,	One hundred and twenty-six pounds thirteen shillings and three farth[*in*]gs,	126	13	0	3
Athol,	Eighty-one pounds seventeen shillings and three farthings,	81	17	0	3
Templeton,	One hundred pounds one shilling and elevenpence three farthings,	100	1	11	3
Princeton	Ninety-three pounds seventeen shillings and sixpence halfpenny,	93	17	6	2
Ashburnham,	Forty-five pounds one shilling and tenpence,	45	1	10	0
Winchendon,	Thirty-seven pounds one shilling and fivepence three farthings,	37	1	5	3
Woodstock,	Twenty-eight pounds seventeen shillings and fivepence,	28	17	5	0
Northbridge,	Fifty-two pounds seven shillings and elevenpence halfpenny,	52	7	11	2
	Six thousand five hundred and twenty-two pounds six shillings and one penny,	£6,522	6*s.*	1*d.*	0*q.*

IN THE COUNTY OF CUMBERLAND.

Falmouth,	Five hundred and twenty-eight pounds six shillings and twopence,	£528	6*s.*	2*d.*	0*q.*
Cape Elizabeth,	One hundred and ninety-five pounds eight shillings and fourpence three farthings,	195	8	4	3
North Yarmouth,	One hundred and ninety-six pounds sixteen shillings and fourpence farthing,	196	16	4	1
Scarborough,	Two hundred pounds nineteen shillings and fivepence farthing,	200	19	5	1
Brunswick,	One hundred and five pounds eighteen shillings and fivepence farthing,	105	18	5	1
Harpswell,	Ninety-nine pounds and eightpence farthing,	99	0	8	1
Gorham,	One hundred and four pounds thirteen shillings and fivepence,	104	13	5	0
Windham,	Forty-five pounds thirteen shillings and sixpence,	45	13	6	0
Piersontown,	Twenty-three pounds five shillings and fivepence,	23	5	5	0
New Boston,	Fifteen pounds five shillings and sevenpence farthing,	15	5	7	1
New Gloucester,	Thirty-eight pounds ten shillings and eightpence halfpenny,	38	10	8	2
	One thousand five hundred and fifty-three pounds eighteen shillings and one penny halfpenny,	£1,553	18*s.*	1*d.*	2*q.*

IN THE COUNTY OF LINCOLN.

Pownalborough,	One hundred and forty-four pounds and fivepence,	£144	0*s.*	5*d.*	0*q.*
Georgetown,	One hundred and ninety pounds one shilling and tenpence three farthings,	190	1	10	3
Woolwich,	Sixty-one pounds fifteen shillings and ninepence three farthings,	61	15	9	3
Newcastle,	Fifty-seven pounds fourteen shillings and ninepence three farthings,	57	14	9	3
Topsham,	Sixty-one pounds nine shillings and one penny three farthings,	61	9	1	3
Boothbay,	Seventy-one pounds fifteen shillings and ninepence three farthings,	71	15	9	3
Bristol,	Seventy-five pounds fourteen shillings and eightpence three farthings,	75	14	8	3
Bowdoinham,	Nineteen pounds ten shillings and ninepence farthing,	19	10	9	1
Medumcook,	Twenty pounds two shillings and fivepence three farthings,	20	2	5	3
Hallowell,	Twenty-four pounds sixteen shillings and sixpence,	24	16	6	0
Waldoborough,	Forty-nine pounds seventeen shillings and tenpence farthing,	49	17	10	1
Vassalborough,	Twenty-two pounds nine shillings and sevenpence three farthings,	22	9	7	3
St. Georges,	Forty-nine pounds three shillings and sevenpence three farthings,	49	3	7	3
Winthrop,	Seventeen pounds three shillings and twopence,	17	3	2	0
Winslow,	Seventeen pounds thirteen shillings and twopence farthing,	17	13	2	1
Gardinerstown,	Thirty-one pounds five shillings and fivepence,	31	5	5	0
	Nine hundred and fourteen pounds fifteen shillings and threepence halfpenny,	£914	15*s.*	3*d.*	2*q.*

IN THE COUNTY OF BERKSHIRE.

Shetfield, . . .	Two hundred and sixteen pounds twelve shillings and sixpence, ...	£216	12*s.*	6*d.*	0*q.*
Great Barrington, .	Ninety-four pounds eighteen shillings and tenpence farthing, ...	94	18	10	1
Stockbridge, . .	Seventy-four pounds seventeen shillings and fivepence, ...	74	17	5	0
West Stockbridge, .	Twenty-four pounds nineteen shillings and one penn[e]y [two farthings] [*halfpenny*], . .	24	19	1	2
Pittsfield, . .	One hundred and twenty-seven pounds and twopence, ...	127	0	2	0
New Marlborough, .	One hundred and twenty-two pounds and seven pence halfpenny, ...	122	0	7	2
Egremont, . .	Fifty pounds and twopence farthing, . .	50	0	2	1
Richmond, . .	Eighty-nine pounds fifteen shillings and threepence halfpenny, ...	89	15	3	2
Lenox, . . .	Fifty-seven pounds eighteen shillings and twopence, ...	57	18	2	0
Tyringham, . .	Fifty-one pounds fifteen shillings and tenpence,	51	15	10	0
Loudon, . . .	Nine pounds thirteen shillings and eightpence farthing, ...	9	13	8	1
Alford, . . .	Thirty-five pounds nine shillings and fourpence, ...	35	9	4	0
Lanesborough, .	One hundred and twenty-eight pounds six shillings and fivepence halfpenny, . . .	128	6	5	2
Sandisfield, . .	Ninety pounds six shillings and twopence, .	90	6	2	0
Williamstown, .	Seventy-nine pounds fourteen shillings and tenpence three farthings, ...	79	14	10	3
Becket, . . .	Thirty-six pounds three shillings and [a] [*one*] farthing, ...	36	3	0	1
Gageborough, . .	Forty-two pounds and fivepence farthing, .	42	0	5	1
Partridgefield, .	Twenty-eight pounds and eleven pence halfpenny, ...	28	0	11	2
East Hoosuck, .	Forty-pounds eighteen shillings and threepence three farthings, ...	40	18	3	3
Jericho, . . .	Eighteen pounds one shilling and sixpence halfpenny, ...	18	1	6	2
Plantation No. 5, .	Twenty-five pounds sixteen shillings and fivepence halfpenny, ...	25	16	5	2
Plantation No. 7, .	Twenty-five pounds sixteen shillings and fivepence halfpenny, ...	25	16	5	2
Plantation Hartwood, . . .	Eleven pounds fifteen shillings and sixpence halfpenny, ...	11	15	16	2
	One thousand four hundred and eighty-two pounds one shilling and fivepence [farthing] [*halfpenny*], ...	£1,482	1*s.*	5*d.*	1*q.*

PROVINCE TAX.

Suffolk, . . .	Four thousand one hundred and nineteen pounds twelve shillings and sevenpence, .	£4,119	12*s.*	7*d.*	0*q.*
Essex, . . .	Eight thousand six hundred and eighty-seven pounds nine shillings and ninepence halfpenny, ...	8,687	9	9	2
Middlesex, . .	Six thousand three hundred and thirty-two pounds eleven shillings and eightpence three [farthings] [4*ths*], ...	6,332	11	8	3
Hampshire, . .	Four thousand three hundred and forty-six pounds three shillings and one penny three [farthings] [4*ths*], ...	4,346	3	1	3
Plymouth, . .	Three thousand six hundred and eighty-seven pounds nine shillings and sevenpence halfpenny, ...	3,687	9	7	2
Barnstable, . .	One thousand seven hundred and forty-seven pounds fifteen shillings and twopence [halfpenny] [2*ds*], ...	1,747	15	2	2

Province Tax — *Concluded.*

Bristol,	Three thousand four hundred and three pounds twelve shillings and sixpence three farthings,	£3,403	12*s.*	6*d.*	3*q.*
York,	Two thousand one hundred and ninety-six pounds fourteen shillings and sevenpence [farthing] [*halfpenny*],	2,196	14	7	1
Dukes County,	Three hundred and ninety-five pounds sixteen shillings and twopence,	395	16	2	0
Nantucket,	Six hundred and nine pounds thirteen shillings and sevenpence three farthings,	609	13	7	3
Worcester,	Six thousand five hundred and twenty-two pounds six shillings and one penny,	6,522	6	1	0
Cumberland,	One thousand five hundred and fifty-three pounds eighteen shillings and one penny halfpen[n]y,	1,553	18	1	2
Lincoln,	Nine hundred and fourteen pounds fifteen shillings and threepence halfpenny,	914	15	3	2
Berkshire,	One thousand four hundred and eighty-two pounds one shilling and fivepence farthing,	1,482	1	5	1
	Forty-six thousand pounds,	£46,000	0*s.*	0*d.*	0*q.*

And be it further enacted by the authority aforesaid,

[Sect. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or other place, within this colony, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town or other place, in manner following; that is to say, to assess all rateable polls above the age of sixteen years, within their respective towns or other places, or next adjo[*ur*][i]ning to them, belonging to no other town or place, at five shillings and fivepence (excepting the president, fellows, professors, Hebrew instructor and students of Harvard Colle[*d*]ge, who have their usual residence there, and settled ministers, who are hereby exempted, as well for being taxed for their polls, as their estates being in their own hands, and under their actual management and improvement, and in the parishes where they are settled; as also the estate belonging and pertaining to Harvard College); and other persons, if such there be, who, thro' age, infirmity or extreme poverty, in the judg[e]ment of the assessors, are not able to pay towards public charges, they may exempt their polls or estate, or abate part of what they are set at, as they on their oaths shall think to be just and equitable.

[Sect. 3.] And the justices in their general sessions in their respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same [o][*i*]n the several towns and other places in such county in proportion to this tax; and the assessors in each town in this colony, are also directed, in making a town tax or assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying or being within the limits of such town or other place, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession the same is or shall be found, and also the income or prof[f]its which any person or persons, except as before excepted, do or shall receive from money at interest more than he or she pays interest for, or from any trade or faculty, business or employment whatsoever, and all prof[f]its which shall or may arise by money, or commissions of prof[f]its, in their improvement, at so much on the pound as together with what is set on the poll will make up the sum set and or-

dered hereby for each town or other place to pay; and in making said assessment, to estimate houses and lands and other real estate at the amount of six years' yearly rent whereat the same may reasonably be set or let for in the place where they lay, exclusive of necessary and ordinary repairs; the said houses and lands to be taxed to such persons as shall be the actual tenants thereof (new cleared lands for tillage not to be rated until[l] the first crop be taken off); and to estimate Indian, negro and m[o][u]latto servants proportionably as other personal estate, according to the sound judgment and discretion of such assessors; as also to estimate every ox of four years old and upwards, at forty shillings; every cow or heifer of three years old and upwards, at thirty shillings; and every horse or mare of three years old and upwards, at forty shillings; and every swine of one year old and upwards, at eight shillings; and every goat and sheep of one year old and upwards, at three shillings; the several beasts aforementioned to be taxed to their respective owners, by the assessors of the town in which the owners dwell, and all money at interest, either within or without the province, at three times the yearly lawful interest thereof, and also the extraordinary incomes that do or may arise by any trade, business, employment or commissions of prof[f]it, at three times the sum of such extraordinary incomes: likewise requiring the assessors to make a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade and faculty, and if as guardian, or for any estate, in his or her improvement, in trust, to be distinctly expressed; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collector or collectors, constable or [c*]onstables, of any such town or other place, and to return a certificate of the name or names of such collector or collectors, constable [o*]r constables, with the sum total to each of them committed, unto himself, some time before the first day of December next.

[SECT. 4.] And the treasurer for the time being, on receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector or collectors, constable or constables, of such town or other place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collection, and to issue their accounts of the whole, at or before the first day of April next, which will be in the year of our Lord one thousand seven hundred and seventy-six.

Provided, nevertheless, —

And be it further enacted,

[SECT. 5.] That the several officers and soldiers now in the army shall be considered as resident in the several towns to which they belonged at the time of their engaging in the army, their absence notwithstanding; and the assessors of the several towns and other places in this colony shall consider such officers and soldiers as resident in such town, and tax them accordingly.

And be it further enacted,

[SECT. 6.] That all such of the late inhabitants of any town in this colony, bordering on the sea, excepting the towns of Boston and Charlestown, who have removed from such towns to other towns in this colony, since the first day of December last past, or who may

* Engrossment mutilated.

hereafter remove, shall be assessed to this tax, for their rateable polls and rateable personal estates, by the assessors of the several towns from whence they removed, and not by the assessors of the several towns to which they have removed.

And be it further enacted,

[Sect. 7.] That the assessors of the several towns and other places, in this colony, to which any of the late inhabitants of the said towns of Boston and Charlestown have removed since the said first day of [of] December last past, shall assess the whole sum set upon such town or other place, on the polls and rateable estate in such town, exclusive of the polls and rateable personal estate of such of the said late inhabitants of the said towns of Boston and Charlestown as have removed from thence since the said first day of December last.

[Sect. 8.] And the assessors of each town or other place, in this colony, where any of the said late inhabitants of the said towns of Boston and Charlestown shall be found resident on the thirty-first day of October instant, shall assess such inhabitants in a sep[e][a]rate list or assessment, according as such assessors shall judge just and reasonable, for their polls and rateable personal estate and the business they carry on, according to the rule heretofore given in this act for the taxing the other inhabitants of this colony; and the said assessors shall certify the colony treasurer thereof, and of the names of the collector or collectors, constable or constables, to whom[e] they shall have committed such several assessments, and the sum total thereof; and the said treasurer shall issue his warrants to such collectors or constables, requiring them, respectively, to levy and collect the sums of such assessment, and to pay the same into the colony treasury in the same manner and by the same time as is hereinbefore ordered and directed.

And be it further enacted,

[Sect. 9.] That the assessors of each town or other place, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town or other place, or notify the inhabitants some other way, to give and bring in to the assessors true and perfect lists of their polls, and the rateable estates which they were possessed of on the first day of September last, and income by trade or faculty, and gain by money at interest, which they are to render to the assessors, on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are impowered to doom them; and if any person or persons shall, upon such notice given, neglect or refuse to give in to the assessors the lists of their polls and rateable estate which they were possessed of on the said first day of September last, or shall bring in a false list and shall be convicted thereof before the said assessors, it shall be lawful[l] to and for the assessors, to assess such person or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agre[e]able to the rules herein given. And if any person or persons shall not bring in a list of their estate, as aforesaid, to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

[Sect. 10.] And if the person be not convicted of any falshood in the list, by him presented, of the polls, rateable estate, or income by trade or faculty, business or employment, which he does or shall exer-

cise, or in gain by money at interest or otherwise, such list shall be a rule for such person's proportion to the tax, which the assessors may not exceed,

Provided, nevertheless,

[SECT. 11.] That nothing in this act shall extend or be construed to extend so as to require any assessors to assess any person or persons, not belonging to this colony, in the service of the United Colonies, who may be found resident in any town in this colony, either for their polls, or the rateable estate, real or personal, which they had in their possession on the said first day of September by virtue of any commission, office or employment of the United Colonies, or the particular service of this colony or any persons belonging to this colony, for any estate, real or personal, occupied or possessed by him or them to the use of this colony by virtue of any order or appointment of the Congress, or general court, or any committee of correspondence or inspection, or selectmen of any town. [*Passed October* 31.*

CHAPTER 7.

AN ACT FOR ENCOURAGING THE FIXING OUT OF ARMED VESSEL[L]S TO DEFEND THE SEA-COAST OF AMERICA, AND FOR ERECTING A COURT TO TRY AND CONDEMN ALL VESSEL[L]S THAT SHALL BE FOUND INFESTING THE SAME.

Preamble.

WHEREAS the present administration of Great Britain, being divested of justice and humanity, and strangers to that magnanimity and sacred regard for liberty which inspired their venerable predecessors, have been endeavouring, thro'[*ugh*] a series of years, to establish a system of despotism over the American colonies, and by their venal and corrupt measures have so extended their influence over the British parliament that, by a prostituted majority, it is now become a political engine of slavery; *and whereas* the military tools of these our unnatural enemies, while restrained by the united forces of the American colonies from proceeding in their sanguinary career of devastation and slaughter, are infesting the sea-coast[*s*] with armed vessel[l]s, and daily endeavouring to distress the inhabitants by burning their towns and destroying their dwellings, with their substance, plundering live stock and making captures of provision, and other vessel[l]s, being the property of said inhabitants; *and whereas* their majesties, King William and Queen Mary, by the royal charter of this colony, for themselves, their heirs and successors, did grant, establish and ordain that, in the absence of the governor and lieutenant-governor of the colony, a majority of the council shall have full power, by themselves, or by any chief commander or other officer or officers, to be appointed by them, from time to time, for the special defence of their said province or territory, to assemble in martial array, and put in warlike posture, the inhabitants of their said province or territory, and to lead and conduct them, and with them to encounter, expulse, resist and pursue, by force of arms, as well by sea,

* Signed November 1, according to the record.

as by land, within or without the limits of their said province or territory; and also to kill, slay, destroy, and conquer, by all fitting ways, enterprizes and means, whatsoever, all and every such person and persons as should at any time thereafter attempt or enterprize the destruction, invasion, detriment or annoyance of their said province or territory; and to take and surprize by all ways and means whatsoever, all and every person and persons, with their ships, arms, ammunition and other goods, as should in a hostile manner invade or attempt the invading, conquering or annoying, of their said province or territory; *and whereas* it is expressly resolved by the grand Congress of America, "That each colony, at their own expence, make such provision, by armed vessel[l]s or otherwise, as their respective assemblies, conventions or committees of safety shall judge expedient and suitable to their circumstances and situations, for the protection of their harbours, and navigation on the sea-coasts, against all unlawful invasions, attacks and depr[a][*e*]dations from cutters and ships of war," and it is the duty and interest of this colony to exert itself, as well for the purpose of keeping supplies from the enemy as for those mentioned in the paragraphs of the charter and resolve now recited; therefore, for the more effectually carrying into execution the pur[*poses aforesai**]d, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority [of] the same,*

All vessels taken in the employ of the enemy, to be decreed forfeited.

[Sect. 1.] That all armed and other vessel[l]s which shall be brought into this colony, and have been found making unlawful [*i**]nvasions, attacks or depredations on the sea-coasts or navigation of any part of America, — or improved in supplying the fleet and army which have been, or shall at any time be, employed against the United Colonies, or employed by the said enemy in any respect whatsoever, and also all vessel[l]s whose masters or supercargo[*e*]s shall have had designs of carrying supplies of any kind to the enemy, or that shall be returning from the enemy after having carried such supplies, — and shall be convicted thereof as is herein provided, such vessel[l] or vessel[l]s, with their appurtenances and cargoes, shall be deemed forfeited, and shall be disposed of, as is by this act hereafter ordered and directed.

And be it further enacted by the authority aforesaid,

The major part of the council to commission the masters of vessels employed in defence of America;

[Sect. 2.] That the council of this colony, or the major part of them, shall be fully impowered to commission, with letters of marque and reprisal, any person or persons within this colony, who shall, at his or their own expence, fix out and equip, for the defence of America, any vessel[l], as also any person who shall, by the owner of such vessel[l], be recommended therefor; and that all such persons so commissioned, as aforesaid, shall have full power, with such other persons as they shall engage to their assistance, to sail on the seas, attack, take and bring into any port in this colony, all vessel[l]s offending or employed by the enemy, as aforesaid, and also to retake and bring in, as aforesaid, any vessel[l] or vessel[l]s that may be taken from any person or persons by said enemy.

Provided, always, —

And be it further enacted,

—they giving bond.

[Sect. 3.] That the master or owner of such vessel[l] shall, at the time he receives such commission, enter into bond, with one sufficient surety, at least, for the faithful discharge of his office, and

* Engrossment mutilated.

observing the law of this colony relating to armed vessel[l]s: which bond shall be in the form following; viz[t]., —

Form.

Know all men by these presents that we, A. B. and C. D., of , &c., are holden, and stand firmly bound and obliged, unto the treasurer and receiver-general of the colony aforesaid, in the full and just sum of [five thousand pounds], to be paid unto the said treasurer and receiver-general, or to his successor in said office; to the true payment whereof we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed with our seals the day of , *Anno Dom*[*ini*], 17 .

Condition of the bond.

The condition of the afore[mentioned] [*written*] obligaion is such that, whereas the said A. B. hath, on the day of the date hereof, received a commission to command an armed vessel[l] called the , burthen about tons, to make reprisals of all armed and other vessel[l]s that shall be found supplying the enemy, or acting counter to a law of this colony, entitled "An Act for encouraging the fixing out of armed vessel[l]s to defend the sea-coasts of America and for erecting a court to try and condemn all vessel[l]s that shall be found infesting the same;" if, therefore, the said A. B. shall and do, in and by all things, well and truly observe and fulfil[l] such instructions as he shall receive from the council of this colony, and shall, in all respects, conform himself to the directions given in and by the act aforesaid, then the aforewritten obligation [*to*] be void: otherwise to remain in full force.

And be it further enacted,

Court of admiralty to be at Plymouth.

The judge to be commissionated by the major part of the council;

[SECT. 4.] That there shall be erected and constantly held in the town of Plymouth, in the county of Plymouth, [*a* *] court of justice, by such able and discreet person as shall be appointed and commissioned by the major part of the council for that purpose, whose business it shall be to take cognizance of, and try the justice of, any capture or captures of any vessel[l] or vessel[l]s that may or shall be taken by any person or persons whomsoever, and brought into either of the counties of Plymouth, Barnstable, Bristol, Nantucket or Dukes County; and the judge so commissioned to hold said court, as aforesaid, shall have power at all times to issue his warrant or warrants, to the constable or constables of any town or towns within the said counties of Plymouth, Barnstable, Bristol, Dukes County or Nantucket, or either of them, directing the said constable or constables, to warn a meeting of the inhabitants of their towns, respectively, and to draw out of the box, in such manner as is provided by the laws of this colony for returning jurors to serve in the inferior court of common pleas, so many good and lawful men, for jurors, as said judge shall, in his s[*ai*]d warrant, order and direct, not exceeding the number of twelve; and the said constables shall immediately, as soon as may be, give notice, in writing, to such persons so drawn, of the time and place which in the said warrant shall be set for their appearance; and shall return said warrant, with his doings thereon, to said judge, at or before the time set therein for the appearance of said jurors.

1759-60, chap. 29.

—who is to summon a jury to try all causes.

And be it further enacted,

Penalties for constables and jurors who neglect their duty.

[SECT. 5.] That if any constable within said counties shall neglect or refuse to obey the warrant of the judge, for returning said jurors as aforesaid, he shall pay such fine as the said judge shall order, not exceeding the sum of forty shillings; and if any juror so drawn, and having notice as aforesaid, shall not appear at the time

* Engrossment mutilated.

and place directed in such warrant, or shall refuse, without reasonable excuse, to serve on such jury, he shall pay such fine as the judge shall order, not exceeding the sum of forty shillings; but before such fine shall be awarded, the said judge shall summon such jurym[a][*e*]n to appear before him, to shew forth the reasons of his neglect, and if such reasons shall not be satisfactory to the said judge, then he, the said judge, shall issue his warrant[s] of distress, for such fine, in manner as is directed for recovery of fines of jurors who shall neglect or refuse to serve in the inferior court of common pleas; which fines so recovered shall be paid into the treasury of this colony.

And be it further enacted by the authority aforesaid,

A like court to be held at Ipswich.

[Sect. 6.] That there shall be held, in like manner, in the town of Ipswich, in the county of Essex, one other court of justice, by such able and discreet person as the major part of the council shall appoint and commission thereto; which judge shall have full cognizance of, and power to try the justice of, the capture of any vessel[l] or vessel[l]s that shall be taken, as aforesaid, and brought into any port in the counties of Suffolk, Middlesex or Essex; and shall have the like power to issue his warrant or warrants for jurors, in said counties, as is before provided for the judge of the count[ies][*y*] first mentioned; and every constable and juror within the said counties of Suffolk, Middlesex and Essex, who shall neglect to pay due obedience to said warrants, shall be liable to the same penalties as are provided, by this act, against those in like manner offending in the counties of Plymouth, Barnstable, Bristol, Nantucket and Dukes County.

And be it further enacted by the authority aforesaid,

A like court to be held at North Yarmouth.

[Sect. 7.] That there shall be held, in like manner, in North Yarmouth, in the county of Cumberland, one other court of justice, by such person as the major part of the council shall commissionate to be judge thereof; which judge shall have full cognizance of, and power to try the justice of, all captures of vessel[l]s that shall be taken as aforesaid, and brought into any port in either of the counties of York, Cumberland or Lincoln; and shall have such power to issue a warrant or warrants in said counties as is provided in this act for the other judges aforementioned in the counties of their respective jurisdiction; and the constables and jurors in the said counties of York, Cumberland and Lincoln, are to pay strict obedience to said warrants, under the penalties before in this act provided for like offences in the other counties aforementioned.

And be it further enacted by the authority aforesaid,

The form of process in said courts:

[Sect. 8.] That when any person or persons shall take and bring into any port in this colony any vessel[l] or vessel[l]s that have been offending or employed by the enemy, as aforesaid, such person or persons so taking and bringing in such vessel[l] shall immediately make out a bill, in writing, therein giving a full and ample account of the time and manner of the caption of [such] [*said*] vessel[l], and the employment she was in when so taken, and of the persons who were aiding and assisting in tak[e]ing her, and a schedule of the cargo on board her, to the best of his knowledge, at the time of her caption; and shall deliver the same to the judge who shall have jurisdiction of the port where such vessel[l] is brought, with all the papers that may be found on board such vessel[l], to the intent that the jury may have the benefit of evidence therefrom aris[e]ing; and the judge to whom said bill shall be delivered, shall immediately issue his warrant

or warrants, as aforesaid, to any constable or constables, within the counties of his jurisdiction, commanding them, or either of them, in manner aforesaid, to return twelve good and lawful[l] men to try the truth of any facts alledged in such bill, and if seven of said jurors so returned by said constable or constables, shall appear, and there shall not be enough to compleat a pannel of twelve, or if there shall be a legal challenge to any of them so that there shall be seven, and not a pannel to try such cause, then in such case it shall be lawful for said judge to order the sher[r]iff or other proper officer attending on said court, to fill up the jury with other good and lawful[l] men present, which jury shall be sworn to return a true verdict upon the said bill, according to law and evidence; and if it shall appear to said judge, by said verdict, that such vessel[l] had been employed or offending as aforesaid, he shall condemn said vessel[l] and cargo and appurtenances, and order them to be sold at public[k] vendue; and shall order the charges of said trial and condemnation to be paid out of the money such vessel[l] and cargo shall sell for, unto the treasury of this colony; and shall order the residue thereof to be delivered to the captors, their agents or attorneys, for the use and benefit of such captors, and others concerned therein; and if two or more vessel[l]s, the commanders whereof shall be properly commissioned, shall jointly take such vessel[l], the money she and her cargo and appurtenances shall sell for, after payment of charges as aforesaid, shall be divided between the captors, in proportion to their men. And the said judge, before whom any such trial and condemnation as is aforementioned may be, shall be authori[z][s]ed to make out his precept, under his hand and seal, to either of the sher[r]iffs within his jurisdiction, to sell such vessel[l] and appurtenances and cargo, and to pay thereout the charges of trial and condemnation, into the treasury of this colony, and to pay his own fees, and to deliver the residue to the captors and persons concerned as aforesaid.

—and disposition of the captures.

And be it further enacted,

Fees to be allowed to the judge, jurors and sheriffs, of said courts.

[SECT. 9.] That there shall be paid to the justice, jurors and sher[r]iffs, out of the public treasury, such fees as are or shall hereafter be established, by law, to each and every the officers of the said court.

And be it further enacted by the authority aforesaid,

Fifteen days notice to be given by the judge, before trial.

[SECT. 10.] That when any such bill shall be delivered to such judge, he shall cause notification thereof, and the name, if known, and description of the vessel[l] so brought in, with the day set for the trial thereon, to be adverti[z][s]ed in the several papers printed at Watertown and Cambridge, fifteen days before the time set for the trial, that the owner of such vessel[l], or any person concerned, may appear and shew cause, if any they have, why such vessel[l], with her cargo and appurtenances, should not be condemned [and sold], as aforesaid.

And be it further enacted,

Form of process on vessels retaken from the enemy.

[SECT. 11.] That the process and proceeding upon any vessel[l], that shall be retaken from the enemy by any person or persons, shall be in the same manner as is herein provided for other vessel[l]s; and if, by verdict of the jury, it shall appear to the judge that such vessel[l] was taken by the enemy, and was retaken by such person or persons before condemnation by the said enemy thereon had, the said judge shall order such vessel[l], with her cargo and appurtenances to

be sold in manner aforesaid; and shall order not more than one-third, nor less than one-quarter, of what she shall sell for (after paying charges of trial and sale), to be delivered to the captors, as is before provided for other vessel[l]s, and the residue to be delivered to the owner or owners of such vessel[l]; and if such vessel[l] so retaken shall have been condemned by the enemy, then the money she and her cargo and appurtenances may sell for shall be delivered to the captors, as is above provided for vessel[l]s belonging to the said enemy.

And be it further enacted by the authority aforesaid,

[Sect. 12.] That each judge of such courts shall appoint an able clerk, who shall keep a true and fair record of all the proceedings of said court, and shall be duly sworn to act in said office with truth and fidelity; and his attestations shall be received as evidence in all courts of law. [*Passed November* 1. The judge to appoint a clerk.

CHAPTER 8.

AN ACT IMPOWERING THE COURTS OF GENERAL SESSIONS OF THE PEACE WITHIN THIS COLONY TO GRANT LICENCES TO INNHOLDERS AND RETAILERS, IN CERTAIN CASES.

Whereas among many other mischiefs and embarras[s]ments which have been brought upon this colony by means of several grievous and oppressive acts of parliament, lately passed, a suspension of the courts of general sessions of the peace has taken place in several counties, whereby a great number of innholders and retailers have been deprived of an opportunity of renewing their licences; for the removal of which inconvenience as soon as may be, — Preamble.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That the several courts of general sessions of the peace in each and every county [in this colony], who have in any measure been interrupted in their proceedings as aforesaid, or have omitted granting licences as usual, be, and they hereby are, authorized and impowered, at their first sessions hereafter to be held, respectively, to grant licences to innholders and retailers of spiritous liquors, or common victuallers, to exercise their respective callings for and during the remainder of the year, or until[l] the term at which, by law, they are authorized to grant licences, observing the rules and directions of the law in such cases made and provided; any law, usage or custom to the contrary notwithstanding. [*Passed November* 1. Courts of sessions to grant licenses, as usual, for the remainder of the year.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT WATERTOWN, ON THE TWENTY-NINTH DAY OF NOVEMBER, A. D. 1775.

CHAPTER 9.

AN ACT FOR MAKING AND EMITTING BILLS OF PUBLIC CREDIT.

Preamble.

WHEREAS the exigenc[i]es of this colony require a further emission of bills of public credit, to discharge the public debts, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

The several denominations of bills.

[SECT. 1.] That there be forthwith stamped, on copperplates, a certain number of bills of credit, on this colony, to the amount of the sum of seventy-five thousand pounds, lawful money, of the following denominations; viz[t]., of eightpence, of one shilling and fourpence, of one shilling and sixpence, of two shillings and eightpence, of three shillings, of three shillings and fourpence, of four shillings and sixpence, of seven shillings, of ten shillings, of fourteen shillings, of sixteen shillings, of twenty-two shillings, of twenty-eight shillings, of thirty-six shillings, of forty-two shillings and of forty-eight shillings; and to be six thousand two hundred and fifty of each denomination, and no more: four-tenths of the number of each denomination to be of the tenor and form following; viz[t]., —

Form of four-tenths of the bills.

Colony of the Massachusetts Bay. } (No.) December 7[th], 1775.

The possessor of this bill shall be paid, by the treasurer of this colony, one shilling and sixpence, lawful money, by the seventh day of December, 1781; which bill shall be received for the aforesaid sum, in all payments at the treasury, and in all other payments. By order of the general assembly.

} Committee.

— and so, *mutatis mutandis*, for a greater or lesser sum: three-tenths of each denomination to be of the tenor and form following; viz[t]., —

Form of three tenths of the bills.

Colony of the Massachusetts Bay. } (No.) December 7th, 1775.

The possessor of this bill shall be paid, by the treasurer of this colony, one shilling and sixpence, lawful money, by the seventh day of December, 1782;

which bill shall be received for the aforesaid sum, in all payments at the treasury, and in all other payments. By order of the general assembly.

} Committee.

—and so, *mutatis mutandis*, for a greater or lesser sum; three-tenths of each denomination to be of the tenor and form following; viz[t]., — Form of other three-tenths of the bills.

Colony of the Massachusetts Bay. } (No.)

December 7th, 1775.

The possessor of this bill shall be paid, by the treasurer of this colony, one shilling and sixpence, lawful money, by the seventh day of December, 1783; which bill shall be received for the aforesaid sum, in all payments at the treasury, and in all other payments. By order of the general assembly.

} Committee.

—and so, *mutatis mutandis*, for a greater or lesser sum; and that, on the back of each of said bills, shall be stamped the value of the bill, its date, and the figure of an American, with a sword in his right hand, with the following inscription suspended therefrom; viz[t]., "*Ense petit placidam sub libertate quietem*;" and from his left hand, "*Magna Charta*," and round the figure, these words, "Issued in Defence of American Liberty." Device on the back of the bills.

[Sect. 2.] Which bills shall be paid and received in the public treasury, and in all payments in this colony, without any abatement or discount, upon any pretence whatever, under the penalty and forfeiture of treble the value of the bill or bills so passed, to be paid and forfeited by the receiver; which penalty may be recovered by action of debt, complaint or indictment, in any court proper to try the same, in the county, in this colony, where the offence shall be committed. Forfeiture for paying or receiving the bills at any discount.

And be it further enacted by the authority aforesaid,

[Sect. 3.] That the committee hereafter to be appointed by this court, to authenticate, by signing and numbering, all the bills aforesaid, be, and they hereby are, directed and impowered to take care and make effectual provision, as soon as may be, to cause the said bills, of the several denominations aforesaid, to be stamped and emitted to the amount of the said sum of seventy-five thousand pounds, and no more; and to sign and deliver the same to the treasurer and receiver-general of this colony, taking his receipt for the same; and the said committee shall be under oath for the faithful management of the business aforesaid, and the trust reposed in them; they to be rewarded for their service as this court shall determine. Committee to authenticate the bills, to be under oath.

And be it further enacted by the authority aforesaid,

[Sect. 4.] That the treasurer be, and he hereby is, ordered and impowered to issue forth and emit the said bills, towards payment of the public debts of this colony already contracted, and the further growing charge for the defence thereof; for payment of grants, salaries and allowances made, or that may hereafter be made, by the great and general court, for the support of the government of this colony, and answering the incident and contingent charges thereof; according to such draughts as, from time to time, shall be made upon him, by warrant or order of the council; and the said bills shall pass out of the treasury, and shall be taken and accepted, in all payments, at the rate therein expressed. Treasurer to issue the bills in payment of the public debts, &c.

And whereas it is necessary, to give a currency to this emission of bills and to support the faith and credit of this colony, that there should be suitable provision made for calling in and paying the same; therefore, —

Be it further enacted by the authority aforesaid,

Tax of £30,000 in 1780:

[SECT. 5.] That there be and hereby is granted a tax of seventy-five thousand pounds, to be levied on polls, and estates both real and personal, within this colony, in manner following; that is to say, thirty thousand pounds, part of the seventy-five thousand pounds aforesaid, according to such rules, and in such proportion in the several towns and other places within this colony, as shall be agreed upon and ordered by the general court or assembly at their session in May, 1780, to be paid into the public treasury on or before the last day of May next after; and the further sum of twenty-two thousand and five hundred pounds, part of the seventy-five thousand pounds aforesaid, according to such rules, and in such proportion on the several towns and other places aforesaid, as shall be agreed upon and ordered by the general court at their session in May, 1781, and to be paid into the public treasury on or before the last day of May next after; and the further sum of twenty-two thousand and five hundred pounds, part of the seventy-five thousand pounds aforesaid, according to such rules, and in such proportions on the several towns and other places aforesaid, as shall be agreed on or ordered by the general court or assembly at their session in May, 1782, and to be paid into the treasury on or before the last day of May next after.

— of £22,500 in 1781:

— of £22,500 in 1782.

And be it further enacted by the authority aforesaid,

[SECT. 6.] That if the general court, at their session in May, 1780, or at their session in May, 1781, or at their session in May, 1782, and some time before the last day of July, in each year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be, in each of said years, assessed and levied, that then and in such case each town and other place in this colony shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sums as the said towns and other places were taxed by the general court in the tax act then last prece[*e*]ding.

Treasurer to issue his warrants, in case the general court do not make other provision.

[SECT. 7.] And the colony treasurer is hereby fully impowered and directed, some time in the month of August, in each of the years aforesaid, to issue and send forth his warrants, directed to the select men or assessors of each town within this colony, requiring them to assess the polls, and estates both real and personal, within their several towns, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury at the aforementioned times; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as have been given in the last prece[*e*]ding tax act. [*Passed December 22.*

CHAPTER 10.

AN ACT FOR FORMING AND REGULATING THE MILITIA WITHIN THE COLONY OF THE MASSACHUSETTS BAY, IN NEW ENGLAND, AND FOR REPEALING ALL THE LAWS HERETOFORE MADE FOR THAT PURPOSE.

Whereas it is not only the interest but the duty of all nations to defend their lives, liberties and properties, in that land which the Supreme Ruler of the universe has bestowed on them, against the unlawful attacks and depredations of all enemies whatever, especially those who are moved by a spirit of avarice, or despotism; *and whereas* the honorable American Congress have recommended to the United Colonies to put the militia into a proper state for the defence of America; *and whereas* the laws now in force respecting the regulation of the militia have been found insufficient for the purposes aforesaid, — Preamble.

**It is therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,*

[Sect. 1.] That the several laws, and the several paragraphs and clauses of all and every the laws, of this colony, enforc[e]ing or any ways relating to the regulation of the militia, be and hereby are repeal[e]'d, and declared null and void. Repealing clause.

And be it further enacted by the authority aforesaid,

[Sect. 2.] That that part of the militia of this colony, commonly called the training-band, shall be constituted of all the able-bodied male persons therein, from sixteen years old to fifty, excepting members of the American Congress, members of the council and of the house of representatives, for the time being, the secretary of the colony, all civil officers that have been or shall be appointed by the general court or either branch of it, officers and students of Harvard College, ministers of the gospel, elders and deacons of churches, church-wardens, grammar-school masters, masters of arts, the denomination of Christians called Quakers, selectmen, for the time being, those who have by commission under any government or congress, or by election in pursuance of the vote of any congress, of the continent, or of this or any other colony, held the post of a subaltern, or higher officer, persons while actually employed as masters of vessels of more than thirty tons burthen, other than fishing vessels and vessels coasting in this colony, and to and from this colony to the other New-England governments, constables, and deputy sher[r]if[*f*]s, negroes, Indians and m[o][*u*]latoes, and shall be under the command of such officers as shall be chosen, impower[e]'d, and commissionated over them, as is by this act provided; and the selectmen, or the The training band. Persons excepted.

* [Sect.] 1.

Note. — In numbering the sections of this chapter the division of the engrossed act has not been strictly followed, as the numbers there given are placed opposite the first line of the enacting clauses of the respective sections, and, moreover, are not, in all cases, denotative of clearly distinct sections. It has, therefore, been deemed best to give in the margin the numbers of the sections in the engrossment. The word [Sect.] not appearing in the engrossment, nor in the contemporary impression, is, in each instance, enclosed in brackets. Another impression of this act, under the resolve of April 24, 1776, differs from it in several unimportant particulars, which have not been thought of sufficient consequence to be noticed here, inasmuch as all differences between the engrossment and the printed act most nearly in conformity thereto, have been carefully noted.

major part of them, of each town, shall be and hereby are impower[e]'d, by writing, under their hands, to excuse from time to time such physicians, surgeons, ferrymen and millers, in their respective towns, from common and ordinary trainings, as they shall judge it necessary to excuse; and the council aforesaid shall, from time to time, as may appear to them necessary, divide the militia of each county into regiments, and alter and divide such regiments, from time to time, as they shall judge expedient, after having taken the opinion, during any session of the general court, of such members of the house as belong to the county where the division or alteration is to be made, and as shall be present at the time of such consultation.

The council to divide the militia, from time to time.

And be it further enacted by the authority aforesaid,

Three major-generals to be chosen by ballot of either house.

[SECT. 3.] That there shall be chosen by ballot, from time to time, as may be necessary, by either the council or house of representatives of this colony, with a negative always resting in either house of assembly, three major-generals, to rank and command as first, second and third, over the whole militia thereof; which major-generals, when so chosen and concurred, shall be commissionated to said office by the major part of the council aforesaid; and the rank of each of said generals shall be expressed in his commission: and said first major-general, and each of the other major-generals shall, at all times, have power in the absence of their superior (and not having orders to the contrary) to draw forth the said militia, or any part of them, as the said generals, or the first in rank of them present, shall judge expedient and necessary, for the immediate defence of this or any of the United Colonies of America; and the officers and soldiers of said militia shall pay entire obedience to their commands accordingly, under the penalties hereafter provided in this act: *provided, always*, that the said generals, and all other officers of said militia, shall at all times be under the command of the major part of the council, and shall, in drawing forth or retaining in service the said militia, or any part of them, be subject to such orders and instructions as they may receive from the said major part of the council; unless when the said militia, or any part them, shall be without the limits of this colony, they should receive orders from the house of representatives, for the time being, to return; and whenever the said militia, or any part of them, shall be without the limits of this colony, the said house of representatives shall have full power and authority to give orders for their return: to which orders the said militia and all the officers thereof, are hereby required to yield strict obedience, any orders to the contrary notwithstanding.

Their power.

To be under the command of the council.

†*And be it further enacted by the authority aforesaid,*

One brigadier-general to be chosen in each county in the same manner.

[SECT. 4.] That the council or house of representatives shall, from time to time, as may be necessary, by ballot, choose one good and able brigadier, in each county in this colony where there shall be more than one regiment (and where there is but one regiment in a county the council shall join such regiment to the militia of any other county, as they shall see fit); and such persons so chosen and concurred shall be commissionated by the major part of the council; in which commission the rank of each brigadier shall be expressed: and the said brigadiers shall have the same command over their respective brigades as the first major-general has over the militia of the whole colony; and when two or more of said brigades, or any number of said militia, shall be together embodied upon any alarm,

His power.

* [Sect.] 2. † [Sect.] 3.

the first officer in rank who shall be present shall have the chief command of the whole.

**And be it further enacted by the authority aforesaid,*

Colonel, lieutenant-colonel and two majors to be chosen in the same manner. 10 Allen, 581.

[Sect. 5.] That there shall be chosen, appointed and commissionated, as is provided and directed by this act for the choice and appointment of general officers, over [each] [*such*] regiment in this colony, one colonel, one lieut[*enant*]-colonel, and two majors; and the said field officers so appointed and commissionated, or the major part of them, shall forthwith divide and set off the respective regiments into companies, as they shall judge expedient, to consist, as near as conveniently can be, of sixty-eight privates, exclusive of those of the alarm list; and to determine the rank of each and every company: *provided, nevertheless*, that no soldier shall be obliged, without his consent, to join a company belonging to any town in which he has not his usual place of abode, unless where there shall not be privates enough to make a company of thirty soldiers, including officers; in which case, as also where there are any persons belonging to a place not incorporated, they shall be joined to such company as the field officers of the regiments within which they are, shall see fit. And the inhabitants of every town now in, or that shall be in, the Continental Army, shall be deemed to belong to and be a part of the companies in their respective towns, and excused from duty in the militia whilst they continue part of the army aforesaid; and each company when so formed and set off, shall, together with those of the alarm list within the limits of the same, by ballot, in the presence of one of their field officers — who shall cause them to be duly notified for that purpose, and shall preside as moderator — choose one captain and two lieutenants; which choice shall immediately be certified to the secretary, by said field officers; and the major part of the council, thereupon, unless some material objection against such choice for any corrupt practice or irregularity shall be made at or before the time of receiving said certificates, shall commissionate such persons pursuant to their election: and all the said officers, when so commissionated by the council, shall, in the absence of their superiors, have the same power in ordering, directing and marching their regiments and companies as the first major-general has over the whole of said militia; and the colonel or commanding officer of each regiment shall, as soon as the captains in his regiment are commissionated, give them, respectively, under his hand, in writing, the limits of their respective companies, their alarm posts, and the manner of mustering their compan[y][*ie*]s on all occasions.

Persons in the Continental Army to be considered as belonging to the militia.

Each company to choose their own captain and two lieutenants, who are to be commissionated by the major part of the council.

†*And be it further enacted by the authority aforesaid,*

An adjutant to be recommended by the field officers of each regiment, and chosen by ballot of either house, and commissioned by the major part of council.

[Sect. 6.] That the field officer[*s*] of each and every regiment, or the major part of them, shall recommend to the general court a good, able and skilful[l] person for adjutant of their regiment; and if either house shall, by ballot, elect such person for that office, then the major part of the said council shall, when concurred, commissionate him thereto. And in all cases determinable by field officers of the several regiments, where there shall be the four field officers of any particular regiment present, and they shall be equally divided in their opinions respecting such matter, the determination shall be according to the opinion of the first colonel.

‡*And be it further enacted,*

Non-commissioned officers

[Sect. 7.] That each company, including the alarm list, shall be

* [Sect.] 4. † [Sect.] 5. ‡ [Sect.] 6.

to be chosen by the company.

called together by their captain or commanding officer, as soon as may be, for the purpose of choosing one clerk, four serjeants, four corporals, one drummer and one fifer; and when it shall appear to the commission officers of any company that either of said non-commission[*e*]'d officers shall neglect his duty, they may remove and dismiss him from his office, and call upon their company, including the alarm list, to choose another in the room of such delinquent; and if the said company, being called together for that purpose, shall at any time neglect or refuse immediately to proceed to the choice of one or more non-commission[*e*]'d officer or officers so order[*e*]'d to be chosen, the commission officers of such company, or the major part of them, shall, by warrant under their hands, in writing, appoint said non-commissioned officer or officers which the said company shall have refused to choose as aforesaid.

**And be it further enacted by the authority aforesaid*,

Articles of equipments. 10 Allen, 581.

[SECT. 8.] That each and every officer and private soldier of said militia, not under the controul of parents, masters or guardians, and being of sufficient ability therefor, in the judgment of the selectmen of the town wherein he has his usual place of abode, shall equip himself, and be constantly provided with, a good fire-arm, with a steel or iron ramrod and a spring to retain the same, a worm, priming-wire and brush, and a bayonet fitted to his gun, a scabbard and belt therefor, and a cutting-sword, or a tomahawk or hatchet, a pouch containing a cartridge-box that will hold fifteen rounds of cartridges, at least, a hundred buck-shot, a jack-knife, and tow for wadding, six flints, one pound of powder, forty leaden balls fitted to his gun, a knapsack and blanket, a canteen or wooden bottle sufficient to hold one quart. And all parents, masters and guardians shall furnish and equip those of the militia which are under their care and command, with the arms, equipments, and accoutrements aforesaid; and where the selectmen of any town shall adjudge any person, belonging to the militia of their town, unable to equip and arm himself, as aforesaid, such selectmen shall, in writing, under their hands, certify the same to the captain or commanding officer in whose company such person may be, and shall, at the expence of such town, provide for, furnish, arm and equip such person with such arms and equipments: which arms so provided by such selectmen shall be the property of the town at whose expence they shall be provided; and if any non-commission[*e*]'d officer or soldier shall embezzle or destroy the same, he shall be punish[*e*]'d at the discretion of the justice or court before whom he may be convicted thereof, by paying double the value of the arms or accoutrements so wilfully destroy[*e*]'d or embezzled; and on default thereof, to be publicly whipp[*e*]'d not exceeding twenty stripes. And the selectmen of each and every town shall provide at the expence of the colony, and deposit and keep in some safe place for the use of the militia upon an alarm, one sixteenth part so many spades, or iron shovels with handles, and fitted for service, as there are rateable polls in their town; one-half as many narrow axes as spades and iron shovels, and as many pickaxes as narrow axes, — all fitted for service; and, at the cost and charge of their respective towns, one drum and one fife for each company therein. And the freeholders and inhabitants of each and every town in this colony, qualified by law to vote in town meetings, are hereby impower[*e*]'d, at a meeting regularly warned for that purpose, to raise mon[*e*]y by tax on the pol[*e*][*l*]s and estates of

Poor persons to be equipped at the expense of their town.

Penalties for embezzlement of such equipments.

* [Sect.] 7.

the inhabitants of their towns, to defrey all charges arising on said towns in consequence of this act.

*And be it further enacted by the authority aforesaid,

Penalty for commission officers neglecting to equip themselves.

[Sect. 9.] That each and every commission officer of said militia who shall not within one month next after receiving his commission provide for, arm and equip himself with such arms and accoutrements as [*is*] by this act [is] directed, shall, by order of a court martial, appointed as by this act is provided, be removed from his office. And every commission[*e*]'d officer, who shall be deposed from his office in the militia for neglect of duty, or other misdemeanor, as by this act is provided, shall receive no benefit from any commission which he shall be thus incapacitated to execute, to exempt him from military duty.

†*And be it further enacted*,

A return of all the equipments, to be made every six months.

[Sect. 10.] That the clerk of each and every company of said militia shall, once every six months after the time of his choice or appointment, take an exact list of his company, and of each man's equipments, respectively, and present the same to the captain or commanding officer thereof; a copy whereof the captain or commanding officer of said company shall immediately deliver to the colonel or commanding officer of the regiment he belongs to; and the colonel shall, without delay, return the number therein contained to the brigadier, and the brigadier shall as soon as may be, return the same to the first major-general, and he shall forthwith return the same to the council.

‡*And be it further enacted by the authority aforesaid*,

Each brigadier to review his brigade twice a year.

[Sect. 11.] That every brigadier shall review each regiment of his brigade twice a year, and oft[e]ner if the council shall order it, and on default thereof shall be liable to be removed from his office; and when the captain or commanding officer of any company of such militia shall choose to call his company together, or shall be order[*e*]'d by his superior officer to do it, to examine their arms, or instruct them in the exercises which, from time to time, shall by the general court be order[*e*]'d for them, he shall notify and warn them of the time and place of meeting, in such manner as his colonel shall appoint therefor; and each and every company shall be muster[*e*]'d eight times a year, at least, including their regimental musters.

Each company to be mustered eight times a year.

§*And be it further enacted*,

Penalty for colonels neglecting to call their regiments together.

[Sect. 12.] That, if the commanding officer of any regiment shall neglect to call his regiment together at such time and place and in such manner as his brigadier shall order, and be thereof convicted before a court-martial, appointed as is in this act provided, he shall be liable to be removed from his office; and if any captain or subaltern shall prove disobedient on a training-, or muster[*ing*]-day, or shall not draw out the company he commands, being order[*e*]'d by his superior officer thereto, he shall be liable to be removed from his office by a court-martial appointed as by this act is provided; and when any commission officer shall be removed from his office as aforesaid, he shall be held incapable of holding any military office, in said militia, for the space of three years next after sentence declared against him; and when any captain or subaltern shall be removed from his office as aforesaid, the commanding officer of the company wherein such incapacitated person used last to command, shall call the company together, including the alarm list, and direct them, in the presence of

* [Sect.] 8. † [Sect.] 9. ‡ [Sect.] 10. § [Sect.] 11.

one of the field officers of the regiment (who shall preside as moderator), to choose some other person in his room; and the person so chosen, on his choice being certified as is in this act provided for the choice of captains and subalterns, shall, by the council, be commissionated accordingly. And if the said company at any time shall neglect or refuse to choose one or more commission officer or officers for the same, after being called together for that purpose as is directed by this act, the field officers, or the major part of them, shall recommend to the council such person or persons, within the limits of said company, as they shall think most capable of the said office; and the council shall commissionate them in the same manner as if they had been chosen by the company. And if any non-commission[*e*]'d officer or private soldier, being duly notified of the time and place appointed for the company to which he belongs to meet on a training-, or muster-day, shall unnecessarily neglect to appear with such of the aforesaid arms, accoutrements and equipments as he shall be posses[*e*]'d of[f] — being order[*e*]'d by his officer to bring the same — shall pay a fine not exceeding the sum of twenty shillings nor less than five shillings; or, if he shall be disobedient or disorderly on a training-, or muster-day, he shall pay a fine not exceeding the sum of twenty nor less than one shilling. And all fines and forfeitures of money arising by breach of this act, for disobedience or failure of appearance on a training-day, shall be recover[*e*]'d, by complaint before a justice of the peace, by the clerk of the company to which the delinquent belongs, — an appeal being allowed, to either party, to the inferior court of common pleas, as in other actions; and if on such complaint judgment shall be given in favor of such clerk, he shall have his legal cost allowed him: *provided, nevertheless*, that when any non-commission[*e*]'d officer or soldier shall neglect to appear as aforesaid on a training-, or muster-day, and shall, within fifteen days next after such training or muster, make his application to the officers of said company, or the major part of them, and pay such fine as they shall order, not exceeding twenty nor less than five shillings, or shall obtain their excuse and present a certificate of the same, under their hands, to the clerk, it shall be a bar to any further action or complaint against him for such offence.

Penalty for non-commissioned officers and soldiers neglecting to appear equipped.

The mode of recovering fines and forfeitures arising by breach of this act.

**And be it further enacted by the authority aforesaid*,

[SECT. 13.] That the said militia, as well officers as private[s] soldiers, when drawn out, or order[*e*]'d to be drawn out, on an alarm, for the immediate defence of this or any other of the United Colonies of America, shall, from time to time, be under such laws or articles of war and regulations as shall be provided by the general court.

The militia to be under such laws as shall be provided by the general court.

†*And be it further enacted*,

[SECT. 14.] That the major-generals and brigadiers of said militia shall be amenable to and triable before the council of the colony, for all crimes and misdemeanors in their office; and for treachery, cowardice, fraud, or neglect of duty, and lawless exercise of power, shall be liable to be removed from their offices, respectively. And if any field officer shall be guilty of any misdemeanor or breach of duty in violation of this act, the brigadier, to whose brigade he belongs, shall appoint a court-martial, consisting of a majority of the field officers of the same brigade, to try him; and when any captain, adjutant or subaltern shall be guilty of breach of duty, or [other] misdemeanors against this act, the colonel or commanding officer of the regiment he belongs to shall order a court-martial, to consist of a majority of the

All the generals to be amenable to and triable before the council, for all crimes and misdemeanors in their office.

Field officers to be tried for breach of duty, before a court-martial of field officers: captains and subalterns by a court-martial of commissioned officers.

* [Sect.] 12. † [Sect.] 13.

commissioned officers of the same regiment who live nighest to the delinquent, to try him; which court-martial[s] shall, respectively, have full power, for treachery, cowardice, fraud, failure of duty, or wanton exercise of power, to remove from his office such commission officer [*or officers.**]

†*And whereas* bribery and corruption has been the destruction of many great and op[*p*]ulent nations, and therefore every species thereof should be discountenanc[*e*]'d by a virtuous and patriotic[k] people; *and whereas* [*on*] treating, [on] the election of officers, has a manifest tendency to injure a free people, and does, on training-days, in a great measure, subvert the design of calling the militia together, —

It is therefore enacted by the authority aforesaid,

Penalty for bribery.

[Sect. 15.] That if any officer, on any training-, or other muster-days, shall give, or provide, any treat of victuals or drink, for the company he commands, directly or indirectly, he shall be liable to be remov[*e*]'d from his office, by a court-martial, as by this act is provided for other offences.

‡*And be it further enacted,*

Penalty for firing guns unnecessarily on training-days.

[Sect. 16.] That no soldier or non-commission[*e*]'d officer, shall unnecessarily discharge or fire his gun, on a training-, or muster-day, without the express order or licence of his superior officer, under such penalty as is herein provided for disobedience or disorderly behaviour on such days.

§*Be it further enacted,*

Commanding officer to affirm the sentence of courts-martial.

[Sect. 17.] That no sentence of any court-martial shall be put in execution without being affirmed by the officer who shall have appointed the same.

‖*And whereas*, by the first section of this act, certain orders of men are exempt from common and ordinary trainings; *and whereas* the present situation of this colony calls loudly for the aid of all its inhabitants, and many of those persons who are by said section so exempted, and others, not included in that part of the militia called the training-band, are able and willing to fight in defence of their country, —

It is therefore enacted by the authority aforesaid,

Who constitute the alarm list.

[Sect. 18.] That all the male persons from sixteen years of age to sixty-five, not included in that part of the militia called the training-band, and exempted by the first¶ section of this act from common and ordinary training, shall constitute an alarm list in the colony; excepting members of the council, of the house of representatives, and American Congress, for the time being, the secretary of the colony, ministers of the gospel, the denomination of Christians called Quakers, selectmen, for the time being, and negroes, Indians and molatoes; and if of sufficient ability, in the judgment of the selectmen of the town where they have their usual place of abode, shall, respectively, provide for, and equip themselves with, such arms and accoutrements as by this act is directed for those of the training- band in the militia, aforesaid, and shall, in case of an alarm, be under the command of such officers of the militia as by this act is directed: *provided*, that no person above sixty years of age, nor such millers and ferrymen as the selectmen of their town shall judge necessary to excuse therefrom, shall be compelled to march out of the town wherein they have their usual place of abode.

Persons excepted.

Provided, also, —

And it is enacted by the authority aforesaid,

The alarm list to serve in time of

[Sect. 19.] That all such persons, belonging to the alarm

* Engrossment mutilated. † [Sect.] 14. ‡ [Sect.] 15. § [Sect.] 16.
‖ [Sect.] 17. ¶ The second section, as here numbered.

action in a separate corps.

list, who are by this act liable, in case of an alarm, to be called to march and serve without the limits of the town where they have their usual abode, shall not be obliged to march or serve in the ranks with such as belong to the training-band list; but, if necessity shall require, shall march and serve in a seperate body and corps by themselves, under the immediate command of some field officer or officers, and shall not be subject to the command of any officer or officers inferior to a field officer; nor shall the judges, justices and sher[r]i[f]fs, in actual commission, who shall have taken the oath required by law to qualify them for the execution of their respective offices, be subject or liable to be called out of the towns, where they shall have their usual abode, by any officer inferior to the colonel of a regiment to which they belong. And the clerk of each company shall, when he takes a list of the training-band, take an exact list of the persons belonging to the alarm list in his company, and shall present the same to his captain, with that of the training-band; and the captains, and all officers, shall make the same return of them as of the rest of the militia. And an alarm may be made by firing three guns, one after another, or by firing a beacon; the drums beating an alarm, all persons being called upon to arm, upon which all the trained soldiers, and others capable to bear arms, who are then resident in any town, shall forthwith appear compleat with their arms and ammunition, at the usual place of rende[z]vouz or where the chief officer shall appoint, there to attend such command as shall be given for the common defence, agre[e]able to this act.

Not to be subject to the command of any officers inferior to a field officer.

**And be it further enacted*,

Alarm list to be mustered twice a year.

[SECT. 20.] That the captain or commanding officer of every company in this colony, shall, once every six months, on one of the days that he shall muster those of his company belonging to the training-band, call those of the alarm list, within the limits of the same, together, within the town where they are inhabitants, and examine their arms and accoutrements; and if any such person belonging to the alarm list shall unnecessarily neglect to appear, after being duly warned, with his arms and accoutrements, he shall be liable to pay the same fine as is provided against those of the training-band in like cases offending; and all fines and forfeitures, arising by breach of this act, against any of the said alarm list, shall be recover[e]'d in the same manner as is provided for recovering the same against those of the training-band in like case offending; and all those persons in the alarm list shall be as capable of being elected to any office in the said militia, as if they were in the training-band. And no person belonging to or being a part of the establish[e]'d forces of the United American Colonies, or of this colony, shall, during the time of his engagement in the services aforesaid, be elected to or hold any office in the militia of this colony.

Penalty for neglecting to appear.

No person belonging to the army of the United Colonies to be capable of holding any office in the militia.

†*And be it further enacted by the authority aforesaid*,

A deputy commissary to be appointed for every brigade.

[SECT. 21.] That there shall be appointed by the general assembly a deputy commissary for every brigade; a certificate of which appointment, shall be sent them by the secretary: and they shall be duly sworn to a faithful discharge of the said office; which deputies shall be accountable to, and obey the commands, in matters respecting their office, of, the comissary of this colony. And when the militia of any town in the colony, or a part thereof, shall be drawn forth for the immediate defence of this or any of the United Colonies afore-

* [Sect.] 18. † [Sect.] 19.

said, each officer and soldier shall provide for himself at least three days' allowance of provisions; and the selectmen of such town shall immediately cause carriages to attend them with further necessary provisions, and utensils to cook the same; and shall continue sending to the commissary, or his deputy, sufficient supplies for the part of the militia from their respective towns aforesaid, until[l] certificates shall be given by the commissary, or his deputy, in the county from which said militia goes, that the same can be otherwise supp[y][*ie*]'d; and the selectmen are directed to cause their accounts of the provision aforesaid, that shall be supplied by them, or such of the utensils as shall be lost or damag[*e*]'d, together with the charges of transportation, to be laid before the general court, for allowance, and to produce receipts from the commissary, or his deput[y][*ie*]s, for such a part thereof as shall be deliver[*e*]'d to them, respectively. His duty.

**And be it further enacted*,

[Sect. 22.] That there shall be a stock of powder and ammunition in each town provided and constantly kept; which shall be one barrel of good gunpowder, containing one hundred pounds, three hundred weight of leaden balls, of different sizes, and buckshot, and three hundred flints, for every sixty soldiers of the training-band; and the same proportion for any greater or lesser number: and the selectmen of every town in this colony shall procure and provide such stock of ammunition as soon as may be; and the selectmen of each town shall be and hereby are impower[*e*]'d to raise mon[*e*]y, by tax on the pol[e][*l*]s and estates of their town, for the purposes aforesaid, by the same rule as other town charges are assess[*e*]'d; and shall, by warrant under their hands, commit the same to the constable or constables of their town, — who are hereby impower[*e*]'d and directed to collect the same in the same manner as is provided for the collector of other taxes, and shall be held to pay the same to the town treasurer, as other taxes, and shall be liable, in case of default, to have the same levied of them by an execution from the said treasurer, as in other cases of a delinquent constable is provided; and the said treasurer is hereby impower[*e*]'d to award the same. Powder and ammunition to be kept in each town: 10 Allen, 581.

†*And be it further enacted*,

[Sect. 23.] That there be military watches appointed, and kept in every town, at such time[s], and in such places, and in such numbers, and under such regulation[*s*], as the commission officers of such town shall appoint, or as they may receive orders from the chief officer of their regiment; and that all persons within the training-band, or alarm list, under sixty years of age, shall, by themselves, or some meet person in their stead to the acceptance of the commander of the watch, attend the same, on penalty of five shillings for each defect, there having been due warning given: and the commission officers, or the major part of them, of any town, are hereby order[*e*]'d and directed to proportion the burthen of such watches equally on those in the training-band and alarm list, excepting such as are more than sixty years of age, as aforesaid, under the penalty of being dealt with in the manner provided by this act against those who shall be guilty of fraud or the lawless exercise of power. —and military watches. Penalty for neglect.

‡*And be it further enacted*,

[Sect. 24.] That each and every fine and forfeiture arising by breach of this act, when recover[*e*]'d, shall be paid to the treasurer of the town in which the person offending has his usual place of abode, The disposition of the fines arising by breach of this act.

* [Sect.] 20. † [Sect.] 21. ‡ [Sect.] 22.

to be by the selectmen of such town appropriated to the use of purchasing guns and accoutrements for those who are unable to purchase the same for themselves, and for purchasing drums and fifes, and to be drawn out by the selectmen of each town, from time to time, as there shall be occasion.

**And be it further enacted by the authority aforesaid*,

Two field-pieces to be provided.

[SECT. 25.] That each brigadier of this colony shall keep constantly provided, at the expence of the same, two good field-pieces that shall carry a shot of not more than six nor less than two pounds weight, mounted on good and substantial travelling-carriages, together with harnesses, rammers, ladles, spunges, powder-horns, and other necessary accoutrements for the same; and shall also keep constantly provided, at the expence of the colony, for each field-piece as aforesaid, forty rounds of iron shot, forty cases of iron or leaden ball, and eighty rounds of powder, with cartridges for the same; and shall likewise cause a company of matrosses to be inlisted in his brigade, for each field-piece; which companies shall consist of thirty-six men each, including officers, and be chosen from two seperate regiments, and one town in each regiment, as the brigadier shall direct; and shall, respectively, choose captains and other proper officers, and be subject to the field officers of their respective regiments, and to the same laws and regulations as are provided in this act for the other companies of the train-band, anything in this act notwithstanding. [*Passed January* 22, 1776.

—and two companies of matrosses to be raised in each brigade.

CHAPTER 11.

AN ACT FOR ALTERING THE PLACES APPOINTED BY LAW FOR HOLDING THE SUPERIO[*U*]R COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, WITHIN AND FOR THE COUNTY OF MIDDLESEX; AND ALSO FOR ALTERING THE PLACES FOR HOLDING SOME OF THE COURTS OF GENERAL SESSIONS OF THE PEACE, AND INFERIOUR COURTS OF COMMON PLEAS, WITHIN SAID COUNTY.

Preamble.

WHEREAS the time, by law, for holding one of the superio[*u*]r courts of judicature, court of assize and general goal delivery, at Charlestown, in and for said county of Middlesex, on the second Tuesday of April, and the holding two of the courts of general sessions of the peace, and inferio[*u*]r courts of common pleas, at Charlestown, within and for the county of Middlesex, on the last Tuesday of November and on the second Tuesday of March, are found inconvenient and impracticable, as Charlestown is destroyed by the enemy, —

1773-74, chap. 15.

1769-70, chap. 18.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Superior court to be held at Concord.

[SECT. 1.] That the time and place for the holding the superio[*u*]r court of judicature, court of assize and general goal delivery, lately held at Charlestown, in and for the county of Middlesex, on the second Tuesday of April, shall henceforth be held at Concord, in the county of Middlesex, on the second Tuesday of April, annually; and the times and places for holding the courts of general sessions of the peace and courts of common pleas, that have of late been held at

Inferior courts to be held at Concord and Groton.

* [Sect.] 23.

Charlestown, in said county, one of them; viz[t]., that on the second Tuesday of March, shall henceforth be held at Concord, in said county, on the second Tuesday of March, annually; and that on the last Tuesday of November shall henceforth be held at Groton, within and for the said county of Middlesex, on the last Tuesday of November, annually.

And be it further enacted,

—to meet at Concord, on the second Tuesday of February, to choose a clerk.

[Sect. 2.] That the justices of the court of general sessions of the peace, and the justices of the common pleas, for the said county of Middlesex, be, and they, respectively, are hereby, authori[s][z]ed and impowered to meet at the court-house in Concord aforesaid, on the second Tuesday of February instant, for the purpose of choosing a clerk for each of said courts, and trans[ac][*mi*]t such other bus[s]iness in said courts, respectively, as then and there shall be thought proper.

And be it further enacted by the authority aforesaid,

[Sect. 3.] That all writs, plaints, processes, appeals, recognizances, warrants or other matters or things whatsoever, shall be heard at the abovesaid courts, respectively, as fully and absolutely as if the places for holding [*the*] s[*a*]d courts had not been altered; and all officers, and other persons concerned at the said courts, are to conform themselves accordingly; any law, usage or custom to the contrary notwithstanding. [*Passed February* 6, 1776.

CHAPTER 12.

AN ACT FOR ALTERING THE PLACE BY LAW APPOINTED FOR HOLDING THE SUPERIO[*U*]R COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, AND THE COURTS OF GENERAL SESSIONS OF THE PEACE, AND INFERIO[*U*]R COURTS OF COMMON PLEAS, WITHIN AND FOR THE COUNTY OF SUFFOLK.

Preamble.

Whereas Boston, the place appointed by law for holding the superio[*u*]r court of judicature, court of assize and general goal delivery, and the courts of general sessions of the peace, and inferio[*u*]r courts of common pleas, within and for the county of Suffolk, is now made a garrison by the ministerial army, and become a common receptacle for the enemies of America, — 1769-70, chap. 17. 1769-70, chap. 18.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Superior and inferior courts to be held at Dedham and Braintree.

[Sect. 1.] That, for the future, the superio[*u*]r court of judicature, court of assize and general goal delivery, shall be held at Dedham, within and for the said county of Suffolk, on the third Tuesday of February, and at Braintree, on the last Tuesday of August, yearly, and every year.

And be it further enacted by the authority aforesaid,

[Sect. 2.] That, for the future, the courts of general session[*s*] of the peace, and the inferio[*u*]r courts of common pleas, shall be held at Dedham, within and for the county of Suffolk, on the first Tuesday of January, and on the second Tuesday of July; and at Braintree, on the third Tuesday of April, and on the first Tuesday of October, yearly, and every year.

And be it further enacted by the authority aforesaid,

[SECT. 3.] That all actions, pleas and suits, both civil and criminal, shall be heard at the above courts as fully and absolutely as if the place for holding the same had not been altered; and all officers and others concerned at the said courts, are to conform themselves accordingly; any law, usage or custom to the contrary notwithstanding.

Dedham to be made the shire town.

And be it further enacted by the authority aforesaid,

[SECT. 4.] That Dedham shall be the shire town of the county of Suffolk, for the future. [*Passed February* 8, 1776.

CHAPTER 13.

AN ACT TO ENABLE THE INHABITANTS OF FALMOUTH TO SUPPORT PROSECUTIONS AGAINST PERSONS WHO HAVE IN THEIR POSSESSION GOODS TAKEN FROM SAID INHABITANTS DURING THE LATE FIRE THERE.

Preamble.

WHEREAS, at the time of the late fire, by which the greater part of the town of Falmouth, in the county of Cumberland, was destroyed by vessels belonging to the British navy, many persons took and carried away from the owners large quantities of goods, under colour of saving them for the use of the owners thereof; therefore, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Goods taken from the inhabitants of Falmouth, to be deposited with the selectmen of said town:

[SECT. 1.] That those persons who took and carried away any such goods as aforesaid, at the times of said fire, under pretence of preserving the same for the owners thereof, and have the same now in custody, shall, upon or before the first day of April next, deposit the same with the selectmen of said town, to the end that the owner or owners thereof may again recover them. And if any person or persons shall, after said day, retain in their hands any goods whatsoever, that they shall know to be the property of any person or persons of said town, and that were taken away at the time of said fire, such person or persons, so wil[ling][*ful*]ly retaining the same, shall be subject to the same penalties as if they had been convicted of stealing them: and if on trial it shall appear to the justice, or the court and jury, who shall try [such] [*the*] case, that the said goods were taken and carried away in the time of said fire, and were at that time the property of some one or more of the inhabitants of said town, and the justice, or the court and jury, shall not be able to find in what particular person the property of such goods are, the justice, or the court, before whom the trial and conviction shall be, shall order the treble damages found, to be paid to the selectmen of said town of Falmouth, to be by them distributed, at their discretion, among those who have suffer[*e*]'d by said fire. And if any goods which shall, in pursuance of this act, be lodged in the hands of said selectmen, and shall there remain for the space of six months without any particular person's being able to make out to themselves a property in them, such selectmen shall sell such goods at public vendue, and shall distribute the proceeds thereof, at their discretion, among those persons who have suffer[*e*]'d by the said fire.

—penalty for retaining them.

And be it further enacted,

Method of proceeding to be observed by the selectmen.

[Sect. 2.] That the selectmen shall not expose to public sale, as aforesaid, any goods, wares and merchandize, deposited as aforesaid, while there is any suit or prosecution pending in law for the same. And when any such goods shall be deposited in the hands of such selectmen, they shall immediately adverti[z][s]e the same in the Cambridge newspaper; and all just and reasonable expences arising by receiving, storing, keeping and advertising such goods, shall be paid by the person or persons who shall claim the same, and prove them to be their property; and if there is no particular person who makes out any property in such goods, the charges aforesaid, and charges of sale, shall be paid out of the proceeds thereof: *provided*, *nevertheless*, that the said selectmen of the town of Falmouth shall not be obliged to deliver such goods to the person or persons claiming the same, unless such person or persons shall give reasonable and sufficient security to such selectmen, that, if it should thereafter appear that such goods so deliver[*e*]'d by said selectmen to such person or persons were the property of any other person, they shall be returned in as good condition as when deliver[*e*]'d as aforesaid. [*Passed February* 9, 1776.

CHAPTER 14.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED, AND NEAR EXPIRING.

Preamble.

Whereas the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; viz[t]., two acts made in the tenth and eleventh years of the reign of his late majesty King George the Second; one, intitled "An Act in further addition to an act, made in [the] first year of his present majesty's reign, intitled 'An Act to prevent coparceners, joint tenants and tenants in common, from committing strip and waste upon lands by them held in common and undivided;'" the other, intitled "An Act in further addition to an act intitled 'An Act for the relief of idiots and distracted persons;'" an act made in the thirteenth year of the same reign, intitled "An Act for the effectual preventing of horses, neat cattle, sheep and swine from running at large or feeding upon a certain island called Plumb Island, lying in Ipswich Bay, in the county of Essex;" three acts made in the fourteenth year of the same reign; one, intitled "An Act to prevent damage being done to the harbour of Cape Cod, by cattle and horse-kind feeding on Provincetown land[*s*];" another, intitled "An Act in further addition to an act for regulating of fences, &c.;" the other, intitled "An Act to encourage the increase of sheep and goats;" two acts made in the fifteenth year of the same reign; one, intitled "An Act to prevent unnecessary petitions to the great and general court;" the other, intitled "An Act for the better regulating porters employed within the town of Boston;" six acts made in the sixteenth year of the same reign; one, intitled "An Act in addition to and for rendering more effectual an act for regulating the assize of cask, and preventing deceit in packing fish, beef and pork, for sale, made in the fourth year of the reign of King William and Queen Mary, and also for [the] preventing fraud and

1737-38, chap. 8.
1737-38, chap. 9.
1739-40, chap. 8.
1740-41, chap. 15.
1740-41, chap. 19.
1740-41, chap. 23.
1741-42, chap. 1.
1741-42, chap. 5.
1742-43, chap. 4.

1742-43, chap. 11. injustice in the measuring of grain;" another, intitled "An Act to prevent damage being done unto Billingsgate Bay, in the town of Eastham, by cattle horse-kind and sheep feeding on the beach and islands
1742-43, chap. 17. adjoining thereto;" another, intitled "An Act to prevent the spreading of the small-pox and other infectious sickness, and to prevent
1742-43, chap. 25. the concealing the same;" another, intitled "An Act to prevent the
1742-43, chap. 28. multiplicity of lawsuits"; another, intitled "An Act in further addition to, and explanation of, an act intitled 'An Act for regulating townships,
1742-43, chap. 18. choice of town officers, &c;'" the other, intitled "An Act in addition to the several laws of this province relating to the support of poor and indigent persons;" one act made in the seventeenth year of the
1743-44, chap. 6. same reign, intitled "An Act for preventing mischief by unruly dogs on the island of Nantucket;" three acts made in the eighteenth year of
1744-45, chap. 25. the same reign; one, intitled "An Act to prevent mischief being done
100 Mass., 141.
1744-45, chap. 26. by unruly dogs;" another, intitled "An Act to prevent neat cattle and horses running at large and feeding on the beaches adjoining to Eastern-Harbour Meadows, in the town of Truro;" the other, intitled
1744-45, chap. 27. "An Act in addition to the act for preventing damage to the harbour of Cape Cod, by cattle and horse-kind feeding on Provincetown lands;" two acts made in the eighteenth and nineteenth years of the
1745-46, chap. 7. same reign; one, intitled "An Act to prevent unnecessary cost being allowed to parties and witnesses in the several courts of justice
1745-46, chap. 16. within this province;" the other, intitled "An Act in addition to the act intitled 'An Act for appointing commissioners of sewers;'" five
1746-47, chap. 6. acts made in the twentieth year of the same reign; one, intitled "An Act relating to views by a jury, in civil actions;" another, intitled
1746-47, chap. 17. "An Act more effectually to prevent profane cursing and swearing;"
1746-47, chap. 26. another, intitled "An Act for the better regulating swine;" another,
1746-47, chap. 27. intitled "An Act to prevent damage being done unto Nosset[t] Meadow, by cattle and horse-kind feeding on the beach adjoining
1746-47, chap. 28. thereto;" the other, intitled "An Act to prevent the destruction of the meadow called Sandy-Neck Meadow, in Barnstable, and for the better preservation of the harbour there;" two acts made in the
1747-48, chap. 3. twenty-first year of the same reign; one, intitled "An Act to prevent
1747-48, chap. 7. the destruction of wild fowl;" the other, inti[t]led "An Act to prevent deceit in the gage of cask;" four acts made in the twenty-
1748-49, chap. 9. second year of the same reign; one, intitled "An Act for the ease of
1748-49, chap. 12. prisoners for debt;" another, intitled "An Act for the more easy
1748-49, chap. 14. partition of lands;" another, intitled "An Act to prevent damage by fire in the towns of Boston and Charlestown;" the other, intitled
1748-49, chap. 18. "An Act to prevent damage being done on the beach in Biddeford, and meadows adjoining to said beach, commonly known by the name of Winter-Harbour Beach;" ten acts made in the twenty-third year
1749-50, chap. 3. of the same reign; one, intitled "An Act to prevent disturbance given the general court by the passing of coaches, chaises, carts, trucks and other carriages by the province court-house;" another,
1749-50, chap. 6. intitled "An Act for regulating the hospital on Rainsford Island, and
1749-50, chap. 7. further providing in case of sickness;" another, intitled "An Act for the punishing such offenders as shall be any ways concerned in contriving, writing or sending any incendiary or menacing letters in order to extort sums of money or other things of value from any of his
1749-50, chap. 13. majesty's good subjects;" another, intitled "An Act to prevent any persons obstructing the fish in their passing up into Monatiquot
1749-50, chap. 22. River, within the town of Braintree;" another, intitled "An Act
1749-50, chap. 23. against diminishing or counterfeiting money;" another, intitled "An Act in addition to and for rendering more effectual 'An Act for the

restraining the taking excessive usury;'" another, intitled "An Act in addition to the act intitled * 'An Act to encourage the increase of sheep and goats;'" another, intitled "An Act to prevent stage-plays and other theatrical entertainments;" another, intitled "An Act in addition to the act for better regulating swine;" another, intitled "An Act to prevent the unnecessary destruction of alewives in the town of Middleborough;" two acts made in the twenty-fourth year of the same reign; one, intitled "An Act providing for the support of ministers in new plantations;" the other, intitled "An Act in addition to an act for regulating fences, cattle, &c.;" five acts made in the twenty-sixth year of the same reign; one, intitled "An Act for further regulating the proceedings of the courts of probate within this province;" another, intitled "An Act for the more e[e]asy partition of lands or other real estate, given by will, and held in common and undivided among the devisees;" another, intitled "An Act for further preventing all riotous, tumultuous and disorderly assemblies or companies of persons, and for preventing bonfires in any of the streets or lanes within any of the towns of this province;" another, intitled "An Act for preventing damage by horses going at large;" the other, intitled "An Act to prevent firing the woods;" two acts made in the twenty-seventh year of the same reign; one, intitled "An Act in addition to the several laws of this government made for the regulating general fields;" the other, intitled "An Act to prevent neat cattle and horses running at large and feeding on the beaches and meadows below the banks, in the town of Truro, from the house of Joshua Atkins to Bound Brook, and also on the common meadow, at and about Pamit Harbour and River, as far up as the wading place by John Lumbart's;" three acts made in the twenty-eighth year of the same reign; one, intitled "An Act for the securing the growth and increase of a certain parcel of wood and timber in the townships of Ipswich and Wenham in the county of Essex;" another, intitled "An Act for appointing assayers of potash and pearlash;" the other, intitled "An Act to prevent damage being done to the beach hummock[s] and meadows belonging to the town of Scituate, lying between southerly end of the Third Cliff, so called, and the mouth of the North River;" one act made in the twenty-ninth year of the same reign; intitled "An Act in addition to the several acts and laws of this province now in force, respecting poor and idle, disorderly and vagrant persons;" three acts made in the thirtieth year of the same reign; one, intitled "An Act for further regulating the course of judicial proceedings;" another, intitled "An Act to prevent damage being done unto Billingsgate Bay in the town of Eastham, by cattle and horse-kind and sheep feeding on the beach and islands adjoining thereto;" the other, intitled "An Act to prevent damage being done on the meadows and beaches lying in the township of Barnstable, on the south side of the harbour contiguous to the common fields in said town;" three acts made in the thirty-first year of the same reign; one, intitled "An Act in addition to an act intitled 'An Act in addition to the act for providing of pounds, &c.;'" another, intitled "An Act to prevent neat cattle, horses and sheep running at large and feeding on the beaches between Wells and Ogunqui[n]t Harbour[s] in the town of Wells, and to prevent the mowing of the same;" the other, intitled "An Act in addition to the several acts for the better regulating the Indians;" four acts made in the thirty-

1749-50, chap. 27.
1749-50, chap. 24.
1750-51, chap. 5.
1749-50, chap. 12.
1750-51, chap. 21.
1750-51, chap. 22.
1752-53, chap. 12.
1752-53, chap. 13.
1752-53, chap. 18.
1752-53, chap. 20.
1753-54, chap. 9.
1753-54, chap. 29.
1753-54, chap. 44.
1754-55, chap. 21.
1754-55, chap. 26.
1755-56, chap. 9.
1755-56, chap. 43.
1756-57, chap. 28.
1756-57, chap. 31.
1757-58, chap. 5.
1757-58, chap. 10.
1757-58, chap. 11.
1758-59, chap. 6.

* This, and the title which immediately follows it, are transposed in the printed acts.

1758-59, chap. 18. second year of the same reign; one, intitled "An Act providing that the solemn affirmation of the people called Quakers, shall in certain cases, be accepted instead of an oath in the usual form;" another, in-
1758-59, chap. 33. titled "An Act in addition to an act intitled 'An Act for regulating
1758-59, chap. 37. of fences, cattle, &c.;'" another, intitled "An Act in addition to an act relating to executors and administrators;" the other, intitled
1758-59, chap. 17. "An Act in further addition to an act intitled 'An Act for explanation of, and supplement to, an act referring to the poor, &c.;'" four acts
1759-60, chap. 21. made in the thirty-third year of the same reign; one, intitled "An
1759-60, chap. 29. Act relating to ferries;" another, intitled "An Act for the better
1759-60, chap. 38. regulating the choice of petit jurors;" another, intitled "An Act to prevent damage being done on a beach at Monument Ponds in the township of Plymouth, lying between the lands of the late Thomas Clark and Joseph Bartlet, deceased, and on a certain tract of marshy
1760-61, chap. 13. ground lying under water there;" the other, intitled "An Act for the more easy division and distribution of intestate estates;" six acts made in the first year of his present majesty's reign; one, in-
1760-61, chap. 19. titled "An Act to prevent damage being done on the meadows and beaches lying in and adjoining on the north side of town of Harwich, between Skeket Harbour, on the east, and Quivet Harbour, on the
1760-61, chap. 35. west;" another, intitled "An Act for preventing the stealing and clandestinely conveying sheep away from the island of Martha's
1760-61, chap. 28. Vineyard, in Dukes County;" another, intitled "An Act in addition to an act made and passed this present year, intitled 'An Act to prevent damage being done on the meadows and beaches lying in and adjoining to the north side of the town of Harwich, between Skeket Harbour, on the east, and Quivet Harbour, on the west;'" another,
1761-62, chap. 5. intitled "An Act [*to*] establish[ing] a watch for the safety and better securing the good order of the town of Boston;" another, in-
1761-62, chap. 14. titled "An Act [further] impowering the courts of general sessions of the peace in this province, to grant licences in certain cases, and thereby to prevent unnecessary petitions to the general court;" the
1761-62, chap. 16. other, intitled "An Act providing for the levying and collecting of taxes in plantations that are not incorporated;" one act made in the
1762-63, chap. 13. second year of the same reign, intitled "An Act in addition to the several acts made to prevent damage by fire in the town of Boston;" three acts made in the third year of the same reign; one, intitled
1762-63, chap. 19. "An Act declaring and regulating the standard of wheat imported into this province, and for preventing abuses by millers;" another,
1762-63, chap. 26. intitled "An Act to exempt the people called Quakers from the penalty of the law for non-attendance on military musters;" the other,
1763-64, chap. 3. intitled "An Act for incorporating the Indians and molattoes, inhabitants of Mashpee, with their lands there, into a district, with certain priviledges; and for their better regulation;" three acts made in the
1763-64, chap. 18. fourth year of the same reign; one, intitled "An Act to enable the collectors of taxes in the town of Boston to sue for and recover the rates and taxes given [*to*] them to collect, in certain cases;" another,
1764-65, chap. 7. intitled "An Act to impower the proprietors of the meeting-house in the town of Newburyport, where the Rev[*eren*]d Mr. Jonathan Parsons officiates, to raise money to defrey ministerial and other neces-
1764-65, chap. 10. sary charges;" the other, intitled "An Act in addition to the act intitled 'An Act to prevent the unnecessary destruction of alewives in the town of Middleborough;'" six acts made in the fifth year of the
1764-65, chap. 24. same reign; one, intitled "An Act to prevent the destruction of salmon and other fish in Merrimack River, within this province;"
1764-65, chap. 25. another, intitled "An Act to prevent the destruction of oysters in the

several bays and rivers hereafter mentioned, within this province;" another, intitled "An Act for preventing the unnecessary destruction of alewives and other fish, within this province;" another, intitled "An Act to prevent damage being done in the woods in Plymouth, Sandwich, Barnstable, Falmouth and Wareham, by hunting with hounds and dogs;" another, intitled "An Act for the preservation of the beach and harbour in the town of Plymouth;" the other, intitled "An Act for the preservation and increase of moose and deer on Tarpolin-Cove Island and Nennemesset Island, lying and being in the county of Dukes County;" one act made in the sixth year of the same reign, intitled "An Act for amending of an act made in the fifth year of his present majesty's reign, intitled 'An Act to prevent the destruction of salmon and other fish in Merrimack River, within this province;'" four acts made in the seventh year of the same reign; one, intitled "An Act in addition to the several laws already made relating to the removal of poor persons out of the towns whereof they are not inhabitants;" another, intitled "An Act to prevent damage being done to the meadows and beaches lying in and adjoining on the south side of the towns of Tisbury and Chilmark, in the county of Dukes County, between the land of Mat[t]hew Mayhew, Esq[r]., on the west, and the creek of water that divides the land of Thomas Walron, from the beach, on the east;" another, intitled "An Act in addition to two several acts to prevent the destruction of salmon and other fish in Merrimack River, within this province;" the other, intitled "An Act to prevent frauds by the adulteration of potash and pearlash;" three acts made in the eighth year of the same reign; one, intitled "An Act in further addition to the several acts for the settlement and support of schools and schoolmasters;" another, intitled "An Act to prevent damage being done on Bound-Brook Island and Griffith Island, within the district of Wellfleet, by cattle, horse-kind and sheep;" the other, intitled "An Act to prevent the destruction of the salt meadows lying in the towns of Tisbury and Chilmark;" one act made in the ninth year of the same reign, intitled "An Act to impower the east precinct in Salem, where the Rev[d]. Mr. James Di[e]m[o][a]n now officiates, to raise money for defreying ministerial and other necessary charges of said precin[c]t;" two acts made in the tenth year of the same reign; one, intitled "An Act to impower the inhabitants of the town of Newburyport, belonging to the several religious societies within the same, to raise money for defreying ministerial and necessary charges;" the other, intitled "An Act in addition to an act made in the twenty-third year of the reign of King George the Second, intitled 'An Act to prevent any persons obstructing the fish in their passing up into Monatiquot River within the town of Braintree;'" two acts made in the eleventh year of the same reign; one, intitled "An Act for regulating the alewive fishery in the town of Pembro[o]k[e]"; the other, intitled "An Act to prevent the taking of the fish called bass in the river Parker in the town of Newbury, in a certain season of the year;" three acts made in the twelfth year of the same reign; one, intitled "An Act to prevent any person's obstructing the fish in their passing up Spruce Creek, so called, in a branch of Piscataqua River that flows into the town of Kittery, and taking and catching them therein with sein[e]s;" another, intitled "An Act for regulating town meetings in the town of Danvers;" the other, intitled "An Act to prevent the destruction of oysters in Charles and Mistick rivers;" four acts made in the thirteenth year of the same reign; one, intitled "An

1764-65, chap. 34.
1765-66, chap. 12.
1765-66, chap. 20.
1765-66, chap. 19.
1765-66, chap. 30.
1766-67, chap. 17.
1766-67, chap. 16.
1766-67, chap. 13.
1767-68, chap. 10.
1767-68, chap. 16
1767-68, chap. 8
1767-68, chap. 17
1769-70, chap. 7.
1769-70, chap. 13.
1769-70, chap. 14.
1770-71, chap. 21.
1770-71, chap. 32
1771-72, chap. 15.
1772-73, chap. 17.
1772-73, chap. 20.
1772-73, chap. 44.

Act to regulate the sale of goods at public[k] vendue, and to limit the
1772-73, chap. 45. number of auctioneers;" another, intitled "An Act to prevent the destruction of salmon and other fish in Merrimack River within
1772-73, chap. 46. this province;" another, intitled "An Act to impower the inhabitants of the town of Rochester, in the county [of] Plymouth, to regulate the taking of fish within the harbours and coves of said township;" the
1772-73, chap. 51. other, intitled "An Act to prevent the destructi[*on*] of alewives and other fish in Ipswich River, and to encourage the increase of the same," —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Reviving clause. That such of the before-mentioned acts as are now expired, be revived, and such of said acts as are not yet expired, be continued, with all and every clause, matter and thing therein respectively contained, and shall be in force until the first day of November, one thousand seven hundred and seventy-nine, and from thence to the end of the then next session of the general court, and no longer. [*Passed February* 9, 1776.

CHAPTER 15.

AN ACT FOR ENCOURAGING THE FIXING OUT OF ARMED VESSELS TO DEFEND THE SEA-COAST OF AMERICA, AND FOR ERECTING A COURT TO TRY AND CONDEMN ALL VESSELS THAT SHALL BE FOUND INFESTING THE SAME.

WHEREAS the present administration of Great Britain, being divested of justice and humanity, and strangers to that magnanimity and sacred regard for liberty which inspired their venerable predecessors, have been endeavouring, thro a series of years, to establish a system of despotism over the American colonies, and by their venal and corrupt measures have so extended their influence over the British Parliament that, by a prostituted majority, it is now become a political engine of slavery; *and whereas* the military tools of these our unnatural enemies, while restrained by the united forces of the American colonies from proceeding in their sanguinary career of devastation and slaughter, are infesting the sea-coasts with armed vessels, and daily endeavouring to distress the inhabitants by burning their towns and destroying their dwellings, with their substance, plundering live stock and making captures of provision, and other vessels, being the property of said inhabitants; *and whereas* their majesties, King William and Queen Mary, by the royal charter of this colony, for themselves, their heirs and successors, did grant, establish and ordain that, in the absence of the governor and lieutenant-governor of the colony, a majority of the council shall have full power, by themselves, or by any chief commander or other officer or officers, to be appointed by them, from time to time, for the special defence of their said province or territory, to assemble in martial array, and put in warlike posture, the inhabitants of their said province or territory, and to lead and conduct them, and with them to encounter, expulse, resist and pursue, by force of arms, as well by sea, as by land, within or without the limits of their said province or territory; and also to

kill, slay, destroy, and conquer, by all fitting ways, enterprizes and means, whatsoever, all and every such person and persons as should at any time thereafter attempt or enterprize the destruction, invasion, detriment or annoyance of their said province or territory; and to take and surprize by all ways and means whatsoever, all and every person and persons, with their ships, arms, ammunition and other goods, as should in a hostile manner [in*]vade or attempt the invading, conquering or annoying, of their said province or territory; *and whereas* it is expressly resolv'd [b*]y the grand Congress of America, "That each colony, at their own expence, make such provision, by armed vessels or otherwise, as their respective assemblies, conventions or committees of safety shall judge expedient and suitable to their circumstances and situations, for the protection of their harbours, and navigation on the sea-coasts, against all unlawful invasions, attacks and depredations from cutters and ships of war," and it is the duty and interest of this colony to exert itself, as well for the purpose of keeping supplies from the enemy as for those mentioned in the paragraphs of the charter and resolve now recited; *and whereas* the great and general court, for carrying into execution the purposes aforesaid, did at their session begun and held at Watertown on the 19th day of July, A. D. 1775, and from thence continued, by adjournments, to Wednesday the 20th day of September in the said year, pass an act intitled "An Act for encouraging the fixing out armed vessels to defend the sea-coasts of America, and for erecting a court to try and condemn all vessels that shall be found infesting the same;" which act has been found insufficient to answer the good purposes thereby proposed; wherefore, to render more effectual the good purposes by said act intended, — 1775-76, chap. 7

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That all and every clause contained in the aforesaid act, be and hereby are repealed, and made null and void.

And be it further enacted by the authority aforesaid,

[Sect. 2.] That all armed and other vessels which shall be brought into this colony, and have been found making unlawful invasions, attacks or depredations on the sea-coasts or navigation of any part of America, — or improved in supplying the fleet and army which have been, or shall at any time be, employed against the United Colonies, or employed by the said enemy in any respect whatsoever, since the 19th of April, 1775; and also all vessels whose masters or supercargoes shall have had designs of carrying supplies of any kind to the enemy, or that shall be returning from the enemy after having carried such supplies, — and shall be convicted thereof as is herein provided, such vessel or vessels, with their appurtenances and cargoes, shall be deemed forfeited, and shall be disposed of, as is by this act hereafter ordered and directed.

And be it further enacted by the authority aforesaid,

[Sect. 3.] That the council of this colony, or the major part of them, shall be fully impowered to commission, with letters of marque and reprisal, any person or persons within this colony, who shall, at his or their own expence, fit out and equip, for the defence of America, any vessel, as also any person who shall, by the owner of such vessel, be recommended therefor; and that all such persons so commissioned, as aforesaid, shall have full power, with such other persons

* Engrossment mutilated.

as they shall engage to their assistance, to sail on the seas, attack, take and bring into any port within the United American Colonies, all vessels offending or employ'd by the enemy, as aforesaid, and also to retake and bring in, as aforesaid, any vessel or vessels that may be taken from any person or persons by said enemy.

Provided, always, —

And be it further enacted,

[SECT. 4.] That the master or owner of such vessel shall, at the time he receives such commission, enter into bond, with one sufficient surety, at least, for the faithful discharge of his office, and observing the law of this colony relating to armed vessels: which bond shall be in the form following; viz., —

Know all men by these presents that we, A. B. and C. D., of , &c., are holden, and stand firmly bound and obliged, unto the treasurer and receiver-general of the colony aforesaid, in the full and just sum of . to be paid unto the said treasurer and receiver-general, or to his successor in said office; to the true payment whereof we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals the day of , *Anno Domini*, 17 .

The condition of the aforewritten obligation is such that, whereas the said A. B. hath, on the day of the date hereof, received a commission to command an armed vessel called the , burthen about tons , to make reprisals of all armed and other vessels that shall be found supplying the enemy, or acting counter to a law of this colony, entitled "An Act for encouraging the fixing out of armed vessels to defend the sea-coasts of America, and for erecting a court to try and condemn all vessels that shall be found infesting the same;" if, therefore, the said A. B. shall and do, in and by all things, well and truly observe and fulfill such instructions as he shall receive from the council of this colony, and shall, in all respects, conform himself to the directions given in and by the act aforesaid, then the aforewritten obligation to be void: otherwise to remain in full force.

And be it further enacted,

[SECT. 5.] That there shall be erected and constantly held in the town of Plymouth, in the county of Plymouth, a court of justice, by such able and discreet person as shall be appointed and commissioned by the major part of the council for that purpose, whose business it shall be to take cognizance of, try, and adjudge according to the verdict of a jury, the justice of, any capture or captures of any vessel or vessels that may or shall be taken by any person or persons whomsoever, and brought into either of the counties of Plymouth, Barnstable, Bristol, Nantucket or Dukes County; and the judge so commissioned to hold said court, as aforesaid, shall have power to adjourn such court, from time to time, as he shall think proper, and at all times to issue his warrant, or warrants, to the constable or constables, of any town or towns within the said countys of Plymouth, Barnstable, Bristol, Nantucket or Dukes County, or either of them, directing the said constable or constables, to warn a meeting of the inhabitants of their towns, respectively, and to draw out of the box, 1759-60, chap. 29. in such manner as is provided by the laws of this colony for returning jurors to serve in the superior court of judicature, court of assize and general goal delivery, so many good and lawful men, for jurors, as said judge shall, in his said warrant, order and direct, not exceeding the number of twenty-four; and the said constables shall immediately, as soon as may be, give notice, in writing, to such persons so drawn, of the time and place which in the said warrant shall be set for their appearance; and shall return said warrant, with his doings

thereon, to said judge, at or before the time set therein for the appearance of said jurors.

And be it further enacted,

[Sect. 6.] That if any constable within said counties shall neglect or refuse to obey the warrant of the judge, for returning said jurors as aforesaid, he shall pay such fine as the said judge shall order, not exceeding the sum of forty shillings; but before such fines shall be awarded the said judge shall summon such constable to appear before him, and shew forth the reasons of his neglect or refusal, and if such reasons shall not be satisfactory to the said judge, then he, the said judge, shall issue his warrant of distress for such fine: and if any juror so drawn, and having notice as aforesaid, shall not appear at the time and place directed in such warrant, or shall refuse, without reasonable excuse, to serve on such jury, he shall pay such fine as the judge shall order, not exceeding the sum of forty shillings; but before such fine shall be awarded, the said judge shall summon such juror to appear before him, to shew forth the reasons of his neglect or refusal, and if such reasons shall not be satisfactory to the said judge, then he, the said judge, shall issue his warrant of distress, for such fine, in manner as is directed for recovery of fines of jurors who shall neglect or refuse to serve in the superior court of judicature, court of assize and general goal delivery; which fines so recovered shall be paid into the treasury of this colony.

And be it further enacted by the authority aforesaid,

[Sect. 7.] That there shall be held, in like manner, in the town of Ipswich, in the county of Essex, one other court of justice, by such able and discreet person as the major part of the council shall appoint and commission thereto; which judge shall have full cognizance of, and power to try, and adjudge according to the verdict of a jury, the justice of, the capture of any vessel or vessels that shall be taken as aforesaid, and brought into any port in the counties of Suffolk, Middlesex or Essex; and shall have the like power to issue his warrant or warrants for jurors, in said counties, as is before provided for the judge of the counties first mentioned; and every constable and juror within the said counties of Suffolk, Essex and Middlesex, who shall neglect to pay due obedience to said warrants, shall be liable to the same penalties as are provided, by this act, against those in like manner offending in the counties of Plymouth, Barnstable, Bristol, Nantucket and Dukes County.

And be it further enacted by the authority aforesaid,

[Sect. 8.] That there shall be held, in like manner, in Falmouth, in the county of Cumberland, one other court of justice, by such person as the major part of the council shall commissionate to be judge thereof; which judge shall have full cognizance of, and power to try, and adjudge according to the verdict of a jury, the justice of, all captures of vessels that shall be taken as aforesaid, and brought into any port in either of the counties of York, Cumberland or Lincoln; and shall have such power to issue a warrant or warrants in said counties as is provided in this act for the other judges aforementioned in the counties of their respective jurisdictions; and the constables and jurors in the said counties of York, Cumberland and Lincoln, are to pay strict obedience to said warrants, under the penalties before in this act provided for like offences in the other counties aforementioned.

And be it further enacted by the authority aforesaid,

[Sect. 9.] That when any person or persons shall take and bring

into any port in this colony any vessel or vessels that have been offending or employed by the enemy, as aforesaid, such person or persons so taking and bringing in such vessel shall immediately make out a bill, in writing, therein giving a full and ample account of the time and manner of the caption of said vessel, and the employment she was in when so taken, and of the principal officer or officers who were aiding and assisting in taking her, and a schedule of the cargo on board her, to the best of his knowledge, at the time of her caption; and shall deliver the same to the judge who shall have jurisdiction of the port where such vessel is brought, with all the papers that may be found on board such vessel, to the intent that the jury may have the benefit of evidence therefrom arising, and shall lodge with the judge or his clerk a sum of money or security sufficient, in the opinion of the judge, for defreying the charges that may attend said tryal, to be applied for that purpose in case the capture shall be finally acquitted, which money shall be returned, or security cancell'd, in case of condemnation by final judgment; and the judge to whom said bill shall be delivered, shall immediately issue his warrant or warrants, as aforesaid, to any constable or constables, within the counties of his jurisdiction, commanding them, or either of them, in manner aforesaid, to return at least twelve good and lawful men to try the truth of any facts alledged in such bill, and to serve in all causes that shall be committed to them, and give a general or special verdict thereon, as shall appear to them agreeable to law and evidence; and if seven of said jurors so returned by said constable or constables, shall appear, and there shall not be enough to compleat a pannel of twelve, or if there shall be a legal challenge to any of them so that there shall be seven, and not a pannel to try such cause, then in such case it shall be lawful for said judge to order the sherrif or other proper officer attending on said court, to fill up the jury with other good and lawful men present; and in case seven of the jurors summoned, as aforesaid, should not appear, or so many of the jurors returned should be challenged as that there should not be seven remaining, the said judge is hereby authorized and impowered again to issue his warrant or warrants, as aforesaid, which jury shall be sworn to return a true verdict upon the said bill according to law and evidence.

[SECT. 10.] And the said judge shall in all cases acquit or condemn said vessel, cargo, and appurtenances, agreeable to the verdict of the jury; and, if condemned, shall order such vessel to be sold at public vendue, and shall order the charges of said trial and condemnation to be paid, out of the money such vessel and cargo shall sell for, into the treasury of this colony; and shall order the residue thereof to be delivered to the captors, their agents, or attorneys, for the use and benefit of such captors, and others concerned therein; and if two or more vessels be actually engaged, and shall jointly take such vessel, the money she and her cargo and appurtenances shall sell for, after payment of charges, as aforesaid, shall be divided between the captors in proportion to their men. And the said judge before whom any such trial and condemnation as is aforementioned may be, shall be authorized to make out his precept, under his hand and seal, to the sherriff of the county into which such vessel is brought, to sell such vessel and appurtenances and cargo, and to pay thereout the charges of trial and condemnation, into the treasury of this colony, and to pay his own fees, and to deliver the residue to the captors, their agents, or attorneys: *saving* to the claimants, owner or owners,

of any vessel that may be condemned as aforesaid, and also to the captors, if acquitted, liberty of appeal to the American Congress, or to such person or persons as they shall appoint for trial of appeals: *provided*, the appeal be demanded within five days after definitive sentence and such appeal be lodged with the secretary of Congress within forty days afterward; *and provided*, the party appealing shall give such security to prosecute the said appeal to effect as the judge shall think reasonable; and in case of the death of the secretary during the recess of Congress, then the said appeal to be lodged in Congress within twenty days after the meeting thereof.

[Sect. 11.] And if the claimant or owner of any vessel and cargo condemned as aforesaid, shall appeal, the captors, their agents or attorneys, before the moneys arising from the sale of such vessel and cargo be deliver'd to them, shall give bonds to the judge, with sufficient suretys, in such sums as the said judge shall order, to refund the moneys arising from the sale in case the order or decree of the said judge should be reversed; and in case the captor or captors should be aggrieved at the determination of the judge, in acquitting any vessel, after trial, such captor or captors to have the same right of appeal as is before mentioned, and on their giving security to prosecute such appeal to effect, the judge shall, before the delivery of such vessel and cargo to the claimants or owners, issue a warrant, under his hand and seal, to have such vessel and cargo appraised by three discreet and judicious men, under oath, and the claimants or owners shall give bond to the judge, with sufficient sureties, to pay to the captor or captors the whole or such part of the appraized value of such vessel and cargo as shall finally be adjudged to the captors.

Provided, nevertheless,—

And be it further enacted,

[Sect. 12.] That all captures made by vessels fitted and commissioned by Congress, or their order, wheresoever made, and also all captures made within twenty leagues of the land, by boats or vessels not commissioned, shall be proceeded with, tryed and adjudged in the same manner as is by this act provided; their not having received commission from the council of this colony, or given bond as aforesaid notwithstanding.

And be it further enacted,

[Sect. 13.] That there shall be paid to the judge, jurors and sherrifs, out of the public treasury, such fees as are or shall hereafter be established, by law, to each and every the officers of the said court.

And be it further enacted by the authority aforesaid,

[Sect. 14.] That when any such bill shall be deliver'd to such judge, he shall cause notification thereof, and the name, if known, and description, of the vessel so brought in, with the day set for the trial thereon, to be advertized in the several newspapers, printed at Watertown and Cambridge, fifteen days before the time set for trial, that the owner of such vessel, or any person concerned, may appear and shew cause, if any they have, why such vessel with her cargo and appurtenances, should not be condemned as aforesaid.

And be it further enacted,

[Sect. 15.] That the process and proceedings upon any vessel, that shall be retaken from the enemy by any person or persons, shall be in the same manner as is herein provided for other vessels; and if, by verdict of the jury, it shall appear to the judge that such vessel was taken by the enemy, and was retaken by such person or persons

before condemnation by the said enemy thereon had, the said judge shall order such vessel, with her cargo and appurtenances, to be sold in manner aforesaid; and shall adjudge to the captors one eighth part of what she shall sell for (after deducting charges of trial and sale), if the same hath been in possession of the enemy not more than twenty-four hours; one fifth part if more than twenty-four or less than forty-eight hours; one third part if more than forty-eight or less than ninety-six hours, and one-half if more than ninety-six hours, and the residue to be deliver'd to the owner or owners of such vessel; and if such vessel so retaken shall have been condemned by the enemy, then the money she and her cargo and appurtenances may sell for, shall be deliver'd to the captors, as is above provided for vessels belonging to the said enemy.

And be it further enacted,

[SECT. 16.] That the claimants or owners of any vessel or vessels that shall be taken and, after trial, acquitted, shall be barred from having any action or process for damage, against the captor or captors of such vessel and vessels, in all cases where the judge shall certifie there was probable cause to suppose the said vessel or vessels was employed, or the owner, master or supercargo was offending, as aforesaid.

And be it further enacted by the authority aforesaid,

[SECT. 17.] That each judge of such courts shall appoint an able clerk, who shall keep a true and fair record of all the proceedings of said court, and shall be duly sworn to act in said office with truth and fidelity, and his attestations shall be received as evidence in all courts of law. [*Passed February* 14, 1776.

CHAPTER 16.

AN ACT FOR THE CARRYING INTO EXECUTION A RESOLVE OF THE AMERICAN CONGRESS, FOR ASCERTAINING THE NUMBER OF INHABITANTS IN THIS COLONY.

Preamble.

WHEREAS the American Congress have recommended to the several assemblies, conventions, councils, and committees of safety, of the respective colonies, to as[s]certain, by the most impartial and effectual means in their power, the number of inhabitants in the colonies respectively, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Selectmen to take an account of the inhabitants.

[SECT. 1.] That the selectmen who shall be chosen in each town within this colony for the year one thousand seven hundred and seventy-six, at their annual meeting, in March, shall take an exact account of the number of inhabitants of all ages, including negroes and molattoes (distinguishing the number of each), resident in their respective towns and belonging to this colony on the twentieth day of March aforesaid, and all soldiers and seamen in the service of the Continent, or of this colony, who are to be considered as inhabitants of the towns to which they belonged, respectively, when they entered the said services, and that they shall make return of the same into the secretary's office of this colony on or before the last day of June next; and every selectman refusing or neglecting his duty [*t*]herein, shall

forfeit and pay, as a fine, for the use of this colony, the sum of four pounds, to be recovered by indictment or presentment of the grand jury for the counties where such selectman shall belong, whose duty it shall be to make strict [c][*i*]nquiry and presentment of every default in the performance of the duties required by this act.

And be it further enacted,

Penalty for any parents, &c., refusing to give an account of the number in their families.

[Sect. 2.] That in case any parent, master, or mistress of any family in this colony shall refuse to give, or shall not cause to be given, a just and true account of the number of persons in his or her family, when required by one or or* more of the selectmen of the town to which he or she shall respectively belong, such parent, master or mistress shall forfeit to the use of this colony the sum of forty shillings, to be recovered by complaint before any justice of the peace for the county where the offender dwells; which justice is hereby impowered to hear and try the same.

And be it further enacted,

Allowance to the selectmen.

[Sect. 3.] That each selectman shall be allowed and paid, by the town to which he shall belong, the sum of four shillings for each day he shall be employed in the performance of the duty required of selectmen by this act.

And be it further enacted,

Unincorporated plantations to render an account of their inhabitants.

[Sect. 4.] That the number of the persons in such unincorporated plantations, within this colony, which are contiguous to any town or towns, and which heretofore have been asses[*s*]ed to public[k] taxes by the assessors of any neighbouring towns, shall be taken and returned by the selectmen of that town the asses[*s*]ors whereof have been wont to assess such unincorporated plantation.

And, for the obtaining a full and true account of the number of persons, belonging to this colony, not resident in any of the towns or places above mentioned, —

Be it enacted by the authority aforesaid,

[Sect. 5.] That Asa Douglas[*s*], of Jericho, Esq[r]., Mr. Goodrich, of Ashewelot Equivalent, Joseph Bennet, of New Providence, Esq[r]., Mr. J[*oh*]n[o]. Hambleton, of New Ashford, Mr. Peletiah West, of Glassworks, Col[o]. John Fellows, of Sheffield, be, and they hereby are, appointed a committee to take and return such account of all the inhabitants in the county of Berkshire, dwelling without the bounds of any of the towns or plantations in the said county last above specified; and that Col[o]. David Wells be, and he hereby is, appointed a committee to take and return an account of the number of the like inhabitants of the county of Hampshire; and that Mr. Simon Fry, Major Ichabod Goodwin, and William Bradbury, be and hereby are appointed a committee to take and return an account of the number of the like inhabitants in the county of York; and that Mess[*ieu*]rs David Barker, George Freeman, John Nash, Isaac Parsons, and Phine[*h*]as Frost, be and hereby are appointed a committee to take and return an account of the number of the like inhabitants in the county of Cumberland; and that Ezekiel Pettis, Esq., Col[o]. William Jones, Mr. James Minot, Col[o]. Jonathan Buck, and Col[o]. Alexander Campbell, be and hereby are appointed a committee to take and return an account of the number of the like inhabitants in the county of Lincoln. And the members of each of the said committees, shall and hereby are impowered to act severally in the said bus[s]iness, and each one of them shall take and return the number of all

* *Sic.*

such inhabitants as dwell on such particular and several districts or divisions of land in the said counties of Berkshire, Hampshire, York, Cumberland and Lincoln, as shall be agreed on and determined by the said committees, respectively.

And be it enacted,

Penalty for heads of families refusing to give a just account of the numbers in their families.

[SECT. 6.] That the parent, master or mistress of any family, the number whereof is by this act to be taken by such committee, who shall refuse to give a just and true account of the number of his or her family, shall forfeit and pay the like sum. to the like use, and be recovered in the like manner as before in this act is provided to be forfeited by, and recovered of, the heads of families dwelling in towns who shall refuse to give a true account of the number of his or her family to the selectmen of the town to which they belong.

And be it further enacted,

Selectmen and committees to be under oath.

[SECT. 7.] That each and every one of the selectmen, and [of] the committees abovesaid, shall, before they enter upon the service aforesaid, take the oath or affirmation hereinafter prescribed, before some justice of the peace for the county, or the town clerk of the town to which such selectmen or committee shall, respectively, belong; who are hereby respectively impowered to administer the same.

And be it further enacted,

[SECT. 8.] That the oath or affirmation to be administered to each of the said selectmen and committees, shall be, *mutatis mutandis*, in the form following; viz[t]., —

Form of the oath.

You, A. B., do solemnly sw[*e*]ar[e] that you will faithfully and truly execute and perform the duty and service required of you by one act or law of this colony, [e][*i*]ntitled "An Act for the carrying into execution a resolve of the American Congress, for as[s]certaining the number of inhabitants in this colony." So help you God. [*Passed February* 16, 1776.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT WATERTOWN, ON THE THIRTEENTH DAY OF MARCH, A. D. 1776.

CHAPTER 17.

AN ACT FOR [*REPEALIN**]G AN ACT MADE AND PAS[*SED BY T**]HE GREAT AND GENERAL COU[*RT AT**] THEIR SESSION IN FEBRUARY LAST, INTITLED ["*AN**] ACT FOR ENCOURAGING THE FIXING OUT OF ARMED VESSELS TO DEFEND THE SEA-COAST OF AMERICA, AND FOR ERECTING A COURT TO TRY AND CONDEMN ALL VESSELS THAT SHALL BE FOUND INFESTING THE SAME."

WHEREAS the said act made and passed by the great and general court in their session in February last, is insufficient to answer the good purposes thereby intended,— 1775-76, chap. 15.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the said act, before mentioned, made and passed by the great and general court at their session in February last, intitled "An Act for encouraging the fixing out armed vessels to defend the sea-coast of America, and for erecting a court to try and condemn all vessels that shall be found infesting the same," and every part and clause thereof, be and hereby is repealed and declared null and void.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That the judges appointed in pursuance of an act made and passed by the great and general court, at their session in November last, intitled "An Act for encouraging the fixing out of armed vessels to defend the sea-coast of America, and for erecting a court to try and condemn all vessels that shall be found infesting the same," be and hereby are severally empowered to adjourn their respective courts, from time to time, as they shall judge expedient or necessary. [*Passed March* 19, 1776. 1775-76, chap. 7.

* Engrossment mutilated.

CHAPTER 18.

AN ACT TO PREVENT THE FORGING AND ALTERING BILLS OF PUBLIC CREDIT, AND FOR PREVENTING THE DEPRECIATION THEREOF, AND FOR MAKING THE BILLS OF CREDIT OF THE UNITED COLONIES, AND THE BILLS OF THIS GOVERNMENT, A TENDER IN ALL PAYMENTS.

Preamble. 109 Mass., 327.

WHEREAS, by reason of the unjustifiable attacks committed against the United Colonies of America by the troops of Great Britain, and the difficulty of collecting money, plate and bullion to support the charges of their necessary defence, the Congress of said colonies have thought fit, for the carrying on the public affairs and answering the present demands of soldiers and seamen employed by them, to order the imprinting and signing a certain number of bills of credit, of several sums, by commissioners thereunto duly appointed and authorised; *and whereas* the congress and general assembly of this colony have, also, for the payment of seamen and soldiers employed in defence of the same, order[*e*]'d that a certain number of notes and bills of credit, of several sums, should be imprinted and signed by commissioners thereunto duly authorized and appointed; *and whereas* several of the United Colonies have, by their governments, severally ordered the imprinting and signing a certain number of bills of public credit, for answering the demands of soldiers and seamen by them severally employed for their necessary defence, all which bills have obtained a good currency, and have very much facilitated the carrying on of the present war; *nevertheless*, some wicked persons, intending to defraud the inhabitants of the colonies aforesaid, and for the sake of base and unlawful gain, have forged, altered and uttered several counterf[ie][*ei*]t notes and bills of the same, in imitation of the true notes and bills of this colony, thereby imposing a vile cheat on unwary and less discerning persons; for the prevention of which evils, for the future, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Penalty for counterfeiting bills of credit.

[SECT. 1.] That whosoever shall presume to forge or counterfeit any note or notes, bill or bills of the teno[u]r, or in imitation, of the bills of credit of the United Colonies, established by any resolve of the American Congress, or the convention, congress, or government of this, or any of the United Colonies of America, or that shall utter any such counterf[ie][*ei*]t and forged notes or bills, knowing them to be such, or that shall council, advise, assist in, or procure, the forging, counterfeiting, imprinting or signing of any such false notes or bills, or engrave any plate, or make any instrument to be used in forging and counterfeiting such notes or bills, every person so offending, and being thereof convicted before the superior court of judicature, court of assize and general goal delivery, shall be punished by being set on the gallows, for the space of one hour, with a rope round the neck, and shall pay a fine, for the use of this colony, not exceeding thirty pounds, and suffer six months' imprisonment, and be publickly whipped, not exceeding thirty-nine stripes, and be incapable of holding any office under the government of this colony; or shall suffer all or any of the foregoing punishments, in the discretion of the court before whom the trial shall be, according to the nature and cir-

cumstances of the offence; and shall pay to the person or persons that shall be defrauded by such forgery, treble damages. And if such offender or offenders shall not be able to pay the charges of his or their imprisonment, the court before whom the conviction is, shall order that at the expiration of said term of imprisonment, such person or persons shall be sold in service a time sufficient to pay the same.

And it is also enacted by the authority aforesaid,

Reward for information.

[Sect. 2.] That whosoever shall make discovery, and give information, of such vile and wicked practice of making, or knowingly putting off, any false and counterfeit note or bill, as aforesaid, so that the person or persons guilty thereof may be render[*e*]'d to justice, and convicted, every such informer shall have and receive as a reward for his good services, on every such conviction, the sum of twenty pounds, to be ordered out of the public treasury of this colony by the council, on a certificate from the court before whom the conviction shall be, that such person did inform of such offence according to this act.

And be it further enacted by the authority aforesaid,

Penalty for altering bills or notes.

[Sect. 3.] That every person convicted of altering or increasing the sum or figures set and expressed in the notes or bills of credit of the said United Colonies, or either of them, or of forging or counterf[*e*]it[*t*]ing any hand, name, or stamps, or other private mark, that shall be or has been made or set thereon, shall be, for either of said offences, punished in the same manner as is provided by this act against those who shall forge or counterfeit such notes or bills.

And be it further enacted by the authority aforesaid,

Penalty for passing bills of credit for a less sum than their real value, and how disposed of.

[Sect. 4.] That if any person shall, directly or indirectly, receive or pay any of the bills aforesaid for a less sum than is in them expressed, such person shall be incapable ever after of holding any civil or military office in this colony, and for every such offence pay a fine of forty pounds, to be recovered before any court of record, by bill, plaint, or indictment; one moiety whereof shall be to the use of the person who shall sue or inform for the same, and the other moiety to the use of this colony.

And be it enacted by the authority aforesaid,

Penalty for selling goods, &c., at a less price for gold, &c., than for paper currency.

[Sect. 5.] That if any person or persons shall set, or offer, his, her or their goods, wares or merchandize at a smaller or less price, in gold or silver, than what they are, by him, her or them, set at in the paper currency of the United Colonies, or either of them, he, she or they shall pay a fine of twenty pounds; one moiety thereof to the use of the person who shall sue for and recover the same, and the other moiety to the use of the town where the offence is committed.

And be it enacted by the authority aforesaid,

Bills of credit of the United Colonies and this colony, a tender in all cases.

[Sect. 6.] That the bills of credit of the United Colonies, established by the American Congress, and the bills of this government, shall be received in all payments within this colony, and a tender of the same may be pleaded in bar to any action brought for the recovery of any money, or species of money, due by deed or simple contract, or in any way and manner whatever. And all justices, sher-[r]iffs, grand jurors and tythingmen, are hereby strictly enjoined and commanded to bring to justice all persons offending against this act, or any part of it. [*Passed April* 13, 1776.

CHAPTER 19.

AN ACT FOR AMENDMENT OF AN ACT, MADE AND PASSED BY THE GREAT AND GENERAL COURT, AT THEIR SESSION IN NOVEMBER LAST, INTITLED "AN ACT FOR ENCOURAGING THE FIXING OUT ARMED VESSELS TO DEFEND THE SEA-COAST OF AMERICA, AND FOR ERECTING A COURT TO TRY AND CONDEMN ALL VESSELS THAT SHALL BE FOUND INFESTING THE SAME."

Preamble. 1775-76, chap. 7.

WHEREAS some doubts have arisen on the construction of said act, and divers amendments are found necessary, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

All vessels since the 19th of April, 1775, employed by the enemy and taken, how to be disposed of.

[SECT. 1.] That all armed and other vessels, that have, at any time since the nineteenth day of April, seventeen hundred and seventy-five, been engaged in making unlawful invasions, attacks and depredations on the sea-coast of America, or used in supplying the fleet and army which have been employed against the United Colonies, or employed by the said enemy in any respect whatsoever; and those vessels which have been carrying supplies of any kind to the said enemy, and that have been heretofore, or that shall hereafter be, found on the high seas, and have been or shall be brought into any port of this colony, or that shall be found within the same, and be convicted of either of the offences aforesaid, in the manner provided by the laws of this colony, shall, with their appurtenances and cargoes, be condemned and disposed of as in and by the aforesaid act is provided.

And be it further enacted by the authority aforesaid,

Proceedings on the act of February last, confirmed. 1775-76, chap. 15. 1775-76, chap. 17.

[SECT. 2.] That all proceedings already had on, or in pursuance of, and agre[e]able to, the act aforesaid, or to another act made and passed by the general court of this colony at their session in February last, which act is repealed, are hereby declared to be good and valid; and that the further proceedings in any cause[s] now pending, or that shall hereafter be brought, in any of the courts erected by said first-mentioned act, shall be according to the regulations hereafter provided; and that all and every person or persons who have, since the nineteenth day of April last, taken, seized and brought into this colony, any vessel or vessels that have been offending or employed as in and by said act is mentioned, are fully justified therein.

And be it further enacted,

Judges of the court of admiralty, where to hold their courts.

[SECT. 3.] That the several judges that are or may be appointed to try the justice of the captures of vessels taken and brought into this colony, be, and they hereby are, authorized, respectively, to hold their courts in any of the seaport towns hereafter mentioned, within their respective districts, as they, from time to time, shall judge most convenient; viz[t]., the courts for the southern district, to be held in the town of Plymouth, Barnstable or Dartmouth; the courts for the middle district, to be held in Boston, Salem, Ipswich or Newburyport; and the courts in the eastern district, to be held in Falmouth or Pownalborough: anything to the contrary hereof in any former act contained notwithstanding.

And be it further enacted by the authority aforesaid,

Informations of all captures, to be made to the judge.

[SECT. 4.] That any person or persons who have been or shall be [*be*] concerned in the taking or bringing into this colony any vessel or vessels employed or offending as aforesaid, shall, jointly, or either

of them, by themselves or by their agents or attorn[*i*]e[y]s, file before the judge within whose jurisdiction such vessel or vessels have been or shall be brought, a bill, in writing, therein giving a full and ample account of the time, manner and cause of the taking such vessel or vessels; and at the time of the filing such bill, shall also file all papers [found] on board such vessel or vessels, to the intent that the [claimants of such vessel or vessels, may have sufficient time for making the best defence they can, against the matter contained in such papers, and to the further intent that the] jury may have the benefit of the evidence therefrom arising. And the judge before whom such bill shall be filed, shall, as soon as may be, appoint a day to try, by a jury, the justice of the capture of such vessel or vessels, with their appurtenances and cargoes, and shall publish the same in manner as is by the act aforesaid directed; and shall, seven days before the day so set and appointed for the trial of such vessel or vessels, issue his warrant or warrants, to any constable or constables, within the counties of his jurisdiction, commanding them, or either of them, to assemble the inhabitants of their towns, respectively, and to draw out of the box, in manner provided for drawing jurors to serve at the superior court of judicature, court of assize and general goal delivery, so many good and lawful men as the said judge shall order, not exceeding twenty-four; and the constable or constables shall, as soon as may be, give any person or persons so drawn to serve on the jury, in said court erected by the act aforesaid, due notice thereof; and shall make return of his doings therein to the said judge, at or before the day set and appointed as aforesaid. And the said jurors shall be held to serve on the tr[*i*][y]al of all such vessels as shall have been libelled before said judge, and the time of their trial published at the time said jurors are drawn, unless the judge shall see cause to discharge them or either of them before. And if seven of the jurors so drawn shall appear, and there shall not be enough to compleat the number of twelve — which shall be [a] pannel — or if there shall be a legal challenge to any of them, so that there shall be seven and not a pannel, it shall be lawful for the judge to order his clerk, the sher[r]iff, or other proper officer attending on said court, to fill up the jury with good and lawful men present: and the said jury, when so impannelled, shall be sworn to return a true verdict on any bill, claim or memorial that shall be committed to them according to law and evidence. And if the jury shall find that any vessel or vessels, against which a bill is committed to them, have been offending, used, employed or improved as aforesaid, they shall return their verdict thereof to the said judge, and he shall thereupon condemn such vessel or vessels, with their cargoes and appurtenances, and shall order them to be disposed of as by law is provided.

The judge to publish the same.

Warrant for jurymen, how issued.

How the jury is to be filled up.

Verdict, how returned.

[Sect. 5.] And if the jury shall return a special verdict, therein setting forth certain facts relative to such vessel or vessels, a bill against which is committed to them, and it shall appear to the said judge, by said verdict, that such vessel or vessels have been infesting the sea-coast or navigation of America, or that such vessel or vessels shall have been employed, used, improved or offending as aforesaid, he shall condemn such vessel or vessels, and order them to be sold, with their cargoes and appurtenances, and to be disposed of as is by law provided.

And be it further enacted by the authority aforesaid,

[Sect. 6.] That any person or persons claiming the whole, or any part or share, either as owner or captor, of any such vessel or vessels

Claimants to file their claims five

days before trial.

against which a bill is so filed, may jointly, or by themselves, or by their agent or attorney, five days before the day set and appointed for the trial of such vessel or vessels, file their claim before said judge; which claim shall be committed to the jury with the bill which is first filed; and the jury shall thereupon determine and return their verdict of what part or share such claimant or claimants shall have of the capture or captures: and every person who shall neglect so to file his or their claim shall be forever barred therefrom.

Jury's verdict.

And be it further enacted,

Bills of all captures, to be filed within twenty days.

[SECT. 7.] That every person who shall take, and bring in, any vessel as aforesaid, shall, within twenty days after his being possessed of the same within this colony, file his bill as aforesaid, and shall not use or improve such captures before condemnation; and those who have already taken and brought in, as aforesaid, any such vessel, shall file a bill of the same within twenty days from the fifteenth day of April current; and every person who shall file the first bill against such vessel or vessels shall be held to pay all fees established by law, in the same manner as hath been used and accustomed in the courts of common law within this colony.

Fees.

And be it further enacted by the authority aforesaid,

Proceeds, how disposed of.

[SECT. 8.] That every vessel which shall be taken and brought into this colony by the armed vessels of any of the United Colonies of America, and shall be condemned as aforesaid, the proceeds of such vessels and cargoes shall go, and be, one third part to the use of the captors, and the other two thirds to the use of the colony at whose charge such armed vessel was fitted out. And where any vessel or vessels have been, or shall be, taken and brought in by any of the armed vessels fixed out at the charge of the United Colonies, as aforesaid, then one third shall go to the use of the captors, and the other two thirds to the use of the said colonies: *provided*, *nevertheless*, that if in either of the foregoing cases the capture be a vessel of war, then one-half of her and her cargo[e] shall be to the use of the captors.

And be it further enacted,

Captures retaken, how divided.

[SECT. 9.] That when any of the vessels of any of the inhabitants of the United Colonies shall be hereafter retaken from the enemy before condemnation thereon had, the monies which they, and their appurtenances and cargoes shall sell for, shall be dispos[e]'d of as follows; viz[t]., if they have been in the possession of the enemy less than twenty-four hours, then one eighth part shall go to the use of the re-captors; if more than twenty-four, and less th[e][a]n forty-eight hours, then one fifth part shall go to the re-captors; and if more than forty-eight, and less than ninety-six, hours, then one third part; and if more than ninety-six hours, one-half shall go to the re-captors; and in every case the residue to the owner or owners, unless such vessel or vessels shall, after being so brought in, be legally condemned as a prize, in which case the re-captors shall have the whole.

And be it further enacted,

Affidavits, how taken.

[SECT. 10.] That any person, owner, captor or claimant, may take affidavits, in any cause to be tried in any of the courts erected by the act aforesaid, before any justice of the peace, under the regulation provided by the laws of this colony for taking affidavits to be used in civil actions in any of the courts of common law; and any person on board such captures when they surrender, may be admitted as a witness, to testify to any fact in dispute between any of the captors; and the clerk appointed by any such judge, is impowered to make out a

summons to any person named as a witness by either party; and if any person served with such summons, and having the legal fees for his travel tendered him, shall unnecessarily refuse to appear and give evidence in such cause, he shall suffer such penalty as is provided by the laws of this colony against witnesses who shall neglect to appear when legally summoned to give evidence in the superior court of judicature, court of assize and general goal delivery. Clerk empowered to summon witnesses. Penalty for witnesses refusing.

And whereas the honorable Continental Congress have recommended, that in certain cases an appeal should be granted from the courts aforesaid, —

Be it therefore enacted,

[Sect. 11.] That from all judgments, or decrees, hereafter given in any of the courts erected by the act aforesaid, on the capture of any vessel, appurtenances or cargoes, where such vessel is taken by any armed vessel fitted out at the charge of the United Colonies, an appeal shall be allowed to the Continental Congress, or to such person or persons as they already have, or hereafter shall appoint, for the tr[y][i]als of appeals: *provided*, the appeal be demanded within five days after definitive sentence given; and such appeal shall be lodged with the secretary of the Congress, within forty days afterwards; *and provided*, the party appealing shall give security to prosecute said appeal to effect; and in case of the death of the secretary during the recess of the Congress, the said appeal shall be lodged in Congress within twenty days after the meeting thereof; and that from the judgment, decrees or sentence, of any such court established by the act aforesaid, on the capture of any vessel or cargo[e] which shall hereafter be brought into this colony by any person or persons excepting those who are in the service of the United Colonies, an appeal shall be allowed to the superior court of judicature, court of assize and general goal delivery which shall next be held in any county of the jurisdiction of the judge from whose judgment or decree the appeal is: *provided*, the appellant shall enter into bonds, with sufficient sureties, to prosecute his appeal with effect; and the court to which the appeal shall be, shall take cognizance of the same in the same manner as if the appeal was from the inferior court of common pleas, and shall condemn or acquit such vessel or vessels, their cargoes and appurtenances, and, in the sale and disposition of them, proceed according to the laws of this colony; and the appellant shall pay the court and jury such fees as are allowed by law in civil actions. Appeal, to whom: —to the Congress. —to the superior court. Appellant to give bonds. Fees.

And be it further enacted,

[Sect. 12.] That when there shall be on board such capture any goods perishable by nature, the judge within whose jurisdiction such capture is brought, shall be and hereby is impowered to give licence for the sale of such goods, before the condemnation, and after a bill is filed as aforesaid: *provided*, the person or persons filing said bill shall give security to the judge, for the payment of such monies as such goods are reasonably worth to the captor or captors thereof, if the same shall be condemned; and if otherwise, to the owners thereof. [*Passed April* 13, 1776. Perishable goods, how disposed of.

CHAPTER 20.

AN ACT FOR UNITING THE SECOND AND SIXTH PARISHES IN THE TOWN OF IPSWICH INTO ONE PARISH.

Preamble.

WHEREAS, in and by one act or law of this government, made and passed about the year [1748] [*one thousand seven hundred and forty-eight*], a number of the inhabitants of that part of Ipswich called Chebacco, who w[*h*]ere then named the second parish in said Ipswich, were, with their estates, set of[*f*] a sep[e][*a*]rate parish by the name of the Sixth Parish in Ipswich; *and whereas* both said parishes have since agreed to unite together as one parish, and have applied to the general court to confirm and establish their doings,—

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Second and sixth parishes, incorporated.

[SECT. 1.] That the second parish and the sixth parish, in that part of Ipswich called Chebacco, be, and they hereby are, united and incorporated into one intire parish, by the name of the Second Parish in Ipswich; and that from henceforth they shall do duty as one parish, and shall hold and enjoy all the rights, priviledges and immunities of a parish, in as full and ample manner as any parish in this colony; and all the houses, lands and other estate, that did belong to each of the said parishes before this union, as also what has been improved by the Rev[d]. John Cleaveland, by agreement of a number of proprietors thereof with him, during his ministry in Chebacco, shall be deemed as belonging to the second parish, formed by this act, and shall be held and enjoyed by them in common: *provided, always*, that all debts made and contracted by each of the said parishes before this union, shall be paid by the inhabitants of each of those parishes sep[e][*a*]rately, and shall not be charg[*e*]able upon the parish now united.

All personal and real estate, how deemed.

Debts, how discharged.

And be it further enacted,

Collectors, how to collect assessments.

[SECT. 2.] That the collectors and constables chosen by each of the parishes aforesaid before the passing this act, be, and they hereby are, fully authorized and impowered to collect the several rates and assessments committed to them to collect by the several assessors of each parish; and they are required to observe the directions of the law respecting collectors, and to pay in the same agre[*e*]able to the warrants they have received; anything contained in this act to the contrary notwithstanding

And be it further enacted,

Inhabitants impowered to hold a March meeting.

[SECT. 3.] That the inhabitants of the parish now erected, be, and they hereby are, fully authorized and impowered to assemble and meet at some convenient place in the same parish, in the month of April current, for the choice of parish officers, and transacting such other matters as may be proper, the law of this province limiting the choice of officers to the month of March notwithstanding; and that Jonathan Cogswell, Esq[r]., be, and he hereby is, authori[s][*z*]ed and fully impowered to issue his warrant to a constable of said town of Ipswich, for calling the inhabitants together for that purpose. [*Passed April* 17, 1776.

Warrant, by whom issued.

CHAPTER 21.

AN ACT FOR THE EXECUTING IN THE COLONY OF THE MASSACHUSETTS BAY, IN NEW ENGLAND, ONE RESOLVE OF THE AMERICAN CONGRESS, DATED MARCH [FOURTEENTH] [*14*], [ONE THOUSAND SEVEN HUNDRED AND SEVENTY-SIX] [*1776*], RECOMMENDING THE DISARMING SUCH PERSONS AS ARE NOTORIOUSLY DISAFFECTED TO THE CAUSE OF AMERICA, OR WHO REFUSE TO ASSOCIATE TO DEFEND BY ARMS THE UNITED AMERICAN COLONIES AGAINST THE HOSTILE ATTEMPTS OF THE BRITISH FLEETS AND ARMIES; AND FOR THE RESTRAINING AND PUNISHING PERSONS WHO ARE INIMICAL TO THE RIGHTS AND LIBERTIES OF THE SAID UNITED COLONIES, AND FOR DIRECTING THE PROCEEDINGS THEREIN.

Preamble.

Whereas, on the fourteenth of March, one thousand seven hundred and seventy-six, a certain resolve was made and passed by the American Congress, of the following tenor; viz[t].,— "*Resolved*, That it be recommended to the several assemblies, conventions and councils, or committees of safety, of the United Colonies, immediately to cause all persons to be disarmed within their respective colonies who are notoriously disaffected to the cause of America, or who have not associated, and refuse to associate, to defend by arms these United Colonies against the hostile attempts of the British fleets and armies; and to apply the arms taken from such persons, in each respective colony, in the first place, to the arming of the continental troops raised in said colony, in the next, to the arming such troops as are raised by the colony for its own defence, and the residue to be applied to the arming the associators; that their arms, when taken, be appr[*a*]i[z][*s*]ed by indifferent persons, and such as are applied to the arming Continental troops be paid for by Congress; and the residue by the respective assemblies, conventions or councils, or committees of safety."—

All persons who refuse the test, to be disarmed.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That every male person above sixteen years of age, resident in any town or place in this colony, who shall neglect or refuse to subscribe a printed or written declaration, of the form and tenor hereinafter prescribed, upon being required thereto by the committee of correspondence, inspection and safety, for the town or place in which he dwells, or any one of them, shall be disarmed, and have taken from him, in manner hereafter directed, all such arms, ammunition and warlike implements, as, by the strictest search, can be found in his possession or belonging to him: which declaration shall be in the form and words following; viz[t].,—

The form of the test.

We, the subscribers, do each of us, severally, for ourselves, profess, testif[ie][*y*] and declare, before God and the world, that we verily believe that the war, resistance and opposition in which the United American Colonies are now engaged against the fleets and armies of Great Britain, is, on the part of the said colonies, just and necessary; and we do hereby severally promise, covenant and engage, to and with every person of this colony who has or shall subscribe this declaration, or another of the same tenor and words, that we will not, during the said war, directly or indirectly, in any ways, aid, abet[t], or assist any of the naval or land forces of the king of Great Brit[t]ain, or any employed by him, or supply them with any kind of provisions, military or naval stores, or hold any correspondence with, or communicate any intel-

ligence to, any of the officers, soldiers or mar[r]iners belonging to the said army or navy, or inlist, or procure any others to inlist, into the land or sea service of Great Brit[t]ain, or take up or bear arms against this or either of the United Colonies, or undertake to pilot any of the vessels belonging to the said navy, or in any other way aid or assist them; but on the contrary, according to our best power and abilities, will defend by arms the United American Colonies, and every part thereof, against every hostile attempt of the fleets and armies in the service of Great Britain, or any of them, according to the requir[e]ments and directions of the laws of this colony that now are, or may hereafter be, provided for the regulation of the militia thereof.

And be it further enacted by the authority aforesaid,

Mode of proceeding against delinquents;

[SECT. 2.] That the committee of correspondence, inspection and safety, in each and every town and place in this colony, or some one member of such committee, shall, without delay, tender the said declaration to every male person in their respective town and places, above the age of sixteen years, requiring them severally to subscribe the same, with his name or sign, in his or their presence; and if any one shall refuse or neglect so to do for the space of twenty-four hours after such tender is made, the said committee, or some one of them, shall forthwith give information of such refusal or neglect to some justice of the peace for the county in which such delinquent dwells: and the justice to whom such information is given shall forthwith make his warrant, directed to the sher[r]iff of the same county, or his deputy, or one of the constables of the town in which such supposed delinquent hath his usual place of abode, or any indifferent person, by name, requiring him forthwith to take the body of such delinquent and him bring before the said justice, to answer to such information, and to shew cause, if any he hath, why he should not be disarmed, and have taken from him all his arms, ammunition and warlike implements; and in case it shall be made to appear to the said justice that the said information is true, and he should not shew any sufficient cause why he should not forthwith be disarmed, &c., then the said justice shall make his warrant, directed to some proper person, requiring him, without delay, to disarm the said delinquent, and take from him all his arms, ammunition and warlike implements; and in case such delinquent shall refuse to resign and give up all his arms, ammunition and warlike implements, the person to whom the said warrant is directed shall have power, after demanding admission, to enter the dwelling-house, or any other place belonging to the delinquent, where he may have reason to suspect such arms are concealed, and make strict and diligent search for the articles aforesaid; and in case he shall find any of the said articles, he shall take them, and immediately carry and deliver them to the justice who made the said warrant, which justice is hereby required to receive them and to appoint some indifferent and judicious person or persons to appraise the same; and the said justice shall keep a true account of all such arms, ammunition and accoutrements, the person or persons they were taken from, and the sum or sums they were appraised at, and shall return a true account thereof into the secretary's office, as soon as may be, and shall keep the said arms, &c., safely to be disposed of and paid for as the general court shall order; and if the person to whom the warrant is directed shall meet with resistance, or shall have reason to apprehend that he shall meet with resistance, in the execution of the said warrant, then he shall give information thereof to the justice of the peace who issued the said warrant, who, if he shall judge it needful for carrying such warrant into execution,

shall go in person to some military officer in the same county and require him immediately to raise such a number of the militia as the said justice shall judge necessary, and the said justice shall proceed in person, with the said militia and the person to whom the said warrant is directed, and in the most prudent way he can, cause the delinquent to be disarmed, and all the articles aforesaid to be taken from him, and appraised and retained in manner as is above directed.

[SECT. 3.] And in case it shall be made to appear to any justice of the peace that there is reason to suppose that any of the arms, ammunition, or warlike implements, belonging to any person who shall refuse or delay, as abovesaid, to subscribe the said declaration, are concealed in any dwelling-house or other place not belonging to such delinquent, such justice shall have power and is hereby directed to make his warrant to some proper person, requiring him to make diligent search in such suspected place or places, to be particularly described or mentioned in such warrant, for the articles aforesaid; and in case they shall be found, such proceedings shall be thereupon had, touching the same, as is above prescribed when they are in the actual possession of the delinquent, aforesaid; and in case of resistance or opposition made to the execution of such warrant, the like proceedings shall thereupon be had as are above directed when resistance is made to the searching for or taking such articles when in the actual possession of such delinquent: and all officers and soldiers of the militia are hereby directed to obey and observe such direction as shall be given by such justice of the peace in the premis[s]es.

—who are disqualified from holding any office in the colony;

[SECT. 4.] And every person who shall refuse or neglect to subscribe the said declaration, having had the same tendered to him as [abovesaid] [*aforesaid*], in case he holds any office, civil or military, in this colony, shall be deem[*e*]'d and adjudged, *ipso facto*, disqualified to exercise any such office; and if a town officer, the town he belongs to shall, and they hereby are, impowered and required to, proceed to make choice of some fit person to serve in such office in his room; and in case he does not at present hold any such offices, he shall be deemed totally disqual[l]ified to be chosen or appointed, or to hold any such office, till some further order of the general assembly. And in case any such person so refusing or neglecting shall be chosen or appointed to any office, civil or military, all acts and doings of such person in the execution of any such office, shall be deem[*e*]'d and held to be null and void and of none effect; and no person so refusing or neglecting, shall be permitted to give his vote in the choice of any person to serve as representative in the general court or assembly, or in the choice of any military, town, or county, officer, until[l] he shall be restored, by order of the general court, to the privile[d]ges of a good and free member of this community. And no settled minister or gramm[e][*a*]r-school master, who shall refuse or neglect to sign said declaration, shall be intit[u]led, by the laws of this colony, to demand or recover any sal[l]ary or reward for any time or service spent or performed in their respective offices, from and after such refusal or neglect, until[l] they shall subscribe such declaration; and if any of the governors of Harvard College shall refuse to sign the declaration aforesaid, they shall be thereby disqualified to receive any salaries or grants of the general assembly for services done after their refusal as aforesaid.

—and from voting for a representative, or any military, town, or county, officer;

—and from receiving any salaries or grants.

And be it further enacted by the authority aforesaid,

Persons who shall supply the army or navy, &c.,

[SECT. 5.] That if any person or persons resident in this colony, shall, during the war aforesaid, directly or indirectly, supply the army or navy of the king of Great Brit[t]ain, or any employed by him,

with provisions, military or naval stores, or shall give any intelligence to the officers, soldiers or mariners belonging to said army or navy, or shall inlist, or [shall] procure any other person or persons to inlist into the service of the said army or navy, or shall take up or bear arms against this or any other of the United Colonies, or shall undertake to pilot any of the vessels belonging to the said navy, or in any other way shall aid or assist the said army or navy, every person so offending, and being thereof duly convicted before the superio[*u*]r court of judicature, &c., shall forfeit all his estate, which shall be accordingly seized and entered upon, by the order of said court, for the use of this colony; and such person shall be further punished by imprisonment, in any of the g[*o*]a[o]ls in this colony, at the discretion of the said court, for a term not exceeding three years; and every person so convicted shall be totally disqual[l]ified to hold or exercise any office, civil or military, and shall not be permitted to give his vote for any representative to serve in the general court or assembly, or in any town meeting for the choice of any town or county officer, or for any military officer, until[l] he shall be restored, by order of the general court, to the privile[d]ges of a good and free member of this community.

—shall forfeit their estates and be imprisoned,

—not exceeding three years;

—and be disfranchised.

And be it further enacted,

Mode of proceeding against persons inimical to the liberties of the United Colonies.

[SECT. 6.] That, on complaint being made by the selectmen, or committee of correspondence, inspection and safety, or by any sheriff, deputy sheriff, constable, grand-jurymen or tythingmen, in any county in this colony, to any justice of the peace for the same county, against any person or persons dwelling or residing in such town or county, that he or they are inimical to the liberties of this colony and the other United Colonies in America, the said justice is hereby impowered to issue his warrant to the sher[r]iff of the county, his deputy, or to the constables of the town wherein such person or persons dwell, requiring him to apprehend and bring before him such person or persons, to be examined; and if on examination, it shall appear to the said justice that he or they are inimical and dangerous to the liberties of this colony and the other United Colonies in America, the said justice shall require such person or persons to find sureties for the peace and good behaviour, as also for his appearance at the next court of general sessions of the peace, or superio[*u*]r court of judicature, &c, to be holden in said county, at his discretion; and, for want of sufficient sureties, shall commit him to the common g[*o*]a[o]l in the said county, there to be held until the next sitting of one of the said courts, as the said justice in his said warrant shall order, and until[l] he be discharged by such court, or otherwise by order of law; and in case such person or persons shall, before either of the said courts, be found by the jury, upon trial, to be inimical or dangerous to the liberties of this colony or the other United Colonies, the court shall order that he be immediately disarmed; and shall make their warrant, directed to some proper officer, requiring him to seize and take all the arms, ammunition and warlike implements belonging to such criminal, and commit the same to the clerk of the court, who shall proceed with such arms in the same manner as a justice of the peace, before, in this act, is directed to do with the arms taken from any person for refusal or neglect to subscribe the declaration in this act prescribed; and shall require him to find sufficient sureties for the peace and good behaviour for any longer time, at their discretion, and on default thereof, shall commit him to the common g[*o*]a[o]l of the county until he comply with such order; and shall order the person so convicted, to pay the cost of prosecution, and to be committed [*un*]til[l] he pay the

same; and every person so convicted shall be totally disqual[l]ified to hold any office, civil or military, or to give his vote for any representative to serve in the general court or assembly, or for any military, town, or county, officer, until[l] such person or persons shall be restored, by the general court, to the privile[d]ges of a good and free member of this community.

And whereas it may have hap[*p*]ened that some towns and unincorporated plantations in this colony may be destitute of a committee of correspondence, inspection and safety, by reason of their not having seasonably received the resolves of this court directing thereto, or from some other cause; therefore, —

Be it further enacted by the authority aforesaid,

[Sect. 7.] That in all such towns and places as did not, at their annual meeting in March last, agre[*e*]able to the resolves of this court, choose such committee, the committee of correspondence, inspection or safety, in every such town and place, last chosen before the annual meeting in March last, are hereby directed and impowered to continue acting in such capacity, and shall perform the business required in this act of a committee of correspondence, inspection and safety, [*un*]til[l] a new committee shall be chosen in their respective towns and places; and where no such committees have heretofore been chosen, the selectmen shall perform the same; and all such towns and places are directed and impowered to call meetings and choose such committee as soon as may be.

In all such towns as did not choose a committee of correspondence, &c., in March last, the committee formerly chosen are impowered to act until a new committee is chosen.

Provided, nevertheless, —

And be it further enacted,

[Sect. 8.] That nothing in this act shall be construed to extend to the disarming, disqualifying, or any way punishing any of the denomination of Christians called Quakers, for not signing the aforesaid declaration, in case, upon being required to sign the following declaration, and having the same tendered to him, shall not refuse or neglect to subscribe it; viz[t]., —

Quakers not to be disarmed for not signing, in case, &c.

We, the subscribers, do solemnly promise and engage that we will not aid, assist or abet[t] the land or naval forces of Great Brit[t]ain, in the war now carrying on against the United Colonies of America, nor supply them with any kind of provisions, naval or warlike stores, nor hold any correspondence with, or communicate any intelligence to, any of the officers, soldiers or mariners, of said army or navy.

—and the committees are required in like manner to tender the last preceding declaration to each of the said denomination of Christians called Quakers, and require them to sign the same, if any such there are in their respective towns or places.

And be it further enacted by the authority aforesaid,

[Sect. 9.] That no person who hath voluntarily left his town or usual place of abo[a]d[*e*] and fled to the Brit[t]ish fleet or army, while stationed in Boston or elsewhere, or willingly supplied said fleet or army with provisions or stores of any kind, since the nineteenth of April, one thousand seven hundred and seventy-five, communicated any intelligence to, or held any criminal correspondence with, any of the officers, soldiers or mariners, of said fleet or army, or that hath voluntarily entered into, or signed, any association to join or assist said army or navy, or in any way voluntarily aided, assisted or abetted the same, shall be permitted to sign either of the declarations aforesaid, and shall be totally disqualified to hold or exercise, in this colony, any office, civil or military, or to give his vote for any representative to

Certain persons not permitted to sign the declaration;

—and disqualified to hold any office and from voting for a representative

or for any town, county, or military officer.

serve in the general court of this colony, or for any town, county, or military, officer; and shall have taken from him all his arms, ammunition and warlike implements, in the same manner, and the like proceedings shall be thereon had, as is hereinbefore directed for disarming those who refuse or neglect to sign said declaration.

[SECT. 10.] And nothing in this act shall be construed to entitle any persons who may have been heretofore disarmed by any of the committees of correspondence, inspection or safety, in any town or place in this colony, to receive their arms again but by the order of such committee or the general court. [*Passed May* 1, 1776

CHAPTER 22.

AN ACT FOR ESTABLISHING THE STILE OF COMMISSIONS WHICH SHALL HEREAFTER BE ISSUED, AND FOR ALTERING THE STILE OF WRITS, PROCESSES, AND ALL LAW PROCEEDINGS, WITHIN THIS COLONY; AND FOR DIRECTING HOW RECOGNIZANC[*E*]S TO THE USE OF THIS GOVERNMENT, SHALL, FOR THE FUTURE, BE TAKEN AND PROSECUTED.

Preamble.

WHEREAS the petitions of the United Colonies, to George the Third, king of Great Brit[t]ain, for the redress of great and manifest gr[*i*]ev[e]ances, have not only been rejected but treated with scorn and contempt, and their opposition to designs evidently formed to reduce them to a state of servile subjection, and their necessary defence against hostile forces actually employed to subdue them, have been declar[*e*]'d rebellion; *and whereas* an unjust war has been commenc[*e*]'d against them, which the commanders of Brit[t]ish fleets and armies have prosecuted, and still continue to prosecute, with their utmost vigour, in cruel manners, and have directed their veng[*e*]ance principally against this colony, wasting, spoiling and destroying the country, burning houses and defenceless towns, and exposing the helpless inhabitants to every mis[s]ery, — by which inhumane and barbarous treatment, by the commandment of George the Third, king of Great Brit[t]ain, &c., the people of this colony consider themselves greatly injur[*e*]d, and have been obli[d]ged to have recourse to arms to repel such injuries; *and whereas*, under such circumstances, the absurdity of issuing commissions, writs, processes and other proceedings in law, and in the courts of justice within this colony, in the name and stile of the king of Great Brit[t]ain, is very apparent, and the tendency it has to keep up ideas inconsistent with the saf[*e*]ty of this government has given the good people of this colony great uneasiness,—

Be it therefore enacted by the Council and House of Represent[i][*a*]*tives in General Court assembled, and by the authority of the same*,

Style of civil commissions, &c:

[SECT. 1.] That all civil commissions, writs and precepts for conven[e]ing the general court or assembly, which shall hereafter be made out in this colony, shall be in the stile and name of the Government and People of the Mass[e][*a*]chusetts Bay, in New England; and

— their dates.

all commissions, both civil and military, shall be dated in the year of the Christian [*a*]era, and shall not bear the date of the year of the reign of any king or queen of Great Brit[t]ain.

The regal style expunged, June 1st, 1776.

[SECT. 2.] And that all writs, processes and proceedings in law, and in any of the courts of justice in this colony, which have been

used [and] [*or*] accust[u][*o*]med, or, by any of the laws of this colony, are required to be issued, used or practiced in law, and in any of the courts of justice in this colony, in the name and stile of the king of Great Brit[t]ain, France and Ireland, Defender of the Faith, &c., or in any other words implying or intending the same, shall, from and after the first day of June, one thousand seven hundred and seventy-six, be made, issued, used and practiced, in the name and stile of the Government and People of the Mass[e][*a*]chusetts Bay, in New England, and no other; and shall bear the date of the year of the Christian æra, and shall not bear the date of the year of the reign of any king or queen of Great Brit[t]ain, until[l] some [recommendation] [*accommodation*] of the American Congress, or act, order, or resolve, of a general American legislature, or of the legislature of this colony, shall be made and passed, otherwise directing and prescribing.

And be it enacted,

Commissions issued, to be in force until the 19th of September, 1776.

[Sect. 3.] That all commissions, civil and military, which have been issued by the major part of the council of this colony s[e][*i*]nce the nineteenth day of September, one thousand seven hundred and seventy-five, shall have the same force and effect as if this act had not been made, the stile and date therein notwithstanding, until[l] the nineteenth day of September, one thousand seven hundred and seventy-six, and no longer.

Provided, nevertheless,—

Council empowered to alter the style of commissions.

[Sect. 4.] That when any such commissions shall be brought to the council of this colony, to be made conformable to the stile and date by this act required for is[*s*]uing commissions hereafter, the council are hereby impowered and directed to cause the same to be done.

And be it further enacted,

New style, when to begin.

[Sect. 5.] That all recogni[s][*z*]ances that heretofore have been used and accustomed to be taken to the king of Great Brit[t]ain, by the stile and title of our sovereign lord the king, shall, from and after the first day of June, one thousand seven hundred and seventy-six, be taken to the government and people of the Mass[e][*a*]chusetts Bay, in New England; and when a *scire facias*, or other legal process shall be issued thereon against the recognizor or recogni[s][*z*]ors, they shall be in the name and behalf of the said government and people; and when judgment shall be rendered thereon, the money recovered and levied shall be paid into the treasury of this colony, for the use of the same.

And be it further enacted,

Former suits, how to be issued.

[Sect. 6.] That all suits upon recogn[z][*in*]an[*c*]es which have been heretofore taken within this colony to the king of Great Brit[t]ain, under any name, character or form of words, whatsoever, that have been or that may be hereafter forfeited (if any suits should be brought thereon) shall, from and after the said first day of June, be commenced and prosecuted in the name and behalf of the government and people of the Mass[e][*a*]chusetts Bay, in New England, and not in the name of the said king; and the money recovered and levied on such suits shall be likewise paid into the treasury of this colony, for the use and benefit of the said people. [*Passed May* 1, 1776.

CHAPTER 23.

AN ACT FOR THE REPEALING ONE LAW OF THIS COLONY, MADE AND PASSED IN THE FOURTH YEAR OF THE REIGN OF WILLIAM AND MARY, KING AND QUEEN, INTITLED "AN ACT FOR REGULATING FEES"; AND FOR REGULATING THE FEES AND ALLOWANCES OF THE SEVERAL OFFICERS AND PERSONS, WITHIN THIS COLONY, HEREIN AFTER MENTIONED.

Preamble.

WHEREAS the fees and allowances stated in the said act of William and Mary, are, in divers instances, ver[*y**] disproportionate to the services whereto they are annexed, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Fees established; viz., 1692–3, chap. 37. 1772–73, chap. 42.

[SECT. 1.] That the said act of William and Mary, intitled "An Act for regulating fees," be and hereby is repealed, and that every part and paragraph thereof be hereafter held and taken to be altogether null and void and of no effect whatsoever; and that the fees and allowances to the several officers and persons within this colony, for the services hereinafter specified, shall be as followeth; viz[t]., —

FEES TO JUSTICES OF THE PEACE, AND FOR SERVICES IN MATTERS COGNIZABLE BY THEM SINGLY.

—justices of the peace;

For every writ of attachment, or original summons, in the form that is or shall be prescribed by the law of this colony, [*threepence*]. . . . . [3^{d}]
For the declaration, [*one shilling*]. . . . . [1]
For the summons, upon a *capias* or attachment, [*threepence*]. [3]
For the declaration in the summons, [*fourpence*]. . . [4]
Subpena for one or more witnesses in civil causes, [*fourpence*]. [4]
Entring an action or complaint in civil causes, [*ninepence*]. . [9]
For trial of an issue, [2^{s}] [*two shillings*].
Writ of execution, [1^{s}] [*one shilling*].
Filing papers, each, [1^{d}] [*one penny*].
Taxing a bill of costs, [3^{d}] [*threepence*].
Entring judgment in civil or criminal causes, [*one shilling*]. . [1]
Copy of every evidence, original papers, or records, at the rate of [7^{d}] [*sevenpence*] per page, accounting [28] [*twenty-eight*] lines to a page, and [8] [*eight*] words in a line.
A recognizance, or bond of appeal, including principal and sureties, [*eightpence*]. . . . . [8^{d}]
Taking affidavits out of his own court in order for the trial of any cause, [8^{d}] [*eightpence*]; and, for his travel, [1/6] [*one shilling and sixpence*], for every ten miles out, and the same for returning, and in proportion for a greater or less distance: his travel to be certified on the affidavit.
For taking affidavits *in perp*[e]*tuam*: to each justice, [8^{d}] [*eightpence*]; and for travel, the same as in the last preceding article.

*Engrossment mutilated.

For every oath administred to one or more witnesses, at the same time, before refer[r]ees or arbitrators, [*eightpence*]. . . . . [8]
For travel, the same as on taking affidavits.
For swearing persons appointed to appr[*a*]i[z][*s*]e estates, or to appr[*a*]i[z][*s*]e or divide real estates, together with the certificate, [*one shilling*]. . . . . [1]
Taking an acknowledgment of a deed with one or more seals, and a certificate thereof, provided it be at one and the same time, [*sixpence*]. . . . . [6^{d}]
For a warrant in criminal cases, [*one shilling*]. . . . [1^{s}]
For the entry of a complaint, trial of a cause, making up judgment and filing papers, in criminal causes, the same as above specified in civil causes for the like service.
For granting a warrant, swearing appr[*a*]i[z][*s*]ers relating to strays, and ent[*e*]ring the same, [*one shilling and sixpence*]. . . . . [1 6]
For administ[*e*]ring an oath in all other cases where a justice is by law thereto impowered, and for the certificate thereof, [*eightpence*]. . . . . [8^{d}]
For a citation of the adverse party to appear at the caption of an affidavit, [*sixpence*]. . . . . [6]
To a witness, for his travel out and home, at the rate of [1/6] [*one shilling and sixpence*] for every ten miles.
For attendance, one day [*one shilling and sixpence*]. . . [1 6]

FEES OF THE JUSTICES OF THE INFERIOUR COURT OF COMMON PLEAS.

—of the inferior court;

To be paid, at the entry of each action, for all their services touching the same, exclusive of the attendance on the trial of the issue, [*two shillings*]. . . . . [2]
To be paid them, on each action, for their attendance on the trial of the issue in law or fact, over and above the sum paid at the entry, [*twelve shillings*]. . . . [12]
For a recognizance on appeals, including principals and sureties, [*eightpence*]. . . . . [8]
For taking a proof of a deed, in court, [*eightpence*]. . . [8]
For awarding a writ of protection, [*one shilling and fourpence*]. . . . . [1 4]
For a petition for the sale of real estates, and the order thereon, [*three shillings*]. . . . . [3]

FEES IN THE COURT OF GENERAL SESSIONS OF THE PEACE.

—of the general sessions;

To each justice, for every day's attendance in court, [3^{s}] [*three shillings*] per day, and for his travel out and home, [2^{d}] [*twopence*] per mile, to be paid out of the county treasury; and any clerk of the court of sessions who may be a justice of the peace, shall not be allowed for any attendance as a justice of the peace; and no allowance for any attendance at sessions shall be made to any justice of the peace who may be a justice of the inferiour court, during the sitting of the inferiour court, nor to any attorney-at-law for any day on which he shall argue any cause, either to the court or jury; and no justice of the sessions in the county of Suffolk, shall be allowed pay for more than seven days at any one sessions; and in the counties of Essex and

Middlesex, shall be allowed pay for more than four days at any one session; and no justice of the sessions in any other county of this colony shall be allowed pay for more th[e][a]n three days at any one session.

For granting a licence to retailers and innholders, exclusive of the fee to the clerk for the recognizance, [5–4] [*five shillings and fourpence*], to be paid into the treasury of the county in which the licenced person dwells.

CLERK-OF-THE-INFERIOUR-COURT'S FEES.

—clerk of the inferior court;

For the entry of every action, [*ninepence*]. . . . . [9ᵈ]
Writ of *capias*, or attachment, in the form prescribed by law, [*threepence*]. . . . . [3]
Summons upon a *capias*, [3ᵈ] [*threepence*].
Original summons, in form prescribed by law, [3ᵈ] [*threepence*].
Every appearance, [3ᵈ] [*threepence*].
Receiving and recording a verdict, [9ᵈ] [*ninepence*].
Recording a judgment, [*one shilling and fourpence*]. . . . [1 4]
Copies of records, at the rate of [7ᵈ] [*sevenpence*] per page, [28] [*twenty-eight*] lines to a page, and eight words to a line.
Every action withdrawn, or nonsuit, [6ᵈ] [*sixpence*].
Every execution, [1ˢ] [*one shilling*].
Entry of a confession of judgment, or of a default, [*sixpence.*] [6]
For acknowledgment of satisfaction of judgment, on record, [*sixpence*]. . . . . [6ᵈ]
Entry of the continuance of each action, [*sixpence*]. . . [6]
Each recognizance, including principal and sureties, [*eightpence*]. . . . . [8]
Examining each bill of cost, [*fourpence*]. . . . . [4]
Each *venire*, to be paid out of the county treasury by order of the court, [*threepence*]. . . . . [3]
Writ of *habere facias*, &c., [*two shillings*]. . . . . [2]
Filing each paper, [1ᵈ] [*one penny*].
Writ of protection, [1ˢ] [*one shilling*].
On the entry of a petition for the sale of real estate[s], and for the order thereon, [*one shilling and sixpence*]. . [1 6]

CLERK-OF-THE-SESSIONS' FEES.

—clerk of the sessions.

For ent[e]ring a complaint, indictment or presentment, [*ninepence*]. . . . . [9ᵈ]
Ent[e]ring the discharge of a recognizance, [*eightpence*]. . [8]
Each warrant for criminals, whether the same be against one or more persons, [*one shilling*]. . . . . [1]
Each subpena for witness, whether to one or more persons named therein, [*fourpence*]. . . . . [4]
Every recognizance, including principal and sureties, [*eightpence*]. . . . . [8]
Receiving and recording verdict, [*ninepence*]. . . . [9]
Ent[e]ring judgment, on record, [*one shilling and sixpence*]. . [1 6]
Ent[e]ring satisfaction of judgment, on record, [*threepence*]. [3]
Warrant for county tax, [*ninepence*]. . . . . [9]
Minuting the receipts of each petition, and the order thereon, [*eightpence*]. . . . . [8]

Recording the order, at the rate of [7^{d}] [*sevenpence*] per page, of [28] [*twenty-eight*] lines, and eight words to a line.

For examining and casting the grand jury's accounts for the year, and the order thereon to the county treasurer, which the court are impowered to give, [*one shilling and sixpence*]. . . . . [1 6]

Examining all other accounts, [3^{d}] [*threepence*] each.

Copies of all records, or original papers, [7^{d}][*sevenpence*] per page, of the quantity above specified.

Filing papers, one penny each.

Transmitting to the selectmen[t] of each town in the county, a certificate of the names of the persons licen[s][c]ed for the last year, [6^{d}] [*sixpence*] for each certificate, be the names more or less, to be paid out of the county treasury.

SHER[R]IFF'S FEES.

Sheriff's fees.

For the service of an original summons, or *scire facias*, either by reading or by copy, and for the service of a *capias*, or attachment, on one defendant only, [1^{s}] [*one shilling*]: if on more than one defendant, then [1^{s}] [*one shilling*] for the service on each.

For a bail bond, including principal and sureties, to be paid by the person or persons admitted to bail, [8^{d}] [*eightpence*].

For serving a writ of *habere facias*, &c., exclusive of poundage on the costs, [5^{s}] [*five shillings*]; if of more than one p[ei][*ie*]ce of land, [4^{s}] [*four shillings*] each: and the same poundage on the costs as is hereafter allowed on executions on personal actions.

For serving a warrant, [1^{s}] [*one shilling*].

For the sher[r]iff's aid or assistants, on writs or warrants in civil or criminal causes, [4^{s}][*four shillings*] for [24][*twenty-four*] hours, and in proportion for a longer or shorter time.

For summoning witnesses in criminal causes, [6^{d}] [*sixpence*] for each witness; and for travel, as on writs in civil causes.

For lev[e]ying mon[*i*]e[y]s, upon writs of execution or warrants of distress, for the first five pounds or under, [12^{d}] [*twelvepence*] per pound; above five pound[*s*], and not exceeding ten pounds, [8^{d}] [*eightpence*]; above that, and not exceeding twenty pounds, [4^{d}] [*fourpence*]; above that, and not exceeding one hundred pounds, [2^{d}] [*twopence*]; all above one hundred pounds, one penny.

For travel, for the service of an original writ, a warrant, and execution, one penny per mile; the travel to be computed from the dwelling-house of the person who shall do the service, to the place where the writ or warrant shall be served, and from thence to the court where the writ is made returnable; and for the service of the execution on a judgment, on personal actions, [1^{s}][*one shilling*]: and that the number of miles' travel, and the fees therefor, and for the service, be endors'd by the sher[r]iff, or his deputy, on each mean process or execution, otherwise they shall not be allowed.

For serving an execution upon a judgment for partition of real estate, [5^{s}] [*five shillings*] per day; and travel, [1½^{d}] [*one penny halfpenny*] per mile, out and to return the writ: and to each juror, [3^{s} 6] [*three shillings and sixpence*] per day; and for his travel, [1½^{d}] [*one penny halfpenny*] per mile, out and home.

For the sher[r]iff's attendance at the superio[u]r court, at the court of general sessions of the peace, and inferior court of common pleas, or either of them, to be paid out of the county treasury, [4ˢ] [*four shillings*] per day: *provided, always*, that when the court of general sessions of the peace and inferior court are sitting at the same time and place, he shall be allowed but [4ˢ] [*four shillings*] per day in the whole.

For dispersing *venires* from the clerk of the superior court, province treasurer's warrants, and government proclamations, [2ᵈ] [*two-pence*] each.

For making out every precept for the choice of representatives, sending the same to the several towns, and returning it to the secretary's office, fourpence; to be paid out of the county treasuries, respectively.

For the encouragement to the sher[r]iff to take and use all possible care and diligence for the safe-keeping the prisoners that shall be committed to his custody, he shall have such salary allowed him for the same, as the justices of the court of general sessions of the peace, within the same county shall think fit to order; not exceeding ten pounds per annum for the county of Suffolk, and not exceeding five pounds per annum, a-p[ei][*ie*]ce, for the counties of Essex and Middlesex, and not exceeding three pounds per annum, ap[ei][*ie*]ce, in each of the other counties within the colony: to be paid out of the treasury of such county, as in the last fee-table.

To the officer attending the grand jury, to be paid by the county, [2ˢ 6] [*two shillings and sixpence*] per day.

To the officer keeping the jury of trials, [1ˢ] [*one shilling*] for each cause.

For appraising real estates for satisfaction of executions, [3ˢ 6] [*three shillings and sixpence*] per day to each appraiser, and in proportion thereto for a longer or shorter time.

CORONER'S FEES.

Coroner's fees.

For serving original and judicial writs, the same fees as before provided for the sher[r]iff, and [2ᵈ] [*twopence*] per mile for travel; and for a bail bond, [8ᵈ] [*eightpence*].

For keeping the petit jury, [on] [*of*] the trial of each cause, [1ˢ] [*one shilling*], where the sher[r]iff, &c., is concerned.

For his time and expences in and about the taking inquisitions, at the rate of [6ˢ] [*six shillings*] per day, and for his travel, out and to return the inquisition, [2ᵈ] [*twopence*] per mile.

To each juror, at the rate of [3ˢ] [*three shillings*] per day, for time and expence, and for travel, out and home, [2ᵈ] [*twopence*] per mile.

To the constable, for his expence, summoning the jury, and attendance, [4ˢ] [*four shillings*] per day; and all charges of the inquisition shall be paid out of the county treasury, except upon such as are cast away at sea, and in such case, the expence shall be paid out of the colony treasury: such account of expence being first examined and allowed by the court of general sessions of the peace in the county in which inquisition shall be taken.

CONSTABLE'S FEES.

Constable's fees.

For serving writs, warrants, and executions, and returning the same, the like fees as are hereinbefore provided for the sher[r]iff for the like service.

And it is hereby enacted,

[SECT. 2.] That the constable of each town in this colony shall hereafter have full power to serve any warrant, original or judicial writ, within the town for which he shall be constable, and return the same to any court or place where the same is returnable; any law or custom to the contrary notwithstanding.

CRYER'S FEES.

Crier's fees.

On a default or nonsuit, [3ᵈ] [*threepence*]; to be paid to the clerk, for the cryer, at the entry of the action.

For calling the jury, on the committing the issue to them, to be paid when the jury's fees are paid, [8ᵈ] [*eightpence*].

For calling the recognizor or recognizors, on a recognizance, [4ᵈ] [*fourpence*].

GOALER'S FEES.

Jailer's fees.

For turning the key on each prisoner committed, [1ˢ 6] [*one shilling and sixpence*]; viz[t]., [9ᵈ] [*ninepence*] in, and [9ᵈ] [*ninepence*] out.

For dieting and lodging each person, [4ˢ 6] [*four shillings and sixpence*] per week.

THE ALLOWANCE TO PARTIES AND WITNESSES.

Allowance to parties and witnesses.

For the declaration in a writ of attachment or original summons, [2ˢ] [*two shillings*].

Declaration in the summons on an attachment, [1ˢ] [*one shilling*].

For attorney's fees; viz[t]., in the superior court, in every case where an issue in law or fact is joined, and argued to the court or jury, [12ˢ] [*twelve shillings*]; and in the inferior court, and court of general sessions of the peace, where such issue is joined and argued, [6ˢ] [*six shillings*]; and the said attorney's fees shall not be taxed for the party prevailing, in any cause whatsoever, where the cause was not in fact argued to the court or jury, by an attorney or advocate.

To witnesses in civil and criminal causes, whether in the superior or inferior courts, or court of general session[s] of the peace, for each day's attendance, [2ˢ 6] [*two shillings and sixpence*]; and for travel, [1½ᵈ] [*one shilling and twopence*] per mile, out and home.

For the attorney, where he shall appear in behalf of either party and there shall be no actual appearance of the party himself, whether the cause is argued or not, [1ˢ 6] [*one shilling and sixpence*].

To the party himself prevailing in the action, where he shall personally appear in court, and shall certif[ie][y], under his hand, on the bill of cost, the distance which he travelled from and to his usual place of abode, [1½ᵈ] [*one shilling and twopence*] per mile and for every day's attendance at court, [2ˢ 6] [*two shillings and sixpence*]. And in every case where the party shall make a false certificate of his travel, or attendance, or both, the adverse party, his executors or administrators, shall have his action to recover of the party guilty of such fraud, his executors or administrators, treble the sum which such falsehood and fraud shall have been the occasion of his paying more than his actual travel or attendance amounted to, at the rate above mentioned, with full costs of suit.

JUDGE OF PROBATE, &c., AND REGISTER'S, FEES.

Judge of probate, &c., and register's fees.

For granting administration, —
to the judge, [2ˢ 8][*two shillings and eightpence*]:
to the register, for letter and bond of administration, [2ˢ] [*two shillings*].

For appointing or allowing guardians to minors: to the judge, [1ˢ 6] [*one shilling and sixpence*]; for the bond, letter of guardianship: to the register, [2ˢ 4][*two shillings and fourpence*].

For approving or disallowing a will or codicil: to the judge, [3ˢ] [*three shillings*]; to the register, [1ˢ 6] [*one shilling and sixpence*].

For examining and allowing an inventory, and swearing an executor or executors, administrator or administrators: to the judge, [1ˢ][*one shilling*]; —
to the register, for writing the allowance, [6ᵈ][*sixpence*].

For recording a will, letter of administration, and every other matter and thing which ought to be recorded: for every page, [7ᵈ] [*sevenpence*]; and at the same rate for a greater and less quantity, accounting [28] [*twenty-eight*] lines to a page, and [8] [*eight*] words to a line.

For copies of all records and papers, [7ᵈ][*sevenpence*] per page, of the quantity above stated.

Examining and allowing, or disallowing, accounts, at the rate of [1ˢ] [*one shilling*] per page, to the judge; —
to the register, for writing the allowance, [6ᵈ][*sixpence*].

For the decree for settling an intestate estate, [3ˢ] [*three shillings*] to the judge.

A citation, [8ᵈ][*eightpence*].

A *quietus:* to the judge, [9ᵈ][*ninepence*]; to the register, [9ᵈ] [*ninepence*].

Warrant for the appraising or divi[*di*]ng estates; [1ˢ] [*one shilling*] to the judge, and [8ᵈ][*eightpence*] to the register.

For the commission to receive and examine the claims of creditors to an insolvent estate, [1ˢ][*one shilling*] to the judge, and [6ᵈ] [*sixpence*] to the register.

For a warrant to the administrators for the distribution of the estate: [1ˢ 6][*one shilling and sixpence*] to the judge; and, to the register, at the rate of [7ᵈ] [*sevenpence*] per page, for writing the said warrant.

For proportioning an insolvent estate among the creditors, [1ˢ 6] *one shilling and sixpence*] to every ten creditors, and in proportion to that allowance, for a greater or less number.

And be it further enacted,

[SECT. 3.] That whenever any fees shall be paid in the probate office, for the probate of a will, and letters testamentary, or for granting letters of administration or letters of guardianship, or for any matter or thing from time to time arising in consequence of such letters testamentary or letters of administration or letters of guardianship, and until the estate upon which they are respectively granted shall be fully settled, a p[e][*a*]rticular account of such fees, before payment, shall, if demanded, be, by the register or judge, set down in writing, and given to the person paying the same; and any such fees, received without being thus ascertained in writing, shall be deemed illegal fees, and the person receiving the same shall forfeit and suffer accordingly.

CLERK-OF-THE-SUPERIOR-COURT'S FEES.

Clerk of the superior court's fees.

Writ of review, [3ˢ] [*three shillings*].
Writ of *scire facias*, [1ˢ 6] [*one shilling and sixpence*].
Writ of execution, on the judgment in personal actions, [1ˢ 6] [*one shilling and sixpence*].
Writ of *habere facias*, &c., [2ˢ] [*two shillings*].
Writ of *habeas corpus*, [1ˢ 6] *one shilling and sixpence*].
Copies of all records, at the rate of [7ᵈ] [*sevenpence*] per page, of [28] [*twenty-eight*] lines, and eight words in a line.
Entring each action for trial, [3ˢ] [*three shillings*].
Ent[*e*]ring each complaint, [1ˢ] [*one shilling*].
Receiving and recording a verdict, [1ˢ 4] [*one shilling and fourpence*].
Ent[*e*]ring a rule of court, [1ˢ] [*one shilling*].
Recording a confession of judgment, default, retraxit or nonsuit, [1ˢ] [*one shilling*].
Recording an appearance, [6ᵈ] [*sixpence*].
Ent[*e*]ring an acknowledgment of satisfaction of judgment, [8ᵈ] [*eightpence*].
Examining each bill of cost, [8ᵈ] [*eightpence*].
Entering of the continuance of each cause, [1ˢ] [*one shilling*].
Filing each paper in a cause, [1ᵈ] [*one penny*].
Taking the proof of a deed in court, and certifying the proof thereon, [1ˢ] [*one shilling*].
Entering and recording the judgment at large, [2ˢ] [*two shillings*].
For each *venire*, to be paid out of the county treasury, respectively, for* the certificate of the justices, [3ᵈ] [*threepence*].
Every writ and seal other than the above-mentioned, [1ˢ 6] [*one shilling and sixpence*].
For every subpena for one or more witnesses, [4ᵈ] [*fourpence*].
Each recognizance, including principal and sureties, [1ˢ] [*one shilling*].
Writ of protection, [1ˢ] [*one shilling*].
On a petition for the sale of real estate, and the warrant thereon, [1ˢ 8] [*one shilling and eightpence*].
Entering the discharge of a recognizance, [10ᵈ] [*tenpence*].

GRAND JUROR'S FEES AT THE SUPERIOR COURT, AND COURT OF SESSIONS.

Grand juror's fees.

To each juror, for his services, per day, [3ˢ] [*three shillings*]; — for travel out and home, [2ᵈ] [*twopence*] per mile; but one travel at each court: to be paid out of the county treasury.

PETIT JUR[Y'][OR]S FEES.

Petit juror's fees.

To each juror, in every cause at the superior and inferior courts, and court of general sessions of the peace, [3ˢ 4] [*three shillings and fourpence*]; their allowance for travel to be [the] same as [to] the grand jurors, and to be paid out of the county treasury
No juror returned to be allowed for his travel who shall be discharged, without serving, upon his own motion.

FEES IN THE SECRETARY'S OFFICE.

Fees in the secretary's office.

For copies of all records taken out of the office by private persons, at the rate of [7ᵈ] [*sevenpence*] per page, accounting [28] [*twenty-eight*] lines to a page, and eight words to a line.

* *Sic:* "on"? See this item in 1764–65, chap. 26.

MESSENGER OF THE HOUSE OF REPRESENTATIVES.

Messengers of the house of representatives, fees.

For serving every warrant from the house of representatives which may be granted by the house for arresting or imp[r]isoning any person, [1ˢ 6] [*one shilling and sixpence*].

For travel, each mile, out and in, at [2ᵈ] [*twopence*] per mile.

For keeping and providing food for such person, each day, [1ˢ 6] [*one shilling and sixpence*].

For his discharge or dismission, [1ˢ] [*one shilling*].

FEES FOR MARRIAGES, &c.

Fees for marriages, &c.

For each marriage, to the justice or minister propounding the covenant, [3ˢ 8] [*three shillings and eightpence*].

For recording the same: to the town clerk, to be paid by the justice or minister certifying it, [6ᵈ] [*sixpence*]; and to the clerk of the general sessions, to be paid by the town clerk, [2ᵈ] [*twopence*].

To the town clerk, for every publishment of the intention of marriage, [1ˢ] [*one shilling*].

For every certificate of such publishment, [6ᵈ] [*sixpence*].

Recording births and deaths, each, [2ᵈ] [*twopence*].

For certificate of the birth and death of any person, [3ᵈ] [*threepence*].

COUNTY REGISTER'S FEES.

County register's fees.

For recording or copying any deed, conveyance or mortgage, at the rate of [7ᵈ] [*sevenpence*] per page, accounting [28] [*twenty-eight*] lines for a page, and eight words for a line; and [2ᵈ] [*twopence*] for his attestation, on the original, of the time, book and folio where it is recorded: the fees to be paid at the offering of the instrument; —

and for the discharge of a mortgage, [6ᵈ] [*sixpence*].

And be it further enacted,

[SECT. 4.] That if any person or persons shall demand and wittingly take any greater fee or fees, for any of the services aforesaid, than are by this law provided, he or they shall forfeit and pay to the person or persons injured, a sum not exceeding ten pounds for every offence, to be recovered in any court proper to hear and determine the same.

And be it further enacted,

[SECT. 5.] That all criminal prosecutions in the superior court of judicature, court of assize and general goal delivery, and in the courts of general sessions of the peace, when the party or parties prosecuted shall be ordered to go without day, or when, being convict, shall not have sufficient goods or estate to pay costs of prosecution, in every such case it shall be in the power of the court before whom such acquit[*t*]al or conviction shall be, to tax such costs for court charges as the case shall appear to require, not exceeding the fees or costs stated by this act; and such costs so taxed by the courts of general sessions of the peace, shall be paid out of the respective county treasuries; and such costs so taxed by the superior court of judicature, court of assize and general goal delivery shall be paid by the sher[r]iffs of the respective counties, out of such fines and forfeitures as may have arisen and been incurr[e]'d by force of any judgment or sentence of such court; and allowance shall be made by the province treasurer to the several sher[r]iffs for any sums paid as aforesaid: and when and so often as it shall hap[*p*]en that any sher[r]iff shall

not have in his hands any monies received for fines and forfeitures as aforesaid, such costs shall be paid out of the province treasury.

[SECT. 6.] This act to continue and be in force until the last day of June, *Anno Domini*, 1778. [*Passed May* 2, 1776.

CHAPTER 24.

AN ACT FOR RAISING AND FORMING A REGIMENT OR TROOP OF HORSE OUT OF THE SEVERAL REGIMENTS OF FOOT IN THE COUNTY OF WORCESTER.

Preamble.

WHEREAS the raising and forming a regiment of horse, in the county of Worcester, will conduce much to the strengthening the militia of said county; *and whereas* such a regiment hath been found by long experience to be of public utility,—

It is therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

How the troop shall be raised.

[SECT. 1.] That there shall be raised and formed, out of the several regiments of foot in the county of Worcester, one regiment or troop of horse, to consist of not more than eight companies, and each company to consist of fifty able-bodied effective men, exclusive of commissioned officers; the same to be raised, by voluntary inlistments, out of the training-band or alarm list indiscriminately: *provided, nevertheless*, that not more than fifty men be inlisted into the said regiment, exclusive of officers, out of any one regiment of foot in said county, and not more than twelve men, out of any one company in any of the said regiments: *excepting* that it shall and may be lawful for all the fit and able-bodied men who belonged to either of the late troops or companies of horse, commonly known by the name of the Lancaster, Brookfield and Sturbridge troops, to inlist into the said regiment of horse, the aforesaid provision notwithstanding.

And be it further enacted by the authority aforesaid,

Field officers, how chosen and commissioned.

[SECT. 2.] That there shall be chosen by bal[l]ot, from time to time, as may be necessary, by either the council or house of representatives of this colony, with a negative always resting in either house of assembly, one colonel, one lieutenant-colonel, and two majors, as field officers over said regiment; which officers so chosen and concurred shall be commissionated to their respective offices by the major part of the council aforesaid; and the said field officers, so appointed and commissionated, or the major part of them, shall forthwith appoint one or more suitable person or persons to raise or inlist the proper number out of each regiment of foot; which regiment of horse, when raised, shall be set off into companies by the said field officers, or the major part of them, who shall have full power and authority to determine the rank of each and every company; and the said field officers, and each of them, in the absence of their superio[u]r officers, and not having orders to the contrary, shall have power to draw forth the said regiment of horse, or any part thereof, as they or he shall judge expedient and necessary, for the immediate defence of this or any other of the United Colonies, subject, however, to the orders and commands of such general officers and brigadiers as the regiments of foot in the said county of Worcester are under; and

Field officers to rank the companies of horse.

Troop subject to the generals.

the said regiment shall serve in the capacity either of foot or horse troops, as the said major-generals, or either of them, or the said brigadiers, shall judge most conducive to the safety and defence of the said colonies.

Companies to choose their officers.

[SECT. 3.] And each company of said regiment when formed and set off as aforesaid, shall, by bal[l]ot, in the presence of one of the said field officers, who shall cause them to be duly notified for that purpose and shall preside as moderator, choose one captain, one lieutenant, one cornet, and one quartermaster; which choice shall be immediately certified to the secretary of this colony by said field officers: and the major part of the council, thereupon, unless some material objection against such choice, for any corrupt practice or irregularity, shall be made at or before the time of receiving said certificates, shall commissionate such persons, pursuant to their election.

Choice certified to the secretary.

How captains, &c., shall be commissioned.

Captains or subalterns to command in the absence of field officers.

And the said captains and subalterns, when so commissionated by the council, shall, in the absence of their superior officers, and not having orders to the contrary, have the same power in ordering, directing and marching their respective companies, as the said field officers have over the whole regiment; and the colonel of the said regiment shall, as soon as the captains in his regiment are commissionated, give them, respectively, under his hand, in writing, their several alarm posts, and the manner of mustering their companies on all occasions.

Alarm posts.

And be it further enacted by the authority aforesaid,

Adjutant to be recommended by field officers.

[SECT. 4.] That the said field officers, or the major part of them, shall recommend to the general court, a good, able and skil[l]ful person for adjutant of the said regiment; and if either house shall, by bal[l]ot, elect such person to that office, then the major part of the council aforesaid shall, when concurred, commissionate him thereto: and in all cases determinable by the said field officers, where they shall be all present and be equally divided in their opinions, the determination of the matter shall be according to the opinion of the first colonel.

How the field officers are to determine matters of dispute.

And be it further enacted by the authority aforesaid,

Clerk, corporals and trumpeters, how chosen.

[SECT. 5.] That each company of said regiment shall be called together by their captain, as soon as may be, for the purpose of choosing one clerk, four corporals, and two trumpeters. And the commissioned officers of each company in said regiment, shall have full power and authority to remove and dismiss from his office any non-commissioned officer, for the neglect of duty, and shall call the said company together to choose another in the room of such delinquent: and on the refusal of such company to make a new choice, the said commissioned officers, or the major part of them, shall, by warrant under their hands, in writing, appoint some person to fill the office of the person removed.

Field officers empowered to cashier under-officers.

How such vacancies are to be filled.

And be it further enacted by the authority aforesaid,

The equipment of officers.

[SECT. 6.] That each and every officer and private soldier of said regiment or troop of horse shall equip himself, and be constantly provided, with a good and serviceable horse, to the acceptance of the brigadier of the said county of Worcester; each and every of said horses to be equip[p]ed with a good saddle, bit, bridle, holsters, breast-plate and crooper; and shall further equip himself with a good carbine, or firelock, not less than three feet long in barrel[l], with a belt and swivel, a case of good pistols, with a cutlass, a flask or cartouch box, one pound of powder, three pounds of leaden ball, — one third part thereof suited to his carbine or firelock, the other two thirds thereof suited to his pistols, — eighteen flints, and a pair of good boots and spurs.

And be it further enacted by the authority aforesaid,

[Sect. 7.] That the said regiment shall be mustered twice every year, and oftner if the council of this colony or the brigadier of the county of Worcester aforesaid shall order; and when the captain or the commanding officer of any company in said regiment, shall ch[u][*oo*]se to call his company together, or shall be ordered by his superior officer to do it, to examine their equipments, or instruct them in the exercises established by law, he shall notify and warn them of the place and time of meeting, in such manner as his colonel shall appoint therefor; and each and every company shall be mustered eight times a year, including their regimental musters

Regimental muster.

Each company mustered.

And be it further enacted by the authority aforesaid,

[Sect. 8.] That each and every commissioned officer of said regiment, who shall not, within one month next after receiving his commission, provide for, arm and equip himself with such horse, arms and accoutrements as is by this act directed, shall, by order of a court-martial, appointed agre[*e*]able to a late act of the general court of this colony, intitled "An Act for forming and regulating the militia within the colony of the Massachusetts Bay, in New England," &c., be removed from his office; and shall receive no benefit from such commission, to exempt him from military duty. And if any non-commissioned officer or soldier, being duly notified of the time and place appointed for the company to which he belongs to meet, on a training-, or muster-day, shall unnecessarily neglect to appear with such horse, arms and equipments, he shall pay a fine not exceeding twenty shillings, nor less than five shillings, for not being equipt with a horse as aforesaid; and shall pay a fine not exceeding ten shillings, nor less than five shillings, for every other neglect in the premisses; and if he shall be disobedient or disorderly on a training-, or muster day he shall pay a fine not exceeding twenty shillings, nor less than one shilling.

Penalty for non-compliance.

1775-76, chap. 10, § 14.

[Sect. 9.] And all fines and forfeitures of money arising by breach of this act, for disobedience or failure of appearance on a training day, with the proviso allowed to the soldiers in the militia act, shall be recovered, by complaint before any justice of the peace within the county of Worcester aforesaid, by the clerk of the company to which the delinquent belongs, an appeal being allowed, to either party, to the inferior court of common pleas, as in other actions; and if on such complaint, judgment shall be given in favour of such clerk, he shall have his legal costs allowed him; and the said fines, when recovered, shall be disposed of by the field officers of said regiment in purchasing banners, trumpets, and other necessary implements of war for the use and benefit of said regiment.

Fines, how collected.

Fines disposed of.

And be it further enacted by the authority aforesaid,

[Sect. 10.] That the said regiment of horse, when drawn out, or ordered to be drawn out, on an alarm, for the immediate defence of this or any other of the United Colonies of America, shall, from time to time, be subject to such laws or articles of war as are or shall be provided by the general court of this colony for the regulation of the militia thereof.

Regulations on an alarm.

Provided, *nevertheless*,

[Sect. 11.] That the field officers, together with the captains and subalterns of each company of the said regiment, or the major part of them, shall have full power to order and establish such uniform of dress for the officers and soldiers of said regiment, as to them shall seem best and most convenient.

Uniform.

And be it further enacted by the authority aforesaid,

How deficient officers are to be proceeded against.

[SECT. 12.] That when and so often as any of the field officers, captains, adjutant or subalterns of said regiment, shall be guilty of any misdemeanor, or breach of duty, in violation of this act, or shall be charged with treachery, cowardice, fraud, failure of duty, or wanton exercise of power, they shall be proceeded against agre[e]able to the mode prescribed by the aforesaid act of the general court of this colony, intit[u]led "An Act for forming and regulating the militia within the colony of Massachusetts Bay in New England."

And be it further enacted by the authority aforesaid,

All treating forbidden or punished.

[SECT. 13.] That if any officer of the said regiment, on any training-, or muster-days, shall give or provide any treat of victuals or drink for the soldiers under his command, directly or indirectly, he shall be liable to be removed from his office by a court-martial, as by the aforesaid act is provided for other offences. [*Passed May* 3, 1776.

CHAPTER 25.

AN ACT PROVIDING A SPEEDY AND CHEAP CO[A][U]RSE FOR THE RECOVERY OF DEBTS.

Preamble.

WHEREAS there is no speedy and cheap way provided by the laws of this colony for the recovery of debts; in consideration whereof,—

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Time when in force.

[SECT. 1.] That from and after the first day of May, one thousand seven hundred and seventy-six, the persons who shall for this purpose be elected and appointed in this colony, in the manner as is hereinafter directed, every of them, by himself shall have power and authority to take recogni[s][z]ances and acknowledgments for the payment of debts of any sum, not exceeding twenty pounds, of every person who shall come before him for that purpose, in the town for which he shall be so appointed, according to such form as hereafter ensueth; that is to say,—

Acknowledgment, by whom and for what sum taken.

Form of the acknowledgment.

Know all men by these presents that I, , of , in the county of (addition, or that we, or that we and every of us) am, (or are) held and firmly bound to , in the sum of , to be paid to the said , his or their executors or administrators, on the day of which will be in the year of our Lord one thousand seven hundred ; and if I (or if we) shall fail of the payment of the debt aforesaid, I will and grant (or we will and grant, or we and every of us will and grant) that then there should run upon and against me, my heirs, executors and administrators, or upon and against us (or upon or against us and every of us), our respective heirs, executors and administrators, a writ or process for execution, of the same nature and effect, on the body, and estate real and personal, as by the laws of this colony a judgment creditor is intitled to have for the levying and satisfying any sum or sums of money recovered and due to him, by the judgment of any court of record in this colony, on an action of debt, in full force. Dated at this day of , in the year of our Lord, 17 .

Witness, A. B.

[Sect. 2.] And that every obligation that shall be made as is aforesaid, and acknowledged before any person who shall be elected and appointed to take recogni[s][z]ances according to this act, shall have the name or names, sign or signs, of the party or parties who shall make such recogni[s][z]ance, subscribed thereto with his or their own hand or hands; and shall also have the name of the person elected and appointed as aforesaid, who shall take such recogni-[s][z]ance, subscribed thereto with his [own] hand, as a witness. Recognizance to be subscribed by the parties.

And further be it enacted by the authority aforesaid,

[Sect. 3.] That each and every person that shall be elected and appointed to take recogni[s][z]ances according to this act, shall make and write all such obligations as shall be acknowledged before him, by authority of this act, on a piece of paper or parchment, and shall immediately cause such obligation to be fairly written, and recorded at large in a book to be therefor provided by and at the cost of the town for which such person shall be chosen; which written obligation, after the same shall be recorded as is above directed, shall, at the request of the person or persons to whom any such obligation shall be made, as is aforesaid, their executors or administrators, and the executors or administrators of every of them, be delivered to him or them so requesting the same, by the person who took such recogni[s][z]ance. Record to be kept. When recorded, to be delivered to the recognizee.

[Sect. 4.] And every person and persons to whom any such obligation shall be made and delivered as aforesaid, their executors and administrators, and the executors and administrators of every of them, for default of payment of the debts contained in such obligations, at the time therein limited and expressed for the payment of the same, shall have, in every point, behalf and degree, against the said recogni[s][z]or and recogni[s][z]ors, and every of them, their heirs, executors and administrators, and the heirs, executors and administrators of either of them, like process or processes, commodity, remedy and advantage, as hath been hitherto had, used and accustomed, and may at this time lawfully be had, done or made, of and upon any judgment of any court of record in this colony, on an action of debt, in full force, unre[versed][*covered*] and not satisfied, and no other. On default of payment, how to recover.

[Sect. 5.] And for the speedy obtaining of such debts, the said person who took such recogni[s][z]ance, or his successor in office, at any time after the day therein set and limited for the payment of the contents thereof, shall, at the request of the recogni[s][z]ee or the recogni[s][z]ees therein mentioned, upon his or their bringing and delivering to him such obligation uncancelled, and without receipt of payment or satisfaction of the whole contents, underwritten or endorsed thereon, and lodging the same with him, award and make out, on such recogni[s][z]ance, a writ or process of execution for the levying the whole sum which shall thereby appear to be due thereon, of the same nature and effect, on the body, and estate real and personal, as by the laws of this colony a judgment creditor is [e][*i*]ntitled to have for the levying and satisfying any sum or sums of money recovered, and due to him, by the judgment of any court of record in this colony, on an action of debt, in full force. Execution, when and how.

[Sect. 6.] And such process for the execution of such recogni-[s][z]ance may and shall be directed to be executed and returned by all and every such officer and officers as the writ or process for the execution of the judgment of any such court of record, as abovesaid, by the laws of this colony, may and ought to be directed to and executed by. And all and every such officer and officers for any town How to be executed and returned.

or county in this colony, shall have the like power and authority, in all respects and regards whatsoever, to execute and return such writ or process, made upon such recogni[s][z]ance, as he or they by law have to execute and return a writ of execution on any judgment of a court of record, on an action of debt; and shall be subject and liable to the like action or actions, for any fraud, neglect, misfeasance or malefeasance, in or concerning the execution or return of any such process for the execution of such recogni[s][z]ance, as he or they by law are subject and liable to, touching the execution or return of any judicial writ or process for the execution of a judgment of any court of record, upon an action of debt.

To run into any county.

[SECT. 7.] And every writ or process for the execution of such recogni[s][z]ance shall run into any county and place within this colony, and be there executed by the officer or officers of such county, town or place, to whom they shall be regularly directed; and the process for execution on such recogni[s][z]ance shall be in the form following; viz[t], —

Form of the execution.

S. Sss.

[SEAL.] The Government and People of the Massachusetts Bay, in New England.

To the sheriff of our county of S., his undersheriff or deputy, or either of the constables of the town of in the said county, Greeting:

Because R., of W., in the county of S., (addition, on such a day of such a month, in such a year), before A. B., duly elected and appointed to take recogni[s][z]ances of debts within the town of D., in the county of S., acknowledged that he was indebted to [K.] [*H.*] (such a sum) which he ought to have paid on (such a day), and (such a sum, being the whole or part of the said sum), remains unpaid as it is said.

We command you, therefore, that of the goods, chatt[*l*]e[l]s or lands of the said R., within your precinct, you cause to be paid and satisfied unto the said K., the sum last abovesaid, with one shilling more for this writ; and thereof also to satisfy yourself for your own lawful fees: and for want of goods, chatt[*l*]e[l]s or lands of the said R., to be by him shewed unto you, or found within your precinct, to the acceptance of the said K., to satisfy the sums aforesaid, we command you to take the body of the said R., and him commit unto the g[*o*]a[o]l in M., in the county of S., aforesaid, there to be detained in custody, within the said g[*o*]a[o]l, until[l] he pay the full sums abovesaid, with[*in*] your fees, or that he be discharged by the said K., the creditor, or otherwise by order of law.

Hereof fail not, and make return of this writ, with your doings therein, unto the above-named A. B., or his successor in the office, within sixty days next coming.

Witness the said A. B., at C., the day of , in the year of our Lord, 17 . A. B.

And [*be*] *it* [is] *further enacted by the authority aforesaid*,

How persons injured by the wrongful suing out execution upon the same, shall have remedy.

[SECT. 8.] That every such person and persons, their [heirs], executors and administrators, that shall be injured and grieved by the wrongful s[*u*]e[w]ing out or executing of any writ or process, for execution upon any obligation that shall be made as is aforesaid, by reason that the debt expressed in such obligation had been paid, or released for a valuable consideration, or in any otherwise, shall have all the like remedy and remedies, in the law, as in case a writ for execution had been unjustly and wrongfully s[ew][*u*]ed out, or executed, upon a judgment of any court of record.

And be it further enacted,

Method of proceeding in case the original

[SECT. 9.] That if at any time it should happen that the original obligation, taken and acknowledged in manner and form as in and by

this act is directed, should be lost, or in any manner destroyed, so that it shall not be in the power of the recogni[s][z]ee or recogni[s][z]ees, his or their executors or administrators, to deliver the said obligation to the said person to be elected and appointed to take recogni[s][z]ances, — the debt contained in such obligation being in whole or in part unpaid or unsatisfied, — in such case the person[s] so, as aforesaid, elected, who took such recogni[s][z]ance, or his successor in office, upon application made to him for this purpose by the recogni[s][z]ee or recogni[s][z]ees, his or their executors or administrators, and on payment or tender of the fees which shall be by law therefor established, shall certify a fair transcript or copy of the whole record of such obligation the original whereof is alledged to be lost or destroyed, under his hand, and deliver the said transcript to the recogni[s][z]ee or recogni[s][z]ees, his or their executors or administrators, who may thereupon sue out a writ of *scire facias*, from any court in which by law he might bring an original action for a sum like or equal to that mentioned in the same transcript, and cause the recogni[s][z]or or recogni[s][z]ors, his or their executors or administrators, to be served therewith, or an attested copy thereof to be left at his dwelling-house, or place of last and usual abode, fourteen days inclusive before the court's sitting; requiring him to shew cause, if any he has, why execution ought not to be done: and upon the defendant's non-appear[e][a]nce, or not shewing sufficient cause, the court shall award execution for what remaineth unpaid of the contents of such obligation, with lawful costs. Obligation should be lost.

And be it further enacted by the authority aforesaid,

[Sect. 10.] That within a reasonable time after the said first day of May, one thousand seven hundred and seventy-six, one person shall be chosen and appointed, by written votes, in every town in this colony, to take such recogni[s][z]ances of debts within the same, by such freeholders and other inhabitants of each town as are by law qualified to vote in the choice of ordinary town officers; such freeholders and inhabitants being regularly warned and assembled for that purpose: and every person so chosen in each town to such office, shall be sworn to the faithful discharge thereof, and shall serve in such office, in the town for which he shall be chosen, until[l] some other person shall be chosen and sworn in his stead. One person to be chosen in every town, to take recognizances. To be sworn.

And be it further enacted,

[Sect. 11.] That henceforward, every year, at the an[n]iversary town meeting, in the month of March, for the choice of town officers in each town in this colony, some meet person shall be chosen to the office aforesaid, by written votes, and by such persons as ordinary town officers by law ought to be chosen; and that no person shall hereafter be elected to [take] such recogni[s][z]ances, within any town in this colony, unless at the time of his election to such office he shall be resident in the town for which he shall be chosen; nor shall any person so elected be taken to be qualified to act in such office until[l] he shall have been sworn to the honest and faithful discharge of the same, before such person or persons as are by law impowered to swear such town officers as are by law required to be sworn. And every person who shall hereafter be chosen by any town to the office aforesaid, and sworn to the faithful discharge of the same, in manner as aforesaid, shall have full power and authority to exercise the said office according to the directions and provisions of this act, without any other warrant, commission or authority therefor whatsoever. Choice to be renewed annually.

And be it further enacted by the authority aforesaid,

When a vacancy shall happen, the town to make a new choice.

[SECT. 12.] That whenever by reason of the non-acceptance, death or removal of the person chosen in any town, to the office aforesaid, pursuant to this act, there shall happen to be a want of such officer, the town wherein such vacancy shall happen, being orderly assembled, upon due warning given, and notice of the occasion, may proceed to a new choice of some meet person to supply and fill up such vacancy, in whatever month of the year such vacancy may happen to be; anything in this act, or any other act or law of this colony to the contrary thereof notwithstanding.

And be it further enacted,

Fees allowed to the officers.

[SECT. 13.] That the fees to the officer who shall be chosen, in any town in this colony, to take recognizances of debts pursuant to this act, shall be as followeth; viz[t]., —

1 Article. For writing, taking and attesting one such recogni-[s][z]ance, be the number of the recognizors or recognizees named therein more or less, shall be one shilling, and no more.

2 Article. For recording such recogni[s][z]ance, eightpence, and no more.

3 Article. For the process or writ of execution of such recogni-[s][z]ance, one shilling, and no more.

4 Article. And for all copies of records in the said office, at the rate of sevenpence per page, accounting twenty-eight lines, of eight words each, to a page.

Limitation of the act.

[SECT. 14.] This act to continue and be in force for the term of two years from and after the first day of May, one thousand seven hundred and seventy-six, and from thenceforward to the end of the then next session of the great and general court, and [no] longer. [*Passed May* 3, 1776.

CHAPTER 26.

AN ACT PROVIDING FOR A MORE EQUAL REPRESENTATION IN THE GENERAL COURT.

Preamble.

WHEREAS the present representation of this colony is not so equal as it ou[gh]t to be; and this court being desirous to have the same as proportionate as it can, in the present state of the colony, be made,—

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Each town of 220 freeholders may choose three members; of 320, four; and so, in proportion.

[SECT. 1.] That each town in this colony, which contains two hundred and twenty freeholders and other inhabitants, qualified to vote for representatives, as by the charter is provided, shall at all times have the priviledge of sending three members to represent them in the great and general court of this colony; and that those towns which have three hundred and twenty freeholders and other inhabitants, qualified as aforesaid, may send four; and in that proportion for any greater number of freeholders and other inhabitants, qualified as aforesaid, any law to the contrary notwithstanding.

And be it further enacted and declared,

[SECT. 2.] That this act shall be construed, and taken, to [e][*i*]mpower every town in this colony to elect and depute representatives

to serve for and represent them in the next general assembly, as well as if it had been made and passed before the issu[e]ing of the writs for the choice of representatives for the next general assembly.

Provided,

[Sect. 3.] That nothing in this act shall extend, or be construed to extend, to alter or deprive any town of the priviledge of sending as many representatives as they have heretofore been impowered to send. [*Passed May* 4, 1776. Proviso.

CHAPTER 27.

AN ACT IN ADDITION TO AN ACT, MADE AND PASSED BY THE GENERAL COURT IN NOVEMBER LAST, INTITLED "AN ACT FOR FIXING OUT ARMED VESSELS TO DEFEND THE SEA-COAST OF AMERICA, AND FOR ERECTING A COURT OF JUSTICE TO TRY AND CONDEMN ALL VESSELS THAT SHOULD BE FOUND INFESTING THE SAME."

Whereas, since the passing of [the] aforesaid act, the American Congress have passed a resolve, for certain reasons therein expressed, that it should be lawful for the inhabitants of the United Colonies to fit out armed vessels, to crui[s][z]e on the enemies thereof; and that all ships and other vessels, their tackle, apparel and furniture, and all goods, wares and merchandizes, belonging to any inhabitant or inhabitants of Great Britain, taken on the high seas, or between high-water and low-water mark, should be deemed and adjudged a lawful prize: excepting such vessels as should be taken in bringing any settlers, arms, ammunition, or warlike stores, to and for the use of the United Colonies, or any of the inhabitants thereof who are friends to the American cause, — and warlike stores and effects of such settlers; *and whereas*, in and by the act aforesaid there is no provision made whereby the maritime courts thereby erected can proceed upon, try and condemn such vessels, cargo[e]s and merchandizes as are directed, by the resolve aforesaid, to be made prizes,— Preamble. 1775-76, chap. 7

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the several courts of justice erected in this colony by the act aforesaid, shall be and hereby are [e][*i*]mpowered to proceed upon, try, adjudge, condemn and distribute all such vessels, with their cargoes and appurtenances, and also all such British merchandizes and property as shall be taken in pursuance of the resolve aforesaid, or any other resolve of the American Congress, in the same manner as the said courts are impowered to proceed upon, try, adjudge and condemn any vessel[s] that shall be found infesting the sea-coast of America; and to distribute the same among the captors and others, according to the laws of this colony, when they shall be taken by the forces or the inhabitants thereof; and when they shall be taken by the fleet and army of the United Colonies, then to distribute and dispose of them according to the resolves and orders of the Congress. Captures, how to be distributed.

And be it further enacted,

[Sect. 2.] That when any prize shall be taken by the forces employed by this colony, the same shall be distributed according to the

rules and regulations already made, or which shall be made, by this colony for other captures.

And be it further enacted by the authority aforesaid,

Wages of seamen and mariners, to be paid out of the proceeds of the prize.

[SECT. 3.] That when any merchant ship or vessel shall be taken by virtue of said resolve, the wages of seamen and mariners who shall be taken on board the same, shall be paid out of the proceeds of the prize, up to the time of condemnation. [*Passed May* 8, 1776.

CHAPTER 28.

AN ACT TO SUPPLY THE TREASURY WITH FIFTY THOUSAND POUNDS, AND FOR DRAWING THE SAME OUT AGAIN.

Preamble.

WHEREAS it is necessary, in order to support the public credit of this colony, that the treasurer thereof shou[*l*]d be impower[*e*]d to borrow a sum not exceeding fifty thousand pounds,—

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Treasurer empowered to borrow £50,000.

[SECT. 1.] That the treasurer[s] of this colony be, and he hereby is, impowered, on the credit thereof, to borrow, from such person or persons as shall be willing to lend the same, a sum not exceeding fifty thousand pounds; which sum the said treasurer is [e][*i*]mpowered to give his receipts or obligation for in form following; viz., —

Form of the note to be by him given.

Colony of the Massachusetts Bay, the day of , A. D. 1776. Borrowed and received of , the sum of , for the use of the said colony of the Massachusetts Bay; and, in behalf of said colony, I do hereby promise and oblige myself and successors in said office of treasurer, to repay the said , or his order, the said sum of , upon the twentieth day of June, A. D. 1777, with interest at five per cent per annum.

Witness my hand, H. G., Treasurer.

A. B., C. D., } Committee.

— which form shall be printed upon the best paper that can be had for the purpose, and a suitable border round the same.

And be it further enacted,

Committee to countersign the same.

[SECT. 2.] That Abraham Fuller and Jonathan Brown, Esqrs., be a committee to sign blank notes, at the left hand, as by the form aforesaid is prescribed, before the treasurer fill them up; of which notes a counterpart, indented, shall be kept by the treasurer.

And be it further enacted by the authority aforesaid,

What shall be a fund for the redemption of the same

[SECT. 3.] That the money now due to this colony from the United Colonies, for the support of the present war, shall be a fund for the redemption of all such receipts and obligations as the said treasurer shall give for the aforesaid sum of fifty thousand pounds, or any part thereof, and shall be appropriated to that use.

And be it further enacted,

How to be appropriated.

[SECT. 4.] That the said sum of fifty thousand pounds, and each part thereof, shall be, when so borrowed, appropriated to the payment of such warrants as the council shall, from time to time, draw on the said treasurer for defreying the charges of the war and government agreeable to the grants of the general assembly. [*Passed May* 8, 1776.

NOTES. — As the time approached for issuing writs for a new assembly, under the charter, the provincial congress, some account of which is given in the note to chapter 1, *infra*, began to consider what course it should recommend to the people to pursue in relation to the convening of the General Court.

It is likely that, notwithstanding the change made in the charter by the act of parliament "for the better regulating the government of the province," &c., the leaders of the popular party were not without hope that the effect of that act might, in some way, be avoided, either by its repeal, or from necessity, since it was evident that the few *mandamus* councillors who had not resigned would never actually sit as a council, outside of Boston; and a quorum of that branch was essential to the complete organization of the General Court.

Whether influenced by this expectation, or, simply, by the determination that there should be no appearance of a design, on their part, to evade a duty imposed by the charter, the provincial congress resolved, April 1, 1775, that if writs should be regularly issued for calling a general assembly, to be held on the last Wednesday of May, the several towns ought to obey such precepts, and choose representatives, as usual, but advised that the representatives so chosen do no business with the council appointed by *mandamus*, and, if the House should be dissolved, then that the members reassemble in a provincial congress. Another resolve was passed, at the same time, recommending the towns to choose delegates to a new provincial congress in case no writs for calling an assembly were issued.

The affair at Lexington, on the 19th of April, however, changed the prevailing sentiment with regard to the duty of the people to respect the agents of the crown, and led them to take a further, important step towards revolution. By the 20th of April, Gage had issued writs for convening a new assembly, to be held on the last Wednesday of May. As soon as a copy could be procured, a committee was appointed to consider the propriety of recommending to the several towns and districts to take no notice of these precepts. This was April 28th; and, on the 4th of May, "after a long and serious debate," a committee was appointed, by a vote of 94 out of 107 members, to bring in a resolve for reconsidering the above-mentioned resolve of the first of April. The next day, this committee reported two resolves; one, reconsidering and annulling the resolve of April 1, and the other, declaring that no obedience, whatever, ought, in the future, to be given to General Gage, but that "he ought to be considered and guarded against as an unnatural and inveterate enemy to this country." The congress at the same time appointed a committee to prepare a resolve recommending the election of delegates "for a new provincial congress, to be held on the last Wednesday of the present month."

The suggestions as to "resuming the first charter, absolute independency, &c.,"* which had startled the delegates at the Continental Congress in September, previous, were now earnestly renewed; but it was concluded not to adopt measures which might be looked upon by the other colonies as extreme and unwarranted, without the advice and consent of the Congress at Philadelphia. On the 12th of May, therefore, upon the report of a committee of the whole house, a committee was appointed "by a very large majority" to submit the draught of an application to the Continental Congress "for obtaining their recommendation for this colony to take up and exercise civil government as soon as may be, and that the committee be directed to ground the application on the necessity of the case." On the 15th, the form of application reported by this committee was read, "paragraph by paragraph," and accepted, and a messenger was forthwith despatched to deliver it to the president of the Congress.

In answer to this application the Continental Congress adopted a resolve, June 9, 1775, to the effect that, as no obedience was due to the act of parliament altering the charter of the province, "nor to a governor, or a lieutenant-governor who will not observe the directions of, but endeavour to subvert, that charter, the governor and lieutenant-governor of that colony are to be considered as absent, and their offices vacant;" and recommending the provincial congress, "in order to conform, as near as may be, to the spirit and substance of the charter," to issue precepts for a general assembly which, "when chosen, do elect councillors; and that such assembly, or council, exercise the powers of government, until a governor of his majesty's appointment will consent to govern the colony according to its charter."

The third and last provincial congress, was in session during the battle of Bunker's Hill, and, on the day after the battle, a committee was appointed who, on the 19th, reported the form of a precept for choosing deputies to represent the several towns at a General Court, to be held, pursuant to the advice from Philadelphia, in the meeting-house at Watertown, on the 19th day of July, following. Precepts, issued in accordance with a prescribed form, were ordered to be sent to all towns and districts throughout the province.

Two hundred and five deputies assembled at the time and place appointed for the meeting of the General Court; and, on the twenty-first of July, they proceeded to the choice of twenty-eight councillors, fourteen of whom appear to have taken their seats at the board on the twenty-sixth, and seventeen on the twenty-seventh, of the same month. On the twenty-eighth, the House passed a preamble and resolve, to the effect that, the governor and lieutenant-governor, having absented themselves, and refused to govern the province according to the charter, until they return to "their duty, or some governor shall be appointed to govern the province according to the charter," they will recognize the Council, or the major part of them, as governor, and will acquiesce in their doings as such.

The new government thus organized — the legislative records of the Council, commonly called the General Court Records, beginning on the twenty-sixth of July — held sway without any other executive head than the Council, until the adoption of the Constitution.

* Letter to Gen. Palmer, 26 Sept. 1774: John Adams's Works, v. i., p. 154.

It is noticeable that, in the correspondence between the provincial congress and the Congress at Philadelphia, the designation of Massachusetts as a *province* was studiously avoided. This is explained by the fact, which could no longer be ignored, that those relations with the parent state which made the government of this people and territory distinctively provincial, had terminated. The authority of the immediate agents of the crown had been repudiated; all supervision of our affairs by the Privy Council had practically ceased, and even parliament, by overstepping the limits which, it was claimed, were prescribed for it by common right and the British constitution, had, in the opinion of the popular party, forfeited all claim to obedience, at least so long as the unconstitutional legislation remained unrepealed. Up to this time, however, the belief which was cherished by many patriots, that separation from the mother country was not inevitable, had been generally deferred to even by those who considered it delusive; and hence the title "province" was replaced by that of "colony," to avoid the appearance of any intention to renounce all dependence upon Great Britain.

Another objection, also, to retaining the word "province," arose from that provision of the charter which required all laws to be published under the province seal. This instrument was in the custody of the royal governor, and had been affixed by him to proclamations and other official papers, issued since his authority had been repudiated by the representatives of the people. There could be but one genuine seal of the province, and, therefore, it became necessary, in order to comply, as nearly as possible, with all the requirements of the charter, to establish a new public seal, in character distinct from the seal previously used. Accordingly, on the 28th of July, an order was adopted appointing "a committee to consider what is necessary to be done relative to a colony seal." This committee reported, on the fifth of August, that "the device of the old province seal be not taken up," but that a new device and motto, submitted by them with the report, be adopted. The design proposed by this committee, with some changes, was agreed to the same day, and, on the seventh, a joint committee was appointed "to direct the making" of the seal. This new seal continued to be affixed to the engrossments of the acts until towards the close of the May session, 1776, which was prorogued on the thirteenth of July. The former great seal of the province remained in the council chamber, at Boston, whence, together with all the other public seals, it was secretly purloined some time between the ninth of September and fourth of October, 1775. The loss of these insignia was considered so serious by the governor that he immediately communicated the fact to Secretary Dartmouth; but before they could be replaced, the progress of the Revolution had rendered them useless.

There were four "sittings" of the General Court this year, which are here treated as separate sessions. According to the secretary's records, there was a prorogation from Nov. 11th to Nov. 29th; by the House Journals, all the sessions, except the last, appear to have been adjourned; and in the journals of both branches, the "sitting" which ended August 24th, is referred to as the "last [antecedent] session."

The General Court now improved their immunity from the operation of ministerial vetoes, by resuming the enacting style which they had consented to change during Shirley's administration, and for which, in part, they had contended, in vain, with Lieutenant-Governor Hutchinson, in 1770. This form is now established by the Constitution of the Commonwealth. — See notes to 1742–43, chap. 1; and 1770–71, pp. 139–140, *ante*.

Early in the second session, a question arose as to the proper wording of the introduction to be printed with the acts of the first session, and a committee was appointed to prepare a form for that purpose. To the draught reported to the Council, by this committee, amendments, which included the substitution of "colony" for "province," were offered by the House and these amendments being concurred in, the resolve establishing this form was passed on the thirtieth of September, and this new heading, which is as follows: "Acts and Laws, Passed by the Great and General Court or Assembly of the Colony of the Massachusetts-Bay in New England:" &c., continued to be used until the year 1778.

The regnal year continued to be given in all the acts before chapter 18, which is the first act in which it was changed to the year of the Christian era, although the alteration was first made, on the fifth of April, in the bill to chapter 20, which was not enacted until a few days later. By the first of May, an act was passed (chapter 22; and see note to that chapter, *post*,) requiring a similar change to be made in the precepts for convening the Assembly, and in all legal processes; and, though the name of "colony" was still retained, all commissions, writs, etc., were ordered to be issued in the name of the "Government and People of the Massachusetts Bay in New England."

All the engrossments of the acts of this year (none of which, however, are on parchment) are preserved; and all were printed, except chapters 15 and 17. Some of the engrossments are badly mutilated; and the seals seem to have been removed from chapters 3, 5, 6, 7, 14, 15, 19 and 24; and chapters 13, 16, 21 and 26 do not appear to have been sealed. The signatures of the councillors, to chapter 5, are obliterated; but all of the other acts of this year were signed by fifteen councillors, except chapters 10, 17 and 28, which were signed by sixteen, chapter 18, by fourteen, and chapter 26, by thirteen.

Chap. 1. On the first of September, 1774, Governor Gage issued writs for convening a new assembly at Salem, on the fifth of October, following. As early as the 6th of August, he had received from the Earl of Dartmouth a copy of the act of parliament "for the better regulating the government of the Massachusetts Bay", together with other important papers, including instructions from the Privy Council for carrying the act into operation. This act expressly repealed the provisions of the charter respecting the choice of councillors, and vested in the crown the authority to appoint the members of that board; and, accordingly, a list of thirty-six councillors, who, from the manner of their appointment, came to be generally known as "*mandamus councillors*," was among the papers transmitted to the Governor from the Secretary of State.

The publication of this act of parliament increased the resentment which the act for closing the port of Boston had provoked, and excited the indignation of the people to the highest pitch, insomuch that all but fourteen of the persons named by the king as councillors, either voluntarily refused the trust, or were forced to resign, and most of the remainder were virtually prisoners at Boston, under the protection of the royal forces. By the charter, the councillors elected in May were to continue in office one year; but, by the act of parliament, their offices were vacated on the first of August, and the Governor, in issuing writs for the election of deputies to a new general court, had expected the new councillors to act with the representatives. Deeming it impracticable, in view of the increasing tumults in the vicinity of Boston, to convene a quorum of the Council, at Salem, the Governor, a week before the time fixed for the meeting of the representatives, issued a proclamation excusing them from appearing at, or holding, a general court.

Notwithstanding this proclamation, ninety of the representatives elect assembled at the time and place appointed, and, after waiting, in vain, the first day, for the Governor to appear, they organized, — choosing John Hancock chairman, and Benjamin Lincoln clerk. On the next day (Oct. 7), they resolved themselves into a PROVINCIAL CONGRESS, and adjourned to meet at Concord, on the following Tuesday, where, on the 27th, they formally invited such members of the council chosen in May, as had not openly sided with the ministerial party, to attend with them.

This first provincial congress, which was adjourned from Oct. 29 to Nov. 23, was dissolved, Dec. 10, 1774, having previously passed a resolve recommending the several towns and districts to choose deputies to represent them in a second congress, to be held at Cambridge, on the first of February, following. The second congress, which had one adjournment, from Feb. 16 to March 22, was convened according to the above-mentioned recommendation, and the date of the last record of its doings is May 29, 1775, although the journal, after May 21, is not preserved.

Two days after this last entry, a third congress was assembled at Watertown, upon a similar call. There were present 229 delegates in the second congress, and 245 in the third congress, which continued in session until the General Court was reëstablished.

In less than ten months from their first assembling, these congresses had assumed, throughout the province, except within the town of Boston and the immediate vicinity actually occupied by the king's forces, full control of the three great functions of government — legislative, judicial and executive. Such of the journals of these congresses as could be collected, were, in 1838, printed and distributed, by authority of the Commonwealth, in an edition of fifteen hundred copies, and, therefore, it has not been deemed advisable to incorporate them with this edition of the laws.

Although no formal acts were passed in either of these congresses, their doings, both legislative and executive, had been, in most instances, general in their operation, and were so important, and, frequently, permanent, in their effect, that it was deemed essential to have their validity established in the most solemn manner. Accordingly, the present chapter, being the first act of the new Assembly, was passed to ratify them, and to provide for the preservation of the records thereof, and for the use of those records as evidence.

The following extracts show all the proceedings relating to the passage of this act: —

"Aug. 5, 1775. *Benjamin Chadbourne*, Esq; brought down a Vote of Council, appointing *Benjamin Greenleaf*, Esq; and *Joseph Palmer*, Esq; with such as this House shall join, to be a Committee to examine the Proceedings of the late Provincial Congresses, and to bring in a Bill for the Confirmation of the same, or such Parts thereof, as they shall judge necessary.

Read and concurred, and Dr. *Whiting*, Esquire *Davis* and Mr. *Dickerson*, were joined to the Committee of the honorable Board. Sent up." — *House Journal, p.* 46.

"Aug. 19, 1775. *Moses Gill*, Esq; brought down a Bill for ratifying the Resolves of the several Provincial Congresses. Read a first and second Time, and ordered to lie 'till Monday Morning." — *Ibid., p.* 85.

"Aug. 21, 1775. The Bill *for confirming and establishing the Resolve of the several Provincial Congresses of this Colony*. Read a second Time; and *Ordered*, to be read again at Four o'Clock, P. M." — *Ibid., p.* 89.

"Aug. 22, 1775. A Bill *to confirm or establish the Resolves of the several Provincial Congresses of this Colony*. Read the third Time, and pass'd to be Engross'd. Sent up.

* * * * * *

James Prescot, Esq; came down and inform'd the House, that the honorable Board had agreed to the Amendment propos'd by this House, to be made in the Bill for confirming and establishing the Proceedings of the Congress.

* * * * * *

An Engross'd Bill to confirm, and establish the Resolves of the several Provincial Congresses in this Colony. Read and passed to be enacted." — *Ibid., pp.* 91 *and* 94.

Chap. 2. During the session of the first provincial congress, no further effort was made towards raising money to defray the public expenses than to provide that the several constables and collectors pay over their collections under former tax acts, to such persons as had been, or might be, appointed to supersede the receivers and treasurers in office, who adhered to the former government. As early as October 28th, the congress appointed Henry Gardner, receiver-general, in place of Harrison Gray, and urgent appeals were made to the inhabitants of the towns and districts throughout the province, to forward the business of collecting and paying over to him the arrears of former province taxes, as well as the tax of this year.

The second congress empowered and directed the receiver-general to borrow £100,000, lawful money, to be repaid in June, 1777, with six per cent interest. For this loan a form

of treasurer's note was adopted. This was followed, on May 20th, by a resolve for issuing bills of credit, to an amount not exceeding £26,000, for the advance-pay of the Massachusetts army. This amount was enlarged, by the third congress, to a total of £30,000. The bills emitted under these resolves were to be redeemed, May 25, 1776, with six per cent interest, and were all that were issued up to the time of the enactment of the present chapter.

The third congress, however, had referred the subject of a further issue of bills of credit, to the committee of safety, — a body first appointed by a resolve of the congress, Oct 26, 1774, with authority to call out the militia, in an emergency, and to exercise espionage over persons suspected of being enemies. This committee, which was thoroughly organized, and soon became the chief executive directory of the government, promptly attended to the business thus referred to it, and reported the following vote, under date of July 6, 1775: —

"[*Voted*, That it be recommended to the honorable Provincial Congress to pass the following resolve:]

Whereas, the exigencies of the colony require that there should be, as soon as possible, an emission of bills of credit: therefore, *Resolved*, that there be immediately issued on the credit of this colony, and deposited in the treasury, a sum not exceeding one hundred thousand pounds, lawful money, in bills of credit of the following denominations, viz.: of one shilling, of two shillings, of two shillings and six pence, of four shillings, of five shillings, of seven shillings and six pence, of eight shillings, of eleven shillings, of thirteen shillings, of seventeen shillings, of nineteen shillings, of thirty shillings, of forty shillings, of sixty shillings, of eighty shillings, and of one hundred shillings; to be five thousand of each denomination, and no more, and to be of the form following, viz.:

Colony of the Massachusetts Bay. } July ——, 1775. No. 109.

The possessor of this bill shall be paid, by the treasurer of this colony, two shillings and six pence, lawful money, by the 18th day of July, 1777, and [it] shall be received in all payments at the treasury at all times. By order of Congress.

A. D. B. E. C. F. } *Committee*

— which said bills shall be paid and received in the public treasury, and in all payments in this colony, without any abatement or discount, upon any pretence whatsoever, under penalty of treble damages to both the payer and receiver, which penalty shall be applied to the discharge of the public debts of this colony.

And said bills shall also be printed on the back, with the colony seal, the value of the bill, and its date, and round the seal, these words: *Issued in defence of American Liberty.* Also, *Resolved*, that A. B. and C. be a committee to sign or authenticate all said bills, from one shilling to eleven shillings, inclusively; and that D. E. and F. be another committee to sign or authenticate all other the said bills, which are of from thirteen shillings to one hundred shillings, inclusively.

5000 bills of 1*s.*	£250	5000 bills of 13*s.*	£3,250
5000 " 2*s.*	500	5000 " 17*s.*	4,250
5000 " 2*s.* 6*d.*	625	5000 " 19*s.*	4,750
5000 " 4*s.*	1,000	5000 " 30*s.*	7,500
5000 " 5*s.*	1,250	5000 " 40*s.*	10,000
5000 " 7*s.* 6*d.*	1,875	5000 " 60*s.*	15,000
5000 " 8*s.*	2,000	5000 " 80*s.*	20,000
5000 " 11*s.*	2,750	5000 " 100*s.*	25,000—£100,000."

— *Printed Journals of the Committee of Safety*, 1774-75, *p.* 588.

This report was taken up, in the House, July 26th, when the following order was passed: —

"*Ordered*, That Col. *Freeman*, Major *Fuller*, Capt. *Derby*, Col. *Mitchell*, and Mr. *Hopkins*, be a Committee to consider the Report of the Committee of Safety to the late Provincial Congress, relative to a new Emission of Bills of Credit, and report to this House what is best to be done thereon."— *House Journal*, *p.* 15.

This committee, the next day, reported a resolve that four committees be chosen to sign the proposed bills, the number and denominations of which were therein set forth. This report was forthwith recommitted, and the committee instructed to limit the amount of the proposed bills to £100,000, and that the highest bill in such emission be of forty shillings, and the lowest, one shilling. The committee, accordingly, reported again, July 29; and again their report was recommitted, and they were instructed to increase, to eight, the number of the committees to sign the bills. The report subsequently made, with this amendment, was accepted, and sent up for concurrence; but the Council not having concurred, the resolve was sent for, from the House, on the first day of August, and ordered to be recommitted, and some change was made in the committee. On the same day, the committee again reported to the House; and their report was ordered to lie on the table; but subsequently, the following orders were passed: —

"Aug. 1, 1775. The Resolve for a new Emission of Colony Bills being amended, was read and accepted. Sent up for Concurrence. *Ordered*, That Mr. *Vose*, Major *Fuller*, and Mr. *Watson*, be a Committee to procure suitable Paper for printing the Bills upon.

* * * * * *

Ordered, That the new Emission of Bills of Credit be printed on Types."— *Ibid.*, *p.* 32.

The resolve last referred to seems to have been a resolve for bringing in a bill. On the third of August a new draught of "a resolve for the emission of bills of credit was read and passed and ordered to lie upon the table," and, on the ninth the secretary was ordered to

lay upon the table a resolve, for the same purpose, which had been brought down from the Council, and this appears to have been the end of the attempt to authorize the emission of bills, by a resolve.

On the 7th of August, a bill for a new emission of bills of credit was sent up by the House, for concurrence, which, in reply to a message from the House, next day, the Council declared they had not acted upon; and, on the 9th, after the resolve for emitting bills had been laid upon the table, as above mentioned, the following order was passed in the House: —

"*Ordered*, That Major *Hawley*, Mr. *Story* and Col. *Freeman*, be a Committee to bring in a Bill *for an Emission of one Hundred Thousand Pounds*, agreeable to a Resolve which has passed this Court for that Purpose." — *Ibid.*, *p.* 59.

The House Journals show that a *resolve* for the emission of bills, &c. was read, August 16th, and ordered to be read a second time in the afternoon. The *bill* for that purpose was actually read a second time at the time appointed, and, as it appears that this bill was, on the 18th, read a third time, and sent up to the Council, it is likely that the clerk inadvertently used the word "resolve" for "bill" in the former entry. Messages passed between the two branches, on the 19th, by which it appeared that the Council non-concurred with the House upon the passage of this bill, and it was thereupon, by direction of the House, brought down and amended, and, on the 21st, it was read a second and third time, and passed to be engrossed. On the 23d, the bill was passed to be enacted, in concurrence, and thereafter the following proceedings appear of record: —

"In the House of Representatives August 23d 1775

Resolved that Colo Thompson and Mr Webster with such as the hoñble Board shall join be a Committee to inspect the press for striking off Bills of several denominations to the amount of the sum of One hundred thousand pounds lawful money, and they hereby are directed to appoint the hours for striking off said Bills and to take especial care to keep the plates in their own hands and possession at all times except when said Plates are in use at the hours assigned for striking off the same Bills

Sent up for concurrence JAMES WARREN Spkr

August 23d 1775. In Council Read & concurred and Benjamin White Esqr is joined

P MORTON Depy Secrety

Consented to" — [Signed by fifteen of the Council]. — *Council Records*, *vol. XXXI.*, *p.* 140.

"In the House of Representatives August 24th 1775

Resolved that Mr Joseph Wheeler, Colo Joseph Cushing, Colo Ebenr Sawyer and Deacon Thomas Plimpton with such as the hoñble Board shall join be a Committee to number and sign the bills of credit to be emitted by this Colony in pursuance to an Act passed this session, entitled An Act for making and emitting bills of public credit, and that three of said Committee, and no more sign each of said bills, one of them with red ink, one with blue ink and the other with black ink. And it is further Resolved that the Committee appointed to inspect the press and attend the printing of the bills shall, when any convenient number of said Bills are struck off, deliver them to one or more of the said Committee appointed to number and sign said Bills taking a receipt for the same, expressing the number of the bills so delivered and the amount of their value, which receipt shall be delivered to the Receiver General of the Colony to be taken up by the Committee who sign said bills when they shall deliver the same bills therein expressed to him numbered and signed according to the Act aforesaid.

And be it further Resolved that the said Committee for inspecting the printing said Bills before they enter on said service be sworn before some Justice of the peace who shall for that purpose shall* be appointed by the hoñble Board to the faithful discharge of said Office.

It is further Resolved that as often as the said Committee for numbering and signing the said Bills, shall deliver to the Receiver General of the Colony any bills as aforesaid, the Receiver General shall give them a receipt for the amount of the value of the same bills to be by the same Committee kept for the use of the Colony.

Sent up for concurrence JAMES WARREN Speaker

In Council August 24th 1775. Read and concurred and James Prescott and Joseph Palmer esqrs are joined. P MORTON Depy Secretary

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 147.

"Sept. 22, 1775. In the House of Representatives — Ordered that Mr Wheeler and Colo Thayer with such as the honorable Board shall join be a Committee to prepare and report a bill or resolve for authenticating the bills of credit of this Colony by a less number of signers than was intended by the act for the emitting said Bills In Council Read & concurred & Colonel Palmer is joined —

In Council. Whereas by an act of this Court entitled an act for making and emitting of bills of Public credit passed the 23d day of August 1775, and by a subsequent resolve of said Court on the following day it is therein ordered that all the bills of credit therein mentioned to be emitted (ten thousand of each denomination) should be authenticated by signing and numbering by any three of the Committee mentioned in said act and resolve, and it appearing to this Court that there is no necessity for three signers to the bills of one shilling and two shillings, of two shillings & six pence of four shillings, of five shillings, of six shillings of seven shillings and six pence, and of eight shillings mentioned in said act and resolve to be authenticated by three signers, and that such authentication will cause unnecessary delay in said emission.

It is therefore Resolved that one thousand of said mentioned bills of each denomination from number one to number one thousand inclusively shall be signed by only any two of

* *Sic.*

said Committee, and that the remaining nine thousand of each denomination of said mentioned bills from number one thousand to number ten thousand, including the last number, shall be signed only by any one of said Committee.

And whereas four thousand of the bills of each of the larger denominations mentioned in said act viz of Ten shillings of eleven shillings of twelve shillings of seventeen shillings of twenty shillings of twenty four shillings of thirty shillings and of forty shillings are already signed by three signers agreeable to said act and resolve — And whereas six thousand of the said last mentioned bills of each of the larger denomination yet remain to be signed. It is therefore

Resolved that said six thousand remaining bills of each of the larger denominations shall be signed or authenticated only by any two of said Committee, and that all such signing or authentication in both these Resolves shall be to all intents and purposes as lawfull and valid, as if the same bills had been signed and authenticated by any three of said Committee any thing in said act or said resolve contained to the contrary in any wise appertaining. In the House of Representatives Read & concurred Consented to by fifteen of the Council" — *Ibid.*, *p.* 172.

"Sept. 27, 1775. *Ordered*, That Capt. *Bragdon* be on the Committee to superintend the Impression of the Bills of Credit, in the Room of Col. *Thompson*, who desires to be excused." — *House Journal*, *p.* 120.

"Oct. 17, 1775. Capt. *White* brought down from the honorable Board an Order for the Removal of the Chest, containing a Number of the last Emission of Bills of Credit and Plates to the Treasurer's Office." — *Ibid.*, *p.* 172.

"Oct. 18, 1775. An Order brought down from the honorable Board Yesterday for removing the Bills of Credit and Plates to the Treasurer's Office. Pass'd in Council, *viz.* In Council, *Oct.* 17, 1775. *Whereas the Chairman of the Committee appointed by this Court to inspect the Press for stamping the last Emission of Bills, has given Information that the Business is finish'd, and that the whole Number of Bills order'd by this Court is stamp'd, and that he apprehends the Place where the Chest, containing said Bills and Plates is now deposited, is not safe:*

Ordered, That the Chest with its Contents be immediately removed to the Treasurer's Office, and that the Committee aforementioned still keep Possession of the Key of said Chest; and deliver the Bills to the Committee appointed to sign the same, as they shall apply for them. Sent down for Concurrence.

Read and concurr'd. Sent up." — *Ibid.*, *p.* 174.

"Dec. 22, 1775. A Petition of Hon. *James Prescott*, Esq; and others, a Committee appointed by this Court to sign and number the Bills of Credit for *One hundred thousand Pounds*, setting forth that they have finished the Business, and praying that they may be discharged from their Trust, and have a Grant for their Risque and Services. Read, and committed with their Book of Receipts to Col. *Cutt*, Mr. *Hobart*, and Mr. *Jewet*.

On a Motion, *Ordered*, That the supernumerary Sheets of the Bills of Credit abovementioned, be retained by Mr. *Webster*, in whose Hands they now are, until the said Committee last chosen reports." — *Ibid.*, *p.* 65.

"Jan. 9, 1776. *Ordered*, That Deacon *Rawson* be on the Committee appointed to consider the Services of the Committee who signed the Bills of the Emission of £. 100,000 in the Room of Mr. *Jewet* absent.

* * * * * *

The Committee on the Petition of the Committee appointed to sign and number the bills of the £.100,000 Emission, reported — That they find by the said Committees Accounts, and the Receipts of the Receiver-General, they have faithfully discharged the Trust reposed in them, and are of Opinion that they be discharged from the same. Said Committee further reported by Way of Resolve: Read and accepted, *viz.*

Resolved, That there be paid to said Committee the Sum of *Fifty five Pounds four Shillings*, in full for their Services and Risque in numbering and signing the Bills abovesaid — And the Receiver-General is hereby ordered to pay the same. (A.)

Sent up for Concurrence.

* * * * * *

Charles Chauncy, Esq; brought down the Report of the Committee on the Services of the Committee that signed the Bills of the £. 100,000 Emission, with the following Vote of Council thereon, *viz.* In Council, *January 9th*, 1776.

Read and Concurr'd with the Amendment at A, *viz.* At A insert, '*Read and accepted and Ordered*, That the said Committee be discharged accordingly.' Sent down for Concurrence. Read and accepted with the following Amendment at B, *viz.* At B dele the Words, '*Read and accepted and Ordered*,' and insert the Words, '*and also*.' Sent up for Concurrence." — *Ibid.*, *pp.* 129 *and* 133.

"Jan. 23, 1776. Whereas through the Error of the Press some Bills of Credit of this Colony have been lately issued with different Sums specified on the Faces and Backs of the said Bills respectively: It is therefore *Resolved*, That Mr. *Webster*, Deacon *Plimpton*, and Col. *Cushing* be and they hereby are are* appointed a Committee to receive and exchange all such Bills agreable to the Sums specified on their Faces respectively, and all Persons possessing any of said Bills are hereby directed to cause the same to be forthwith sent to the said Committee in order to be exchanged as aforesaid; and the said Committee are directed to keep the said Bills which they shall thus receive by Exchange until the further Order of this Court for destroying them. Sent up for Concurrence." — *Ibid.*, *p.* 195.

"Jan. 24, 1776. *Ordered*, That the Committee who have in their Possession the supernumerary Sheets of Bills of Credit of the *Hundred Thousand Pounds* Emission, be

* *Sic.*

directed to deposit with the Committee appointed Yesterday to exchange the mis-printed Bills, so many as may be necessary for that Purpose. Sent up for Concurrence." — *Ibid.*, p. 197.

Chap. 3. See the notes to acts of 1757–58, chapter 1; 1759–60, chapter 23; 1760–61, chapter 34, and 1763–64, chapter 20.

"Aug. 5, 1775. *Voted*, That Major *Hawley* have Leave to bring in a Bill, *settling the Rights of Representation of the several Towns and Districts in this Colony.*" — *House Journal*, p. 45.

Agreeably to the foregoing order Mr. Hawley reported a bill, on the 8th of August, which had its first reading the same day, and its second reading the day after. On the 12th, it was read the third time and re-committed to have a "clause inserted relative to the unconstitutional restrictions of the towns of *Newbury* and *Newburyport*, and then passed to be engrossed." It was then sent up to the Council, where, on the 14th, it was concurred in, with certain slight amendments, in which the House also concurred. On the 17th it was passed, in the House, to be engrossed; and, on the 23d, it was passed, in the Council, to be enacted.

"Apr. 29, 1777. *In the House of Representatives — Resolved That such unincorporated plantations as are Taxed to this State be and hereby are impowered to join in the choice of Representatives with such Town where they are taxed. — In Council Read and Concurred Consented to by fifteen of the Council." — *Council Records, vol. XXXVII.*, p. 251.

Chap. 4. "July 31, 1775. *Ordered*, That Major *Hawley*, Dr. *Church* and Mr. *Wheeler*, with such as the honorable Board shall join, be a Committee to bring in a Bill for vacating the Commissions of all such Civil Officers as have been appointed by the Governor with the Advice of Council." — *House Journal*, p. 26.

The bill reported by the committee above named, was read in the House, a first time, August 4th, and, the next day, it was read a second and third time, and passed to be engrossed. It was then sent to the Council, for concurrence. On the 10th, John Adams brought the bill down from the Council, in a new draught, in which form the Council had passed it, in concurrence. The House immediately returned the bill, still further amended by striking out, from the preamble, the declaration that sundry "officers, civil and military," to be suspended, were "through age and infirmity, rendered unable to serve in their respective offices." On the 11th, Mr. Greenleaf brought down the amended bill, with a vote of concurrence by the Council, but with a proposal of other amendments for the consideration of the House.

The subsequent proceedings were as follows: —

"Aug. 12, 1775. The Bill for *vacating the Commissions of Civil and Military Officers*, was read. The new Draught passed with the following Amendments, at A, dele the Words 'all such Officers,' and insert the Words 'their respective Appointments and Commissions;' at E, dele the Word 'heretofore,' and insert the Words 'before the present Meeting of the General Court;' at H, dele the Word 'Officers;' at I, insert the Word 'now;' at the several Parts of the Bill, where the Time is limited to the 31st Day of *August*, instead thereof insert 'the 19th Day of *September*.'" — *Ibid.*, p. 67.

"Aug. 16, 1775. The Bill for *vacating the Civil and Military Commissions in this Colony*. Read and *Resolved*, That this Bill pass to be Enacted. Sent up for Concurrence. — *Ibid.*, p. 75.

On the 23d, the bill was passed to be enacted by the Council.

"Aug. 31, 1776.† In Council. Whereas by reason of the difficultys raised by the wicked designs of the Enemies of our liberties an Interruption took place in the Administration of Civil distributive Justice throughout this Colony; — And Whereas by an Act of the General Court removing all Officers from their respective offices, many Civil Suits, which had been Commenced, and were actually entred on the Docquet, or Book of Entries, of the Inferior Courts of Common pleas in the several Counties within this Colony, have not been prosecuted to final Judgment, and much Injury will happen if an adequate remedy is not provided in that behalf —

It is Resolved, That all Civil Actions, that were pending in any Inferior Court of Common pleas in any County within this Colony, by having the same entred on the Docquet, or Minute Books of said Courts, and on which Judgment has not been given may be brought forward at the next Term of the said Court, in which the same was entred as aforesaid, and the same proceedings had thereon, as tho' such causes had been regularly continued in the said Inferior Courts respectively from Term to Term where the same were pending, when such Interruption took place. — Provided always, that nothing in this Resolve shall be construed, or intended to be meant to enable any person, or persons to bring forward any Civil Action which was brought forward had, or pending in the Inferior court of Common pleas held for, and within the County of Suffolk from, & after the first day of September Anno Domini 1774. untill the 17th of March A D. 1776. — Provided also that no Execution, or Writ of possession shall Issue on any Judgment given in any of the Cases aforesaid, until fifteen days after such Judgment, and the Justices of the said Inferior Courts of Common pleas respectively shall continue, the said Causes, & Actions one Term at least, and cause the absent parties to be notified of the suits against them, and where any of the Parties shall be out of the County, and in the Continental, or Colonial Service the said suits shall be continued until the Party absent as aforesaid shall return, or be dismiss'd from the said Service, any Law, Usage, or Custom to the contrary notwithstanding. In the House of Representatives. Read, & Concurred. Consented to by the Major part of the Council. — *Council Records, vol. XXXV.*, p. 194.

* Printed resolves of the March session, chapter CLXXII.
† *Ibid.*, August session, chapter XII.

Chap. 5. No form of oath appears to have been adopted by the provincial congresses, or by the succeeding legislatures, to be administered to the representatives, and members of the council; but in the second provincial congress, May 2, 1775, a committee was appointed to draw up a form of oath to be taken by officers and soldiers in the army. On the 5th of May, this committee made the following report, which is here printed from the original: —

"In Provencial Congress Watertown May 5th 1775. —

Resolved, that all officers & soldiers of the Massachusetts army now raising for the defence & security of the rights and liberties of this and our sister colonies in america, shall each & every of them excepting only the the General Officers repeat and take the folowing Oath: (viz) I. A B. swear, I will truly & faithfully serve in the Massachusetts army, to which I belong, for the defence and security of the estates, lives and liberties of the good people of this & the sister colonies in america, in opposition to ministerial tyrany by which they are or may be oppressed, and to all other enemies & opposers whatsoever; that I will adhere to the rules & regulations of s^d^ army, observe & obey the generals & other officers set over me: and disclose and make known to said officers all traiterous conspiracies, attempts and designs whatsoever which I shall know to be made against said army or any of the english american colonies, so help me God" — *Mass. Archives, vol.* 206, *p.* 3.

On the same day, a resolve was passed empowering muster-masters to administer this oath, and another committee was appointed to prepare the form of an oath to be administered to the general officers. This last committee made the following report, May 16, which was adopted: —

"May 17, 1775. *Resolved*, That the general officers of the Massachusetts army, now raising for the defence and security of the rights and liberties of this and our sister colonies in America, shall each and every of them repeat, take, and subscribe the following oath, to be administered by viz.:

I, A. B., do solemnly swear, that, as a general officer in the Massachusetts army, I will well and faithfully execute the office of a general, to which I have been appointed, according to my best abilities, in defence and for the security of the estates, lives, and liberties of the good people of this and the sister colonies in America, in opposition to ministerial tyranny, by which they are or may be oppressed, and to all other enemies and opposers whatsoever; that I will adhere to the rules and regulations of said army, established by the Congress of ‖ the colony of ‖ the Massachusetts Bay, observe and obey the resolutions and orders which are or shall be passed by said Congress, or any future congress, or house of representatives, or legislative body of said colony, and such committees as shall be by them authorized for that purpose; and that I will disclose and make known to the authority aforesaid, all traitorous conspiracies, attempts and designs whatsoever, which I shall know to be made, or have reason to suspect are making, against the army, or any of the English American colonies." — *Printed Journals of the Provincial Congress*, 1774-5, *p.* 233.

Artemas Ward, who was commissioned general and commander-in-chief, May 20, 1775, took his oath before Mr. Dexter, by order of the congress; and this seems to have established the rule for administering the oaths to general officers appointed by the provincial congress: thus the president was, in like manner, directed to administer this oath, to General Frye, June 23, 1775, and the oath was, at the same time, altered, by adding the words "or house of representatives, or legislative body of said colony," in contemplation of the meeting of the representatives in a new assembly.

Upon the reëstablishment of the General Court, measures were taken to relieve public officers, civil as well as military, from the obligation to take and subscribe the oaths of allegiance and supremacy required by the provincial statute, 1719–20, chapter 11. The following order and report were adopted: —

"Aug. 16, 1775. *Ordered*, That Major *Hawley*, Mr. *Cushing*, and Col. *Orne*, with such as the honorable Board shall join, be a Committee to consider what Oaths are proper and necessary to be taken by the Officers, Civil and Military, who may be appointed by the honorable Board. Sent up for Concurrence." — *House Journal*, *p.* 76.

"The Committee appointed to consider what Oaths are proper & necessary to be taken by the Officers, civil & military who may be appointed, submit it as their Opinion, that it is proper & necessary, that a Bill should be brought in to oblige all Officers, who shall be appointed in this Colony, to take the Oaths of Office prescribed by the Laws of the Colony, now in force, and authorising, impowering & requiring all such Officers to proceed in the Execution of their respective Officeies according to the Laws of this Colony, notwithstanding any provision in a Law of this Colony made & passed, in the sixth Year of the Reign of his late Majesty, King George the first, Chapter the fourth, to all intents & purposes, as if such Act had never been passed, untill other provission shall be made by the Authority of the Great and General Court — By Order SAM^L^ ADAMS

In Council Aug^t^ 17 1775 Read and accepted Sent down for Concurrence
SAM^L^ ADAMS Secy." — *Mass. Archives, vol.* 206, *p.* 265.

On the 18th, the House joined in accepting this report, and ordered the appointment of a joint committee to bring in a bill in acordance therewith. The Council refused to concur in this order, but voted to reconsider and recommit the report; and in this the House concurred. The following is the committee's second report, and the record of proceedings thereupon: —

"The within named Committee humbly Submit it as their opinion that it is necessary that a Bill be brought in, to oblige all officers civil and military, who shall be appointed in this Colony, to take an oath in the Form following viz ' I, A. B. being appointed, to the office of do Solemnly Swear, that I will honestly faithfully & impartially execute all the Duties of the said office, according to the best of my skill and abilities So

help me God' and to authorize and require all officers who shall be appointed and Sworn as aforesaid, to proceed in the Execution of their said offices, without taking any other oath any Law, Usage or Custom to the Contrary notwithstanding. —

In Council Aug^t 19 1775 Read and accepted Sent down for Concurrence

SAM^L ADAMS Secr^y

In the House of Representatives Aug^t 19. 1775 Read & Concurred & ordered that Maj^or Hawley M^r. Cushing & Coll Dwight with such as the Honb^l. Board shall Join be a Committee to bring in a Bill accordingly Sent up for Concurrence.

JAS WARREN Speak^r. —

August 19^th 1775. In Council read & concurred & W^m. Sever & Benj^a. Greenleaf Esq^rs are joined

P MORTON Dp^y Secr^y —

The Committee of both houses, appointed to bring in a bill prescribing the Form of an Oath to be taken by all Commission Officers within this Colony, beg leave to report a draught herewith exhibited for that purpose Which is Submitted

Augt. 21. 1775. ꝑ^r ord^r. W SEVER." — *Ibid., p.* 266.

"Aug. 21, 1775. *Benjamin White*, Esq; brought down the Bill prescribing the Form of Oaths. * * * *

A Bill, *for prescribing the Form of an Oath to be taken by the Civil and Military Officers of this Colony:* — Was read, and pass'd to be Engross'd. Sent up." — *House Journal, pp.* 89 *and* 90.

On the 22nd, the bill was passed to be enacted, by the House; and, on the 23rd, by the Council.

The following entries relate to this chapter: —

"Oct. 25, 1776. Petition of Jon^a Hastings, setting forth — That he has by Order of General Ward, & Committee of Safety supplied the Massachusetts Forces since the 19^th April last 1775 with Provisions, & other Articles am^ts to £95 „ 14 „ 5. for which he prays, that he may be paid as soon as may be, being so much Mony advanc'd by him, and likewise prays, that an allowance may be made him for his time, & trouble in administring the Oaths to the Officers & Soldiers of the Army, from June 18^th 1775. to Sep^r. 18^th 1775. In the House of Representatives. Resolved,* that there be allowed, and paid out of the public Treasury of this State to Jon^a Hastings Esq^r in full discharge of the several articles charged in the within Accompt the Sum of One hundred pounds. — In Council. — Read, & Concurred. — Consented to by 15 of the Council." — *Council Records, vol. XXXVI., p.* 71.

"Feb. 3, 1777. In the House of Representatives, Resolved,† That all Justices of the Peace within this State be and they hereby are required to Swear all Soldiers that shall be ready to take the Oath required to be taken and that they do the same without Fee or reward. —

In Council Read and Concurred Consented to by fifteen of the Council." — *Ibid., p.* 525.

Chap. 6. "Aug. 8, 1775. *Resolved*, That 3 o'Clock in the Afternoon, be assigned to consider what Sum shall be levied upon the Inhabitants of this Colony by Tax, the present Year.

* * * * * *

Resolved, That the Sum of *Forty Thousand Pounds*, be raised on the Polls and Estates of the Inhabitants of this Colony; and likewise a Sum sufficient to defrey the Expences of the General Court the present Year: And that a Committee be appointed to consider the Circumstances of the several Towns in this Colony, to determine in what Manner the Taxes shall be laid, and to report.

Voted, That this Committee consist of one Member from each County, and that the Members of each County agree upon some Member to nominate for the respective Counties; which was accordingly done, and the following Gentlemen were appointed, *viz.*

Mr. *Crane*, for *Suffolk*,
Major *Fuller*, for *Middlesex*,
Mr. *John Turner*, for *Plymouth*,
Col. *Bowers*, for *Bristol*,
Col. *Maynard*, for *Worcester*,
Thomas Rice, Esq; for *Lincoln*,
Mr. *Greenleaf*, for *Essex*,
Major *Hawley*, for *Hampshire*,
Dan. Davis, Esq; for *Barnstable*,
Major *Goodwin*, for *York*,
Mr. *Fabyan*, for *Cumberland*,
Major *Smith*, for *Berkshire*." — *House Journal, pp.* 53 *and* 54.

"Aug. 9, 1775. *Ordered*, That Capt. *Goodman*, Capt. *Parker*, Major *Hawley*, Mr. *Greenleaf* and Major *Bliss*, be a Committee to consider how, and in what Manner, those Inhabitants of this Colony who have Removed from one Town to another, shall be taxed." — *Ibid., p.* 59.

"Aug. 14, 1775. The Report of the Committee respecting the abating the Town of *Boston* and some other suffering Towns, their Colony Taxes in Whole or in Part, read and recommitted." — *Ibid., p.* 71.

"Aug. 16, 1775. *Ordered*, That the Messenger of the House direct the Attendance of Deacon *Cheever*, and Mr. *Devens*, that they may inform the House what Part of the Town of *Charlestown* is capable of paying Taxes.

* * * * * *

Ordered, That Mr. *Dix*, Mr. *Crane*, and Mr. *Devens*, be a Committee to bring in a Bill for proportioning the Sum of *Forty six Thousand Pounds*, upon the several Towns ordered by this House for defreying the public Charges, and for the Support of Government, agreeable to the last Valuation, and the particular Instructions of this House." — *Ibid., p.* 74.

"Aug. 21, 1775. The Committee on the Petition of the Selectmen of *Roxbury*, reported. The Report was read and accepted; and is as follows, *viz.*

* Printed resolves of the October session, chapter LXVII.
† *Ibid.*, December session, chapter CXLI.

The Committee appointed to take into Consideration the Petition of the Inhabitants of the Town of *Roxbury*, relative to their Colony Tax the current Year, beg Leave to report Facts, as follows, *viz.* That said Town of *Roxbury*, by the Troops stationed there, and by the Enemy, have lost the Income of one Third Part of their Real and Personal Estate, as appears by their Assessors. That the Polls in said Town of *Roxbury*, pay near one Third Part of their Colony Tax; by which it appears, said Town of *Roxbury* ought to be abated two Ninths of their Colony Tax the present Year." — *Ibid., p.* 89.

"Aug. 24, 1775. *Resolved*, That the several Abatements hereafter expressed, be made in the Province-Tax for the Year 1775, upon the several Towns hereafter named, *viz.*

The Towns of	*Boston*,	the whole,	of their Proportion of said Tax.
	Roxbury,	two ninths,	
	Marblehead,	one fourth,	
	Charlestown,	seven eighths,	
	Cambridge,	one eighth,	
	Glocester,	one fourth,	

And that the Committee appointed to prepare a Tax-Bill, govern themselves accordingly, in proportioning the same." — *Ibid., p.* 101.

"Sept. 20, 1775. *Ordered*, That the Committee appointed by this Court to bring in a Tax-Bill, be instructed to insert a Clause directing the Assessors of the several Towns in this Colony, to consider the Officers and Soldiers now in the Army, as Residents in their respective Towns, and tax them accordingly. Mr. *Wood*, was appointed on said Committee, in the Room of Mr. *Devens*, otherwise engaged." — *Ibid., p.* 107.

On the 21st of September, Col. Porter and Mr. Jewett were added to the committee appointed to bring in a tax bill. The bill was read a second time, on the 27th, and after its consideration had been several times postponed, it was discussed and recommitted, Oct. 4th, and Major Hawley and Mr. Sullivan were added to the committee. This committee was ordered to sit forthwith, on the 9th of October, and the next day, upon special assignment, the bill was further considered, read a second and third time, and passed to be engrossed. It was sent up to the Council, October 11th; but the next action upon it appears to have been on the 31st, when the House proposed, as an amendment, that one quarter part of the tax on Stockbridge be taken off, and put on West Stockbridge, in which amendment the Council concurred, and the bill was then passed to be enacted.

A petition from the town of Sunderland relative to the apportionment of taxes upon that town, and the town of Leverett then lately set off from it, was presented September 27th; and petitions from sundry other towns, for abatement of their taxes, in whole or in part, were presented, from time to time, during the legislative year; namely, by the inhabitants of Wellfleet, under date of May 30th, whose business of whaling, and gathering oysters, upon which they were mainly dependent, had been ruined by the British cruisers; by the inhabitants of Topsham, under date of June 15th, on account of their losses by the stopping of the lumber trade, from the same cause; by the inhabitants of Salem, prepared in a town meeting, Jan. 1, 1776; and a like petition from the town of Marblehead, dated March 30, 1776, — the destruction of the fisheries, the chief business of the inhabitants of both these towns, having greatly impoverished them; a petition from Dorchester, dated Jan. 16, 1776, praying for similar relief, and another from Harpswell, dated Dec. 20, 1776.

The petitioners from Salem and Marblehead had leave to withdraw; but no action appears to have been taken upon the other petitions, by the legislatures of 1775 and 1776.

The following petitions, however, were acted upon, and the resolves thereupon passed, are given hereafter at the end of the respective petitions: —

"June 27, 1776. Petition of the Select men of Hull — in behalf of the Inhabitants of said Town. — Setting forth — That the Town consisted of about *Twenty* Families, that were liable to be taxed when the whole were together, & less than 1000 Acres of Land; that the Inhabitants were assessed for their proportion of the province tax in 1773: but in the Winter following before it was collected a number of poor persons were taken with the Small Pox, which cost the Town about Eighty pounds; w^ch^, in addition to the common expences of the poor, was so great a burden on the Town as render'd it next to impossible for them to pay the Tax laid in that Year, & in the Winter following they were again visited with Small Pox — and finding that their proportion of the province Tax for 1774. could not be Collected — they Voted that it shou'd be borrowed — but before this was done, hostilities were Commenced by our Enemies and soon after the Inhabitants were removed to neighbouring Towns which deprived them of the Income of their Farms the last Year and the inhabitants were so scatter'd through the Country that the Tax for 1775. was not assessed, and indeed had it been — such is the poverty, and real distress of the Town, that it could not have been Collected — and praying, that their proportion of the public Taxes for 1773. 1774. & 1775. for the reasons abovemention'd may be remitted, &c.

In the House of Representatives, Resolved,* that the Prayer of the Petition of the Selectmen of the Town of Hull in behalf of said Town be so far granted, that the whole of the Province Tax which is set on the Inhabitants of said Town for the Year 1775 be and hereby is remitted them. In Council. Read, & Concurred. Consented to by the Major part of the Council." — *Council Records, vol. XXXV., p.* 89.

"To the Honourable the Council of the Collony of the Massachusetts Bay, the Honourable the House of Representatives of s^d^ Colony in General Court assembled — the Petition of the Inhabitants of the Town of Falmouth by their Committee Humbly Sheweth

That your Petitioners have been reduced to the most distressing Circumstances by Cap^t^ Mowats Burning Great part of the Town of Falmouth situated on the part Call'd the Neck, by which Tyrannic Act, the Inhabitants have been turn'd into the streets, not only their Houses but part of their Furniture Provisions & Goods destroy'd, many Family's not a Bed to lodge on nor a Blanket to Cover them, exposed to the Inclemancy of the

* Printed resolves, chapter CXXV.

weather as well as destitute of the Necessaries of Life, they have been taken into the Houses of those who have escaped the Flames but turnd out of all manner of Business which puts it out of their Power to raise money to pay their Taxes, those also that are setled back from the Harbour have all ways had their dependance on the Lumber trade to support their Family's & pay their Taxes, but as that branch of Business by the non exportation Agreement is entirely cut off they are left without any possible means to raise money to pay the Publick Tax, we therfore Humbly Pray that your Hon^rs would take our peculiar Circumstances into Your wise & Compassionate Consideration & release the Town of Falmouth from the Province Tax laid on them the present Year, or Other ways Relieve Your Petitioners as you in your Great Wisdom shall see fit & Your Petitioners as in Duty bound shall ever Pray —

Falmouth Dec^r 21^st 1775

JEDIDIAH PREBLE
BENJ TITCOMB
ENOCH ILSLEY
WILLIAM OWEN
JOHN WAITE
} Committee."

— *Mass. Archives, vol.* 210, *p.* 392.

"Jan. 5, 1776. A Petition of the Town of *Falmouth*, in the County of *Cumberland*, setting forth the distressing Circumstances to which the Inhabitants of that Town are reduced by the Burning a great Part of the Town by Capt. *Mowat*, and praying the Court to release the said Town from the Province Tax laid on them the present Year, or otherwise relieve them. Read and ordered to lie.

On a Motion, *Resolved*, That a Committee to consist of three. be appointed to repair to *Falmouth*, in the County of *Cumberland*, in the next Recess of this Court, and enquire into the State and Circumstances of that Town, and such other Towns as they may think proper, and report to the House at the next Session; and that next *Tuesday*, 10 o'Clock A. M. be assigned for the Choice of such Committee by Ballot." — *House Journal, p.* 114.

"In the House of Representatives Octb 23. 1776 *

Resolved That one half the Tax laid by this Court on the Inhabitants of the Town of Falmouth, for the year 1775 be and hereby is remitted to them — And the Assessors of said Town are hereby impowered & directed to abate the same from the several Persons in the Rate Bill in such a manner as they shall think most reasonable & just — giving previous notice of the Time & Place at which they shall agree to sit to make such abatements —

Sent up for Concurrence SAM^L FREEMAN Speak P-T

In Council Oct^r 23^d 1776 Read & Concurr'd JOHN AVERY Dp^y Sec^y

Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 210, *p.* 393.

By a resolve, passed Oct. 24, 1777, the committee of correspondence, &c., were directed to pay the taxes assessed, in 1774 and 1775, on refugees' estates, out of the rents, &c., of such estates. See printed resolves of 1777-78, third session, chap. CCIII.

"State of the Masechusets Bay

To the Hon^bl Councel and Hon^bl House of Representitives in General Court Assembled

The Petision of Thomas Pratt Samuel Sprague & Jonathan Green in behalf of the Town of Chelcey in the County of Suffolk Humbly sheweth

That in the year 1775 there was Laid on said Town a State Tax to the amount of £99-3-7¼ which Sum Never Since hath ben Assest by Reason at that time the Greater Part of the inhabitence of said Town was Driven from their farmes and have Greatly Sufferd not only by the Enemy but by their own army Great Numbers of which were incampt in said Town which naturly Produsd Great Distruction not only of the Produce of the Land but also of fences and Buildings your Petitioners therefore Humbly Pray that you in your wonted wisdom and Justis would Relax the above tax or sum Part thereof and if any Part thereof shall be though Propper to be Paid by said Town that the Hon^bl Court wou'd innabel the Preasent assessors to assess the same on the inhabitence of said Town or otherwise Relieve the above-said Town as you in your Great wisdom shall think Propper. and your Petitioners in Deuty Bound shall Ever Pray THOS PRATT

Chelcy Febr 3^d 1779 SAM^LL SPRAGUE JONATHAN GREEN." — *Ibid., vol.* 221, *p.* 102.

"State of the Massachusetts Bay In the house of Representatives Feb^y 13 1779

On the Petition of Tho^s Prat & Others select Men of the Town of Chelsey

† Resolved That the prayer of the Petitioners be so far granted as that the present Assessers be and they are hereby directed and impowered to assess the Inhabitants of said Town of Chelsey the sum of Ninety Nine pounds three shillings and seven pence one farthing it being the sum Laid on said Town as a State Tax in the Year 1775 which sum said Town have by some Means hitherto neglected to assess or collect of said Inhabitants And the Treasurer is hereby directed to issue his Warrants to the Constables of said Chelsey in due form of Law for the collecting the same —

Sent up for Concurre

JOHN PICKERING Spk^r

In Council Feb^y 15. 1779 Read & Concurred JOHN AVERY D Sec^y

Consented to"— [Signed by fifteen of the Council]. — *Ibid., p.* 101.

Chap. 7. During the third provincial congress two committees, the members of which were enjoined to secrecy, were successively appointed to consider the expediency of "establishing" a number of small, armed vessels to cruise on the coast, for the protection of trade and to annoy the enemy. A report made by the committee last appointed, was repeatedly considered, but the subject was finally "ordered to subside." — See printed Journal, of June 19, 1775, p. 361.

On the 18th of July, the Continental Congress adopted a series of resolutions recom-

* Printed resolves of the October session, chapter LX.
† *Ibid.*, January session, chapter CLXXIX.

mending the colonies to make immediate preparations for defence on land and sea, and the resolve set forth in the preamble to this chapter is one of these. The second session of the General Court was begun September 20th, and, on the 28th, an order was passed in the House, appointing a committee of seven, to consider the expediency of fitting out a number of armed vessels. To this committee, on the 29th, was referred the petition of Ivory Hovey, in behalf of nine districts in Lincoln County, lying "between Machias and Penobscot," praying for protection from British men-of-war, &c. This petition was taken from another committee, to which it had been referred the day before. The result of this reference was the following report: —

"Oct. 9, 1775. The Report of the Committee appointed to consider the Expediency of fitting out armed Vessels, was taken into Consideration. Read, and accepted.

Whereas the unnatural Enemies of these Colonies have infested the Sea-Coasts with armed Vessels, and are daily endeavouring to distress the Inhabitants, by plundering Live Stock, and making Captures of Provision and other Vessels, being the Property of said Inhabitants: And whereas the Grand Congress *of* America, *have resolved* 'That each Colony at their own Expence, make such Provision by armed Vessels or otherwise, as their respective Assemblies, Conventions, or Committees of Safety shall judge expedient, and suitable to their Circumstances and Situations, for the Protection of their Harbours and Navigation on the Sea-Coasts, against all unlawful Invasions, Attacks and Depredations, from Cutters and Ships of War:' *And whereas it is the Duty and Interest of each Colony to exert itself as well for the Purpose of keeping Supplies from the Enemy, as for those mentioned in the Resolve just recited.*

Therefore *Resolved*, That a Committee be now appointed to prepare and bring in a Bill for the Confiscation of all armed and other Vessels, that shall be taken and brought into this Colony, together with their Cargoes, Appurtenances, &c. which shall have been found making unlawful Invasions, Attacks or Depredations on our Sea Coasts or Navigation, or improved in supplying the Enemy with Provisions, &c. or employed by them in any other Respect whatever. — And that Provision be made in said Bill for encouraging such of the Inhabitants of this Colony, as shall for this Purpose be recommended by the Committees of Correspondence and Safety of the Town in which they shall dwell, to fit out armed Vessels under such Regulations as the General Court shall order; and that all Vessels and Cargoes that shall be taken by said Inhabitants or others, properly authorized to take the same, and that shall be legally condemned in this Colony, shall be the Property of the Captors, they paying the Charges of Condemnation. Also that further Provision be made in said Bill for determining the Salvage that shall be allowed on such Vessels as shall be retaken from the Enemy before Condemnation; and for erecting a Court for the Trial and Condemnation of all Vessels, Cargoes, &c. as aforesaid, that shall be taken and brought into this Colony. Accepted." — *House Journal, p.* 151.

A bill was accordingly reported, which was read a first time, in the House, October 14th, a second time, on the 17th, and a third time, on the 18th. In the Council, the bill was read a second time and passed to be engrossed, October 27th, with amendments, in which the House concurred. The House proposed a further amendment, November 1st, substituting North Yarmouth, for Falmouth, in the seventh section, which the Council agreed to, the same day, and the bill was thereupon passed to be enacted, and, on the 8th, was ordered "to be printed in the Watertown newspaper." On the 10th, the secretary, by direction of the House, laid the bill on the table, when the following proceedings ensued: —

"The Secretary agreeable to Order, laid on the Table the Act for encouraging the fitting out armed Vessels.

Upon a Motion, *Ordered*, That Mr. *Gerry*, Capt. *Bacheler* and Mr. *Rawson*, be a Committee to bring in a Resolve impowering any Person to make Captures of all Vessels within the Predicament of those made liable to be taken, by an Act for encouraging the fitting out armed Vessels." — *Ibid., p.* 259.

"Nov. 10, 1775. The Committee appointed to prepare a Resolve impowering any Persons to make Captures of Vessels in certain Cases, reported. Read and accepted as follows.

Whereas by a Law of this Colony made in the present Session of the General Court, Intitled an Act for encouraging the fitting out Armed Vessels to defend the Sea-Coast of *America*, and for erecting a Court to try and condemn all Vessels that shall be found Infesting the same — it is provided that all Vessels which shall be brought into this Colony, and proved to be the Property of, or any Ways employed by the Enemies of the United *American* Colonies, or for Supplying the said Enemies, shall with their Appurtenances and Cargoes be deemed forfeited, and disposed of as by said Act is ordered and directed, and no Provision being therein made for Captors not legally commissioned therefor, who in certain Cases ought to meet with all necessary Encouragement.

Resolved, That when and so often as it shall appear to the Judge of any Court by said Act provided, that any Vessel or Vessels which shall be by such Court condemned, have been taken by any Inhabitants of the United *American* Colonies, within thirty Leagues of the *American* Shore; in that Case it shall be lawful, and such Judge is hereby authorized and directed to award to the Captors the amount of what such Vessel or Vessels with their Cargoes and Appurtenances shall produce, after deducting the Charges of Tryal and Condemnation; and also the Sheriff's Fees for Sale at public Auction, in the same Manner as would have been done, had such Captors been commissioned with Letters of Marque and Reprisal, by any of the Colonies aforesaid. Sent up for Concurrence." — *Ibid., p.* 264.

"In Council Novr 11th 1775 Read & concurred PEREZ MORTON Dpy Secry
Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 207, *p.* 219.

On the 7th of December, a committee was appointed to prepare and bring in a temporary fee-bill for the admiralty courts. On the 29th, this committee was ordered to sit

forthwith. Another committee was appointed, Jan. 8, 1776, to bring in a bill for this purpose. On the 17th, this last-named committee was directed, by the House, to report forthwith, and that the bill be brought in, in the form of a resolve. On the 24th, the table of fees reported was considered by the House, and recommitted to another committee, "the House having previously voted that the judges of said court should severally be paid, for the trial of any cause, at the rate of *twenty shillings* per day." On the 25th, the following resolve was reported to the House: —

"Resolved, That the Fees to be hereafter demanded, and receiv'd in the Courts of A '*Admiralty*' within this Colony, shall be as follows. — viz: —

	£	s	d
To the Constables for warning a Town Meeting, & drawing Jury Men	–	2	–
For summoning each Juror or Witness	–	–	6
To the Sherrif, or Constables for every Miles Travel from the place of Abode to the place of Tryal in making a return of a Warrant or Summons	–	–	2
To each Juror, or Witness for every miles Travel from the place of his Abode to the place of Tryal	–	–	2
To every Witness for attendance ℔ day	–	2	8
For the attendance of the foreman of the Jury in each cause ℔ day	–	4	6
For the attendance of each of the other Jurors ℔ day	–	4	–
For the Clerk's attendance each day	–	5	–
For the Sherrif, or Constable's attendance each ℔ day	–	4	–
To the Clerk for recording the Proceedings of the Court, for every Page containing twenty four lines of Eight Words in a line	–	–	6
For taxing the bill	–	5	–
For all Attested Copies 6d per Page as above	–	–	6
To the Sherrif for Selling a Vessel, & Cargo &c paying out the proceeds to the Captors and the Fees to the Colony Treasurer three pence on the pound, or One, and a Quarter ℔ Cent —			
To the Judge for receiving Information	–	6	–
for every Warrant	–	5	–
for his Travel from home to the place of Tryal for every ten miles	–	5	–
for every Days sitting on Tryal	1	–	–
for notifying, or Advertiseing exclusive of the Expence to ye Printers	–	8	–
for every summons for one, or more Witnesses	–	–	6

Sent up for Concurrence J WARREN Spkr

In Council Jany 25th 1776 Read & concurred with the Amendment at A — viz[t] at A dele '*Admiralty*' and insert 'Justice for the Trial of the Captures of Vessels' sent down for Concurrence PEREZ MORTON Depy Secry

In the House of Representatives Jan. 25th 1776 Read & Concurrd — Sent up — J WARREN Spkr

Consented to"— [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 208, *p.* 1.

On the 14th of February, this act was repealed by chapter 15, for reasons which appear in the preamble and notes to that chapter; but it was revived by chapter 17, which repealed the repealing act. Chapter 17 was passed March 19th, whereupon the following preamble and resolve were adopted: —

"Mar. 20, 1776. In Council — Whereas the Judge of the Court of Justice for the Counties of Suffolk, Essex and Middlesex (appointed in pursuance of an Act of the General Court at their Session in November last, intitled an Act for Encourageing the fixing out of Armed Vessels to defend the Sea Coast of America, and for Erecting a Court to try and condemn all Vessels that shall be found infesting the same) has appointed certain days for holding his Court for that purpose at Ipswich Viz — the Eighteeth nineteenth, Twentieth, Twenty First, Twenty Eighth, and Twenty ninth days of March instant, and it being inexpedient that those Courts should be held untill some further Regulation shall be made relative to the proceedings therein — It is hereby Resolved and Ordered that the Court aforesaid appointed to be held on the days aforesaid (which are not already Elapsed) be adjourned until monday the First day of April next to be held at Ipswich in the County of Essex, and all Processes, Pleas, and every matter and thing whatsoever which might or could have been heard, considered and determined by the said Judge in Virtue of the appointment of those days for that purpose shall and may be heard and determined by him on the said First day of April next, and they are hereby continued accordingly. — And all Jurors and Witnesses who have been summoned to attend in pursuance of the appointment aforesaid shall be hereby holden and are accordingly directed to attend said Court on the said First day of April next, and shall be liable to the same penalties for Nonattendance as if the said Court had been held on the days appointed for holding the same. — In the House of Representatives Read & Concurred Consented to by Fifteen of the Council." — *Council Records, vol. XXXIV., p.* 667.

A resolve was prepared, June 4, 1776 — the preamble to which declares that the judges of admiralty, and others, were in doubt as to whether or not the warrant for the sale of prizes condemned under this act must be directed to the sheriff — directing that each judge issue his warrant, for the sale of prizes, to some sheriff within his jurisdiction; but upon this resolve no action appears to have been taken, although this direction had been made more explicit in chapter 15, which was repealed.

Chap. 8. The bill of this act was reported, August 22, 1775, and, after a second reading, was "referred to the next session of this court." This bill came up again for consideration, October 12th, and had its third reading on the 16th or 17th, after one or two postponements. On the 19th, it was passed to be engrossed, and on the 31st, it was passed to be enacted.

"Nov. 7, 1775. *John Taylor*, Esq; brought down from the honorable Board a Resolve concerning the necessary Qualifications of Retailers to receive Licences.

Pass'd in Council, *viz.* In Council, *November* 7, 1775.

Whereas by an Act of this Colony made in the sixteenth Year of the Reign of George the third, intitled an Act, impowering the Courts of General Sessions of the Peace within this Colony to grant Licences to Innholders and Retailers in certain Cases; it is among other Things therein enacted, that the several Courts of General Sessions of the Peace in each and every County in this Colony, who have in any Measure been interrupted in their Proceedings (as mention'd in said Act) or have omitted granting Licences as usual, are thereby authorized and impowered at their first Sessions thereafter to be held respectively, to grant Licences to Innholders and Retailers of spirituous Liquors, or common Victuallers, to exercise their respective Callings for, and during the Remainder of the Year, or untill the Term at which by Law they are authorized to grant such Licences, observing the Rules and Directions of the Law in such Cases made and provided.—And no Direction is given in the said Act, what preliminary Steps are necessary to be taken by Innholders, Retailers, or common Victuallers, in order to qualify them for the said Employments:

It is therefore, *Resolved*, That before any such Licences be granted to Innholders, Retailers or common Victuallers, every Person applying to the several Sessions as aforesaid, before they are Licenced, shall produce a Certificate from the major Part of the Selectmen of the Town where they dwell, recommending them to be Persons of sober Conversation, suitably qualified, and provided for the Exercise of such an Employment; and that this Resolve be published in Hand-Bills, and sent into each Town in this Colony. Sent down for Concurrence. Read and concurred with the Amendment, at A. *viz.* at A, insert — and particularly that they be firmly attached to the Rights and Interest of their Country. Sent up for Concurrence." — *House Journal, p.* 239.

"Consented to by Fifteen of the Council." — *Council Records, vol. XXXIII., p.* 325.

Chap. 9. On the fifth of December, Elbridge Gerry, William Cooper and William Story, of the House, were appointed a committee to bring in a bill for the further emission of bills of public credit. The bill which they reported having had three readings, was passed to be engrossed, December 8th, and sent up for concurrence. On the 16th, the bill was sent for by the House, amended, and again sent up; and on the 22nd, it was passed to be enacted, and Capt. Bragdon and Capt. Morton were appointed a committee to superintend the impression of the bills. The order appointing this committee was reconsidered, the next day, and it was ordered that the superintendence of the printing be done by a joint committee, of which the two gentlemen previously appointed be members, on the part of the House.

In the mean time the following proposal for preparing the bills, was made by Paul Revere: —

"Watertown Dec^{mr} 8, 1775

I the Subscriber agree to Engrave the Plates & make the necessary alterations in the same, and Print the number of Bills the Hon^{ble}. House of Represta^{s}. shall order, for the sum of one penny half penny old Tenor, each Bill, and finde the Paper, and all the materials, the paper to be equal to the last Emmission.

As the alteration & engraving will not be quite so much work as the last, I agree to alow thirty Shillings L. Money out of the whole. PAUL REVERE

Memorandam The Paper for the last, cost me Six dollars a Rheam, when I did not expect to give but four, which made 44 Dollers odds, the Committee of the House ordered the paper to be made, & did not agree for the price, & I was obliged to pay the paper maker his demand.

M^{r}. Cooper to bring a Resolve for Engageing the above price to M^{r}. Revere & to direct y^{e} plates to be d^{l} to him." — *Mass. Archives, vol.* 138, *p.* 271.

This proposal was accepted, conditionally, in the following resolve: —

"Dec. 9, 1775. In the House of Representatives. — Resolved that Henry Gardner Esq^{r}. Receiver General of this Colony, be and he hereby is directed to deliver unto Mr Paul Revere Engraver the two pair of copper Plates now in the keeping of said receiver General, from which the last Emission of Bills was struck off. one pair of said plates to be delivered upon the return of the other, — & that Mr Revere be directed to procure with all expedition in the cutting or engraving a new set of Plates for the striking off Bills of Publick Credit to the amount of Seventy five thousand pounds, of the denominations specified in the Bill now pending for the Emission of said sum, provided the same passes into an Act; & that he be allowed for said Service One penny and a halfpenny Old Tenor for each Bill he shall strike Off, he finding Paper and every material that shall be necessary, and allowing a deduction to be made from the foregoing allowance of the sum of thirty shillings Lawful money, for the advantage he will recieve from the Old plates; and that Colonel Thompson be a Committee to take into keeping said Revere's press until the Plates shall be ready for the striking off said Bills or any part of them — In Council Read and Concurred Consented to by Fifteen of the Council." — *Council Records, vol. XXXI., p.* 353.

The subsequent proceedings respecting the numbering and signing of the bills, and providing for their safe custody, were as follows: —

"Dec. 26, 1775. In the House of Representatives — Ordered that Mr Wheeler, Deacon Cheever, Mr Morgan & Mr Pyncheon with such as the Hon^{ble}. Board may join, be a Committee to sign the Bills of Credit of the last Omission.* — In Council Read & Concurred & James Prescot and Joseph Palmer Esq^{rs}. are joined — Consented to by fifteen of the Council." — *Ibid., p.* 396.

* *Sic.*

"Dec. 26, 1775. The Committee appointed to bring in a Resolve, determining how the Bills of Credit should be signed, reported. Read and accepted.

Resolved, That the Committee appointed by this Court to sign and number the Bills of public Credit, of the *Seventy-five thousand Pounds* Emission, issued by a late Act of this Court, be, and they hereby are directed to sign them in the following Manner: That is to say,

The several Denominations of said Bills, from *eight Pence* to *ten Shillings*, shall be sign'd by only one of said Committee, in such Manner as they shall agree among themselves; and that the several Denominations of said Bills, from *ten Shillings* to *forty-eight Shillings*, shall be signed by only two of said Committee, as they shall agree. The signing of which Bills in the Manner aforesaid, shall be deemed as valid and effectual, as though each Bill was signed by the whole of the Committee appointed as aforesaid. Sent up for Concurrence.

* * * * * *

Benjamin Chadburne, Esq; brought down the following Resolve, *viz. Resolved*, That *Benjamin Chadburne* and *Moses Gill*, Esq'rs. with such as the Hon. House shall join, be a Committee to consider of, and report a Resolve directing how the present Emission of Bills of Credit shall be sign'd and numbered, and also what Allowance the Signers and Numberers shall have for their Services. Sent down for Concurrence." — *House Journal, pp. 75 and 79.*

"Dec. 27, 1775. *Ordered*, That a Message go to the Hon. Board to know if they have passed upon a Resolve of this House directing how the Bills of Credit should be signed.

Ordered, That Mr. *Hobart*, Col. *Cushing*, and Mr. *Pitts*, be a Committee to consider what shall be done with those Bills of Credit which specify a different Denomination on the Back to what is expressed on the Face of the Bill, and to determine how they shall be received in Payment." — *Ibid., p.* 83.

"Dec. 28, 1775. The House considered, and non-concurr'd a Resolve of the Hon. Board, brought down the 26th Current, for the purpose of appointing a Committee to consider, and report a Resolve directing how the Bills of Credit should be signed and numbered, and what Allowance the Signers and Numberers shall have for their Services. Whereupon, *Ordered*, That Mr. *Singletary*, Mr. *Brown* of *Abington*, and Mr. *Phillips*, be a Committee for that Purpose.

Ordered, That a Message go to the Hon. Board to know if they have passed upon a Resolve of this House directing how the Bills of Credit should be sign'd. Accordingly, *Jedediah Foster*, Esq; came down, and informed the House that the Hon. Board had non-concurr'd the said Resolve. * * * * * *

Ordered, That Mr. *Hopkins* be on the Committee for signing the present Emission of Bills of Credit, in the Room of Deacon *Cheever* excused.

The Committee appointed to bring in a Resolve directing how the Bills of Credit should be numbered and sign'd, reported. The Report was read, and considered, and re-committed." — *Ibid., pp.* 84 *and* 87.

"Dec. 30, 1775. In the House of Representatives Resolved that the several Bills for compleating the sum of seventy five Thousand pounds which this Court has ordered to be emitted by a late Act, be signed and numbered in the following manner Viz^{t}. That the Bills of the several denominations from eight pence to seven shillings inclusively be sign'd by any one of the committee appointed for this purpose, as said committee shall agree. That the Bills of the several denominations from ten shillings to Forty eight shillings inclusively be signed by any two of the same committee — one of whom shall sign with black Ink, and the other with red Ink,— That the several Bills be numbered by the above mention'd Committee in such manner as shall by them be determined. — In Council Read and Concurred Consented to by Fifteen of the Council."— *Council Records, vol. XXXI., p.* 412.

"Jan. 1, 1776. *Ordered*, That a Message go to the Hon. Board to enquire if they have passed upon the Resolve directing how the Bills of Credit should be signed." — *House Journal, p.* 100.

"Jan. 4, 1776. *Ordered*, That the Secretary be directed to lay upon the Table the Resolve of Court appointing a Committee to sign the Bills of Credit. The Secretary laid the same on the Table accordingly." — *Ibid., p.* 110.

"Jan. 4, 1776. In Council — Whereas a Committee of both Houses have been appointed for signing and numbering the Bills of Credit, for the seventy five thousand pounds Emission, & as the Publick affairs of the Colony press hard upon the Board they cannot (without injuring the publick) spare any of their members, in the hours, they usually sit upon business, therefore Resolved, that Colonel Cushing, with such as the Honourable House shall join, be a Committee to take into Consideration the matter of signing and numbering said Bills, & report some effectual mode of raising a Committee for that purpose, so that the Treasury may be seasonably supplied. — In the House of Representatives Read and Concurred & Colonel Thompson and Mr Crane are joined." — *Council Records, vol. XXXI., p.* 423.

"Jan. 6, 1776. The Committee of both Houses appointed to take into consideration the matter of signing and Numbering the Bills of Credit, for the seventy five thousand pounds Emission, & report some effectual Mode of raising a Committee for that purpose beg leave to report, That for the reasons assigned by the Board the 4th instant there be two persons appointed by this Court to sign and number said Bills in the Room of James Prescott and Joseph Palmer Esq^{r} who are excused —

In Council Read and accepted & thereupon Resolved, that two persons such as the Honorable House shall choose be appointed to sign and number the Bills of Credit of the last emission, in the room of James Prescott and Joseph Palmer Esqrs who are hereby excused.—

In the House of Representatives Read and Concurred and Doct Rice and Major Ely are appointed to sign and Number the Bills accordingly, and the Committee are directed to set forthwith. — Consented to by fifteen of the Council." — *Ibid.*, *p.* 433.

"Jan. 8, 1776. The Committee appointed to sign the Bills of Credit were directed to provide a suitable Room for their Accommodation, and Fuel as necessary." — *House Journal*, *p.* 124.

"Jan. 24, 1776. *Ordered*, That Mr. *Wheeler* bring in a Resolve for taking Care of the Bills of the last Emission which are now wholly struck off.

* * * * * *

Ordered, That Mr. *Batcheldor* be on the Committee for signing the Bills of Credit, in the Room of Mr. *Morgan* absent. Sent up for Concurrence.

* * * * * *

The Committee appointed to bring in a Resolve for taking Care of the Bills of Credit of the last Emission now wholly struck off, reported. Read and accepted.

Whereas the Whole of the Bills for the Emission of the *Seventy-five thousand Pounds* are now printed off, and the Committee appointed to inspect the Press, have moved for a Discharge. Therefore *Resolved*, That the Committee for inspecting the Press, deliver the Chest, together with the Whole of the Bills which remain unsigned, to the Committee appointed to sign the same, and take their Receipt therefor: And that said Committee be directed to deposit the aforementioned Chest in the Treasurer's Office. Sent up for Concurrence." — *Ibid.*, *pp.* 198, 199 *and* 201.

"Jan. 25, 1776. *Charles Chauncy*, Esq; at the same Time brought down the following Order of Council, *viz.*

Ordered, That *Moses Gill*, Esq; with such as the Hon. House shall join, be a Committee to examine what Number of Sheets of the Value of *Ten Pounds and Sixteen Shillings* each, and what Number of Sheets of the Value of *One Pound* and *Four Shillings* each, of the Emission for *Seventy five Thousand Pounds*, have been stamped or struck off, and to separate, and put into different Bundles each Sort of Sheets, marking the Value of each Bundle, and make report to this Court what Number of Sheets there are of each Denomination. Sent down for concurrence. Read and concurr'd, and Capt. *Bragdon* and Capt. *Stone* are joined." — *Ibid.*, *p.* 208.

"Jan. 30, 1776. *James Prescott*, Esq; brought down the Report of the Committee of both Houses, appointed to Number and separate the Sheets of Bills of the Emission for *Seventy-five thousand Pounds*." — *Ibid.*, *p.* 228.

"Feb. 3, 1776. *Ordered*, That Mr. *Sewall* be added to the Committee for signing the Bills of Credit of the last Emission. Sent up for Concurrence." — *Ibid.*, *p.* 240.

"Feb. 5, 1776. The Report of the Committee of both Houses appointed to number and separate the Bills of Credit, &c. with the following Vote of Council thereon.

In Council, *January* 30, 1776. Read, and recommitted, and the Committee are directed to examine the Sheets of each Denomination in the Treasurer's, Committee of Council's, and Committee of Cloathing's Hands. Sent down for Concurrence. Read and concurr'd." — *Ibid.*, *p.* 243.

"Mar. 27, 1776. On a Motion, *Ordered*, That Col. *Freeman* and Deacon *Bradley*, with such as the honorable Board shall join, be a Committee to settle with and examine the Receipts of the Committee for signing the last Emission of Bills of public Credit."— *Ibid.*, *p.* 46.

"Apr. 19, 1776. The Committee appointed to Sign and Number the Bills for the Emission of *Seventy-five Thousand Pounds*, reported. Read and committed to Mr. *Davis*, Deacon *Rawson* and Col. *Spaulding*." — *Ibid.*, *p.* 148.

"May 1, 1776. The Committee appointed to examine the Receipts of a Committee appointed to Sign, Number and deliver into the Hands of *Henry Gardner*, Esq; Receiver-General of this Colony, the Bills for the Emission of *Seventy-five Thousand Pounds*, having attended that Service, reported the following Resolve, *viz.* Read and accepted.

Resolved, That the said Receipts be lodged in the Secretary's Office, and the said Supernumary Sheets be delivered into the Hands of Col. *Orne*, to be disposed of as this Court shall Order, and that the said Committee be discharged. Sent up for Concurrence." — *Ibid.*, *p.* 224.

"Consented to by 15 of the Council." — *Council Records*, *XXXIV.*, *p.* 829.

"Apr. 19, 1776. A Letter from the Committee of *Uxbridge*, informing the Court that the following Persons do utterly refuse to take the Continental Bills, or the Bills of any of the United Colonies, in discharge of any Debt or Account whatsoever, *viz.* — *Moses Farnum*, *David Farnum* and *Jonathan Farnum*, alledging a scruple of Conscience, being of the Denomination of Christians called Quakers. Read and committed to Major *Goodman*, Col. *Doan* and Major *Bryant*." — *House Journal*, *p.* 154.

Chap. 10. The provincial congress attempted no direct changes in the laws relating to the formation and regulation of the militia; but recognizing the old establishment, they, as early as the 26th of October, passed resolves authorizing the committee of safety to muster the militia, upon an alarm, and earnestly recommending all officers and privates to obey the orders and calls of that committee. They, also, at the same time, made provision for the subsistence of the forces, when on duty, and for the purchase of cannon and gun-carriages, ammunition and ordnance stores. By another resolve they recommended such companies of the militia as had not already chosen officers, to proceed, forthwith, to choose them; the officers so chosen, to immediately meet and divide the regiments — restricting their limits when necessary — and to elect field officers. These field officers were requested to forthwith endeavor to enlist at least one-fourth of the respective companies, and to form them into new companies of at least fifty privates each, to hold themselves in readiness for immediate service. Each of these companies was recommended

to choose a captain and two lieutenants, and the captains and subalterns were to form them into battalions of nine companies each, and, when so formed, field officers were to be elected for them. This subsidiary organization of active militia, which soon became known as "minute-men," was placed under the command of five general officers, appointed February 9, 1775, "to command, lead and conduct" it in opposing and resisting any attempt "for carrying into execution, by force," the recent act of parliament for better regulating the government and for the more impartial administration of justice in the province.

On the 8th of April, measures were taken for the formation, in conjunction with the governments of Connecticut, Rhode Island and New Hampshire, of a standing army, and on the 23rd, this business having been accelerated by the affair at Lexington and Concord, on the 19th, it was unanimously resolved "that an army of 30,000 men be immediately raised and established," and "that 13,600 men be raised immediately by this province."

From this time forth, although the authority of the committee of safety still extended over the whole militia, and was confirmed in the revised resolves adopted May 19th, the attention of Congress, in respect to military affairs, was chiefly confined to the organization, equipment, augmentation, subsistence and movements of the "Continental Army," which was also under the direction of the committee of safety.

On the 18th of July, the Continental Congress passed the resolves which have been already referred to (note to chap. 7, *ante*), and which, so far as they relate to the organization of the militia, are as follows: —

"*Resolved*, That it be recommended to the inhabitants of all the United English Colonies in North-America, that all able bodied effective men, between sixteen and fifty years of age in each colony, immediately form themselves into regular companies of militia, to consist of one captain, two lieutenants, one ensign, four serjeants, four corporals, one clerk, one drummer, one fifer, and about sixty-eight privates.

That the officers of each company be chosen by the respective companies.

That each soldier be furnished with a good musket, that will carry an ounce ball, with a bayonet, steel ramrod, worm, priming wire and brush fitted thereto, a cutting sword or tomahawk, a cartridge-box, that will contain twenty-three rounds of cartridges, twelve flints and a knapsack.

That the companies be formed into regiments or battalions, officered with a colonel, lieutenant-colonel, two majors, an adjutant, or quarter-master.

That all officers above the rank of a captain, be appointed by the respective provincial assemblies or conventions, or in their recess, by the committees of safety appointed by said assemblies or conventions.

That all officers be commissioned by the provincial assemblies or conventions, or in their recess by the committees of safety appointed by said assemblies or conventions.

That all the militia take proper care to acquire military skill, and be well prepared for defence by being each man provided with one pound of good gun-powder, and four pounds of ball, fitted to his gun.

That one fourth part of the militia in every colony, be selected for minute men, of such persons as are willing to enter into this necessary service, formed into companies and battalions, and their officers chosen and commissioned as aforesaid, to be ready on the shortest notice, to march to any place where their assistance may be required, for the defence of their own or a neighbouring colony; and as these minute men may eventually be called to action before the whole body of the militia are sufficiently trained, it is recommended that a more particular and diligent attention be paid to their instruction in military discipline.

That such of the minute men, as desire it, be relieved by new draughts as aforesaid, from the whole body of the militia, once in four months.

As there are some people, who, from religious principles, cannot bear arms in any case, this Congress intend no violence to their consciences, but earnestly recommend it to them, to contribute liberally in this time of universal calamity, to the relief of their distressed brethren in the several colonies, and to do all other services to their oppressed country, which they can consistently with their religious principles.

That it be recommended to the assemblies or conventions in the respective colonies to provide, as soon as possible, sufficient stores of ammunition for their colonies; also that they devise proper means for furnishing with arms, such effective men as are poor and unable to furnish themselves.

That it be recommended to each colony to appoint a committee of safety, to superintend and direct all matters necessary for the security and defence of their respective colonies, in the recess of their assemblies and conventions.

* * * * * *

That it be recommended to the makers of arms for the use of the militia, that they make good substantial muskets, with barrels three feet and a half in length, that will carry an ounce ball, and fitted with a good bayonet and steel ram-rod, and that the making such arms be encouraged in these United Colonies.

Where in any colony a militia is already formed under regulations approved of by the convention of such colony, or by such assemblies as are annually elective, we refer to the discretion of such convention or assembly, either to adopt the foregoing regulations in the whole or in part, or to continue their former, as they, on consideration of all circumstances, shall think best." — *Journals of Congress.*

On the seventh of August, these resolves of the Continental Congress were referred to a committee of the House of Representatives, with instructions to take them into consideration, and report "what is proper to be done by this House, relative to that matter in this colony." This committee, the next day, reported a resolve that, agreeably to the above resolves, the court proceed to the choice of field officers for the several regiments

of militia throughout the colony, "as quick as may be," which report was "ordered to lie on the table until the next session of this court."

At the second session, the subject was resumed, and a committee was appointed "to bring in a bill for regulating the militia of this colony." This was on September 26th. On the third of October, this committee was ordered to sit forthwith, and, on the 13th, some changes in the committee having been made in the mean time, the draught of a bill was brought down from the Council. The bill had its first reading, in the House, Oct. 16th, by special assignment, and its second reading, Oct. 19th, after two postponements, and was then refused a third reading, and another change was made in the committee. On the 21st, the Council, in answer to a message from the House, replied that the bill "is recommitted, and in the hands of the chairman"; and, on the same day, a new committee was appointed to bring in a bill. On the 23rd, Col. Otis was substituted on this committee, for "Major Hawley, on other duty" and an order was passed that the committee "bring in a bill providing that the officers of the companies be chosen by the companies; that the field officers be chosen by the Assembly; and that all be commissionated by the Council." On the next day, the committee was ordered to "proceed on that business," and the following proceedings ensued: —

"Oct. 25, 1775. Upon a Motion, the Question was put, Whether there be any Necessity or Advantage in making an Alteration in the Appointment of Military Officers, different from what is now established by the Resolves of the Provincial Congress, and confirmed by the Assembly; which pass'd in the Affirmative.

Resolved, That Major *Hawley*, Mr. *Gerry*, Col. *Orne*, Col. *Bowers* and Col. *Grout*, be a Committee to confer with a Committee that may be appointed by the honorable Board, with regard to the Method of appointing Militia Officers, and the best and most advantageous Steps to be taken for the Regulation of the Militia in this Colony." — *House Journal*, *p.* 196.

"A Message from the major Part of the honorable Council, by the Secretary.

Gentlemen of the House of Representatives,

The Council view with the deepest Concern the unhappy Dissention between them and the honorable House of Representatives, relative to the Right of appointing the Military Officers in this Colony, and the growing ill Consequences which necessarily result from such Disunion.

The Council have no Desire unduly to extend and exercise the Powers vested in them, and are far from having a Disposition to altercate with the honorable House; they wish a Coalition of Sentiment with them in every Point. No Motives short of what appears to them to be their indispensable Duty would be sufficient to induce them to claim an exclusive Right of appointing such Officers. Could they give it up consistent with the Obligations they feel themselves under to adhere strictly to the Charter, as recommended by the Hon. the American Congress, they would do it with Pleasure.

In order therefore to put an end to this Dispute, and have it ascertained with whom is the Right of appointing such Officers, the Council propose and offer it for the Consideration of the Hon. House, that they immediately make a joint Application to the Hon. the American Congress, by whose Advice and Countenance this Colony have set up, and now exercise the powers of Government, and to whose Counsels it is necessary we should conform, for their Determination thereon

Council Chamber, Nov. 3d, 1775. Signed by a Major Part of the Council.

Read and *Ordered*, That Mr. Speaker, Major *Hawley*, Mr. *Gerry*, Col. *Grout*, and Col. *Orne*, with such as the honorable Board shall join, be a Committee to consider and report a Method of appointing Officers in the Militia, that shall be agreeable to a Resolve of the Continental Congress, and best calculated to promote the Interest of the Colony." — *Ibid.*, *p.* 228.

"Nov. 7, 1775. *Samuel Holten*, Esq; came down from the honorable Board with a Message, desiring that the House would lay before them a Resolve of the Continental Congress, to which the Reference is had in a late Order of this house, proposing a joint Committee for considering the Method of appointing Officers in the Militia.

Ordered, That Col. *Porter* go to the honorable Board with the Resolve of the Continental Congress, respecting the appointing Officers in the Militia." — *Ibid.*, *p.* 237.

"Nov. 9, 1775. The Committee to whom was committed another Message from the honorable Board, reported,

Read and accepted, and thereupon *Ordered*, That Mr. *Gerry*, Major *Hawley*, Col. *Orne*, Col. *Sayer*, Mr. *Hopkins*, Mr. *Partridge* and Col. *Thompson*, be a Committee to wait on the Major Part of the honorable Board with the following Message, *viz.*

May it please your Honors,

This House have considered your Message of the third Instant with equal Candor and Concern. When they observe that in the same Message wherein your Honors intimate that you judge it to be your indispensable Duty to maintain a Claim of an exclusive Right of appointing Military Officers in this Colony, you expressly acknowledge that it is by the Advice and Countenance of the honorable the *American* Congress, that this Colony have set up and now exercise the Powers of Government, and to whose Councils it is necessary we should conform. When they also consider the Clearness and Precision of the Resolutions of the said *American* Congress, of the Eighteenth of *July* last, touching the Method of appointing Military Officers 'in all the United *English* Colonies in *North-America*,' and at the same Time recollect that this Colony has hitherto considered herself as one of them, ever since that Union took Place; they are constrained to be of Opinion that the abovesaid exclusive Claim of the honorable Council is altogether indefensible in any Consistency with the abovesaid Resolutions; and that it cannot fail to infer Dishonor and Disgrace both on your Honors and this House, either jointly or severally to make an Application to the honorable Congress for their Determination on the

Meaning of their Resolves, and the Justness and Propriety of your Honor's Claim abovementioned, as well as imply an Imputation on the honorable Body of Obscurity, want of Correctness and Precision in so important Resolutions made for all the said Colonies, which appear to this House so plain, as that he that runs may read." — *Ibid., p.* 251.

"Nov. 10, 1775. The Secretary came into the House and read the following Message.

Gentlemen of the House of Representatives.

Your Message of Yesterday, relative to the Appointment of Military Officers, has been considered by the Council with Candour, as they presume; and certainly with deep Concern, that a Controversy of this Nature should be raised and continued, at a Time of the most eminent Danger, when our ALL is at Stake, and when *Union* and *Stability* of Councils and Actions are particularly necessary to the Preservation of our remaining Sea-Ports, against the Depredations of our Enemies. The Council are not contending for Victory; in this Case they would wish to be vanquished, if the honorable *American* Congress would permit it; they have very high Conceptions of the Wisdom of that august Body; and have never considered them as a Body of Obscurity, nor imputed to them a Want of Correctness and Precision; but being composed of fallable Men, tho' wise, 'tis *possible*, that some of their Resolutions may not be so plain to others as to the honorable House, who, perhaps, can read as they run. The Council have not Discernment enough to be apprehensive of Dishonour and Disgrace by an Application in this Case, to the honorable Congress: If the honorable House have such Fears, they may avoid the Charge; if they have not, the Council would wish for such a joint Application, as was proposed in their Message of the third Instant.

The Council have considered the Resolve of the honorable *American* Congress of *June* ninth past, in which it is recommended to this Colony, in order to conform as near as may be to the Spirit and Substance of the Charter, to chuse Representatives, which Representatives or Assembly should elect Counsellors, which Assembly and Council, should exercise the Powers of Government, until a Governor of his Majesty's appointment, will consent to govern the Colony according to its Charter. — They have also considered their Resolve of the eighteenth of *July* past, wherein it is recommended to all the Inhabitants of the United *English* Colonies, to regulate their Militia in such Manner as is therein mentioned; and among other Things it is therein recommended, that all Officers above the Rank of a Captain, be appointed by their respective Provincial Assemblies or Conventions: And that all Officers be commissioned by the said Provincial Assemblies or Conventions, or in their Recess, by the Committees of Safety, appointed by said Assemblies or Conventions.

The first of these Resolves, specially respected this Colony, and this only; the other was a general Resolve, and did not mention this Colony: The Council considered themselves bound by the first, to exercise the Powers of Government, as near as might be to the Spirit and Substance of the Charter; and we presume the honorable House, on the seventh of *August* past, considered it in the same Point of View, or they would not have '*recommended to the Board*' to make Appointments for Military Service. The other Resolve being general, and this Colony not specially mentioned therein, the Council presume was not intended in the Case of Appointments and commissionating Military Officers, to effect this Colony, or in this Case, to repeal the first of said Resolves; and the Council have appointed and commissionated, as conformable as may be, to said first Resolve, without any Intimation of Complaint from the honorable House in their late sitting, nor 'till very lately in their present.

The Council may truly boast a firm Attachment to the natural Rights of Men; and if there is an Incompatibility between those Rights and the Charter-Constitution of this Colony, the Council can only lament their being bound to the Observation of such a Constitution: But considering themselves thus bound, they have religiously observed the same, in order to preserve the Union of the Colonies: But as the continuing this Controversy, will expose to our merciless Enemies this distressed Country, especially upon the Sea Coast, for Want of a well regulated Militia; the Council do most ardently Desire, that the honorable House would explicitly order their Claim to subside for the present, or point out some other Mode of Proceeding, by which the Militia may be immediately settled, and our Country saved from impending Ruin." — *Ibid., p.* 261.

"Nov. 11, 1775. The Committee on the Message from the honorable Board, reported.

Read and accepted, *Resolved*, That Col. *Grout*, Deacon *Rawson* and Mr. *Story*, be a Committee to wait on the honorable Council with the following Message.

May it please your Honors,

The House propose to the honorable Board at twelve o'Clock this Day, by joint Ballot with them to come to the Choice of some suitable Person to such Service and Command in the County of *Cumberland*, as is expressed in a Message from the honorable Council to this House of the seventh Instant; which Person when chosen, shall be accordingly Commissioned by the honorable Council. * * * * *

The Committee on the Message from the honorable Board, reported again. Read and accepted.

The multiplicity of important public Affairs which have been under the Consideration of this Court during this Session, having unavoidably prevented a new Appointment of Military Officers within this Colony; and it being of the utmost Importance to the Safety of the Colony, that the Militia thereof should be well equipt and disciplined, and in the best Posture of Defence.

Resolved, That the several Military Officers who have been chosen by the People of this Colony, agreeable to the Resolves and Recommendation of the late Provincial Congress, be, and hereby are Ordered to remain and continue in the several Stations to which they were appointed as aforesaid, untill the further Order of this Court; and all such Officers are directed to use their utmost Exertions in putting the Militia under their

respective Commands in the best Posture for Defence they are able. Sent up for Concurrence." — *Ibid., pp.* 266 *and* 267.

On the last day of the session the Council addressed the following letter to the delegates from the province to the Continental Congress: —

"Watertown Novr. 11th. 1775

Gentlemen. The Manifest militation between the Resolve which passed the hon'ble the American Congress on the ninth June last relative to Establishing Civil Government in this Colony and the Resolve which passed the Congress on 18th of last July pointing to a method how the Militia should be regulated in the Several United American Colony's hath caused some Altercation between the Hon'ble House of Representatives, and the Council — The House have claimed by Virtue of the Last resolve a right to a choice, in the choice with the Council of the Militia Officers in this Colony — The Council have considered themselves bound to Act in conformity to the first mentioned Resolve

But such is the Prevailing sentiments of the House, that they have a right to join in the Election of Military Officers, that it will be difficult for the Council longer to Storm the Torrent of a measure so popular, unless absolutely directed thereto by the Hon'ble Congress — The Council hope an Order of that kind will not take place — they rather wish the Representatives of the people may be Gratified in this claim, as we think it will promote the peace of the Colony & the Public Cause — You will think of the matter and give us your advice, either with or without compelling your brethren of the Congress as you shall Judge best." — *Mass. Archives, vol.* 195, *p.* 393.

To this letter the following replies were received from John and Samuel Adams: —

"Philadelphia, Novr. 23d. 1775.

Sir I had the Honor of your Letter of Novr. 11th by Express and am very sorry to learn that any Difference of Sentiment has arisen between the two Honorable Houses respecting the Militia Bill, as it is so necessary at this critical Moment, for the publick Service —

If I was of opinion that any Resolution of the Congress now in Force was against the Claim of the Honorable House, as the Honorable Board have proposed that we should lay the Question before Congress I should think it my Duty to do it; But it appears to me that supposing the two Resolutions to clash, the last ought to be consider'd as binding, and as, by this, it is left in the 'Discretion of the Assembly either to adopt the foregoing Resolutions, in the whole, or in Part, or to continue their former, as they on consideration of all Circumstances shall think fit.' I think it plain, that the Honorable Board may comply with the Desire of the Honorable House if, in their Discretion they think fit. — I am the more confirmed in the opinion that it is unnecessary to lay this Matter before Congress, as they have lately advised the Colonies of New-Hampshire and one more, if they think it necessary to establish such Forms of Government, as they shall judge best calculated to promote the Happiness of the People.—

Besides the Congress are so pressed with Business, and engaged upon Questions of greater Moment, that I should be unwilling, unless in a case of absolute necessity to interrupt them by a Question of this Kind, not to mention that I would not wish to make known so publickly, and extensively, that a Controversy had so soon arisen between the Branches of our new Government.

I have had frequent Consultations with my Colleagues since the Receipt of your Letter, upon this Subject; but as we are not unanimous, I think it my Duty to write my private sentiments as soon as possible. If Either of my Colleagues shall think fit to propose the Question to congress, I shall there give my candid opinion, as I have done to you. —

I have the Honor to be, with great Respect to the Honorable Board, sir, your most obedient, and very hble Servant JOHN ADAMS

The Hon: James Otis Esqr.

A true copy Att SAM FREEMAN *Cler Dom.*" — *Ibid., vol.* 194, *p.* 158.

"Philadelphia Novr. 23 1775

Sir Having very maturely consider'd your Letter of the 11th of November, written in the Name and by order of the Hon^ble the Council of Massachusetts Bay, and directed to the Delegates of that Colony, I beg Leave to offer it as my opinion that the Resolve of Congress pass'd on the 9th July* last, must be superceded by the subsequent Resolve of the 18th * of July following, so far as they appear to militate with each other. — By the last of these Resolves, the Conventions or Assemblies of the several Colonies annually elective, are at their Discretion either to adopt the Method therein pointed out for the Regulation of their Militia either in whole, or in part, or to continue their former Regulations, as they on consideration of all Circumstances shall think fit. It therefore seems to me manifest, that the Hon^ble Council are under no Restraint from yielding to the Hon^ble House a Voice with them in the Choice of the Militia Officers in the Colony. —

I am prevail'd upon to believe that this is the sense of the Congress; because they have lately recommended it to the Colony of New-Hampshire, to set up, and exercise Government in such Form as they shall judge to be most conducive to the Promotion of Peace and good Order among themselves, without laying them under Restrictions of any kind. —

As the Hon^ble Board have been pleas'd to direct us to give our opinion *with* or *without* consulting our Brethren of the Congress, I hope I shall be justified, after having conferr'd with my Colleagues on the Subject, in declining on my part to have the Matter laid before Congress, for Reasons which were of Weight in my Mind; and indeed I am of opinion, that the Congress would not chuse to take any Order of that Kind, they having diverse times of late declin'd to determine on Matters which concern'd the internal Police of Individuals of the united Colonies. It is my most ardent Wish, that a cordial Agreement

Sic.

between the two Houses may ever subsist, more especially in the Establishment of the Militia, upon which the Safety of the Colony so greatly depends.

I am with all due Regards to the Honorable Council, Sir Your most Humble Serᵗ.

SAMUEL ADAMS.

House of Representatives, Decr 25 1775 The foregoing is a true Copy from yᵉ Original

Att SAM FREEMAN Clerk." — *Ibid.*, *p.* 160.

It appears, from the following joint letter, that Hancock and Cushing wrote to the Council, on the 24th, but neither the original nor any copy of that letter has been found: —

"Philadelphia Nov. 29ᵗʰ 1775

Gentlemen We wrote you on the 24 Instant that we thought the matter in dispute between the two Houses ought to be laid before the Congress and their Sentiments taken upon it, but for various reasons, too many now to enumerate, this has not as yet been done; however we have consulted the members of the Congress individually and upon conversing with them, we find that in general they are extreamly desirous we should Conform, in all Governmental Matters, as near as possible to the Spirit & Substance of our Charter, and it is their opinion that, when the Resolutions of the 18 July last was passed it was the intention of the Congress, not to superceed the resolve of the 8 of June last, but to leave such Governments, as were competent to the Business to model and regulate their Militia agreable to their several Constitutions as prescribed by their respective Charters, however, they said as it appeared from our representation of matters, that our House of Representatives had Conceived otherwise of this Matter & had Claimed a right to a Voice, with the Council, in the choice of militia officers & that if the dispute was Continued it would throw the Colony into a Ferment; and considering also that at this critical Juncture our militia might be suddenly wanted and it was therefore highly expedient & necessary it should be immediately settled & regulated, it was their Opinion that it would be adviseable for the Council, during the present exigency of our affairs, to gratify the House of Representatives in this Claim but not by any means any further to deviate from the Charter. Thus we have Collected and advised you of the Sentiments of the members of the Congress in general, which we doubt not will be some aid to you in your deliberations & determinations upon this Important Subject, and were we present we Should Vote Agreable to this advise

We Conclude with great respect Your Honor's Most obedient humble Servants

JOHN HANCOCK

THOMAS CUSHING." — *Ibid.*, *p.* 171.

This concurrent advice of the delegates prevailed, as the provisions of the third, fourth and fifth sections of the act show. During the third session the bill was the subject of frequent debates and orders, from December 5th, when another committee was appointed to prepare and bring in a bill, to December 18th, when, changes having been made in the committee, and the bill having been considered by a committee of the whole House as early as the 14th, — which resulted in instructing the joint committee charged with bringing in the bill to report certain amendments, — the bill was amended in concurrence, and had its first reading in the House. The bill came up for consideration, from day to day, until the 22nd, when it was recommitted. On the 26th, it was again considered and again recommitted, and Messrs. Hawley and Gerry were added to the committee. On the 29th, the bill was again considered and recommitted, and, the next day, it was still further considered, and again recommitted. January 2nd, it was "read a third time, and passed to be engrossed," and sent up for concurrence.

On the 4th of January, the Council appointed a committee to confer with a committee of the House, "upon the subject matter of the militia bill, and upon the manner in which the officers shall be appointed," which was agreed to, and the resolve of the Council, appointing the committee of conference, was sent down in answer to a message from the House requesting it. The representatives now reconsidered their vote appointing a committee of conference, and chose a new committee. On the 10th of January, the bill again came down from the Council with certain proposed amendments, in which, on the 11th, the House refused to concur, but proposed certain other amendments. In these amendments the Council immediately concurred, with additional amendments which the House rejected, and voted to adhere to their own vote. On the 12th, the Council again proposed amendments, whereupon the House proposed a joint committee to revise the bill, "and report what amendments they think proper to be made therein." On the 15th, the Council sent the bill down, with proposed amendments. To these amendments the House agreed — some of them "being first taken into a new draught." On the 17th, the Council sent the bill down, with a further amendment, which was considered by the House, and the bill recommitted; whereupon the committee reported another amendment, in which, on the 18th, the Council refused to concur, but passed the bill to be engrossed, with certain changes reported by the committee on revision. At this stage, the bill was concurred in by the House, and, on the 19th, ordered to be "printed in next Monday's paper," and, on the 22nd, it was passed to be enacted.

The bill was now ordered to be "printed and dispersed to the several towns in the colony" This was on the 31st of January; and, two days later, a committee was appointed by the House, "to bring in a resolve for explaining that part of the militia bill which excludes all persons belonging to, or being a part of, the established forces of the United Colonies [or], of this colony, from being elected to, or holding any office in, the militia of this colony." Although the committee thus appointed made a report on the next day, which was read and debated, and specially assigned for future discussion, no record of further action upon it has been found.

During the fourth session, the House took up the consideration of the "state of the militia in this colony," and April 1st, was assigned for the debate, which was then post-

poned to the next day. On the fourth of April, a "report of the committee on the state of the colony" was brought down from the Council in these words: —

"That it is expedient that the Militia of this Colony should be regulated as soon as may be, agreeable to an Act lately made and passed for that Purpose. And the Committee ask Leave to sit again." — *House Journal, p.* 79.

This report was read the next day, and Tuesday, the 8th, was assigned "for the purpose of regulating the militia of this colony agreeable to the late act of this court." On that day a committee, "appointed to report rules for the better regulating the militia," was directed "to sit, and report as soon as may be." The subject of the state of the militia was again considered on the 9th, and, on the 15th, a special assignment was made for the consideration, on the next day, of a code of rules and regulations for the militia of this colony, when drawn forth on an alarm. These regulations, in fifty-nine articles, were then adopted. They are reserved for the Appendix. On the 20th of April, a committee was appointed "to consider what is proper to be done with regard to printing" these regulations, and reprinting the militia act, upon whose report, April 24th, it was resolved that one thousand of each be printed, in pamphlet form, for the use of commissioned officers. By the 6th of May, the first instalment of these had been printed, and a committee was then appointed to distribute them; and, on the 19th of June, the next general court ordered the same committee to procure from the printer, and distribute, the remainder, among those regiments that had not received copies.

"June 24, 1776.* Whereas by a late Act of the General Court, intituled, 'An Act for forming and regulating the Militia within the Colony,' &c. the Selectmen of each and every Town, are directed to provide, at the Expence of the Colony, a Number of Spades or Iron Shovels, narrow Axes and Pick Axes, and the same to deposit and keep in some safe Place, for the Use of the Militia upon an Alarm. And whereas it may be found expedient, to make Use of such Tools in erecting Fortifications, or for other necessary Purposes. Therefore *Resolved*, That the Selectmen of each and every Town within this Colony, be, and they hereby are severally impowered, (A) to apply the whole, or any Part of the Tools provided agreeable to the Act aforesaid, to any Purpose for which there shall be Occasion to Use them, for the Defence of this Colony, in their own, or any other Town within the same, (B) the aforesaid Act notwithstanding. Sent up for Concurrence." — *Ibid., p.* 122.

"June 25, 1776. *Daniel Hopkins*, Esq; brought down the Resolve which passed the House Yesterday, impowering the Selectmen to lend Tools, &c. with the following Vote of Council thereon, *viz.*

In Council, *June* 24, 1776. Read and concurred, with the Amendment from (A) to (B,) *viz.* Dele from (A) to (B), and insert, 'And directed upon Application being made, to deliver the whole, or any Part of the Tools, provided agreeable to the Act aforesaid, to any commissioned Officer, commanding any Number of Soldiers, employed in fortifying against the Enemy, in any Town in this Colony, taking their Receipts for the same, particularly mentioning the Number of each Tool so delivered, and said Officers are hereby directed to return said Tools to the said Selectmen, as soon as conveniently may be, after they have done using them, in fortifying as aforesaid.' Sent up † for Concurrence. Read and concurred." — *Ibid., p.* 134.

"June 26, 1776. *Ordered*, That Capt. *Brown* see that the Resolve of this Court, impowering the Selectmen to lend Tools, be printed in the several News-Papers." — *Ibid., p.* 139.

Chap. 11. "Oct. 31, 1775. *Moses Gill*, Esq; brought down a Bill for altering the Places of holding the Courts of Justice in the County of *Middlesex*." — *House Journal, p.* 214.

The bill thus brought down from the Council, was read a first time, in the House, on the second of November, when the second reading "was referred to the next session," and, the next day, the treasurer was ordered to bring in a resolve for the same purpose. A resolve was accordingly reported, November 9th, providing for holding the April term of the Superior Court, and the March and November terms of the court of common pleas, and court of sessions, at Concord, instead of Charlestown, as formerly, until the further order of the Legislature. In this resolve the Council voted to concur, with an amendment which does not appear to have been agreed to by the House, and nothing further relating to it seems to have been done this session.

At the next session (February 2), upon leave given, the members of the House from Middlesex County, brought in the bill of the present chapter, and, on the same day, it had its three readings.

Chap. 12. A bill "for altering the place of holding the courts of law for the county of Suffolk" was brought down to the House, October 30, 1775, had its first reading, November 2d, and was specially assigned for a second reading, but seems to have reached no further stage during that session. At the next session (January 27), a bill for the same purpose was read a first time, in the House, and read a second and third time, on the second and third of February, and passed to be enacted, February 6th. It came back from the Council, with a proposed amendment, substituting "Braintree" for "Dedham," in the fourth section, but the House voted to adhere to their vote in favor of the latter as the shire town. See note to 1776–77, chap. 19, *post.*

Chap. 13. The following letter was communicated to the House, December 9th, by the speaker: —

"To The Hon^ble. The Council and the Hon^ble The House of Representatives of the Colony of the Massachusetts Bay in General Court assembled

* Printed resolves, chapter CVII.

† *Sic:* down?

Samuel Freeman, in behalf of the Inhabitants of the Town of Falmouth, in the Colony aforesaid

Humbly shews. That in consequence of the late unparalled Barbarity of the British Forces, in wantonly burning and destroying the greatest part of the Buildings in said Town, The Inhabitants thereof, who before were suffering by the Loss of the only Trade with which they were chiefly supported, are now reduced to extreme Indigence and Distress: The Poorer sort, more especially, are now unable to supply themselves with Food or Cloathing, or to provide comfortable Habitations for them against the approaching Winter Their hospitable Friends, in the adjacent Country Towns, have for the present, shelter'd them in their small unfinish'd Houses, and in the depth of great Distress, have administred to them some Relief — But the People of these Towns are very poor, and scarcely able to support themselves, at such a Time as this — In this deplorable situation then, They humbly address themselves to the tender feelings of your Honours, for Relief; not doubting but your Honours will commiserate their unhappy situation, & grant them such Relief, as in your Wisdom may be thought sufficient, to alleviate their distress — And your Petitioner in their behalf as in Duty bound — will ever pray.

SAM. FREEMAN." — *Mass. Archives, vol.* 180, *p.* 230.

This letter was immediately read, and committed to Mr. Sullivan, Dr. Rice and Col. Sayer, and, on the first of January, the bill of this chapter was read a first time. The next day it was read again, and ordered to lie on the table, and a new committee was appointed to bring in a resolve for the same purpose. The bill, however, came up again, January 5th, when it was "read a second time," and, on the 6th, it was read a third time, passed to be engrossed, and sent to the Council. From the Council it came down, on the 7th, with the following vote thereon: —

"In Council, *January* 6. 1776. Read a first Time. *February* 7th. Read a second Time and passed to be engrossed, with the Amendments at A. B. and C. *viz.* at A. insert 'by Vessels belonging to the British Navy.' At B. dele from B. to C. and insert in Place thereof 'shall be subject to the same Penalties, as if they had been convicted of stealing the same. Sent down for Concurrence." — *House Journal, p.* 255.

It was then read, as amended, and the House concurred therein.

On the 9th, it was passed to be enacted, by the House, and sent back to the Council, whereupon it was returned, the same day, with the following proposed amendment, which was concurred in by the House; viz., —

"To dele 'with an intent to preserve' and insert 'under pretence of preserving' and to dele 'intent' and insert 'end.'" — *Ibid., p.* 265.

Chap. 14. On the 12th of December, Major Fuller, Mr. Rawson and Mr. Caldwell were appointed a committee to consider what laws, that "are near expiring, it will be expedient to revive," and, January 5th, this committee laid upon the table a bill for this purpose, which was specially assigned for its first reading, January 6th, but was not so read until the 9th, when it was ordered to be read again the following day — the chairman of the committee having been instructed to bring in, at that time, the temporary laws which were to be continued. On the 16th, it was read a second time, agreeably to an assignment made the day previous. It was read a third time, and passed to be engrossed, January 17th, and, on the 8th of February, was passed to be enacted.

Chap. 15. After the passage of the act of the second session (chapter 7), with the same title as this chapter, the Continental Congress passed the following resolves: —

"3d. That no master or commander of any vessel shall be entitled to cruize for, or make prize of any vessel or cargo before he shall have obtained a commission from the Congress, or from such person or persons as shall be for that purpose appointed in some one of the United Colonies.

4th. That it be and is hereby recommended to the several legislatures in the United Colonies, as soon as possible, to erect courts of justice, or give jurisdiction to the courts now in being for the purpose of determining concerning the captures to be made as aforesaid, and to provide that all trials in such case be had by a jury under such qualifications, as to the respective legislatures shall seem expedient.

5th. That all prosecutions shall be commenced in the court of that colony in which the captures shall be made, but if no such court be at that time erected in the said colony, or if the capture be made on open sea, then the prosecution shall be in the court of such colony as the captor may find most convenient, provided that nothing contained in this resolution shall be construed so as to enable the captor to remove his prize from any colony competent to determine concerning the seizure, after he shall have carried the vessel so seized within any harbour of the same.

6th. That in all cases an appeal shall be allowed to the Congress, or such person or persons as they shall appoint for the trial of appeals, provided the appeal be demanded within five days after definitive sentence, and such appeal be lodged with the secretary of Congress within forty days afterwards, and provided the party appealing shall give security to prosecute the said appeal to effect, and in case of the death of the secretary during the recess of Congress, then the said appeal to be lodged in Congress within twenty days after the meeting thereof.

7th. That when any vessel or vessels shall be fitted out at the expense of any private person or persons, then the captures made shall be to the use of the owner or owners of the said vessel or vessels." — *Journals of Congress: Nov.* 25, 1775.

"Resolved, That in cases of re-captures, the re-captors have and retain in lieu of salvage, one eighth part of the true value of the vessel and cargo, or either of them, if the same hath or have been in possession of the enemy twenty-four hours; one fifth part if more than twenty-four hours, and less than forty-eight hours; one third part, if more

than forty-eight and less than ninety-six hours; and one half if more than ninety-six hours, unless the vessel shall, after the capture, have been legally condemned as a prize by some court of admiralty, in which case the re-captors to have the whole: in all which cases, the share detained or prize to be divided between the owners of the ship making the re-capture, the colony or the continent as the case may be, and the captors, agreeable to a former resolution." — *Ibid.*, *Dec.* 5, 1775.

"Resolved, That all transport vessels in the same service, having on board any troops, arms, ammunition, cloathing, provisions, military or naval stores of what kind soever, and all vessels to whomsoever belonging, that shall be employed in carrying provisions or other necessaries to the British army or armies, or navy, that now are or shall hereafter be within any of the United Colonies, or any goods, wares, or merchandizes, for the use of such fleet and army, shall be liable to seizure, and, with their cargoes, shall be confiscated." — *Ibid.*, *Dec.* 19, 1775.

"Resolved, That the several vessels heretofore taken and carried into Massachusetts-Bay, by the armed vessels in the service of the United Colonies, be proceeded against by the rules of the law of nations, and libelled in the courts of admiralty erected in said colony." — *Ibid.*, *Dec.* 20, 1775.

To bring the legislation of Massachusetts, respecting captures and the distribution of prize-money, into harmony with these resolves of the confederated colonies, it became necessary to substitute for chapter 7, an act providing for appeals to the general congress, and adopting the rule prescribed by the latter for the distribution of prize-money in the case of recaptures. It was also thought proper to admit to the jurisdiction of the admiralty courts, under the colony law, all vessels fitted out by the Continental Congress, and such others as should make captures within twenty leagues of the shore, without requiring the owners or masters to give bond or to act under a commission from the colonial Council. Among other desirable changes, also, was the requiring the judge to direct his precepts to the sheriff of the county into which the prize was brought for condemnation, instead of to any sheriff within his jurisdiction, and also a provision exempting the captors from liability to suits for damages, in all cases in which the judge should certify that there was probable cause for the seizure.

A committee was accordingly appointed, January 26, 1776, to examine the former act and also the congressional resolves and "report what is proper to be done thereon." On the 29th, this committee reported "as their Opinion, 1*st*. That Direction be given to review the Act for fixing out armed Vessels, and conform it to the Resolves of Congress, except in the Instance of taking Prizes without Commissions; and that a Representation of the Inconveniences attending that Resolve be made to Congress, praying that it may be re-considered, and altered." — *House Journal*, *p.* 219.

On the seventh of February, a bill for this purpose was brought down from the Council, which was read a first and second time the following day, and, after being committed, was assigned, for its third reading, to the 9th, when it was read a third time, and passed to be engrossed, with amendments, and sent up to the Council, for concurrence. On the 10th, it was sent down to the House, with the following vote thereon, which was read and concurred in: —

"In Council, *February* 9, 1776. Read and concurr'd with the Amendments at A. B. 2, 4, 3, and X. and non concurr'd, with the Amendment at A. 2. and *Ordered*, That this Bill be recommitted, and that *Walter Spooner*, Esq; be of the said Committee, in the Room of *William Searer*, Esq; absent. Sent down for Concurrence." — *Ibid.*, *p.* 270.

The committee reported to the Council, February 12th, that an amendment proposed by the House be not inserted; which report the Council accepted, and sent the bill, and a report of their action, to the House, and the latter, thereupon, voted to concur with the Council, and, on the 14th, the bill was passed to be enacted.

Chap. 16. The following resolve having been passed by the Continental Congress: —

"That it be recommended to the several assemblies, conventions, or councils, or committees of safety of the respective colonies, to ascertain, by the most impartial and effectual means in their power, the number of inhabitants in each respective colony, taking care that the lists be authenticated by the oaths of the several persons who shall be intrusted with this service; and that the said assemblies, conventions, councils, or committees of safety, do respectively lay before this Congress, a return of the number of inhabitants of their respective colonies, as soon as the same shall be procured." — *Journals of Congress*: *Dec.* 26, 1775.

— a committee was appointed, January 16th, to consider it, and they reported, January 29, that a bill for this purpose be brought in. This report was accepted, the next day, by the Council, and a joint committee was immediately appointed to prepare a bill, which was accordingly done, and the bill was brought in, and read a first and second time, on the 13th of February, and then recommitted. The bill was reported in a new draught, on the 14th, and then had its first and second reading. The next day, it was read a third time, in the House, passed to be engrossed, and sent up for concurrence. The Council proposed some amendments, which were all agreed to by the House except one for inserting the Christian names of the committee. The House proposed another amendment inserting, in the first section, the words, "at their annual meeting in March." From the bill as finally enacted, on the same day, it appears that all the proposed amendments were adopted, although there is no record of the vote.

While the bill was pending, the committee that reported it — Col. Orne having been previously substituted for Capt. Stone — were ordered to prepare a blank form of lists for the census-takers, and, on the 16th, they reported as follows: —

"A List, or Return on Oath, of the Names of the Housholders in the Town of

in the County of in the Colony of the *Massachusetts-Bay*, and of the Number of the Souls in each Family, including Inmates and Boarders.

The Names of the Heads of each Family.	The Number of White People in each Family.	The Number of Negroes, and Molattos in each Family.	Whole Number in each Family.

Resolved, That the List to contain the Return of the Number of the Inhabitants of each Town in the Colony of the *Massachusetts-Bay*, to be made by the Selectmen of the respective Towns pursuant to a late Act intituled 'an Act for the carrying into Execution a Resolve of the *American* Congress for ascertaining the Number of Inhabitants in this Colony, shall be of the foregoing Form, and that two Hundred and Sixty Lists of the Form aforesaid, and the like Number of said Acts be printed, and sent to the Selectmen of the several Towns in this Colony as soon as may be, and that Capt. *Jonathan Brown* be a Committee to procure the printing the said Lists, and Acts, and that the said Committee take effectual Care that such Lists be transmitted to such Selectmen. Sent up for Concurrence.

A List, or Return on Oath, of the Housholders dwelling in the unincorporated Places called in the County of in the Colony of the *Massachusetts-Bay*, and of the Number of Souls of each Family, including Inmates and Boarders.

The Names of the Heads in each Family.	The Number of White People in each Family.	The Number of Negroes and Molattoes in each Family.	The Whole Number in each Family.

Resolved, That the List to contain the Return of the Number of the Inhabitants of the unincorporated Places in the Colony of the *Massachusetts-Bay*, to be returned by the several Committees appointed by this Court, pursuant to a late Act, intituled 'an Act for carrying into Execution a Resolve of the *American* Congress for ascertaining the Number of Inhabitants in this Colony,' shall be of the preceeding Form And that sixty Lists of the Form aforesaid, and the like Number of said Acts be printed, and delivered or sent to the several Committees named in the said Act, as soon as may be; And that Capt. *Jonathan Brown* be a Committee to procure the printing of the said Lists, and that he take effectual Care that such Lists and Acts be deliver'd or sent to the several Committees named in the said Act. Sent up for Concurrence." — *House Journal*, *p.* 301.

"Feb. 16, 1776. In Council read and Concurred Consented to by Fifteen of the Council." — *Council Records*, *vol. XXXIV.*, *p.* 640.

"Dec. 10, 1776. In the House of Representatives. *Whereas great inconveniencies may take place from our not knowing the number of male Inhabitants in each Town, & Plantation in this State from sixteen years old, & upwards for preventing of which.

It is Resolved, that the Selectmen of each Town, and the Committee of each Plantation in this State shall take the number of all their male Inhabitants distinguishing those Persons who had before the 19th Day of April A D 1775. been by Law deemed to be of the denomination of Christians called Quakers, Indians, Negroes, & Molatoes, from other People, which shall be on the first Day of January next sixteen years old, & upwards whether at home, or abroad, and transmit the same on Oath into the Secretarys Office on or before the last day of January next, and if any Selectman, or any Committee man, shall omit the performance of this his Duty, he shall forfeit, and pay to the use of this State the sum of Ten pounds, to be recover'd by Action, bill, plaint, or Information in any Court of Record to try the same.

And whereas doubts may arise in the minds of some of the Selectmen, or Committee with regard to such of the Inhabitants of the Towns of Boston, Charlestown, Falmouth, and other Seaport Towns, who have been driven from their Homes since the Blockade of the Town of Boston, and for preventing any inconveniencies from such doubts —

It is further Resolved, that the Selectmen of the several Towns, & Committees of the Plantations shall distinguish those Inhabitants, from the natural, and adopted inhabitants of their several Towns, or Plantations by returning their names, and the Town whence they are. —

And it is Resolved, that the Selectmen, and Plantation Committee shall be paid by their several Towns, & Plantations, four shillings for each Day they shall be employed in said Business.

And be it further Resolved, That the Fellows, Tutors, President, Graduates, & Students of Harvard College, shall be returned by the Selectmen of the Towns, or Committees of the Plantations to which they respectively belong, and whereof they are legal Inhabitants.

These Resolutions shall be forthwith printed in hand Bills, and sent to the several Selectmen, & Committees of Plantations by the Sherriffs of their Respective Counties, and also be published in the several Boston news Papers, and that Mr. Davis cause these Resolves to be printed accordingly. — In Council, Read, & Concurred. Consented to by 15 of the Council." — *Ibid.*, *vol. XXXVI.*, *p.* 316.

"Jan. 8, 1777. In the House of Representatives. Resolved That the Selectmen of the several Towns, hereafter mentioned, who have not made return of the number of Inhabitants of their respective Towns agreeable to a late Act of this Court intitled 'An Act for

* Printed resolves of the November session, chapter CXCII.

the carrying into Execution a resolve of the American Congress for ascertaining the number of Inhabitants in this Colony' be directed to make such Return to this Court forthwith viz,

In the County of Worcester — the Town of Paxton
In the County of Lincoln — the Towns of Georgetown Waldoborough Vassalborough —
In the County of Hampshire the Towns of Charlemont — Ware, Southwick —
In the County of Barnstable the Town of Barnstable
In the County of Bristol the Town of Swansey

And the Secretary is hereby directed to transmit a Copy of this Resolve to the Selectmen of each of the Towns aforesaid — together with a Copy of the Act abovementioned. In Council Read and Concurred Consented to by fifteen of the Council." — *Ibid.*, *p.* 420.

Chap. 17. The act repealed by this chapter, although containing provisions for enforcing some of the resolves of the Continental Congress, of Nov. 25, 1775, did not provide for the apportionment of prizes in cases of captures by vessels fitted out by the general congress, or by the several colonies, nor did it discriminate, in this respect, between the capture of private vessels of the enemy and vessels of war, according to a rule prescribed by one of the resolves at Philadelphia, and which is given in full in the note to chapter 19, *post*. The act was also loose and indefinite in so many particulars, some of which are specified in the note referred to, that, at the beginning of the fourth session, the subject of revising it was brought up in the House, and Messrs. Sullivan and Orne, of the House, and Thomas Cushing, of the Council, were appointed a committee for that purpose. On the 18th, the bill of this act, which had been reported by the committee, was read a third time and passed to be engrossed, and the next day it was passed to be enacted, and consented to by sixteen of the Council.

Chap. 18. The origin of this act is shown in the following entries: —

"Jan. 31, 1776. In Council — Whereas the General Court have received such information as that there is reason to apprehend that a confederacy is forming by some evil minded person in this and other Colonies which may injure the credit of the Continental Bills and the Bills of this and the other Colonies. —

Therefore Resolved that it be recommended to the Committee of Inspection and Correspondence in all the towns in this Colony to make strick enquiry in their several towns and if they shall find any person within the same endeavouring by any way whatever to prevent the Credit of the Continental Bills, or the Bills of this or any other of the united Colonies of America, or to alter or counterfiet the same, that they cause such person to be arrested and secured, and give information thereof to this Court, in order that such person may be proceeded with according to the just demerits of such high crimes and misdemeaners, and that this resolve be published in all the news Papers in this Colony. — In the House of Representatives Read & Concurred Consented to by fifteen of the Council." — *Council Records*, *vol. XXXI.*, *p.* 519.

"Feb. 1, 1776. On a Motion, *Ordered*, That Col. *Thompson*, Col. *Doane* and Col: *Smith*, with such as the Hon. Board shall join, be a Committee to see if there is sufficient Provision made for making the Continental Bills, and the Bills of Credit of this Colony a tender in all Payments, and to prevent the Counterfeiting and Depreciation of the same, and if there is not, to bring in a Bill for that Purpose. Sent up for Concurrence." — *House Journal*, *p.* 231.

In the Council the above order was tabled, and the third session closed without further action on the subject; but, at the opening of the fourth session, on information given to the House, by Jonathan Brown of Watertown, that one Abiel Brintnall had been arrested for counterfeiting the bills of credit of this colony, it was moved and voted that the said Brintnall "be proceeded with as in case of forgery," and a committee was thereupon appointed "to bring in a bill to prevent the forging the bills of credit of this and the other colonies," which bill was accordingly reported, and read a first time, on the twenty-third of March, and the twenty-fifth was assigned for its second reading. On the day last named, a representation of the committee of correspondence, inspection and safety, of the town of Mendon, was brought down from the Council, and referred to a joint committee. This representation charged that Joseph Butler and Asa Butler, of Stafford, in the colony of Connecticut, who had been arrested by the committee, and were in custody, for altering certain bills of credit of this colony, had, together with the altered bills, been sent to the Assembly, to be dealt with as, in the justice and wisdom of that body, "may seem meet." This representation was referred to a joint committee which was ordered to take the same "into consideration and report thereon."

It appears from a letter written by Joseph Dorr, the magistrate at Mendon, to Jedediah Foster, who brought the representation down to the House, that he supposed the above resolve of January 31st, was intended to supersede regular prosecution, in the courts of law, for the offences therein described. The bill, which had been recommitted for amendment, was read three times, and passed to be engrossed, on the twenty-ninth. On the third of April, it was brought down from the Council, with certain amendments, which were concurred in by the House, and on the 12th, the House proposed to amend the heading of the bill by striking out the words, "In the sixteenth year of the reign of George the Third, King, &c.," and substituting therefor the words, "In the year of our Lord one thousand seven hundred and seventy-six;" and the bill thus amended was passed to be enacted — it being the first act passed without the royal style.

The nature of the amendments which were offered to the original bill is shown in the supplementary note to this chapter on p. 544, *post*.

Brintnall, who was arrested before the evacuation of Boston, had been committed to Cambridge jail, whence, on the 20th of August, he wrote to the Council a most obsequious and contrite letter, asking to be set at liberty as soon as possible, or, if he must be tried before the Superior Court, that the trial might be at Braintree, where the Court was to sit on the last Tuesday of that month. On the second of September, the Council passed a resolve authorizing the justices of the Superior Court to bring the prisoner before them, by *habeas corpus*, at the next session in Suffolk County, and, if he should not have had the small-pox, to remand him to Cambridge jail, "if it shall appear to them a further confinement be needfull." Accordingly, he was arraigned at a court held at Braintree, on the second Tuesday of September, by adjournment, pleaded guilty and was sentenced as follows: —

"It is therefore Considered and Ordered by the Court here that the said Abiel Brintnal be set in the Pillory for the space of one hour, that he become bound by Recognizance in the Sum of twenty pounds with two Sureties in £10 each for his keeping the peace and being of the good behavior towards all the good people of this government until the next term, and that he pay costs of prosecution, standing committed (to the governments gaol in Cambridge in the County of Middlesex) until this Sentence be performed." — *Mass. Archives, vol.* 218, *p.* 406.

In the case of the Butlers, who were minors, and soldiers in the Continental Army, there were extenuating circumstances, which were mentioned in their favor both by the magistrate who ordered their arrest and by the committee of the House to which their case was referred. On the 29th of March, an order was passed by the House, and concurred in, the next day, by the Council, directing Major Fuller to take sureties for their appearance at the Superior Court to be held at Worcester in September following; but no record of an indictment against them has been found.

The reward offered in section two of this chapter, was extended to those who were instrumental in securing Brintnall's arrest and conviction, as appears by the following petition and resolve: —

"State of Massachusetts Bay 1777.

To the Honorable Council and Honorable House House* of Representatives in Gen: Court assembled —:

Humbly shew, Nathaniel Farrington, John Ellis, and Timothy Bullard, that the said Nathaniel Farrington on or about the 21st Day of February 1776, for a Valuable Consideration received of one Abiel Brintnal of Mansfield in the County of Bristol, one Bill or Note for the sum of £9 — dated the 25th day of May A D 1775. purporting to be signed by Henry Gardner Esqr Receiver General of this State, at the same time received of the same Person another Bill or Note for the sum of Six Pounds, also purporting to be signed by the said Henry Gardner Esqr. both which Bills or Notes were Forged or Counterfeited; and thereof the said Abiel Brintnal was afterwards Convicted before the Superiour Court of Judicature &c. held at Braintree in Septemr. last, all which will appear to your Honors by the Papers herewith exhibited. — Your Petitioners humbly beg leave to mention, that from a sincere Regard to the Publick good, and from an honest Zeal to support the Credit of our Currency they pursued the said Brintnal to the Town of Mansfield aforesaid, and there apprehended him, and with great fatigue, labour and expence, conveyed him at Watertown for Advice of the Council, &, thereupon the said Brintnal was committed to Cambridge Goal for trial; and afterwards was convicted and sentenced in manner as aforementioned, — one of Your Petitioners has been defrauded of £15 - - lawf money; besides the loss of their time, trouble and Expence — they therefore pray your Honors to take this matter into your wise Consideration and grant them the sum allowed by a late act of the State, to any Person that shall inform & prosecute to final Judgment any Person or Persons who shall Forge or Counterfeit the Bills of publick Credit of this State — or otherwise relieve your Petitioners as your Honors shall think best. —

As in duty Bound will ever pray

NATHANIEL FARRINGTON
JOHN ELLIS
TIMOTHY BULLARD." — *Ibid., p.* 404.

"Apr. 30, 1778. In the House of Representatives. †On the Petition of Nathanael Farrington and Others, Praying they may be allowed and paid out of the Publick Treasury of this State the Sum granted by a late Act of this State to any Person or Persons that shall inform and prosecute to final Judgment any Person or Persons who should forge or counterfeit the Bills of Publick Credit of this State.

Resolved, that the said Nathanael Farrington with the other Petitioners be paid out of the Publick Treasury of this State the Sum of Twenty Pounds as a Bounty for their trouble and expence they were at in detecting and bringing to Conviction one Abiel Brintnal named in said Petition and also the Sum of Fifteen Pounds, being the Sum of which the said Farrington has been defrauded. In Council Read and Concurred Consented to by Seven of the Council." — *Council Records, vol. XXXVIII., p.* 514. See, also, note to 1776–77, chap. 44 *post.*

Chap. 19. The following preamble and resolve, for giving a bounty for the capture of armed vessels of the enemy, were passed in the House and sent up for concurrence, but no proceedings of the Council thereon have been discovered: —

"Mar. 22, 1776. Whereas the Sea-Coast of this, and the other United Colonies, have been for a long Time infested with swarms of armed Vessels, sent there by our unnatural Enemies, for the Purpose of annoying and distressing the Inhabitants of our Sea-Port Towns, our Trade and Fishery, &c. all of which have been thereby greatly distressed, some of our Sea-Port Towns burnt, and their Inhabitants reduced to a State of Misery and Want. It is of great Importance that suitable Encouragement be given to such Per-

* *Sic.* † Printed resolves, chapter CXL.

sons as shall take, captivate and bring into any Port in this Colony, any such armed Vessel or Vessels abovementioned.

Therefore, *Resolved*, That for every armed Vessel of our Enemies, sent for the Purpose of cruizing, &c. to Annoy and Distress us in our Trade and Fishery, or any other Way whatever, which shall be taken and brought into any Port of this Colony, or that shall be taken in any Harbour of this Colony by any of our armed Vessels or Boats, which are, or shall be fitted out at the expence of private Persons, belonging to this Colony, the following Bounty shall be paid out of the public Treasury to such Person or Persons as the Captors shall appoint to be by him, or them distributed amongst the Persons concerned in taking and bringing in any such Vessel or Vessels of our said Enemies, according to their Rank in the same Manner as their other Prizes are to be shared or divided, *viz.*

For each and every such armed Vessel of our said Enemies so taken, and brought in, that is mounted with ten Carriage Guns, eighty Dollars per Gun, and every such Vessel mounted with eight Carriage Guns seventy-two Dollars per Gun, and every such Vessel mounted with twelve Carriage Guns eighty-eight Dollars per Gun, and so in that proportion for a greater or a lesser Number of Carriage Guns, any such Vessel so taken shall be mounted with. Sent up for Concurrence." — *House Journal*, *p.* 31.

The resolve of the Continental Congress, referred to in the note to chapter 17, *ante*, was as follows: — "that where the vessels employed in the capture shall be fitted out at the expense of any of the United Colonies, then one-third of the prize taken shall be to the use of the captors, and the remaining two-thirds to the use of the said colony, and where the vessels so employed shall be fitted out at the continental charge, then one-third shall go to the captors, and the remaining two-thirds to the use of the United Colonies, provided nevertheless, that if the capture be a vessel of war, then the captors shall be entitled to one-half of the value, and the remainder shall go to the colony or continent as the case may be, the necessary charges of condemnation of all prizes, being deducted before distribution made." — *Journals of Congress*: Nov. 25, 1775.

It seems to have been supposed that the repeal of chapter 15, by chapter 17, revived chapter 7, which is expressly referred to, in the second section of chapter 17, as the foundation of the existing admiralty jurisdiction. Though the operation of repealing acts to revive acts formerly repealed, was not at that time generally denied, it would seem that, practically, there were no admiralty tribunals in operation between the date of the passage of chapter 17, and the enactment of the present chapter — a period of twenty-five days.

Besides the want of any provision for giving effect to the above resolve of Congress, both chapters 7 and 15 were defective in several particulars which were deemed sufficiently important to require further legislation. For instance, neither act had prescribed any limit of time for filing bills or libels against prizes, or for the filing of adverse claims; nor had they provided for the trial of the latter by the jury. Furthermore, neither of these acts had limited the juries to the trial of cases entered and published before the jurors were drawn; and neither had subjected libellants to the payment of fees; nor provided, in any case, for appeals to the Superior Court of the province — which, it was thought, might in some instances, be desirable and convenient — nor for the taking of depositions out of court, nor for the sale of perishable goods before condemnation, nor for some other details of importance which will appear upon a comparison of the acts.

Accordingly, after the repeal of chapter 15, the House began to consider the subject of amending the existing law relating to the capture and condemnation of prizes, and, on the twenty-sixth of March, a bill was brought in, and read a first time, for the amendment of chapter 7. It was read a second time, on the 27th, and assigned, for a third reading, to the afternoon of the same day; when it was recommitted. On the first of April, the bill was again read the second time; and was passed to be engrossed on the third, and sent to the Council, whence, on the 6th, it came down, with certain proposed amendments, in part of which, only, the House concurred. On the 10th, the bill was referred to a committee of conference, proposed by the Council. This committee reported, on the 11th; whereupon the House accepted the last paragraph of their report, and rejected the first. At this stage, the bill was again sent up to the Council, for concurrence; and on the 13th, it was passed to be enacted.

"June 15, 1776. The Committee on the Petition of *William Tupper*, reported Read and accepted.

*Whereas it is provided by a certain Act of the General Assembly of this Colony, that every Person who shall make Capture of any Vessel, shall, within twenty Days, from the Fifteenth of April last, or within twenty Days after the Capture and bringing in of said Vessel, either by himself, his Agent or Attorney, file a Bill before the Judge appointed to try the Justice of such Capture, giving a full and ample Account of the Time, Manner, and Cause of the taking of such Vessel: And whereas Captures of several Vessels have been made within the Eastern District of this (A) Colony, which could not be proceeded with agreeable to the Requisition in said Act: Wherefore, *Resolved*, That Bills of the Captures of all Vessels, their Apparatus and Cargoes, which Captures have been already made within the Eastern District of this Colony (B) hitherto not filed before the Judge appointed to try the Justice of such Captures, may and shall be filed before said Judge, on any Day preceeding the first Day of *August* next; any Thing in the aforesaid Act made for the Trial of the Justice of such Captures, notwithstanding Sent up for Concurrence." — *House Journal*, *p.* 88.

"June 18, 1776. *John Whetcomb*, Esq; brought down the Resolve on the Petition of *William Tupper*, which passed the House the Fifteenth Current, with the following Vote of Council thereon, *viz.* In Council, *June* 18, 1776. Read and concurred, with the following Amendments, *viz.* At (A) insert, 'or may have been made at Sea, and brought to any Port within the Eastern District of this Colony. At (B) insert, 'or made at Sea and

* Printed resolves, chapter LXVIII.

brought to any Port within the Eastern District of this Colony.' Sent down for Concurrence. Read and concurred." — *Ibid., p.* 96.

Chap. 20. A division in the church over which the Rev. Theophilus Pickering was settled, grew out of a conflict between the pastor and some of the church-members, as early as 1740 or 1741, relative to the views and practices of Whitefield, the itinerant revivalist preacher, who had publicly expounded his peculiar doctrines in Ipswich and its vicinity. Sixteen members of this church, which was known as the Second Church in Ipswich, assembled at the house of Daniel Giddings, Jan. 13, 1746, for the purpose of separating from their pastor "and his church," and setting up "a distinct society, unless Mr. Pickering would consent to resign his pastorate." The proceedings which led to this separation were as follows: —

The minority, who had felt aggrieved at the treatment they received from their pastor respecting the differences between them, after repeated applications to the church, for redress, which were refused, withdrew from the church and proposed a mutual council. At first, upon the suggestion of the pastor, the church declined this proposal, on the ground of the irregularity of the withdrawal of the aggrieved brethren, but afterwards reconsidered their action, and, in March, 1745, the pastor and church offered to call such a council, which the seceders, in turn, declined, unless the church itself should first pass upon the matters in controversy, agreeably to the request repeatedly made by them.

The Third Church in Ipswich, under the pastoral charge of Rev. Mr. Wigglesworth, now interposed, and advised the contending parties to agree to a mutual council, one-half of the members of which should be chosen by the aggrieved brethren. To this advice, the pastor and church, in the autumn of 1745, yielded a seeming assent, but, on the pretext that the seceders were not fully represented by those of their number who approved of it, hesitated and delayed until it was evident that the calling of a council was inevitable, when the pastor made a conditional tender of resignation. The pastor's retirement promising a satisfactory settlement of all differences, the call of a council was thereupon mutually abandoned, and the aggrieved brethren renewed their communion with the church. The pastor, however, now refused to resign, upon the ground that the conditions upon which he had made the tender of resignation — the chief of which being the consent of the church and parish — had failed. The church had, at first, given its consent, but was afterwards prevailed upon to withdraw it, and several of the seceding brethren were summoned for discipline; whereupon they again signified their intention to withdraw.

No immediate efforts were made by either party to revive the call for a council; but the seceders were called to account, at a church meeting, where they appeared, but declined to give a written statement of the grounds of their withdrawal, as demanded by the pastor, which was made another obstacle to reconciliation; and they thereupon formally withdrew from the church, and began to hold separate meetings, of which the meeting at the house of Daniel Giddings was the first. Meanwhile the original seceders and those who had followed them were censured by the church, and suspended from "communion and all special privileges."

An *ex parte* council was now called by the church, for advice. This council met in April, 1746, and was composed of representatives of five churches; but the separating brethren declined to attend. This council advised the church to repeat the offer of a mutual council, which they entreated the seceders to accept, if tendered, and in the mean time recommended the latter to abstain from separate meetings, and the church to forbear to censure them; and, in case their offers were refused, to call upon other neighboring churches to join with the five churches, "and strengthen the advice which may be found necessary."

The offer of a mutual council was accordingly repeated, but not accepted, whereupon four more churches, at the request of the Second Church, joined, the following month, in the advisory council. The separating brethren, while declining to unite in the call of this council, or to submit their grievances to its adjudication, appeared before it, "put in their papers," and gave the council a hearing of their case, whereupon a majority of the council, while blaming Mr. Pickering, in some particulars, and advising both the pastor and the church to use every proper means to secure the return of their disaffected brethren, condemned the withdrawal of the latter as "unjustifiable and reproachful to religion;" and even the dissenting minority expressed their inability to justify all the circumstances of the action of the separatists, and recommended mutual efforts for a reunion.

From January to May, 1746, the separating brethren, were proceeding towards the organization of a separate church, which they accomplished, on the day the advisory council was in session, with the sanction of another council consisting of delegates from certain churches in Connecticut, and from the Separatist Church in Boston. Mr. John Cleaveland, who had been called as early as the 17th of December, previous, was ordained pastor over the new church, on the 25th of February, 1747, in the presence of a council consisting of the pastor and delegates of the First Church in Ipswich and the Second Church in Kittery, — delegates from other churches invited, with the exception of those from the church at Exeter, being detained by the inclemency of the weather. The action of the First Church in this particular was resented by the Second Church, and made the ground, first, of an offer by the Second Church to call a mutual council. A council being declined by the First Church, letters subsequently passed between the churches ending with an admonition to the former from the Second Church. To this admonitory letter the First Church replied, justifying its action, whereupon more letters followed, and finally a call was made by the Second Church, upon seven churches to second their admonition. These churches failing to respond at the appointed time, the call was revived for this council, to meet, July 19, 1748; when six of the seven churches called, appeared by their elders and delegates. Upon requesting the appearance of the separating brethren, and

the representatives of the First Church, it appeared that notice had not been regularly given to either, and though, on this account, a formal appearance was declined, not only the pastor of the First Church, and several of its members, were present before the council, but a leading member of the separating congregation was admitted, upon his request, to appear in a private capacity. The council was thereupon adjourned, to meet, on the 26th, at the Old South Meeting-house in Boston, and notice of the adjournment was duly served upon the First Church and the separating brethren.

Upon the reassembling of the council at Boston all the churches interested were represented — though such of the separating brethren as were present, appeared, nominally, in a private capacity; and the First Church stated their case by letter, in which they also notified the council that if they should decide to act upon any matters concerning that church, "in the third way of communion," they expected to have the same laid before them for their consideration. The council agreed upon eight articles of advice, in which they approve of the action of the aggrieved brethren in invoking the aid of a neighboring church, and express satisfaction with the call of a mutual council which they declare to have been "a proper method of issuing their differences." They also affirm that it was the duty of all parties to have revived the call for the mutual council which had been abandoned, and declare that the conduct of the aggrieved brethren, in withdrawing, was disorderly, as well on account of their not having first endeavored to revive the call for a council, as of their not first having asked for a dismission from the church; and they condemn their not accepting the offer of a call for another council, and pronounce their excuse therefor groundless; and, though they express the opinion that it would have been more reasonable for the Second Church to have proposed a revival of the call for a council, they commend that church for forbearing to censure the separating brethren and for their seeking and following the advice of the five churches. While expressing their gratification that some of the aggrieved brethren appeared before the council they pronounce the organization of a new church "unjustifiable and sinful, inasmuch as a door appears" "to have been open to their relief, and therefore their covenant bonds, as members of said church, remained upon them," by which they had justly incurred the censures pronounced upon them by the church. They also condemn the action of the First Church in uniting with the church at Kittery to ordain Mr. Cleaveland, as unjustifiable, and declare that the pastor and his flock have no "just claim to be acknowledged a congregational church, regularly constituted." They conclude by entreating the First Church to "revise their conduct" in the matter of the ordination, and advising the separating brethren to meekly consider the censures which they have felt obliged to pass upon them; and finally they observe to the Second Church, "that where there are divisions there ought to be great searching, each one of his own heart," exhorting them to behave towards their separating brethren with all Christian moderation, without any further disciplinary process against them, and to be ready to permit their return, if they should so desire, "without any severe demands upon them."

The death of Mr. Pickering, which occurred in the autumn of 1747, had been followed by renewed efforts for a reunion of the members of the divided church; but the result of the council at Boston rather strengthened the determination of the majority, and these efforts proved unavailing; the old church refusing to give Mr. Cleaveland a trial as a candidate for the pastoral office, which would, undoubtedly, have led to a reconciliation. The principal objection, by the Second Church, to considering proposals for a reunion, was the claim that these proposals were offered by the separatists in the name of a congregational church, and signed by Mr. Cleaveland as pastor.

The separatists — who had been at the expense of erecting a meeting-house, and who were alarmed at the prospect of the settlement of a new minister over the old congregation, to whose support they would be obliged to continue to contribute, besides bearing the whole expense of their own society — applied to the Legislature for relief.

In their petition, which was dated Dec. 20, 1748, they ask to be set off, together with such others as might, within a reasonable time, indicate a desire to unite with them, into a distinct parish, and to receive, as such, a moiety of the common property of the old parish. On this petition, which was signed by fifty-five inhabitants of the second parish, and which was supplemented by a similar petition, signed by nine other inhabitants of the parish, and dated March 20th, notice was ordered to be given to the second parish to show cause, on the second Friday of the April session. The separating brethren, also, had previously presented written overtures to the parish, at a meeting held on the 8th of March, to induce them to assent to the prayer of their petition.

In response to the notice, the second parish presented an answer to the petition, in which they reply to the several charges of the petitioners, and, without directly protesting against the division, they submit it to the General Court to decide whether or not "it will not be highly detrimental, as to other churches and parishes, so particularly to our parish, which is not so large but a division of it into two will so weaken our hands as that we shall not be able to support our ministers with honour to them and comfort to ourselves; and our aggrieved [brethren] pretend not to be of different perswasion from us, in point of doctrine, worship or discipline."

The petitions and answer were read in Council, April 14, 1749, and a committee was appointed to hear the parties in attendance, "and report what they judge proper for this court to do thereon." In this, the House refused to concur, but ordered that the petition be dismissed, and on the next day, the Council concurred in this order.

Not disheartened by this failure, the separating brethren renewed their application to the next Legislature; this time, representing that, in the last year or two of their controversy with the second parish, they had acted, chiefly, under the advice of the Rev. Mr. Wigglesworth, and his church, whose advice Mr. Pickering and his church had professed a willingness to follow. They also represent that their case is one of peculiar hardship,

and not likely to be taken as a precedent for other separatists not in the precise situation with themselves. Their petition, which was signed by fifty-five inhabitants of the parish, was read in the House, on the 17th of June, and notice thereon to the second parish refused.

In the mean time, the second parish had assessed a tax, to defray the expense of repairing the meeting-house, and to pay the arrearages of Mr. Pickering's salary. This they proceeded to levy, by distress; whereupon, the legality of the form of the assessment was contested, at law; eminent counsel being retained on both sides. The assessment was declared invalid, for technical reasons, by the Superior Court of Judicature, and the collector was threatened with other suits to recover moneys illegally collected by him. Thereupon, the parish trustees, so called, and the collectors, applied to the General Court, through Robert Auchmuty, their counsel, to have their doings ratified, and the defect cured in the assessment and warrant for collection, notwithstanding they had already instituted proceedings for a review, in which they hoped to avail themselves of the legislative ratification. The petition by Auchmuty was read, in the Council, on the 28th of June, 1749, and an order passed ratifying the irregular proceedings, with an order of notice to Samuel Low, the original plaintiff, to show cause on the first Tuesday of the August session, why the prayer of the petitioner should not be granted. This vote of the Council seems not to have reached the House until Aug. 4th, when the latter refused to concur therein, but ordered notice to Low to appear, with any others "who apprehend themselves affected thereby," and show cause, on the first Thursday of the November session; and that all proceedings, on both sides, be stayed in the mean time. This was concurred in by the Council, on the next day.

At the next session of the Assembly, Samuel Low and others, for themselves and their associates, presented their answer to this petition, alleging other grounds of objection to the assessment and collection of the tax, than the technical points upon which the Superior Court had given judgment, and, on the 24th of November, the petition was referred to a joint committee. This committee reported to the Council, December 2, 1749, that the assessment and warrants for collection be ratified, and that all further proceedings in the law be stayed, and recommended that the respondents' petition, filed at the May session, be revived. The Council accepted this report, except the recommendation of a revival of the former petition, and the stay of proceedings at law. On the 8th, the House nonconcurred in this action of the Council, and substituted an order for the appointment of a committee to repair to the second parish, hear the parties, and report what they judge proper to be done thereon. The Council refused to concur in this, but voted to adhere to their former order, with an amendment striking out a provision for barring all future actions growing out of the illegal assessment. On the 18th, the House again nonconcurred, and insisted upon their own vote; and the Council, on the next day, voted a nonconcurrence. This appears to have been the last action upon this subject by this General Court.

At the first session of the next Assembly, a committee of the second parish presented a petition praying to have the petition of the trustees and collector revived; which was accordingly done, by a concurrent vote, dated June 2, 1750, and notice was ordered to be served on Samuel Low, to appear and show cause against the same, on the 22d of the same month; at which time the petition and the answer of Low and others, were read, and an order was passed, the next day, confirming the proceedings of the second parish, at their meetings on March 21st, and October 12, 1747, and ratifying the assessment and warrants for collection, substantially in accordance with the order passed by the last Council.

At the September session, the separating brethren presented a memorial, setting forth the hardship of the operation of the order of the previous session, and praying for the stay of all further proceedings on the actions pending in the judicial courts, and that their petition to be set off might be revived and granted, and they exempted from any future taxes; at the same time expressing their willingness to pay all taxes already assessed, and to pay the expense of a committee of the Legislature appointed to visit the parish and examine into the circumstances of the case. Upon this petition it was ordered, October 4th, that notice be served upon the clerk of the second parish, to show cause, on the second Thursday of the next session, which began on the 10th of January, 1750–51, and that, in the mean time, all suits respecting parish taxes be stayed. At the time appointed for the hearing, the second parish submitted an answer to this petition, repeating substantially, the objections they had urged against previous petitions of the separatists. The Council, on the 17th, ordered the petition to be dismissed; but the House, the next day, refused to concur in this, and voted to refer this, "and any other petitions and answers referred to in this petition," to a joint committee; whereupon the Council concurred, and a committee was accordingly appointed. This committee reported, on the 20th, that the petition be dismissed. This report was accepted by the Council, but rejected by the House, which, on the 7th of February, passed an order for the appointment of a joint committee, to repair to the second parish, "hear the parties, inquire into their circumstances, and report what they judge proper for this court to do thereon." In this, the Council refused to concur.

Upon this dead-lock in the Legislature, the matter seems to have rested until the third session of the next Assembly, when a committee of Mr Cleaveland's society again presented a memorial, asking to be set off from the second parish, for the reasons assigned by them. This memorial was read, in the House, Jan. 16, 1752, and notice was thereupon ordered to be served on the clerk of the second parish, to show cause, on the second Tuesday of the next session in April; but the Council refused to concur.

At the third session of the next General Court, the persistent separatists once more presented a memorial, accompanied by a list of fifty-seven names, of inhabitants of the

second parish, who desired to be set off into a distinct parish. It appearing by this memorial — which is given below, together with the action of the Legislature thereupon — that the two societies had agreed upon terms of separation, the prayer of the petitioners was granted: and the new organization, which had been known as the Fourth Church, became the sixth parish in Ipswich.

"To The Honble Spencer Phips Esqr Lieut Governour of the Massechusetts-Bay. The Honble his Majesty's Council, And House of Representatives In General Court, assembled November 1752.

The Memorial of a Comttee of the Society Usually attending The Ministry of the Revd Mr John Cleaveland in Chebacco in Ipswich, most humbly Sheweth —

That in order to putt an End to the Troubles, That have so long Subsisted among us; The Second Parish in Ipswich, In March last Chose a Comttee to confer with a Comttee of our Society in Order to an accommodation of our sd Differances, and to See if any conditions could be come into, on the performance of which we might be sett off

The Substance of the Comttees Report was, That the Seperate Party should pay their proportion of the Parish Tax for ye year 1750. That They also repay an Execution, They had Recovered against Josiah Burnam One of the Parish Collectors — Also their proportion of the Revd Mr Porter's Sallery for the year 1751. As also their part of all other Legal parish Charge untill the first of March 1752: And Relinquish their Rights to the Meeting House and Personage-Land —

On these conditions being performed in Six Months, and Our Names given in to the Parish Clerk, we were to be sett off with our Estates into a Distinct Parish, (Except Wainwright Farm) if the Honrd Court Should See Meet; all which will more fully appear by the Report of sd Comttee herewith preferr'd: —

This Report being laid before the Parish, was at that Meeting accepted; And the Conditions on our part (Thô with Unspeakable Difficulty, by almost Sixty of our people) Since complied with, A List of whose Names herewith allso exhibited; Being laid before the Parish at a Meeting called for that purpose, the 29th of Instant November, the sd Parish Voted their Acceptance or Satisfaction thereon as may appear by their Vote herewith exhibited: — And althô they declined Sending a Person to the Court with us, at our Desire to assist us, as Judging it needless Inasmuch as your Honrs have all Their Votes on this Afair; Yet They exprest a Very General Consent And Satisfaction at our being Sett off:

And now may It please your Honrs as we have had a Learned Orthodox Minister ordain'd over us for Six or Seven years past, Under whose Exemplary Life & faithful Ministrations we Sett with great Delight — have a Meeting House built and are we hope in a Good Measure Able to Support the Charge of a Parish, while the Parish we Leave, is well able to Support their's and are now willing to part with us, and that we Should be freed from those Burdens, yt we have for nine or Ten years past Groaned under; which have so often been laid before this Honrd Court as to Need, we believe, no farther mention

We Therefore most humbly pray your Honours to Sett off Such of our Society as have signed the sd List, and to incorporate us with our Families & estates into a Distinct & Seperate Parish (at Least to grant us a Discharge from all futer Parish Charges with them) with the Powers and Priviledges by Law, common to Parishes, within the Province, And as in Duty bound Shall Ever Pray —

Comttee { FRANCIS CHOAT, DAVID LOW, ELEAZER CRAFT

In the House of Repves Dec. 8 1752

Read and Ordered that the Prayer of the Petn be granted And that the Petrs being fifty seven in Number, (A List of whose Names are herewith exhibited) with their Families and Estates be and they hereby are made a Distinct and seperate Precinct (The second Parish in Ipswich having expressed their willingness) And that they be and hereby are Endued with all the Priviledges which other Precincts in this Province do Enjoy

sent up for concurrence — T. HUBBARD Spkr.

In Council Decr. 8. 1752 Read & Concurd. — THOS. CLARKE Dpty Secry.

Consented to — S PHIPS." —

Mass. Archives, vol. 13, *p.* 335.

The two parishes continued separate until 1774, when Mr. Cleaveland — who had not only distinguished himself in the pulpit, but had become widely known for his enthusiastic support of the popular cause in the beginning of the Revolution — having outlived the prejudices against him in the second parish, that parish made proposals for a union of the two churches. Both parishes and both churches joined in the call of an ecclesiastical council, to be held on the 4th of October, 1774, which, at an adjourned session, on the 26th, approved of articles of agreement for perfecting the union of the churches. It now remained to effect a similar union of the parishes; and, accordingly, after the General Court had resumed its functions, the next year, the following memorial was presented: —

"To the Honble the Council and Hons of Representitives in General Court Assembled at Watertown, March, 1776

The Memorial of Jonathan Cogswell junr & John Choate in behalf of the Second and Sixth Parishes in Ipswich Sheweth That the said Second and Sixth parishes are made up of the Inhabitants of that part of Ipswich Calld Chebacco. and not Seperated from each Other by a parish line, but are promiscuously Situated, and were formerly One parish, and Included the whole of said Chebacco —

That for a Considerable time past one of said parishes have ben destitute of a Minister, in which time they have Joined with the Other parish in Suporting the Revd Mr John

Cleaveland and have jointly Attended his Ministry — That in October 1771 the Two Churches in said parishes where United into One Church under the pastoral Care of the said Mr Cleaveland by the Advice & Assistance of an Ecclesiastical Council —

That in March last the two parishes Unanimously Agreed to Unite into One parish on the following Conditions Viz — 1st, That when United they bear the name or Stile of the Second parish in Ipswich. — 2d That all the Interest Rights and previledges either in Houses or Lands that did belong to said Parishes in their Seperate State be put into One Stock for the good of the Whole, together with Such Other Improvements as the Revd Mr John Cleaveland now Occupies Agreeable to the Agreement of a Number of proprietors with him dureing his Ministry in Chebacco —

3d That when United they meet for the publick Worship of God one half of the time in One Meeting Hous and the Other half in the Other or Interchangebly until the Parish shall see Cause to build a new Meeting House — 4th, That when said parishes are Incorperated into one Parish They shall not be Chargeble with any Debt made or Contracted in each of said parishes before the Union took place; but those perticular persons who before the Union Constituted the Second parish shall pay the Outstanding Debts or behindments of said Second parish, and Those perticular persons who before the Union Constituted the Sixth parish shall pay the Outstanding Debts or behindments of the said Six parish —

5th. That the Several Collectors & Constables to whome any assessment has ben Commited by either Parish in their Seperate State be impowered to finish their Several Collections, And the Other Parish Officers, in each of sd parishes be still Invested with the power of Parish Officers, to Settle all the Business of their Respective parishes untill the Same be fully Compleated —

Wherefore your Memorialist Humbly prays, that as the Aforesaid Second & Sixth parishes, are not so large but that they can Conveniently Assemble together for publick Worship, and from their Situation can as Conveniently assemble in One place as in two, and as a Manifest Inconvenience will arise from their being two Parishes and but one Church and as upon Mature Deliberation they are of Opinion that the Conditions of their Union as Incerted above, will be most Conducive to their future peace and Prosperity, — That this Honorable Court would put a Sanction on their Proceedings and Confirm the Same — And Your Memorialist Shall ever Pray —

JONA COGSWELL JUN
JOHN CHOATE } Committee in behalf of ye Second & Sixth Parish in Ipswich." — *Ibid.*, *vol.* 180, *p.* 355.

This memorial was immediately referred to a committee, which, on the 21st, reported that the facts therein set forth had been fully proved to them, and that the petitioners have leave to bring in a bill "for uniting both parishes in one, by the name of the Second Parish in Ipswich." This report was accepted, in concurrence, on the same day, and, accordingly, a bill for this purpose was read a first time, March 22d; and, the next day, read a second and third time, passed to be engrossed, and sent up for concurrence. On the fifth of April, the Council passed the bill to be engrossed, with a slight amendment, in which the House promptly concurred, and offered a further amendment, which received the concurrence of the Council, changing the year of the king's reign to the year of the Christian era, in the heading of the bill, and, on the 17th, the bill was passed to be enacted.

Chap. 21. "Feb. 1, 1776. In the House of Representatives — Ordered that Mr Speaker, Colonel Orne, and Colonel Freeman, with such as the Hon'ble Board may join, be a Committee to bring in a bill, establishing a Test, by which all persons inimical to the rights and Libertys of America, shall be distinguished from their Friends, and to provide some Methods to secure us against the Practices and designs of our Enemies. And that it be an Instruction to the Committee that they immediately, and previous to their reporting any Bill for this purpose, write to the delegates of this Colony at the American Congress, and obtain information from them, whether the Congress have taken, or are about to take, any measures for this purpose, or if they have taken any, what those measures are. — In Council Read and Concurred and William Sever and Thomas Cushing Esqrs are joined." — *Council Records, vol. XXXI., p.* 521.

The journals of the Continental Congress do not show the reception of this application; but on the 14th of March, 1776, the resolve, set out in full in the preamble to this chapter, was passed, together with the following: —

"Ordered, That a copy of the foregoing resolution be transmitted by the delegates of each colony, to their respective assemblies, conventions, or councils or committees of safety." — *Journals of Congress.*

On the 20th of March a message was sent up from the House to the Council to know if they had "concurred in a vote of this House, appointing a committee to bring in a test act," and on the third day of April the above-mentioned resolve of the Continental Congress, was brought down. Two days later the report of a committee on these resolves, was brought down, read and recommitted, with directions to the committee to report "a form of an association to be tendered by the committees of the several towns, to such persons as they shall have reason to suspect are disaffected to the American cause." The report was read again the same day, and recommitted — the former vote having been reconsidered — with directions to the committee to bring in a bill for carrying into execution the resolve of Congress. On the 10th of April the committee was ordered "to consider the act lately passed by the Assembly of Connecticut, for restraining and punishing persons who are inimical to the liberties of the United Colonies, and bring in one bill for these purposes." On the 23d some changes were made in this committee and it was "directed to sit this forenoon and proceed upon the bill until they have finished it," and on

the 26th, the bill was brought down, with an endorsement that it had been read twice and unanimously passed to be engrossed by the Council. On the 27th, the bill was read a second time, and on the 29th, after having been committed to Messrs. Sullivan, Cushing and Freeman, it was read a third time and passed to be engrossed, with amendments, and was sent up to the Council. On the 30th, the bill was brought down with a vote of the Council, proposing amendments, which were concurred in, and a further amendment proposed by the House; and on the first of May it was passed to be enacted, and the following order was passed for distribution of printed blanks of the test declaration: —

"*Ordered*, That Col. *Freeman*, get the Association contained in the Act passed this Day printed, so many as shall be sufficient to furnish each Town with three, and disperse the same accordingly." — *House Journal*, *p.* 229.

During the first session of the next General Court attempts were made to alter and amend this act. A motion for that purpose was made as early as June 1st, which after some debate was ordered to subside; but on the fifth, the House specially assigned the afternoon of the next day for the consideration of the subject, and, on the 17th, a bill was reported and read a first and second time, when an amendment was offered for allowing those who had signed the declaration prescribed in the first section of this chapter, to erase their names, and to sign the new form prescribed by the proposed bill. The bill so amended was read a second and third time and passed to be engrossed, June 25th, and sent up for concurrence. This resulted in a committee of conference, July 1st, and the next day the following resolve * was passed: —

"July 2, 1776. In Council. On Report of a Committee of Conference appointed by both Houses to consider the Subject Matter of a Bill for altering & amending an Act passed in the last Session of the Great, & General Court call'd the Test Act. — Resolved that the Committee of Inspection & Safety of each, & every Town, & place in this Colony be, & they hereby are directed to omit tendering the Declaration prescrib'd by an Act pass'd in the last Session of the General Court of this Colony commonly called the Test Act, and also to refrain from enquiring † the Inhabitants of this Colony severally to subscribe said Declaration, and that all proceedings against such Persons as have already refused, or neglected to sign the same Declaration be stayed 'till the further Order of this Court, and that John Winthrop & Francis Dana Esq^rs with such as the Hon: House shall join be a Committee to take into consideration the aforesaid Test Act and also a Bill wch has pass'd the Hon: House of Representatives in their present Session for the alterations, & amendments of the same and in the Recess of the Court to prepare at the next sitting of this General Assembly report a new Bill touching the Subject Matter thereof with such Amendments, & Additions as they shall judge Proper. In Council. Read, & accepted.

In the House of Representatives. Read, & Concurred, & M^r Hobart M^r Wendell, & M^r Cooper are joined. Consented to by the Major part of the Council." — *Council Records*, *vol. XXXV.*, *p.* 136.

The following order was passed by the Council: —

"July 3, 1776. In Council. Order'd, That part of the Resolution of this Gen^l Assembly respecting the Declaration prescribed in the Act commonly called the Test Act be forthwith publish'd in hand Bills, & sent to the several Committees of Inspection, & Safety of the several Towns Districts, & Plantations within this Colony, & deliver'd to every Member of this present Assembly." — *Ibid.*, *p.* 142.

In the second session the committee appointed by the above resolve was enlarged, by the addition of one member from each branch, and was ordered to sit forthwith, on the thirty-first of August, and, again, on the ninth of September, but no further progress relative to the proposed amendment seems to have been made that session.

In the third session the following order was passed, but no report from the committee therein appointed, and no further action of the Assembly, upon this subject, has been discovered.

"Nov. 21, 1776. In the House of Representatives. Ordered, That M^r Cushing, M^r Murray, M^r Cooper, M^r Story, & M^r Pickering be a Committee to confer with such Committee as the Hon^ble Board may join on the subject of permitting Persons inimical to America to depart this State — In Council. Read, & Concurr'd, & Jeremiah Powell, William Phillips, Caleb Cushing, John Winthrop, & Thomas Cushing Esq^rs are joined on the part of the Board." — *Ibid.*, *vol. XXXVI.*, *p.* 192.

Chap. 22. As early as the fifth of April the bill of chapter 20 was amended, in its heading, by substituting the year of the Christian era for the year of the king's reign. The bill of chapter 18, which is the first printed act in which this change appears, was amended, in like manner, on the thirteenth. From this time forward the royal style was repudiated in all legislation, and it was now sought to introduce a similar change in the precepts for convening the General Court and in all legal processes and proceedings. Accordingly, Major Hawley and Messrs. Sullivan and Pitts, of the House, were appointed a committee, April 12th, to bring in a bill for that purpose, which they did on the following day, when the bill had it first reading. On the 16th, the bill was read a second time and "recommitted for a clause to be added providing that commissions may be changed at any time before the nineteenth of September next," and a day was assigned for its third reading. On the 17th, a message from the House was sent up to the Council, "to desire them to stay issuing all commissions, civil and military, for the present." The bill was read a third time and passed to be engrossed, on the 18th, and sent to the Council for concurrence. At this stage the Council returned the following message: —

* Printed resolves of the May session, chapter CCII. † *Sic:* requiring.

"Apr. 18, 1776. Gentlemen of the House of Representatives

You yesterday desired the Council by a Verbal Message, that they would desist from making out any Commissions either Civil or Military, for the present — you cannot but be sensible of the Exposed State of the Colony to the depredations of our merciless Enemies, who would, we have the fullest reason to beleive, with Eagerness, avail themselves of an Oppertunity to wreak their Vengeance upon this Colony and if possible do something to excite in the minds of the People, sentiments of their Valour, very different from what can be Entertained of them at present, by those who have heard of their late precipitate flight from Boston, and other Instances of their shameful conduct. —

You must also be sensible that in Order to prevent such mischiefs, it is of the highest importance, that our Militia should without loss of time be put upon the best footing possible for making a defence: which is far from being the Case at present, as a Considerable part thereof is still destitute of Officers — The Council can conceive of no sufficient reason why they should delay under these Circumstances to make out Commissions to persons duly appointed to Offices: but if you will Suggest any, we shall consider them with due attention, as we are greatly concerned both for the Safety & Reputation of the Colony — In the name & by Order of the Major part of the Council —

JAMES OTIS President." — *Council Records, vol. XXXIV., p.* 775.

To this message the House returned the following reply: —

"Apr. 20, 1776. May it Please your Honors

The House having with due attention considered your Message of the 18th Instant, beg leave to observe, that when they presumed to send a Verbal Message to your Honors, desireing you to desist from making out any Commissions Civil or Military, they were Sensible that a Considerable Part of our Militia are still destitute of Officers & are very sufficiently possessed of the Importance of putting them without Loss of Time on the best footing in order to defend this Colony, exposed to the Merciless depredations of our Enemies, who may avail themselves of our Situation to wreak their Vengeance and retrieve their reputation lost by their late precipitate Flight, but at the same time when they consider the Absurdity of Issuing Commissions in the present Stile, under our present Situation they supposed themselves fully justifyed in not troubleing your Honors with reasons they supposed obvious to every One — but as yours Honors cannot conceive any reasons sufficient to delay issuing Commissions, and are pleased to assure us that you will consider with due attention such as we may suggest — We beg leave to mention to your Honors that the Absurdity of Issuing Commissions in the present Stile is so apparent, and the tendency it has to keep up Ideas wholly inconsistant with our Conduct & Safety, has given the good People of this Colony such uneasiness as rendered it necessary to make provision for altering the Commissions already Issued, and for a different Stile for future Commiss^{on}. —

We had therefore provided & under consideration a Bill for that purpose, which we presumed would meet your Honours approbation when regularly laid before you, and appear to be calculated to promote both the Safety & Reputation of the Colony, and as the Bill is now before the Hon^{ble} Board they will be able to judge of our Sentiments & Conduct in the Provisions therein made." — *Ibid., p.* 783.

On the 23d of April the Council send down the bill, with the following memorandum thereon; viz., "In Council, April 23. This Bill having had two readings, passed to be engrossed, as taken into a new draught." The next day the House concurred, with certain amendments, in the draught thus sent down; but, on the 25th, the Council refused to concur and voted to adhere to their own vote. To this the House refused to agree. On the 26th, the Council again sent the bill down, and proposed further amendments, but the House nonconcurred, and voted to adhere to their own vote, and sent the bill up, again, for the concurrence of the Council. On the 27th, the bill, having been sent for by the House, was again brought down, when the House voted to reconsider its former vote, and proposed as an amendment "to *dele* the word 'Colony' at A, B, D, E, and F, and to insert instead thereof the word 'Government.'" In respect to the vote of the Council as to another change, they at first nonconcurred, and voted to adhere to their own vote, but subsequently reconsidered it. On the 29th, the bill was recommitted, and the committee forthwith made a report, upon which the House passed the following vote: "At A, B, D, E, and F, *dele* 'Colony' and insert 'Government and People,'" and sent it up for concurrence. The Council immediately voted to concur, "with the further amendments at I, K, and L,; viz., at I, *dele* 'civil and military.' At K, insert 'civil,' and at L, insert 'all Commissions, both civil and military.'" This vote was sent up and concurred in, and, on the first of May, the bill was passed to be enacted.

Pending the passage of this act, another bill was introduced in the Council which was read twice, and passed to be engrossed April 27th; but it provided only for changing the style in the precepts for convening the next General Assembly, and conferred upon the Council, authority to prepare such a substitute for the royal style as they might see fit to adopt. This bill went no further than the vote for engrossment.

"May 31, 1776. *Benjamin Lincoln*, Esq; brought down the following Resolve, *viz.* In Council, May 31, 1776.

* Whereas in and by an Act or Law of this Colony, made and passed in the Year One Thousand Seven Hundred and Sixty, and revived and continued by sundry Laws since made, it is provided, That the Clerk of the Superior Court of Judicature, Court of Assize and General Goal Delivery, shall issue Venires from his Office for the Choice of Jurors, Thirty Days at least, before the Return Day thereof. And whereas by Reason of the Alteration of the Stile of Law Processes, the issuing Venires for the Choice of Jurors, to serve at the said Superior Court, next to be held within the Counties of Essex and York,

* Printed resolves, chapter II.

until this Time (which is not Thirty Days before the Time by Law appointed for holding of the said Courts) has been delayed. Wherefore,

It is *Resolved*, That the Clerk of said Superior Court, be, and he hereby is impowered to issue his Venires for the Choice of Jurors, to serve at the Superior Court in the Counties aforesaid, in June next, at any Time before the Seven Day of said Month, and all Constables and others concerned therein, are required to pay the same Obedience to said Venires, as if they had been issued Thirty Days before their Return Day, under the same Penalty as is provided against those who disobey such Venires, when issued pursuant to the Act aforesaid. And all Grand and Petit Jurors, chosen by Virtue of said Venires so issued, are hereby required to attend their respective Duties, under the Pains and Penalties in the aforesaid Act mentioned. Any Law, Usage or Custom to the contrary notwithstanding. Sent down for Concurrence. Read and concurred." — *House Journal*, *p.* 14.

The record plainly shows that the foregoing resolve was consented to by the major part of the Council, but that at the time of its passage in that branch there were but seven councillors present. The charter provided that the governor with the "assistants or councillors or seven of them at least" may hold a council, &c., but this did not apply to the case of the absence of both the governor and lieutenant-governor, in which exigency it was expressly provided that the Council, or the major part of them, should act, and the Council seem to have determined in this instance, that the resolve had not been regularly passed, for want of a quorum. The following measures were taken to remedy this defect: —

"June 7 1776. *Francis Dana*, Esq; came down and informed the House, that the Resolve of Court of the 31st *May* last, relative to issuing Venires, was not concurred by a major Part of the Honorable Council, and that as the same would be ineffectual as it now stands, the Honorable Board had sent down a new Draught, and proposed the same to the House. Read and committed to Mr. *Lowell*.

Mr. *Lowell*, agreeable to Order, reported. Read and accepted.* Whereas in and by an Act or Law of this Colony, made and passed in the Year of our Lord one Thousand seven Hundred and Sixty, and revived and continued by sundry Laws since made, it is provided, That the Clerk of the Superior Court of Judicature, Court of Assize and General Goal Delivery, shall issue Venires from his Office for the Choice of Persons, thirty Days at least before the Return Day thereof. And whereas by Reason of the Alteration of the Style of Law Processes, the Clerk of said Superior Court did not issue Venires for the Choice of Jurors to serve at said Court, to be held within the Counties of Essex and York thirty Days before the Time by law appointed for the holding said Courts, but has now issued such Venires.

It is *Resolved*, That all Constables and others concerned therein, are required to pay the same Obedience to said Venires, as if they had been issued thirty Days before their Return Day, under the same Penalties as is provided against those who disobey such Venires, when issued pursuant to the Act aforesaid. And all Grand and Petit Jurors, chosen by virtue of said Venires so issued, are hereby required to attend their respective Duties, under the Pains and Penalties in the aforesaid Act mentioned, any Law, Usage or Custom to the contrary notwithstanding. Sent up for Concurrence." — *Ibid.*, *p.* 49.

"In Council June 7th 1776 Read & concurred JOHN LOWELL Dpy Secy P T
Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives*, *vol.* 209, *p.* 236.

"June 25, 1776. On Motion Ordered, that the Secretary be directed to alter all Commissions that shall be presented to be alter'd agreeable to a late Act of this Colony entitled an Act, for altering the stile of Commissions &c without laying the same before the Board." — *Executive Records of the Council*, *vol.* 19, *p.* 43.

Chap. 23. This chapter does not include a list of fees in the courts of admiralty, which are given in the note to chapter 7, *ante;* nor the fees allowed to the officers chosen to take recognizances of debts, under chapter 25, which appear in section 13 of that chapter.

On the 18th of October a committee, consisting of Messrs. Hawley, Bliss, Brooks, Smith and Rawson of the House, was ordered to bring in a fee-bill. This committee reported a bill, April 1st, which was read a first time on that day, and debated the three following days, on the last of which, it was passed to be engrossed and sent up to the Council for concurrence. On the 22d, upon a message of inquiry from the House, the bill was brought down with certain proposed amendments, in which, on the following day, the House voted to concur as to part, and nonconcurred in the others. On the 24th, the bill was again brought down from the Council, with additional amendments upon which the House were divided as before. On the 26th, the Council informed the House, by message, that they had concurred in the bill "and that it is now engrossing," and on the first of May it was passed to be enacted.

It was soon discovered that the bill had been incorrectly printed, and the following proceedings were taken by the next General Court to rectify the error: —

"June 3, 1776. The House being informed, that the Act for regulating Fees, was in one or two Particulars, misprinted.

Ordered, That the Secretary lay the Original Act upon the Table. Who brought down the same and laid it upon the Table accordingly. Whereupon, *Ordered*, That Mr *Watson*, Mr. *Partridge*, and Mr. *Perry*, be a Committee to compare the said printed Act with the original; and to direct the Printer to suspend delivering out any more of the said Acts for the present. Also, to consider what Method is proper to be taken, whereby all Matters ordered by the House to the Press may be correctly printed." — *House Journal*, *p.* 21.

"June 13, 1776. The Committee appointed to compare the printed Fee Bill with the Original, and to direct the Printer to suspend the delivering out said Act for the Present: And also to consider what Method is proper to be taken, whereby all Matters ordered by

* Printed resolves, chapter XXXII.

this House to the Press, may be correctly printed; having attended that Service, reported, That in the Clause, expressing the Pay for the Witnesses Travel, the Original is *one Penny two Farthings* per Mile, and in the printed Copy, it is *one Shilling and two Pence*, and in the Clause, expressing the Pay to the Party prevailing in the Action for his Travel, the Original is *one Penny two Farthings*, and in the printed Copy it is *one Shilling and two Pence;* and also in the Clause stating the Petit Jurors Fee, the Words *the* and *to* are left out of the printed Copy, which are all the Errors in said printed Bill, that appear material, and are contained on one Sheet; there is beside the above, in the Clause providing the Pay for entering the Petitions for Sale of real Estate, the Letter *s* added to the Word Estate, which your Committee are of Opinion doth not materially alter the Sense. Whereupon,

Resolved. That the Printer be, and he hereby is directed, to re-print the Sheet containing the four First mentioned Errors, correcting the same, and to deliver the same, with the Acts, as soon as corrected; and that Mr. *Watson*, Mr. *Osgood* and Mr. *Cushing*, of *Scituate*, be, and they hereby are appointed a Committee to inspect the Press, until further Orders, and see that all Acts, Resolves and Journals, that are ordered to be printed by this House, are correctly done. Sent up for Concurrence." — *Ibid.*, *p.* 82.

"In Council June 14th 1776 Read & concurred JOHN LOWELL Dep^y Secy P T
Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 209, *p.* 288.

Chap. 24. "Mar. 27, 1776. The Committee on the Petition of Col. *Samuel Dennie*, and others, in the County of *Worcester*, praying that eight Troops of Horse might be raised in said County, reported, That the Prayer of the Petition be granted, and that a Committee be appointed to bring in a Bill for that Purpose. Read and accepted, and thereupon *Ordered*, That Mr. *Ellis*, Mr. *Wheeler* and Mr. *Bancroft*, prepare and bring in a Bill accordingly." — *House Journal*, *p.* 46.

On the twenty-ninth of April this committee reported a bill which was then read a first time, and on the next day was read a second and third time and passed to be engrossed, and was passed to be enacted on the second day of May.

Chap. 25. The bill for this purpose was read a first time, in the House, Dec. 25, 1775, and was read a second time on the third of January. Before it was again taken up, Dr. William Whiting, of Great Barrington, introduced a bill for a similar purpose, which with the proceedings upon it is given below: —

"Whereas the Genneral Custum of Crediting Each other in Deal and Commerce Constantly Ocations Great Numbers of the Inhabitants of this Colony to be Indebted to Each other in Varius Sums of money — and Great Numbers of Such Debtors (being Concious of the Justice of their Creditors Demands) Are Willing and Desireus the Same Should be Discharged, and it Not being in their Power Seasonably to Discharge the Same, Such honnest Debtors Are Put to Great and unnessasary Cost and Charge, by means of their Creditors Commencing Processes at Law against them in the Same manner and form as if Such Debtors Utterly Refused to Pay them — Therefore that Such honnest Debtors may for the future be Releived from such unnessasary Cost and Charge

Be it Enacted by the Councel and house of Representatives In Genneral Court Assembled and by the authority of the Same That the Justices of the Peace for the Several Counties Within This Colony be and they hereby are inpowered Severally to Receive Confessions of Judgment from any Debtor or Debtors to his or their Creditor or Creditors (Either With or Without an anticedent Process) and to Enter up Jungment and Issue Execution thereon For any Sum Not Exceeding Twenty Pounds, and in Case the Judgment Does Not Exceed the Sum of five Pounds the Execution Shall be in the Same form as is usual for Justices Executions, but for all Sums Confessed for from five Pounds to Twenty Pounds the form of the Execu^n Shall Correspond With those Issued from the Inferior Courts in this Colony — and in Case such Execution Shall be Levied on Lands in that Case the officer Shall Proceed in the Same manner, as if Such Execu^n had Issued from the Inferior Court, and Such Execution Shall be Returned and Recorded in the Same manner and form as the Law hath in that Case Directed — and be it further Enacted By the authority afforesaid that When any Defendent Shall make it appear To the Satisfaction of the Court before Whom Such Process Shall be brought — that he has Tendered a Confession of Judgment in favour of the Plantiff for as Large a Sum as the Court Shall find Due from him to said Plantiff, in that Case the Plantiff Shall Recover no more Cost of the Defendent Than the Cost of Confessing a Judgment Except in Cases where Such Process Was Commenced before Such Tendery of Confession of Judgment Was made, in that Case the Plantiff Shall be allowd the Cost which had arisen before Such Tendery of Confession Together With the Cost of a Confession of Judgment and No more

Provided always that Such Tendery or Confession of Judgment be made on a Bond or fair Note of hand by the Person of the Debtor himself in Presents of his Creditor Said Creditors attorney asignee or Indorsee

In House of Representatives March 25 1776 Read & committed to Committee on the State of the Province — sent up for Concurrence J WARREN Spk^r
In Council Apr. 13th 1776—Read & Concurred JOHN LOWELL Dp^y Secy P T." — *Mass. Archives, vol.* 208, *p.* 393.

On the fifteenth of April, the bill, which was read December 25th, was again "read a second time," and the next day was read a third time, passed to be engrossed, and sent up for concurrence. It was brought down from the Council, April 18th, with certain proposed amendments, in which the House, on the 22d, voted to concur in part, and rejected the rest. On the third of May it was read and passed to be enacted in its present form.

Chap. 26. The following interesting memorial from a county convention at Ipswich, is inserted here, together with the proceedings of the General Court thereupon, in explanation of the origin of this chapter, which was the first movement towards proportioning representation according to population — a scheme more completely carried out in the second article of the third section of chapter one of the state Constitution. The abandonment of the system of town representation, as established by the province charter, was completed upon the adoption of article XXI. of the amendments of the Constitution, by which the House of Representatives is to consist of 240 members, apportioned according to the numbers of legal voters in the several counties, which are divided into representative districts, in the manner therein prescribed.

"To the Honourarable the Council & the Honourable the House of Representatives for the Colony of the Massachusetts-Bay in general Court Assembled April 1776. —

The Subscribers delegated, by the several Towns in the County of Essex to our Names affixed, to represent them in County Convention, to be held at Ipswich in said County on the twenty fifth of this Instant April, for the Purposes appearing in this Memorial, beg Leave to Represent —

That, in the present Important Crisis, when every Member of the Cummunity must be anxiously solicitous for the public Weal, and when a new, and we trust a glorious Empire is forming on the Basis of Liberty, the present State of Representation in this Colony has gained the Attention of the Towns from whence we are delegated, & we are chosen to meet in a County Convention for the Purpose of endeavouring to procure one more equal, than is at present enjoyed —

When the natural Rights which Men possess are given up to Society, they ever expect to receive an equivalent, from the Benefits derived from a social State; Freemen submitting themselves to the Controul of others, and giving up the entire Right of Legislation and Taxation without reserving any Share to themselves, can receive no possible equivalent for the Concession; for they become absolute Slaves; But if they delegate a Number from themselves to conduct these important Articles of State, over whom they retain a suitable Controul, they enjoy a qualified Liberty, in many Respects preferable to what they relinquish —

If this Representation is equal, it is perfect; as far as it deviates from this Equality, so far it is imperfect; and approaches to that State of Slavery; & the want of a just Weight in Representation is an Evil nearly akin to being totally destitute of it — An Inequality of Representation has been justly esteem'd the Cause which has in a great Degree sapped the foundation of the once admired, but now tottering Fabric of the British Empire; and we fear that if a different Mode of Representation from the present, is not adopted in this Colony, our Constitution will not continue, to that late Period of Time, which the glowing Heart of every true American now anticipates —

In the early Period of our Settlement, when thirty or forty Families were first permitted to send each a Representative to the general Assembly, there can be no Doubt, but the proportionate Equality was duly adjusted; nor is there much more Doubt, but that, as just an equality took Place in the Representation of the several Corporations of the british Empire, when the Rule was first established there —

That striking, that unjust Disproportion, which fills us with Disgust & Detestation, has arisen in Britain, chiefly from the great Increase of Numbers and Wealth in some Places of that Empire and a Decrease in others, & continued from a blind Attachment to the Forms of Antiquity in some, and a wicked Disposition in others, who found an effectual Way to turn this Inequality to their own Advantage, tho' to the Destruction of the State —

We cannot realize that, your Honours, our wise political Fathers, have adverted to the present Inequality of Representation in this Colony, to the Growth of the Evil or to the fatal Consequences which will probably ensue from the Continuance of it — Each Town & District in the Colony is by some late Regulations permitted to send one Representative to the general Court, if such Town or District consists of thirty Freeholders, & other Inhabitants qualified to elect if of one hundred & twenty to send two — No Town is permitted to send more than two except the Town of Boston, which may send four — There are some Towns and Districts in the Colony in which there are between thirty and forty Freeholders & other Inhabitants qualified to elect, only; there are others besides Boston, in which there are more than five hundred; — The first of these may send one Representative; — The latter can send only two, if these Towns as to Property are to each other in the same respective Proportion, is it not clear to a Mathematical Demonstration, that the same Number of Inhabitants of equal Property in the one Town, have but an Eighth Part of the Weight in Representation with the other, & with what colourable Pretext we would decently enquire —

If we regard Property as the Rule of Representation, it will be found that there are certain thirty Towns & Districts in the Colony, which altogether pay to the publick Expence, a sum not equal to what is paid by one other single Town in this County; yet the former may have a Weight in the Legislative Body, fifteen Times as large as the latter; nay it will be found by Examination, that a Majority of Voices in the Assembly may be obtained from the Members of Towns, which pay not more than one fourth Part of the publick Tax —— The County of Essex, which we represent in Convention, pays more than one sixth part of the publick Tax; & they have not a Right to send one tenth Part of the Number of Representatives which may be by Law returned to the general Assembly; This County contains one or two thousand Polls more than any other County in the Colony — The Town of Ipswich is in Property (and we suppose in Numbers) nearly equal to the several Towns & Districts of Hadley, South Hadley, Amhirst, Granby, Deerfield, Greenfield, Shelburne & Conway (and more than equal to the like Number of other Places in the Colony) who are or may be represented in the general Court; Ipswich can send only

two Members; the other Towns and Districts abovementioned may send ten Members at the least; can the Division of two Towns into eight, Towns and Districts furnish an Argument for the disproportionate Representation which of Consequence has taken Place; if the Property and Numbers remain the same, the Reason is to us Paradoxical —

If a new System of Government, or any material Alteration in the old is to be in the Contemplation of the next general Assembly; Is it not fitting that the whole Community should be equally concerned in adjusting this System? —

The many evil Consequences that will naturally & must inevitably arise from this Inequality of Representation, we trust, we need not attempt to mark out to a wise and free House of Americans; — the Delineation would be disagreeable as well as indecent — Nor would we arrogantly suggest, to your Honours, the Mode of Redress, we confide in your Wisdom and Justice, and if an Equality of Representation takes Place in the Colony, we shall be satisfied whether it has Respect to Numbers, to Property or to a Combination of both.

In County Convention Ipswich April 25th 1776.	JOHN PICKERING JUN	Salem	JEREH MIGHILL	Rowley	
	JONA GARDNER JUN		SAML NYE	Salisbury	
	STEPHEN CHOATE	Ipswich	THOMAS WEST	Haverhill	
	DANIEL NOYES		JOHN LOW	Gloucester	
	RICHD ADAMS JR	Newbury	WINTHROP SARGENT		
	JOHN LOWELL	Newburyport	DAVID MERRILL	Almsbury	
	JONA JACKSON		PETER RUSSELL	Bradford	
	JONATHAN GLOVER	Marblehead	TYLER PORTER	Wenham	
	SAMUEL BURRIL	Lynn	JOHN LEE	Manchester	
	SAMUEL PHILLIPS	Andover	JONATHAN SWAN	Methuen	
	DANIEL SPAFFORD		ASA PERLEY	Boxford." —	

Mass. Archives, vol. 156, *p.* 192.

"Essex ss. In County Convention Ipswich April 26th 1776 —

Voted That John Lowell Esqr. Mr. Stephen Choate and Colo. Danl. Spafford or any two of them be a Committee of this Convention to present their Memorial to the General Court & that they be directed to desire with the Leave of the Honble House to be heard on their Floor, in support of said Memorial, if they should think necessary —

Attest DANL NOYES Clerk." — *Ibid., p.* 196.

"At a Legal Meeting of the Inhabitents of the Town of Beverly April 30th 1776 —

Capt Benjamin Lovett Jr Was Chosen to Sign in their behalf the memorial of the Late County Convention held at Ipswich on the 25th of April Instant

True Copy attest JOSEPH WOOD T. Cler." — *Ibid.*

"Danvers ss. At a Meeting of the Inhabitants of Said Danvers the first day of May 1776, For the purpose of hearing & Concuring with the Convention held at Ipswich within & for the County of Essex, on the 25th April last, Respecting a Memorial to the Great & General Court, Agreed upon by Delegates representing the Major part of the Towns in Said County of Essex,

This Town after a full hearing & due Examination of Said Memorial, Past the following Vote —

Voted, that this Town do Unanimously Concur with the Sentiments of Said Delegates, as Agreed upon in Said Memorial —

True Extract from the Minuts Attest STEPHEN NEEDHAM T. Clerk."—*Ibid.*

The foregoing memorial was read in the House on the second of May, and the afternoon of that day was assigned for a hearing thereon, when the following proceedings took place: —

"*John Lowell* and Mr. *Daniel Spafford*, Agents for the Convention of the County of *Essex*, were agreeable to the Order of the Day admitted in the House, and a Pew being assigned them for their Seat, the Memorial of said Convention was read, and Mr. *Lowell* spoke on the Subject thereof, and then withdrew. Whereupon, on a Motion made, the Memorial was committed to Major *Hawley*, Mr. *Sullivan*, Mr. *Partridge*, Mr. *Phillips*, Col. *Brooks*, Col. *Freeman* and Col. *Orne*." — *House Journal, p.* 236.

On the following day, a bill was introduced which was read three times, passed to be engrossed, and sent up to the Council, for concurrence. May 4th, upon a message therefor from the House, this bill was sent down and was recommitted for amendment. The amendments reported by this committee were accepted and the amended bill was sent to the Council for concurrence; whereupon the bill was passed to be enacted, the same day.

Chap. 27. The resolves of the Continental Congress extending the right of privateers and others, to capture and condemn merchant vessels of the enemy, not actually engaged in promoting hostilities, which made it necessary to enlarge the provisions of chapter 7, by the present act, are as follows: —

"Resolved, That the inhabitants of these colonies be permitted to fit out armed vessels to cruize on the enemies of these United Colonies.

Resolved, That all ships and other vessels, their tackle, apparel, and furniture, and all goods, wares, and merchandizes, belonging to any inhabitant or inhabitants of Great-Britain, taken on the high seas, or between high and low water mark, by any armed vessel, fitted out by any private person or persons, and to whom commissions shall be granted, and being libelled and prosecuted in any court erected for the trial of maritime affairs in any of these colonies, shall be deemed and adjudged to be lawful prize; and after deducting and paying the wages which the seamen and mariners on board of such captures as are merchant ships and vessels shall be entitled to, according to the terms of their contracts, until the time of the adjudication, shall be condemned to and for the use of the owner or owners, and the officers, marines, and mariners of such armed vessel,

according to such rules and proportions as they shall agree on; provided always, that this resolution shall not extend to any vessel bringing settlers, arms, ammunition or warlike stores to and for the use of these colonies, or any of the inhabitants thereof, who are friends to the American cause, or to such warlike stores, or to the effects of such settlers.

Resolved, That all ships or vessels, with their tackle, apparel, and furniture, goods, wares, and merchandizes, belonging to any inhabitant of Great-Britain as aforesaid, which shall be taken by any of the vessels of war of these United Colonies, shall be deemed forfeited; one third, after deducting and paying the wages of seamen and mariners as aforesaid, to the officers and men on board, and two thirds to the use of the United Colonies.

Resolved, That all ships or vessels, with their tackle, apparel, and furniture, goods, wares, and merchandizes, belonging to any inhabitants of Great-Britain as aforesaid, which shall be taken by any vessel of war fitted out by and at the expence of any of the United Colonies, shall be deemed forfeited, and divided, after deducting and paying the wages of seamen and mariners as aforesaid, in such manner and proportions as the assembly or convention of such colony shall direct.

Resolved, That all vessels, with their tackle, apparel, and furniture, and cargoes, belonging to the inhabitants of Great-Britain, as aforesaid, and all vessels which may be employed in carrying supplies to the ministerial armies, which shall happen to be taken near the shores of any these colonies, by the people of the country, or detachments from the army, shall be deemed lawful prize; and the court of admiralty within the said colony is required on condemnation thereof, to adjudge that all charges and expences which may attend the capture and trial, be first paid out of the monies arising from the sales of the prize, and the remainder equally among all those, who shall have been actually engaged and employed in taking the said prize. Provided, that where any detachments of the army shall have been employed as aforesaid, their part of the prize-money, shall be distributed among them in proportion to the pay of the officers and soldiers so employed." — *Journals of Congress: Mar.* 23, 1776.

The subject of making such alterations and amendments in chapter 7 "as are necessary, and shall comport with the late resolves of Congress confiscating British property," was introduced in the Council, April 22d, and referred to a joint committee. This committee reported a bill, which had its second reading on the fourth of May, and two days later was read a third time and passed to be engrossed, and on the eighth was passed to be enacted.

Chap. 28. On the first of May, Mr. Sullivan, Major Hawley and Col. Orne were appointed a committee to bring in a bill empowering the treasurer to borrow fifty thousand pounds, on interest. On the fourth, this committee reported a bill which was then read a first time, and, on the sixth, it was read a second time, and recommitted. On the seventh, it was "read a second and third time, and passed to be engrossed." It was then sent up for concurrence, and, on the same day, it was "read, and passed to be enacted."

Supplementary note to chapter 18. It will have been noticed that the two classes of offences brought to the attention of the Assembly, in the cases of the persons whose arrest is mentioned in the note to this chapter, on p. 539, *ante*, were distinct, and that the title of the bill as first reported, did not embrace the offence of altering bills. The discovery of the original bill since that note was prepared, enables us to determine with certainty the nature of the amendments adopted.

Before the bill was sent up to the Council the word "difficulty" had been substituted for "impossibility" in the preamble; and in the fourth section, the word "information" had been changed to "indictment." In the first section, the clause requiring the payment of a fine had been interlined. There had been stricken out, between the third and fourth sections, a section empowering the court to mitigate the punishment required by the act, and also from the sixth section, immediately after the word "government," the following clause; viz., "and all bills emitted by any other government within the United Colonies, after the nineteenth day of April, seventeen hundred and seventy-five."

The amendments proposed by the Council were offered in that branch, April 3d, on the second reading of the bill. They provided for adding to the title, all after the word "credit," and inserted the words "and altering," after the word "forging." In the preamble, "altered" was inserted after "forged," in the twenty-first line, and "on" was changed to "of," in the next line. In the fourteenth line of the first section, "his" was changed to "the"; and the clause beginning in the seventeenth line, with "or shall suffer," and ending with "offence," was inserted.

The following resolve and order of the Continental Congress, are pertinent to this chapter, although no certain reference to either has been discovered in the legislative journals or state archives, previous to the passage of the bill.

"Whereas it appears to this Congress that several evil disposed persons, in order to obstruct and defeat the efforts of the United Colonies, in defence of their just rights, have attempted to depreciate the bills of credit emitted by the authority of this Congress,

Resolved, therefore, That if any person shall hereafter be so lost to all virtue and regard for his country, as to refuse to receive said bills in payment, or obstruct and discourage the currency or circulation thereof, and shall be duly convicted by the Committee of the city, county, or district, or in case of appeal from their decision, by the Assembly, Convention, Council or Committee of safety of the colony where he shall reside, such person shall be deemed, published, and treated as an enemy of his country, and precluded from all trade or intercourse with the inhabitants of these colonies.

Ordered, That the foregoing resolve be immediately published." — *Journals of Congress: Jan.* 11, 1776.

ACTS,

PASSED 1776–77.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT WATERTOWN, ON THE TWENTY-NINTH DAY OF MAY, A. D. 1776.

CHAPTER 1.

AN ACT FOR MAKING AND EMITTING OF BILLS OF PUBLIC CREDIT.

Preamble.

WHEREAS the exigencies of this colony require a new emission of bills of public credit, to discharge the public debts, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Bills of several denominations, to be emitted.

[SECT. 1.] That there be forthwith printed a certain number of bills of credit, on this colony, to the amount of the sum of one hundred thousand pounds, lawful money, of the following denominations; viz[t]., of threepence, of fourpence, of fivepence, of sixpence, of ninepence, of tenpence, of one shilling, of one shilling and threepence, of one shilling and eightpence, of two shillings and fourpence, of two shillings and sixpence, of three shillings and sixpence, of four shillings, of four shillings and fourpence, of five shillings, of five shillings and fourpence, of six shillings, of twelve shillings, of eighteen shillings, of twenty-four shillings, of thirty shillings, of thirty-six shillings, of forty-two shillings, and of forty-eight shillings; and to be eight thousand of each denomination, and no more: one half of the number of each denomination to be of the tenor and form following; viz[t]., —

Forms of the bills.

Colony of the Massachusetts Bay. } (No.) June 18[*th*], 1776.

This bill intitles the bearer to receive tenpence, L.M., out of the treasury by the 18th June, 1778, and shall be received for that sum in all payments agreeable to an act of the assembly of said colony.

} Committee.

—and so, *mutatis mutandis*, for a greater or less sum; and the other half of each denomination to be of the tenor and form following; viz[t]., —

Colony of the Massachusetts Bay. } (No.) THREE DOLLARS June 18[*th*], 1776.

This bill entitles the bearer to receive eighteen shillings, L. M., out of the treasury by the 18th of June, 1779; and shall be received for that sum in all payments agreeable to an act of the assembly of said colony.

} Committee.

— and so, *mutatis mutandis*, for a greater or less sum; and that, on the backs of each of said bills amounting to the value of a dollar and upwards, shall be printed the value of the bill.

[SECT. 2.] Which bills shall be paid and received in the public treasury, and in all payments in this colony, without any abatement or discount, upon any pretence whatever, under the penalty and forfeiture of treble the value of the bill or bills so passed, to be forfeited and paid by the receiver; which penalty may be recovered by action of debt, complaint or indictment, in any court proper to try the same, in the county in this colony, where the offence shall be committed.

And be it further enacted by the authority aforesaid,

Committee to number and sign the bills;

[SECT. 3.] That the committee hereafter to be appointed by this court, to authenticate, by signing and numbering, all the bills aforesaid, be, and they hereby are, directed and impowered to take care, and make effectual provis[s]ion, as soon as may be, to cause the said bills, of the several denominations aforesaid, to be printed and authenticated to the amount of the said sum of one hundred thousand pounds, and no more; and to deliver the same to the treasurer and receiver-general of this colony, taking his receipt for the same; and the said committee shall be under oath for the faithful management of the bus[s]iness aforesaid, and the trust reposed in them; they to be rewarded for their service as this court shall determine.

—to be sworn.

And be it further enacted by the authority aforesaid,

Treasurer empowered to issue forth said bills.

[SECT. 4.] That the treasurer be, and he hereby is, ordered and impowered to issue forth and emit the said bills, towards payment of the public debts of this colony already contracted, and the further growing charge for the defence thereof; for payment of grants, salaries and allowances made, or that may hereafter be made, by the great and general court, for the support of the government of this colony, and answering the incident and contingent charges thereof; according to such draughts as, from time to time, shall be made upon him, by warrant or order of the council; and the said bills shall pass out of the treasury, and shall be taken and accepted, in all payments, at the rate therein expressed.

And whereas it is necessary to give a currency to this emission of bills, and to support the faith and credit of this colony, that there should be suitable provis[s]ion made for calling in and paying the same; therefore, —

Be it further enacted by the authority aforesaid,

Tax to be levied on polls and estates for the calling in and paying the same.

[SECT. 5.] That there be and hereby is granted a tax of one hundred thousand pounds, to be levied on polls, and estates both real and personal, within this colony, in manner following; that is to say, fifty thousand[s] pounds, part of the one hundred thousand pounds aforesaid, according to such rules, and such proportion in the several towns and other places within this colony, as shall be agreed upon and ordered by the general court or assembly at their session in May, one thousand seven hundred and seventy-seven, to be paid into the public treasury on or before the last day of March next after; and the further sum of fifty thousand pounds, part of the one hundred [hundred] thousand pounds aforesaid, according[s] to such rules, and in such proportions on the several towns and other places aforesaid, as shall be agreed upon and ordered by the general court at their session in May, one thousand seven hundred and seventy-eight, and to be paid into the public treasury on or before the last day of March next after.

And be it further enacted by the authority aforesaid,

Bills of credit of the United Colonies, to be received.

[SECT. 6.] That no bills of public credit shall be received in payment of the tax before mentioned, excepting bills of credit of the United Colonies established by the American Congress, and the bills of this government.

And be it further enacted by the authority aforesaid,

Towns' and other places' apportionment of the tax.

[Sect. 7.] That if the general court, at their session in May, one thousand seven hundred and seventy-seven, or at their session in May, one thousand seven hundred and seventy-eight, and some time before the [the] twentieth day of August in each year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be, in each of said years, assessed and levied, that then and in such case each town and other places in this colony shall pay, by a tax to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sums as the said towns and other places were taxed by the general court in the tax act then last preceeding.

Colony treasurer empowered to issue forth his warrants to the selectmen of each town, to assess, &c.

[Sect. 8.] And the colony treasurer is hereby fully impowered and directed, some time in the month of August, in each of the years aforesaid, to issue and send forth his warrants, directed to the selectmen or assessors of each town within this colony, or to some suitable person or persons in such place or places as are not incorporated, requiring them to assess the polls, and estates both real and personal, within their several towns and other places, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury, at the aforementioned times; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as have been given in the last preceeding tax act,

And be it further enacted by the authority aforesaid,

Bills established by the American Congress, to be received in payments.

[Sect. 9.] That the bills of credit to be emitted by this act, and also all bills of credit which are established by the American Congress, shall be received in all payments within this colony; and a tender of the same may be pleaded in bar to any action brought for the recovery of any money, or species of money, due by deed or simple contract, or in any way and manner whatever.

Be it further enacted,

Bills of six shillings, &c., to be signed by two of the committee.

[Sect. 10.] That all the bills aforesaid amounting to the sum of six shillings and upwards, shall be signed by any two of the committee aforesaid, and all the aforesaid bills under six shillings shall be signed by any one of said committee. [*Passed June* 21.

CHAPTER 2.

AN ACT IN ADDITION TO AN ACT, MADE IN THE LAST SESSION OF THE GENERAL ASSEMBLY, INTITLED "AN ACT FOR ALTERING THE STILE OF WRITS, PROCESSES, AND ALL LAW PROCEEDINGS, WITHIN THIS COLONY, AND FOR DIRECTING HOW RECOGNIZANCES TO THE USE OF THE GOVERNMENT, SHALL, FOR THE FUTURE, BE TAKEN AND PROSECUTED."*

Preamble. 1775-76, chap. 22.

Whereas, in and by said act no provision is made to enable the council of this colony of Massachusetts Bay to make conformable to the stile and date by the said act required, any commissions issued by the major part of the council of the said colony before the nine-

* This is only a part of the title, *q. v.*

teenth day of September, one thousand seven hundred and seventy-five, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Council empowered to alter the style and date of commissions.

[SECT. 1.] That the council of the said colony are hereby as fully authori[z][*s*]ed, and impowered, at any time before the nineteenth day of September, 1776, to make conformable to the stile and date by the said act required, commissions civil and military that were issued by the major part of the said council at any time in the month of August, or in the month of September, 1775, as well as such as were issued on and after the said 19th day of September, 1775, and before the passing said act.

And be it further enacted by the authority aforesaid,

Commissions not altered before 19th September, 1776, to be void and of no effect.

[SECT. 2.] That all commissions, civil or military, issued by the major part of the said council in the months of August or September, 1775, and shall not, by the major part of the said council, before the 19[th] [*nineteenth*] day of September, 1776, be made conformable to the stile and date in the said act required, shall from and after the [19th] [*nineteenth*] day of September, 1776, become void, and of no effect. [*Passed June* 29.

CHAPTER 3.

AN ACT FOR ERECTING THE PLANTATION CALLED JERICHO, IN THE COUNTY OF BERKSHIRE, INTO A TOWN BY THE NAME OF HANCOCK.

Preamble.

WHEREAS it has been represented to this court that the inhabitants of a place called Jericho, in the county of Berkshire, have been taxed for several years past, and have met with difficult[y][*ie*]s in assessing and collecting the same, and likewise are liable to many other inconvenienc[*i*]es, for want of being incorporated into a township, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Plantation of Jericho erected into a town by the name of Hancock.

[SECT. 1.] That the said plantation, bounded east on the towns of Pittsfield, and Lanesborough; north on Williamstown; south on Richmond; west on the line between this and New York government; containing about twenty thousand acres of land, — be and hereby is erected into a town by the name of Hancock, and that the inhabitants thereof be and hereby are invested with all the powers, priviledges, and immunities which the inhabitants of towns within this colony by law do or may enjoy.

And whereas the selectmen of the town of Richmond, at the time of taking and returning a list of polls and estates within their town, did take and return a list of polls and estates of that part of said Jericho lying on the south of the north line of [T][*F*]almage Bishop's farm, and have ever since assessed the same in the colony tax accordingly, —

Be it therefore enacted,

Taxes to be paid with the town of Richmond.

[SECT. 2.] That that part of said Jericho last above described be, and it is hereby held and enjoined to pay a proportionable part of the colony taxes with the town of Richmond, as heretofore, until a new valuation shall be made throughout this colony by order of this court.

And be it further enacted,

[Sect. 3.] That Asa Douglas[*s*], Esq., be, and he hereby is, directed and impowered to issue his warrant, directed to some principal inhabitant within said town, requiring him to warn the inhabitants of said town, having a freehold therein to the value of forty shillings per annum, or other estate of the value of forty pounds, to meet at such time and place, in said town, as shall be therein directed, to choose all such officers as are or shall be required by law to manage the affairs of said town; and the officers that may be chosen in consequence thereof shall have, hold, and exercise, the powers to their respective offices belonging, until[l] the time that shall be appointed for said town's annual meeting in March next. [*Passed July* 2. Warrants to issue for calling a meeting for the choice of town officers.

CHAPTER 4.

AN ACT TO SUPPLY THE TREASURY WITH ONE HUNDRED THOUSAND POUNDS.

Whereas it is necessary, in order to support the public credit of the colony, that the treasurer thereof should be impowered to borrow a sum not exceeding one hundred thousand pounds, — Preamble.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the treasurer of this colony be, and he hereby is, impower[*e*]'d and directed, on the credit thereof, to borrow, from such person or persons as shall be willing to lend the same, a sum not exceeding one hundred thousand pounds; which sum the said treasurer is impowered to give his receipts or obligation for in form following; viz[t]., — Treasurer empowered to borrow £100,000 on the credit of the colony.

Colony of Massachusetts Bay, the of day of ,1776. Borrowed and received of , the sum , for the use of the colony of the Massachusetts Bay; and, in behalf of said colony, I do hereby promise and oblige myself and successors in said office of treasurer, to repay the said , or his order, the said sum of , upon the twentieth day of July, A.D. 1778, with interest at five per cent per annum; the interest to be paid annually.

Witness my hand, H. G., Treasurer.

A. B., } Com[*mit*]tee.
C. D., }

Form of the obligation.

— which form shall be printed upon the best paper that can be had for the purpose, and a suitable border round the same.

And be it further enacted,

[Sect. 2.] That Abraham Fuller, Esq[r]., and Jona[*than*] Brown Esq[r]., be a committee to sign blank notes, at the left hand, as by the form aforesaid is prescribed, before the treasurer fill them up; of which notes a counterpart, indented, shall be kept by the treasurer. Committee to sign blank notes.

And be it further enacted by the authority aforesaid,

[Sect. 3.] That there be and hereby is granted a tax of one hundred thousand pounds, to be levied on polls, and estates both real and personal, within this colony, according to such rules, and in such proportions on the several towns and districts within this colony as shall be agreed upon and ordered by the general court or assembly at their Tax of £100,000 granted, to be levied on polls and estates.

session in June, one thousand seven hundred and seventy-seven; and to be paid into the public treasury on or before the thirty-first day of March, one thousand seven hundred and seventy-eight.

And be it further enacted,

[SECT. 4.] That if the general court at their session in June, one thousand seven hundred and seventy-seven, and some time before the twentieth day of July in said year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be paid in said year, apportioned, assessed, and levied, then and in such case each town and district in this colony shall pay, by a tax to be levied on the polls, and estates both real and personal within their limits, the same proportion of the said sum as the said towns and districts were taxed by the general court in the tax then last prece[*e*]ding.

Treasurer empowered to issue his warrants.

[SECT. 5.] And the colony treasurer is hereby fully impowered and directed, some time in said month of July, one thousand seven hundred and seventy-seven, to issue and send forth his warrants, directed to the assessors or selectmen of each town and district within this colony, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasur[y][*er*] on the aforementioned time; and the assessors, as also all persons assessed, shall observe, be govern[*e*]'d by, and subject to, all such rules and directions as shall have been given in the then last prece[*e*]ding tax act.

And be it further enacted,

How to be appropriated.

[SECT. 6.] That the said sum of one hundred thousand pounds, and each part thereof, shall be, when so borrowed, appropriated to the payment of such warrants as the council shall, from time to time, draw on the said treasury, for defreying the charges of the war and government agreeable to the grant of the general assembly. [*Passed July* 2.

CHAPTER 5.

AN ACT IMPOWERING THE JUSTICES OF THE COURT OF GENERAL SESSIONS OF THE PEACE IN THE SEVERAL COUNTIES IN THIS COLONY TO PERMIT ONE OR MORE INOCULATING HOSPITALS TO BE ERECTED IN EACH OF THE SAID COUNTIES.

WHEREAS the American army has of late been visited with the smallpox, and the inhabitants of the several towns in this colony are thereby greatly exposed to the infection of that malignant distemper, and as it has been found by long experience that such as have that distemper by inoculation have it in a very moderate degree, and therefore the permitting of hospitals, under proper regulations, to be erected for the purpose of inoculation may tend greatly to the preservation of the lives of the good people of this colony, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the justices of the court of general sessions of the peace, in the several counties within this government, be and hereby are impowered, if they see cause, at any one of their quarterly

sessions, or at any other session which any two of said justices, *quorum unus*, may call for that purpose, and which they are hereby impowered to call accordingly, to allow of and permit one or more inoculating hospitals to be erected and established in the county whereof they are justices, under such regulations and restrictions as they, or the major part of them, may agree upon and order, and in such place in said county as they, or the major part of them, may judge will be most for the convenience and safety of the inha[*bi**]-tants of said county.

And be it further enacted by the authority aforesaid,

[Sect. 2.] That no person shall presume to inoculate or be inoculated at any place within this colony but at one of the inoculating hospitals that may be erected or established by the permission of the justices of the court of general sessions of the peace in some one of the counties of this colony, on the penalty of fifty pounds for each offence; one half for the informer, and the other half for the use of the poor of the town or plantation where such offence shall be committed: to be sued for and recovered by bill, plaint or action, in any inferior court of common pleas, or by information, presentment or indictment, in any court of general sessions of the peace, or in any superior court of judicature, &c., held within such county wherein such offence shall be committed; and if the party be unable or refuses to pay such fine, then to be punished by whipping, not exceeding thirty stripes, or by imprisonment, not exceeding the term of six months, at the discretion of the court.

Provided, always, —

[Sect. 3.] That this act shall not be understood to extend to persons who may inoculate or be inoculated in any town where more than twenty families are known, at the time of his inoculation, to be visited with the small-pox at one and the same time.

Provided, also, —

[Sect. 4.] That this act do not take place or be in force before the third day of August next. [*Passed July* 4.

CHAPTER 6.

AN ACT FOR THE REPEALING AND MAKING VOID ONE CLAUSE OF AN ACT, MADE AND PASSED IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND SEVENTY-TWO, INTIT[U]LED "AN ACT FOR ALTERING THE TIME OF HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE, AND INFERIOR COURT OF COMMON PLEAS, IN THE COUNTY OF CUMBERLAND, FROM THE THIRD TUESDAY OF APRIL, AND THIRD TUESDAY OF OCTOBER, TO THE LAST TUESDAY OF MARCH, AND THE LAST TUESDAY OF OCTOBER, ANNUALLY; AND FOR ESTABLISHING ONE OTHER COURT OF GENERAL SESSIONS OF THE PEACE, AND INFERIOR COURT OF COMMON PLEAS, TO BE HELD IN SAID COUNTY, ANNUALLY, FOR THE FUTURE."

Preamble. 1772-73, chap. 2.

Whereas by the said act it is enacted, that from and after the first day of January then next following, another court of general sessions of the peace and inferior court of common pleas, shall be holden at Falmouth, within and for the said county of Cumberland,

* Engrossment mutilated.

on the last Tuesday of July, annually; *and whereas* the holding such courts at that time is attended with many inconveniences to the inhabitants of said county, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Cumberland July inferior courts discontinued.

[SECT. 1.] That the clause aforesaid establishing a court of general sessions of the peace and inferio[*u*]r court of common pleas to be holden at said Falmouth on the last Tuesday of July, annually, be, and it hereby is repealed and declared null and void.

And be it further enacted,

All matters returnable at that court to have day in the next October court.

[SECT. 2.] That all original writs, summons, warrants issued or to be issued, executions, processes, matters or things, whatsoever, returnable to, or that might have been adjudged, tried or determined in, the said court of general sessions of the peace or inferior court of common pleas, that without the making of this act shou[*l*]'d have been holden at said Falmouth on the last Tuesday of July next, shall be returnable and have day in the same courts by law to be holden there on the last Tuesday of October next; and shall then and there be heard, adjudged and determined, in like manner as, without the making this act, they might have been on the said last Tuesday of July next. [*Passed June* 29.

CHAPTER 7.

AN ACT IMPOWERING THE JUSTICES OF THE COURT OF GENERAL SESSIONS OF THE PEACE IN THE SEVERAL COUNTIES IN THIS COLONY TO PERMIT ONE OR MORE INOCULATING HOSPITALS TO BE ERECTED IN EACH OF THE SAID COUNTIES.

Preamble.

WHEREAS the American army has of late been visited with the small-pox, and the inhabitants of the several towns in this colony are thereby greatly exposed to the infection of that malignant distemper, and as it has been found by long experience that such as have that distemper by inoculation have it in a very moderate degree, and therefore the permitting of hospitals, under proper regulations, to be erected for the purpose of inoculation may tend greatly to the preservation of the lives of the good people of this colony, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Justices of the sessions empowered to permit inoculating hospitals to be erected.

[SECT. 1.] That the justices of the court of general sessions of the peace, in the several counties within this government, be and hereby are impower[*e*]'d, if they see cause, at any one of their quarterly sessions, or at any other session which any two of said justices, *quorum unus*, may call for that purpose, and which they are hereby impowered to call accordingly, to allow of and permit one or more inoculating hospitals to be erected and establish[*e*]'d in the county whereof they are justices, under such regulations and restrictions as they, or the major part of them, may agree upon and order, and in such place in said county as they, or the major part of them, may judge will be most for the convenience and safety of the inhabitants of said county.

And be it further enacted by the authority aforesaid,

[Sect. 2.] That no person shall presume to inoculate or be inoculated at any place within this colony but at one of the inoculating hospitals that may be erected or established by the permission of the justices of the court of general sessions of the peace in some one of the counties of this colony, on the penalty of fifty pounds for each offence; one half for the informer, and the other half for the use of the poor of the town or plantation where such offence shall be committed: to be sued for and recover[*e*]'d by action of debt, in any inferior court of common pleas, or by information, presentment or indictment, in any court of general sessions of the peace, or in any superior court of judicature, &c., held within such county wherein such offence shall be committed; and if the party be unable or refuses to pay such fine, then to be punished by whipping, not exceeding thirty stripes, or by imprisonment, not exceeding the term of six months, at the discretion of the court wherein such offender shall be convicted. No person to inoculate, but at one of the hospitals so allowed of, under penalty of £50.

Provided, always, —

[Sect. 3.] That this act shall not be understood to extend to persons who may inoculate or be inoculated in any town where more than twenty families are known, at the time of such inoculation, to be visited with the small-pox. Proviso.

And whereas in this present session there was passed an act [i][*e*]ntitled "An Act [e][*i*]mpowering the justices of the court of general sessions of the peace in the several counties in this colony to permit one or more inoculating hospitals to be erected in each of the said counties," which act is mislaid, or lost, and which being somewhat variant from the foregoing act, it is proper it should be repealed; therefore, — 1776-77, chap. 5.

Be it enacted by the authority aforesaid,

[Sect. 4.] That the said act, and every clause therein be, and it hereby is, accordingly repealed. [*Passed July* 9.

CHAPTER 8.

AN ACT TO PREVENT THE CONTINUANCE OF THE SMALL-POX IN THE TOWN OF BOSTON, AND TO LICENCE INOCULATION THERE FOR A LIMITTED TIME.

Whereas it appears to this general assembly that it has become imposs[a][*i*]ble to prevent a general spread of the small-pox in the town of Boston, in the county of Suffolk, and that it is of the utmost importance, considering the state of our public affairs, that the same distemper be carried through the said town with all poss[a][*i*]ble dispatch, — Preamble.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That any person or persons be, and they hereby are, permitted to take and receive the small-pox by inoculation, within the said town, at any time before the fifteenth day of July [one thousand seven hundred and seventy-six] [*1776*], but not afterwards: *provided, always*, that they remain within the said town from the time of their inoculation, during their being visited with the said distemper and No person allowed to receive the small-pox by inoculation in Boston after the 15th of July, 1776.

until[l] they shall be sufficiently cleansed, in the judgment of the selectmen.

Provided, also, —

Proviso.

[SECT. 2.] That no person who shall be inoculated as aforesaid, shall be permitted either to be inoculated, or, after inoculation, to go or reside, upon any of the islands within the harbour of the town of Boston aforesaid; but every person who shall be so inoculated, or otherwise have the small-pox, shall go or reside upon any of said islands, or shall go into any part of the country, before he has perfectly recovered from the small-pox and shall have received a certificate from one or more of the selectmen of Boston, or any person or persons appointed by them, that he or she is thoroughly cleansed and free of infection shall be subject to the like penalt[y][*ie*]s as any person or persons are liable to by this act who shall be inoculated after the fifteenth day of July aforesaid.

And be it further enacted,

No person not having had the small-pox to go into Boston after the said 15th of July until the town shall be free from infection, on penalty of £50.

[SECT. 3.] That no person not having had the small-pox shall enter the town of Boston after the said fifteenth day of July until[l] that town shall be public[*k*]ly declared by the selectmen thereof to be so far free from infection as that all persons may safely pass and repass, on the penalty of fo[u]rty pounds; one moiety to the use of the informer, and the other moiety to the use of the poor of said town: and all mas[s]ters and mistresses of famil[y][*ie*]'s that shall receive any person or persons, being strangers, into their houses, shall, within three days after, give information thereof, in wri[gh]ting, to the selectmen of said town, on the like penalty of forty pounds; to be appl[y][*i*]ed as aforesaid.

And be it further enacted by the authority aforesaid,

No person to be inoculated at any other time and place than is allowed of by this and one other act of the general assembly, on penalty of £50. 1776-77, chap. 7.

[SECT. 4.] That no person or persons shall be inoculated at any other time or place than is permitted and allowed by this act, and by one other act of this general assembly, pas[t][*sed*] at this present sessions, intitled "An Act impowering the justices of the court of general sessions of the peace of the several counties in this colony, to permit one or more inoculating hospitals to be erected in each of the said counties," on the penalty of fifty pounds, to be appl[y][*i*]ed as aforesaid; and if any physi[t][*c*]ian or other person shall inoculate himself, or any person, after the said fifteenth day of July, or shall attend any person or persons who have been inoculated, or have otherwise voluntarily taken said distemper, said physi[t][*c*]ian, or other person, shall pay a fine of one h[*undre**]d pounds, to be applied as aforesaid; all the aforesaid penalt[y][*ie*]'s to be sued for and recover[*e*]'d by an action of debt in any inferior court of common pleas, or by information, presentment, or indictment, in any court of general sessions of the peace, or in any superior court of judicature, &c., holden within the county where such offence shall be committed; and if the party so offending be unable or refuses to pay such fine, then to be punished by whipping, not exceeding thirty stripes, or by imprisonment, not exceeding the term of six months, at the discretion of the court wherein such offender shall be convicted.

Penalty for any physician who shall inoculate himself or other person:

— how to be recovered.

The party unable to pay, to be whipped.

And be it further enacted by the authority aforesaid,

Selectmen of Boston to remove every person who shall be visited with the small-pox after

[SECT. 5.] That the selectmen of the said town of Boston be, and they hereby are, directed, from and after the third day of August next, to remove every person who shall be visited with the small-pox within the said town, unto some place where they will not endanger the in-

* Engrossment mutilated.

habitants thereof and others, unless such persons who, in the judgment of the said selectmen, cannot be removed as aforesaid without greatly endangering their lives. the 3d day of August.

Provided, always, —

[Sect. 6.] That this act shall not be understood to extend to any persons who shall inoculate or be inoculated in any town, except the town of Boston aforesaid, wherein more than twenty famil[y][*ie*]'s are known, at the time of such inoculation, to be visited with the small-pox. Proviso.

And be it further enacted by the authority aforesaid,

[Sect. 7.] That, from and after the fifteenth day of July, instant, and until[l] the town shall be publickly declared, by the selectmen thereof, to be so far free from infection as that all persons may safely pass and repass, there shall be a guard kept at the avenue at the lines in Roxbury street, and at the several ferry-ways in Boston, to prevent any persons, who have not had the small-pox, from going into Boston; said guards to be under the direction of the selectmen of said Boston; and are not to suffer, without the permission of the selectmen of Boston, or any two of them, any person or persons, with or without their effects, to come out of the town of Boston until[l] they are satisfied that they and their effects are free from infection. [*Passed July* 13. Guards at the several avenues to prevent persons going into Boston without permission from the selectmen.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT WATERTOWN, ON THE TWENTY-EIGHTH DAY OF AUGUST, A. D. 1776.

CHAPTER 9.

AN ACT TO PROHIBIT THE EXPORTATION OF LUMBER, FOR A LIMIT[T]ED TIME.

Preamble.

WHEREAS many and great inconveniences may at this critical time arise to this and the other United States of America, if a speedy and effectual prohibition of the exportation of lumber, and other materials for building, from each and every port, harbour, or place, within the limits of the state, is not immediately effected, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Species of lumber prohibited.

[SECT. 1.] That no person or persons, whatsoever, shall take or load on board any ship or vessel within this state, any oak or pine timber, plank, boards, joists, clapboards or shingles, or other wooden materials suitable for building, with intent to convey the same out of this state, or to transport the same by water, from any port or harbour in this state to any other port or harbour therein, excepting all such lumber as shall be transporting from place to place for the sole use and by the order of this or any other of the United States of America, or any person employed by them, for that purpose; and that no ship or vessel, already loaded with any such lumber, as aforesaid, in any port or harbour within this state, shall be permitted to depart with any such lumber on board, from any such port or harbour to any other port or harbour within this state, or to any port, harbour, or

Forfeiture.

place, without this state; and every such ship, or vessel, which shall load as aforesaid, or being loaded as afor[e]said, shall sail or depart, or attempt to sail or depart, from any port, harbour, or place, within this state, shall, together with her cargo, tackle, apparel and furniture, be forfeited and disposed of as in this act is hereinafter provided.

And be it further enacted by the authority aforesaid,

Vessels may be seized by armed vessels.

[SECT. 2.] That it shall and may be lawful for any armed ship or vessel commissioned by the American Congress, or by any of the United States of America, to su[p][r]prise, take, seize, and bring into any port or place within this state, any ship or vessel which shall have sailed from any place within this state in violation of this act, wholly

or in part laden with lumber, as aforesaid, and be found on the high seas; and the several maritime courts already erected within this state, are hereby authorized to try the justice of such captures, in like manner and form as other ships or vessels are triable in the same courts, and, in case of confiscation, to order distribution thereof; one moiety thereof to the captors, and the other moiety to and for the use of this state. How distributed.

And be it further enacted by the authority aforesaid,

[Sect. 3.] That any owner or freighter of any ship or vessel that shall, in violation of this act, sail and depart from any port or harbour within this state, in part or wholly laden with lumber, as aforesaid, and the same ship or vessel shall not be taken or s[ie][*ei*]zed in consequence of this act, every such owner or freighter shall forfeit and pay the sum of three hundred pounds, to be recovered in the inferior court in the county from whence the said vessel sailed, and applied as hereafter by this act is directed: *provided*, *always*, that no action shall be sustained in any court of record within this state, unless the same were commenced within twelve months after the offence committed. Penalty on owners or freighters offending.

Be it further enacted by the authority aforesaid,

[Sect. 4.] That the committees of correspondence, inspection and safety, of the several towns and plantations within this state, are hereby authorized, directed and impowered to see that this act is duly observed and kept within their respective precincts, and prosecute to effect all violations of the same, and to recover the penalties thereto annexed; in which case one moiety of the penalty shall accrue to this state, and be lodged in the public treasury of the same, and the other moiety to and for the benefit of the town or plantation where the offence is committed; after deducting the reasonable charges of pros-[s]ecution. Committees empowered to see this act executed.

[Sect. 5.] This act to be in force, and take place, in all parts of this state excepting the counties of York, Cumberland and Lincoln, from and after the fourth day of September instant; in the counties of York and Cumberland, from and after the ninth day of September instant; and in the county of Lincoln, from and after the tenth day of September inst[*ant*]; and to be in force until the twentieth day of November next, and no longer. [*Passed September* 4. Time of its taking place, and limitation.

CHAPTER 10.

AN ACT FOR MAKING AND EMITTING BILLS OF PUBLIC[K] CREDIT.

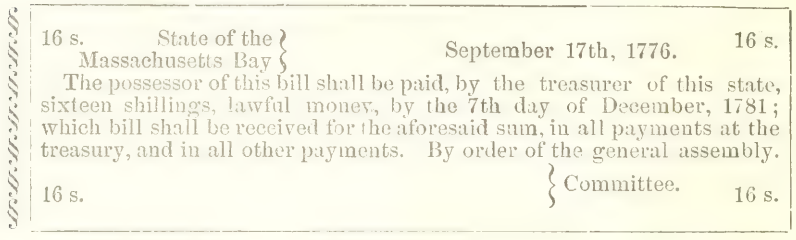
Whereas the exigences of this state require a new emission of bills of public[k] credit, to discharg[*e*] the debts thereof which have or may be contracted, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That there be forthwith stamped, on copperplates, a number of bills of credit, of this state, to the amount of fifty thousand and four pounds, of the following denominations; viz., of [*ten sh**]il-ling[*s*, *of**] fo[*ur**]teen shillings, of sixteen shillings, of twenty-two Denomination of the several bills.

* Engrossment mutilated.

shillings, of twenty-eight shillings, of thirty-six shillings, of forty-two shillings, and of forty-eight shillings; and to be forty-six hundred and thirty bills of each denomination, and no more: and that they be of the tenor and form following; viz., —



16 s. State of the Massachusetts Bay } September 17th, 1776. 16 s.

The possessor of this bill shall be paid, by the treasurer of this state, sixteen shillings, lawful money, by the 7th day of December, 1781; which bill shall be received for the aforesaid sum, in all payments at the treasury, and in all other payments. By order of the general assembly.

16 s. } Committee. 16 s.

Device on the back of the bills.

— and so, *mutatis mutandis*, for a greater or less sum; and that, on the back of each bill, shall be stamped the value of such bill, its date, and the figure of an American, with a sword in his right hand, with the following inscription suspended therefrom; viz., "*Ense petit placidam sub libertate quietem;*" and from his left hand, "*Magna Charta,*" and round the figure these words, "Issued in Defence of American Liberty."

And be it further enacted by the authority aforesaid,

Penalty for receiving or paying them at any discount.

[SECT. 2.] That said bills shall be paid and received in the public[k] treasury, and in all payments in this state, without any abatement or discount, under the penalty of the forfeiture of treble the value of such bill or bills so passed, and costs, to be paid and forfeited by the receiver; and may be recovered by action of debt, complaint or indictment, in any court proper to try the same, in the county, in this state, where the offence shall be committed.

And be it further enacted by the authority aforesaid,

Committee to authenticate the bills.

[SECT. 3.] That the committee hereafter to be appointed by this court, to authenticate, by numbering and signing, said bills, be, and they hereby are, directed and impowered to cause said bills, of the several denominations aforesaid, to be authenticated to the amount of said sum of fifty thousand and four pounds, and no more; and to deliver the same to the treasurer and receiver-general of this state, taking his receipt for the same; and the said committee shall be under oath for the faithful discharge of the trust reposed in them, and be rewarded for their services as this court shall determine.

And be it further enacted by the authority aforesaid,

Appropriation

[SECT. 4.] That the treasurer be, and he hereby is, ordered and impowered to issue forth and emit[t] the said bills, toward payment of the debts of this state, of grants and allowances made, or that may hereafter be made, by the general court, for the defence of this and the other states of America, for support of government of this state, and answering all other incident and contingent charges thereof; according to such draughts as, from time to time, shall be made upon him, by warrant or order of the council in pursuance of the resolves or orders of the general assembly; and the said bills shall pass out of the treasury, and shall be taken and accepted, in all payments, at the rate therein expressed.

And whereas it is necessary that there should be made suitable provision for calling in and sinking said emission of bills, —

Be it therefore further enacted by the authority aforesaid,

[Sect. 5.] That there be and there is hereby granted a tax of fifty thousand and four pounds, to be levied on polls, and estates both real and personal, within this state, according to such rules and proportions, in the several towns and other places within this state, as shall be agreed upon and ordered by the general court or assembly at their session in May, one thousand seven hundred and eighty, and to be paid into the public[k] treasury on or before the last day of March then next after. Tax of £50,004 in 1778.

And be it further enacted by the authority aforesaid,

[Sect. 6.] That no bills of credit shall be received in payment of the tax before mentioned, excepting bills of credit of the United States established by the American Congress and the bills of this government. What bills to be received in the treasury for the tax.

And be it further enacted by the authority aforesaid,

[Sect. 7.] That if the general court or assembly, at their session in May, one thousand seven hundred and eighty, and some time before the twentieth day of September, in that year, shall not agree and conclude upon an act apportioning the sum which by this act is engaged to be, in that year, assessed and levied, that then and in that case each town and other place in this state shall pay, by a tax to be levied on polls, and estates both real and personal, within their limits, the same proportion of that sum as such town or other place were taxed by the general court in the tax act then last preceeding. Treasurer to issue his warrant, in case of no tax act.

[Sect. 8.] And the treasurer of this state is hereby fully empowered and directed, some time in the month of September, in the last-mentioned year, to issue and send forth his warrants, directed to the selectmen or assessors of each town within this state, and to some suitable person or persons in such place or places as are not incorporated, requiring him or them to assess the polls, and estates both real and personal, within their several towns and other places, for their respective parts and proportions of the sum before directed and engaged to be assessed, to be paid into the treasury, at the time before mentioned; and the assessors, as also all persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act.

And be it further enacted by the authority aforesaid,

[Sect. 9.] That each of the bills emitted by this act shall be signed by any two of the committee before mentioned. Bills to be signed by two of the committee.

And be it further enacted,

[Sect. 10.] That the several bills of credit emitted by this act shall be received in all payments within this state, and a tender of the same may be pleaded, and have the same effect, in any action which is or may be brought for the recovery of any money, or species of money, due by deed or simple contract, or in any other way or manner whatsoever, in the same manner as a tender of the like sum in silver or gold might be pleaded. [*Passed September* 16. Bills a tender in all payments.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE NINTH DAY OF OCTOBER, A. D. 1776.

CHAPTER 11.

AN ACT FOR DIVIDING AND SETTING OFF THE NORTHERLY HALF OF THE LAND IN THE EAST PRECINCT IN THE TOWN OF POWNALBOROUGH, IN THE COUNTY OF LINCOLN, INTO A SEP[E][*A*]RATE PRECINCT BY THE NAME OF THE NORTH PRECINCT.

Preamble.

WHEREAS, for the greater convenience of attending the public worship of God, and the more peaceable enjoyment of the Christian religion, it is found necessary to divide and set off the northerly half of the land in the east precinct in the town of Pownalborough, into a sep[e][*a*]rate precinct, —

Be it enacted by the Council and House of Representatives in general court assembled, and by the authority of the same.

Bounds of the precinct.

[SECT. 1.] That the northerly half of the land in the east precinct in s[*ai*]d town of Pownalborough shall be and hereby is set off into a sep[e][*a*]rate precinct by the name of the North Precinct; and the s[*ai*]d northerly half of the land in the said east precinct is accordingly hereby set off, by a line to begin on Sheepscut River, on the southerly line of lot [S] [5],granted to Abraham Prebble by the prop[*rieto*]rs of the Kennebeck Purchase; from thence, to run on the s[*ai*]d southerly line, to a road running between the rear of the said lot and a lot of four hundred acres, marked Ee No. 5, granted by the said proprietors to James Bowdoin, Esq[r]; thence, running northwardly on the said road, to the country road leading from the great bridge to Sheepscut River; thence, running west-north-west through the said road as far as the said Bowdoin's said lot Ee bounds thereon; thence continuing to run through the s[*ai*]d road, more northerly, as far as the northerly line of a lot of four hundred acres, marked Dd No. 4, granted by the s[*ai*]d prop[*rieto*]rs to William Bowdoin, Esq[r]., deceased; and from thence, to run on the said northerly line of the last-menti[*one*]d lot till it strikes the easterly line of the west precinct in said Pownalborough.

And be it further enacted,

[SECT. 2.] That the said North Precinct shall be and hereby is invested with all the rights, privil[id][*e*]ges and immunities which by law other precincts are i[*nv**]ested with.

* Engrossment mutilated.

And be it further enacted,

[Sect. 3.] That all moneys already assessed by said east precinct be collected, and paid as ap[*p*]ropriated by said east precinct, in the same manner as though said east precinct had not been divided. Provision for taxes assessed.

An[*d*] *be it further enacted*,

[Sect. 4.] That Thomas Rice, Esq[r]., be and hereby is impowered to issue his warrant to some principal inhabitant of the said North Precinct, requiring him to notify and warn the inhabitants to meet at such time, and place in the said North Precinct, accordingly, as by such warrant shall be duly specified, and then and there chuse such officers as may be necessary to manage the affairs of the said precinct; and the inhabitants qualified by law to vote, being so met, shall be and hereby are impowered to chuse such precinct officers accordingly. [*Passed December* 7. Thomas Rice, Esq., to issue his warrant.

CHAPTER 12.

AN ACT FOR ERECTING A TRACT OF LAND CALLED FRYEBURG, OF TWO THOUSAND ONE HUNDRED AND SEVENTY-TWO RODS SQUARE, LYING IN THE COUNTY OF YORK, WHICH WAS GRANTED AS A TOWNSHIP TO JOSEPH FRYE, ESQ[r]., *ANNO DOMINI* SEVENTEEN HUNDRED SIXTY-TWO, AND CONFIRMED *ANNO DOMINI* SEVENTEEN HUNDRED SIXTY-THREE, INTO A TOWN BY THE NAME OF FRYEBURGH.

Whereas the inhabitants of that tract of land, consisting of proprietors and non-proprietors promiscuously settled thereon, having lately been united in ordaining a minister of the gospel among them, are desirous of a unity in the expence of his support, of building a meeting-house, and other public charges of the place, but cannot lay a tax upon themselves for those purposes till said tract of land is incorporated into a town; therefore, — Preamble.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the aforesaid tract of land, originally bounded as followeth; viz[t]., at the south corner, to a spruce-tree, marked; thence, running north, forty-five degrees west, by the needle, two thousand one hundred and seventy-two rods, to a beach-tree, marked; thence, north, forty-five degrees east, two thousand one hundred and seventy-two rods, to a maple-tree, marked; thence, south, forty-five degrees east, two thousand one hundred and seventy-two rods, to a pine-tree, marked; thence, south, forty-five degrees west, to the first bound,—be and hereby is erected into a town by the name of Fryeburg: *excepting* and reserving thereout four thousand one hundred and forty-seven acres of land lying in the west corner thereof, which the great and general court, in compliance with a petition of the above-named Joseph Frye, resolved to receive back — and in lieu thereof granted him the same quantity of the government's land, with liberty to lay it out adjoining to the northwardly or north-eastwardly part of his township — as by said resolve, dated June the twenty-fifth, seventeen hundred seventy-two, will appear; and the inhabitants of said tract of land, except as is above excepted, be and hereby are invested with all powers, privileges and immunities which the inhabitants of towns in this colony do enjoy. Bounds of the town.

And be it further enacted,

Tristram Jordan to issue his warrent.

[SECT. 2.] That Tristram Jord[a][o]n, Esq[r]., be and hereby is impowered to issue his warrant, directed to some principal inhabitant of said town, requesting him to warn the inhabitants thereof, who have a freehold according to charter, to meet at such time and place as shall be therein set forth, to chuse all such officers as are or shall be required by law, to manage the affairs of said town. [*Passed January* 11, 1777.

CHAPTER 13.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF ONE HUNDRED AND ONE THOUSAND EIGHT HUNDRED AND SEVENTY-ONE POUNDS ONE SHILLING AND TWOPENCE HALFPENNY, UPON THE SEVERAL TOWNS AND OTHER PLACES IN THIS STATE HEREINAFTER NAMED FOR DEFREYING THE PUBLIC CHARGE[S]; AND ALSO FOR ASSESSING A TAX OF SEVEN THOUSAND THREE HUNDRED AND TWENTY POUNDS SEVENTEEN SHILLINGS, PAID THE REPRESENTATIVES FOR THEIR TRAVEL AND ATTENDANCE IN THE GENERAL COURT IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SEVENTY-FIVE: ALSO FOR ASSESSING A TAX OF FORTY POUNDS ONE SHILLING ON THE TOWN OF HANCOCK, TO PAY A COMMITTEE APPOINTED BY THE GENERAL COURT TO GO TO SAID TOWN.

WHEREAS it is necessary that the aforesaid sums of one hundred and nine thousand two hundred and thirty-one pounds nineteen shillings and twopence halfpenny, should be raised and paid into the public treasury of this state, as soon as may be, to defrey such public charges as have arisen, or may arise, for the support of government; therefore, for the ordering, directing and effectually drawing into the treasury the said sum of one hundred and nine thousand two hundred and thirty-one pounds nineteen shillings and twopence halfpenny, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That each town and other place within this state be assessed and pay, as such town and other place's proportion of the sum of one hundred and nine thousand two hundred and thirty-one pounds nineteen shillings and twopence halfpenny, the following sum set against them, respectively; that is to say, —

IN THE COUNTY OF SUFFOLK.

	REPRESENTATIVES' PAY [*FOR THE YEAR 1775*].	FINES ORDERED BY THIS ACT.	STATE TAX.	[*SUM TOTAL.*]	
Boston,	£103 10*s.* 0*d.*	£0 0*s.* 0*d.*	£5,076 0*s.* 10*d.* 0*q.**	Five thousand one hundred and seventy-nine pounds ten shillings and tenpence,	£5,179 10*s.* 10*d.* 0*q.**
Roxbury,	31 0 0	0 0 0	826 11 1 2	Eight hundred [*and*] fifty-seven pounds eleven shillings and one penny halfpenny	857 11 1 2
Dorchester,	50 10 0	0 0 0	741 16 2 0	Seven hundred [*and*] ninety-two pounds six shillings and twopence,	792 6 2 0
Milton,	35 15 0	0 0 0	418 18 4 0	Four hundred [*and*] fifty-four pounds thirteen shillings and fourpence,	454 13 4 0
Braintree,	38 10 0	0 0 0	907 0 10 0	Nine hundred [*and*] forty-five pounds ten shillings and tenpence,	945 10 10 0
Weymouth,	40 15 0	0 0 0	491 18 1 0	Five hundred [*and*] thirty-two pounds thirteen shillings and one penny,	532 13 1 0
Hingham,	42 12 6	0 0 0	663 13 4 0	Seven hundred and six pounds five shillings and tenpence,	706 5 10 0
Dedham,	43 2 6	0 0 0	788 8 11 0	Eight hundred [*and*] thirty-one pounds eleven shillings and fivepence,	831 11 5 0
Medfield,	47 10 0	0 0 0	317 7 10 0	Three hundred [*and*] sixty-four pounds seventeen shillings and tenpence,	364 17 10 0
Wrentham,	39 5 0	0 0 0	798 3 8 0	Eight hundred [*and*] thirty-seven pounds eight shillings and eightpence,	837 8 8 0
Brookline,	0 0 0	0 0 0	304 18 0 0	Three hundred and four pounds eighteen shillings	304 18 0 0
Needham,	36 0 0	0 0 0	321 19 6 0	Three hundred [*and*] fifty-seven pounds nineteen shillings and sixpence	357 19 6 0
Stoughton,	23 10 0	0 0 0	624 0 4 0	Six hundred [*and*] forty-seven pounds ten shillings and fourpence,	647 10 4 0
Stoughtonham [District]	11 0 0	0 0 0	285 15 2 0	Two hundred [*and*] ninety-six pounds fifteen shillings and twopence	296 15 2 0
Medway,	41 0 0	0 0 0	322 8 4 0	Three hundred [*and*] sixty-three pounds eight shillings and fourpence,	363 8 4 0
Bellingham,	13 17 6	0 0 0	209 0 0 0	Two hundred [*and*] twenty-two pounds seventeen shillings and sixpence,	222 17 6 0
Hull,	0 0 0	0 0 0	73 8 11 0	Seventy-three pounds eight shillings and elevenpence,	73 8 11 0
Walpole,	44 5 0	0 0 0	263 5 7 0	Three hundred and seven pounds ten shillings and sevenpence,	307 10 7 0

* The farthings appear as fractions in the engrossment, but with the sign "*q*" in the printed act.

IN THE COUNTY OF SUFFOLK — *Continued.*

	REPRESENTATIVES' PAY [*FOR THE YEAR 1775*].	FINES ORDERED BY THIS ACT.	STATE TAX.	[*SUM TOTAL.*]	
Chelsea,	£43 5*s.* 0*d.*	£0 0*s.* 0*d.*	£211 3*s.* 4*d.* 0*q.*	Two hundred [*and*] fifty-four pounds eight shillings and fourpence,	£254 8*s.* 4*d.* 0*q.*
Cohasset,	0 0 0	0 0 0	224 0 1 0	Two hundred [*and*] twenty-four pounds and one penny,	224 0 1 0
	£685 7*s.* 6*d.*	£0 0*s.* 0*d.*	£13,869 18*s.* 4*d.* 2*q.*	Fourteen thousand five hundred [*and*] fifty-five pounds five shillings and tenpence halfpenny,	£14,555 5*s.* 10*d.* 2*q.*

IN THE COUNTY OF ESSEX.

Salem,	£63 10*s.* 0*d.*	£0 0*s.* 0*d.*	£2,922 2*s.* 0*d.* 0*q.*	Two thousand nine hundred [*and*] eighty-five pounds twelve shillings,	£2,985 12*s.* 0*d.* 0*q.*
Danvers,	34 0 0	0 0 0	916 8 0 0	Nine hundred and fifty pounds eight shillings,	950 8 0 0
Ipswich,	87 10 0	0 0 0	1,564 1 2 0	One thousand six hundred and fifty-one pounds eleven shillings and twopence,	1,651 11 2 0
Newbury,	38 10 0	0 0 0	1,451 6 2 0	One thousand four hundred [*and*] eighty-nine pounds sixteen shillings and twopence,	1,489 16 2 0
Newburyport,	51 10 0	0 0 0	1,493 5 0 0	One thousand five hundred [*and*] forty-four pounds fifteen shillings,	1,544 15 0 0
Marblehead,	83 0 0	0 0 0	996 4 10 2	One thousand and seventy-nine pounds four shillings and tenpence halfpenny,	1,079 4 10 2
Lynn,	54 5 0	0 0 0	711 2 0 0	Seven hundred [*and*] sixty-five pounds seven shillings,	765 7 0 0
Andover,	39 5 0	0 0 0	1,196 16 0 0	One thousand two hundred [*and*] thirty-six pounds one shilling,	1,236 1 0 0
Beverly,	59 5 0	0 0 0	839 11 0 0	Eight hundred [*and*] ninety-eight pounds sixteen shillings,	898 16 0 0
Rowley,	36 5 0	0 0 0	681 1 8 0	Seven hundred and seventeen pounds six shillings and eightpence,	717 6 8 0
Salisbury,	46 10 0	0 0 0	594 16 0 0	Six hundred [*and*] forty-one pounds six shillings,	641 6 0 0
Haverhill,	39 5 0	0 0 0	856 5 5 0	Eight hundred [*and*] ninety-five pounds ten shillings and fivepence,	895 10 5 0
Glo[*u*]cester,	34 10 0	0 0 0	818 5 6 2	Eight hundred [*and*] fifty-two pounds fifteen shillings and sixpence halfpenny,	852 15 6 2
Topsfield,	47 10 0	0 0 0	319 4 6 0	Three hundred [*and*] sixty-six pounds fourteen shillings and sixpence,	366 14 6 0

Boxford,				38	10	0	0	0	0	403	11	2	0	Four hundred [*and*] forty-two pounds one shilling and twopence,	442	1	2	0
Almsbury,				37	12	6	0	0	0	534	3	6	0	Five hundred [*and*] seventy-one pounds sixteen shillings,	571	16	0	0
Bradford,				43	0	0	0	0	0	481	14	2	0	Five hundred [*and*] twenty-four pounds fourteen shillings and twopence,	524	14	2	0
Wenham,				21	15	0	0	0	0	193	12	10	0	Two hundred and fifteen pounds seven shillings and tenpence,	215	7	10	0
Middleton,				0	0	0	0	0	0	263	6	2	0	Two hundred [*and*] sixty-three pounds six shillings and twopence,	263	6	2	0
Manchester,				0	0	0	0	0	0	223	13	7	0	Two hundred [*and*] twenty-three pounds thirteen shillings and sevenpence,	223	13	7	0
Methuen,				44	15	0	0	0	0	402	12	10	0	Four hundred [*and*] forty-seven pounds seven shillings and tenpence,	447	7	10	0
				£900	7*s.*	6*d.*	£0	0*s.*	0*d.*	£17,863	3*s.*	7*d.*	0*q.*	Eighteen thousand seven hundred and sixty-three pounds eleven shillings and one penny,	£18,763	11*s.*	1*d.*	0*q.*

IN THE COUNTY OF MIDDLESEX.

Cambridge,			£77	5*s.*	0*d.*	£0	0*s.*	0*d.*	£887	4*s.*	3*d.*	0*q.*	Nine hundred [*and*] sixty-four pounds nine shillings and threepence,	£964	9*s.*	3*d.*	0*q.*
Charlestown,			33	10	0	0	0	0	97	15	6	2	One hundred [*and*] thirty-one pounds five shillings and sixpence halfpenny	131	5	6	2
Watertown,			35	5	0	0	0	0	370	4	3	0	Four hundred and five pounds nine shillings and threepence,	405	9	3	0
Woburn,			54	10	0	0	0	0	607	3	4	0	Six hundred [*and*] sixty-one pounds thirteen shillings and fourpence,	661	13	4	0
Concord,			51	15	0	0	0	0	554	16	2	0	Six hundred and six pounds eleven shillings and twopence,	606	11	2	0
Newton,			30	5	0	0	0	0	516	17	7	0	Five hundred [*and*] forty-seven pounds two shillings and sevenpence,	547	2	7	0
Reading,			21	7	6	0	0	0	590	6	8	0	Six hundred and eleven pounds fourteen shillings and twopence,	611	14	2	0
Marlborough,			53	10	0	0	0	0	679	9	6	0	Seven hundred [*and*] thirty-two pounds nineteen shillings and sixpence,	732	19	6	0
Billerica,			54	0	0	0	0	0	462	0	0	0	Five hundred and sixteen pounds,	516	0	0	0
Framingham,			40	0	0	0	0	0	536	14	2	0	Five hundred [*and*] seventy-six pounds fourteen shillings and twopence,	576	14	2	0
Lexington,			51	10	0	0	0	0	370	11	2	0	Four hundred [*and*] twenty-two pounds one shilling and twopence,	422	1	2	0

IN THE COUNTY OF MIDDLESEX — *Continued.*

	REPRESENTATIVES' PAY [*FOR THE YEAR 1775*].	FINES ORDERED BY THIS ACT.	STATE TAX.	[*SUM TOTAL.*]
Chelmsford,	£50 10*s.* 0*d.*	£0 0*s.* 0*d.*	£414 15*s.* 10*d.* 0*q.*	Four hundred [*and*] sixty-five pounds five shillings and tenpence, £465 5*s.* 10*d.* 0*q.*
Sherburn [*e*],	41 5 0	0 0 0	264 0 0 0	Three hundred and five pounds five shillings, 305 5 0 0
Sudbury,	46 10 0	0 0 0	721 10 7 0	Seven hundred [*and*] sixty-eight pounds and sevenpence, 768 0 7 0
Malden,	36 15 0	0 0 0	343 17 3 0	Three hundred and eighty pounds twelve shillings and threepence, 380 12 3 0
Weston,	47 0 0	0 0 0	344 15 7 0	Three hundred and ninety-one pounds fifteen shillings and sevenpence, 391 15 7 0
Medford,	29 15 0	0 0 0	440 0 0 0	Four hundred [*and*] sixty-nine pounds fifteen shilling[*s*], 469 15 0 0
Littleton,	58 0 0	0 0 0	338 0 4 0	Three hundred [*and*] ninety-six pounds and fourpence, 396 0 4 0
Hopkinton,	0 0 0	0 0 0	351 15 4 0	Three hundred [*and*] fifty-one pounds fifteen shillings and fourpence, 351 15 4 0
Westford,	38 15 0	0 0 0	380 11 3 0	Four hundred [*and*] nineteen pounds six shillings and threepence, 419 6 3 0
Waltham,	40 10 0	0 0 0	331 18 11 0	Three hundred [*and*] seventy-two pounds eight shillings and elevenpence, 372 8 11 0
Stow,	13 10 0	0 0 0	305 2 7 0	Three hundred [*and*] eighteen pounds twelve shillings and sevenpence, 318 12 7 0
Groton,	22 5 0	0 0 0	523 5 11 0	Five hundred [*and*] forty-five pounds ten shillings and elevenpence, 545 10 11 0
Shirley,	0 0 0	0 0 0	186 6 2 0	One hundred [*and*] eighty-six pounds six shillings and twopence, 186 6 2 0
Pepperrel [*l*],	44 0 0	0 0 0	290 11 8 0	Three hundred [*and*] thirty-four pounds eleven shillings and eightpence, 334 11 8 0
Towns [*h*] end,	49 15 0	0 0 0	223 13 4 0	Two hundred [*and*] seventy-three pounds eight shillings and fourpence, 273 8 4 0
Ashby,	0 0 0	0 0 0	97 3 4 0	Ninety-seven pounds three shillings and fourpence, 97 3 4 0
Stoneham,	30 15 0	0 0 0	130 7 10 0	One hundred [*and*] sixty-one pounds two shillings and tenpence, 161 2 10 0
Natick,	0 0 0	0 0 0	172 18 0 0	One hundred [*and*] seventy-two pounds eighteen shillings, 172 18 0 0
Dracut,	47 10 0	0 0 0	301 6 8 0	Three hundred [*and*] forty-eight pounds sixteen shillings and eightpence, 348 16 8 0
Bedford,	0 0 0	0 0 0	241 6 2 0	Two hundred [*and*] forty-one pounds six shillings and twopence, 241 6 2 0
Holliston,	36 5 0	0 0 0	289 8 8 0	Three hundred [*and*] twenty-five pounds thirteen shillings and eightpence, 325 13 8 0

Tewksbury, . . .	18	15	0	0	0	0	231	4	6	0	Two hundred [*and*] forty-nine pounds nineteen shillings and sixpence, ...	249	19	6	0
Acton, . . .	33	10	0	0	0	0	272	9	6	0	Three hundred and five pounds nineteen shillings and sixpence, ...	305	19	6	0
Dunstable, . . .	3	10	0	0	0	0	251	17	0	0	Two hundred [*and*] fifty-five pounds seven shillings, .	255	7	0	0
Lincoln, ...	30	5	0	0	0	0	248	1	5	0	Two hundred [*and*] seventy-eight pounds six shillings and fivepence, ...	278	6	5	0
Wilmington, . . .	27	15	0	0	0	0	210	16	8	0	Two hundred [*and*] thirty-eight pounds eleven shillings and eightpence, ...	238	11	8	0
	£1,249	12*s.*	6*d.*	£0	0	0	£13,580	7*s.*	1*d.*	2*q.*	Fourteen thousand eight hundred and twenty-nine pounds nineteen shillings and sevenpence halfpenny, . .	£14,829	19*s.*	7*d.*	2*q.*

IN THE COUNTY OF HAMPSHIRE.

Springfield, . . .	£61	12*s.*	6*d.*	£0	0*s.*	0*d.*	£577	12*s.*	8*d.*	0*q.*	Six hundred [*and*] thirty-nine pounds five shillings and twopence, ...	£639	5*s.*	2*d.*	0*q.*
Willbraham, . . .	45	15	0	0	0	0	267	13	4	0	Three hundred [*and*] thirteen pounds eight shillings and fourpence, ...	313	8	4	0
Northampton, . .	57	10	0	0	0	0	601	11	2	0	Six hundred [*and*] fifty-nine pounds one shilling and twopence, ...	659	1	2	0
Southampton, . .	26	0	0	0	0	0	214	2	9	0	Two hundred [*and*] forty pounds two shillings and ninepence, ...	240	2	9	0
Hadley, ...	20	10	0	0	0	0	253	0	0	0	Two hundred [*and*] seventy-three pounds ten shillings, .	273	10	0	0
South Hadley, . .	33	15	0	0	0	0	196	16	11	0	Two hundred and thirty pounds eleven shillings and elevenpence, ...	230	11	11	0
Amherst, . . .	31	12	6	0	0	0	284	5	7	0	Three hundred [*and*] fifteen pounds eighteen shillings and [a] [*one*] penny, ...	315	18	1	0
Granby, ...	14	15	0	0	0	0	135	13	4	0	One hundred and fifty pounds eight shillings and fourpence,	150	8	4	0
Hatfield, . . .	26	18	8	0	0	0	301	9	4	0	Three hundred and twenty-eight pounds eight shillings, .	328	8	0	0
Whatel[e]y, . . .	9	9	10	0	0	0	106	6	8	0	One hundred and fifteen pounds sixteen shillings and sixpence, ...	115	16	6	0
Williamsburg[*h*], . .	6	16	6	0	0	0	76	8	4	0	Eighty-three pounds four shillings and tenpence, . .	83	4	10	0
Westfield, . . .	16	15	0	0	0	0	429	9	2	0	Four hundred [*and*] forty-six pounds four shillings and twopence, ...	446	4	2	0
Deerfield, . . .	12	15	0	0	0	0	312	0	0	0	Three hundred [*and*] twenty-four pounds fifteen shillings,	324	15	0	0
Greenfield, . . .	0	0	0	0	0	0	199	16	8	0	One hundred ninety-nine pounds sixteen shillings and eightpence, ...	199	16	8	0

IN THE COUNTY OF HAMPSHIRE — *Continued.*

	REPRESENTATIVES' PAY [*FOR THE YEAR 1775*].	FINES ORDERED BY THIS ACT.	STATE TAX.	[*SUM TOTAL.*]	
Shelburne,	£9 10*s.* 0*d.*	£0 0*s.* 0*d.*	£119 3*s.* 4*d.* 0*q.*	One hundred [*and*] twenty-eight pounds thirteen shillings and fourpence,	£128 13*s.* 4*d.* 0*q.*
Conway,	10 15 0	0 0 0	135 11 0 0	One hundred [*and*] forty-six pounds six shillings,	146 6 0 0
Sunderland,	21 15 0	0 0 0	131 19 2 0	One hundred [*and*] fifty-three pounds fourteen shillings and twopence,	153 14 2 0
Montague,	17 0 0	0 0 0	163 14 8 0	One hundred and eighty pounds fourteen shillings and eightpence,	180 14 8 0
Northfield,	14 0 0	0 0 0	222 1 0 0	Two hundred [*and*] thirty-six pounds one shilling,	236 1 0 0
Brimfield,	25 2 6	0 0 0	369 10 4 0	Three hundred [*and*] ninety-four pounds twelve shillings and tenpence,	394 12 10 0
South Brimfield,	33 12 6	0 0 0	221 7 6 0	Two hundred [*and*] fifty-five pounds,	255 0 0 0
Monson,	18 0 0	0 0 0	191 11 8 0	Two hundred and nine pounds eleven shillings and eightpence,	209 11 8 0
Pelham,	0 0 0	0 0 0	208 1 8 0	Two hundred and eight pounds one shilling and eightpence,	208 1 8 0
Greenwich,	52 0 0	0 0 0	207 5 4 0	Two hundred [*and*] fifty-nine pounds five shillings and fourpence	259 5 4 0
Blanford,	0 0 0	0 0 0	152 3 4 0	One hundred [*and*] fifty-two pounds three shillings and fourpence,	152 3 4 0
Leverett,	0 0 0	0 0 0	50 11 6 0	Fifty pounds eleven shillings and sixpence,	50 11 6 0
Palmer,	0 0 0	0 0 0	211 15 0 0	Two hundred and eleven pounds fifteen shillings,	211 15 0 0
Granville,	0 0 0	0 0 0	369 1 4 0	Three hundred [*and*] sixty-nine pounds one shilling and fourpence,	369 1 4 0
New Salem,	0 0 0	0 0 0	185 14 8 0	One hundred [*and*] eighty-five pounds fourteen shillings and eightpence,	185 14 8 0
Belcher[s]town,	38 5 0	0 0 0	235 2 6 0	Two hundred [*and*] seventy-three pounds seven shillings and sixpence,	273 7 6 0
Colrain,	15 5 0	0 0 0	136 7 0 0	One hundred [*and*] fifty-one pounds twelve shillings,	151 12 0 0
Ware,	0 0 0	0 0 0	110 0 0 0	One hundred and ten pounds,	110 0 0 0
Warwick,	0 0 0	0 0 0	88 0 0 0	Eighty-eight pounds,	88 0 0 0
Bernardston,	0 0 0	0 0 0	120 1 8 0	One hundred and twenty pounds one shilling and eightpence,	120 1 8 0
Murrayfield	27 15 0	0 0 0	101 18 4 0	One hundred [*and*] twenty-nine pounds thirteen shillings and fourpence,	129 13 4 0
Charlemont,	0 0 0	0 0 0	97 17 0 0	Ninety-seven pounds seventeen shillings,	97 17 0 0
Ashfield,	58 5 0	0 0 0	111 9 8 0	One hundred [*and*] sixty-nine pounds fourteen shillings and eightpence,	169 14 8 0

Worthington,	37	7	6	0	0	0	55	14	0	0	Ninety-three pounds one shilling and sixpence,	93	1	6	0
Shutesbury,	45	15	0	0	0	0	119	12	6	0	One hundred [*and*] sixty-five pounds seven shillings and sixpence,	165	7	6	0
Chesterfield,	48	15	0	0	0	0	180	7	0	0	Two hundred [*and*] twenty-nine pounds two shillings,	229	2	0	0
Southwick,	0	0	0	0	0	0	159	12	0	0	One hundred [*and*] fifty-nine pounds twelve shillings,	159	12	0	0
Suffield,	0	0	0	0	0	0	62	0	0	0	Sixty-two pounds,	62	0	0	0
Enfield,	0	0	0	0	0	0	31	0	0	0	Thirty-one pounds,	31	0	0	0
Somers,	0	0	0	0	0	0	31	0	0	0	Thirty-one pounds,	31	0	0	0
West Springfield,	45	10	0	0	0	0	603	10	0	0	Six hundred [*and*] forty-nine pounds,	649	0	0	0
Ludlow [District],	0	0	0	0	0	0	81	11	6	0	Eighty-one pounds eleven shillings and sixpence,	81	11	6	0
Norwich,	0	0	0	0	0	0	33	19	4	0	Thirty-three pounds nineteen shillings and fourpence,	33	19	4	0
	£882	17*s.*	6*d.*	£0	0*s.*	0*d.*	£9,254	19*s.*	11*d.*	0*q.*	Ten thousand one hundred [*and*] thirty-seven pounds seventeen shillings and fivepence,	£10,137	17*s.*	5*d.*	0*q.*

IN THE COUNTY OF PLYMOUTH.

Plymouth,	£51	10*s.*	0*d.*	£0	0*s.*	0*d.*	£678	1*s.*	0*d.*	2*q.*	Seven hundred [*and*] twenty-nine pounds eleven shillings and a halfpenny,	£729	11*s.*	0*d.*	2*q.*
Scituate,	49	15	0	0	0	0	951	0	8	0	One thousand pounds fifteen shillings and eightpence.	1,000	15	8	0
Duxbury,	40	15	0	0	0	0	345	18	4	0	Three hundred [*and*] eighty-six pounds thirteen shillings and fourpence,	386	13	4	0
Marshfield,	34	0	0	0	0	0	403	8	8	0	Four hundred [*and*] thirty-seven pounds eight shillings and eightpence,	437	8	8	0
Bridg[e]water,	44	10	0	0	0	0	1,398	6	4	0	Fourteen hundred [*and*] thirty-three pounds sixteen shillings and fourpence,	1,433	16	4	0
Middleboro[*ugh*],	40	0	0	0	0	0	1,187	6	2	0	Twelve hundred [*and*] twenty-seven pounds six shillings and twopence,	1,227	6	2	0
Rochester,	37	7	6	0	0	0	576	7	0	0	Six hundred [*and*] thirteen pounds fourteen shillings and sixpence,	613	14	6	0
Plym[p]ton,	31	5	0	0	0	0	440	18	4	0	Four hundred [*and*] seventy-two pounds three shillings and fourpence,	472	3	4	0
Pembroke,	37	15	0	0	0	0	504	14	8	0	Five hundred [*and*] forty-two pounds nine shillings and eightpence,	542	9	8	0
Kingston,	0	0	0	0	0	0	295	5	4	0	Two hundred [*and*] ninety-five pounds five shillings and fourpence,	295	5	4	0
Hanover,	28	12	6	0	0	0	274	15	4	0	Three hundred and three pounds seven shillings and tenpence,	303	7	10	0

IN THE COUNTY OF PLYMOUTH — *Continued.*

	REPRESENTATIVES' PAY [*FOR THE YEAR 1775*].	FINES ORDERED BY THIS ACT.	STATE TAX.	[*SUM TOTAL.*]	
Abington, . . .	£44 10*s.* 0*d.*	£0 0*s.* 0*d.*	£353 5*s.* 0*d.* 0*q.*	Three hundred [*and*] ninety-seven pounds fifteen shillings,	£397 15*s.* 0*d.* 0*q.*
Halifax, . . .	0 0 0	0 0 0	180 13 8 0	One hundred and eighty pounds thirteen shillings and eightpence,	180 13 8 0
War[*e*]ham, . . .	0 0 0	0 0 0	172 13 4 0	One hundred and seventy-two pounds thirteen shillings and fourpence,	172 13 4 0
	£440 0*s.* 0*d.*	£0 0*s.* 0*d.*	£7,753* 13*s.* 10*d.* 2*q.*	Eight thousand one hundred [*and*] ninety-three pounds thirteen shillings and tenpence halfpenny,	£8,193 13*s.* 10*d.* 2*q.*

* £7,553 in the printed act.

IN THE COUNTY OF BARNSTABLE.

Barnstable, . . .	£65 12*s.* 6*d.*	£0 0*s.* 0*d.*	£712 5*s.* 0*d.* 0*q.*	Seven hundred [*and*] seventy-seven pounds seventeen shillings and sixpence,	£777 17*s.* 6*d.* 0*q.*
Sandwich, . . .	50 17 6	0 0 0	554 7 0 0	Six hundred and five pounds four shillings and sixpence,	605 4 6 0
Yarmouth, . . .	25 10 0	0 0 0	500 7 8 0	Five hundred [*and*] twenty-five pounds seventeen shillings and eightpence,	525 17 8 0
Eastham, . . .	45 10 0	0 0 0	406 11 2 0	Four hundred [*and*] fifty-two pounds one shilling and twopence,	452 1 2 0
Harwich, . . .	24 10 0	0 0 0	410 3 6 0	Four hundred [*and*] thirty-four pounds thirteen shillings and sixpence,	434 13 6 0
Wel[*l*]fleet, . . .	18 10 0	0 0 0	292 12 8 0	Three hundred and eleven pounds two shillings and eightpence,	311 2 8 0
Chatham, . . .	28 0 0	0 0 0	193 12 8 0	Two hundred [*and*] twenty-one pounds twelve shillings and eightpence,	221 12 8 0
Truro, ...	20 17 6	0 0 0	243 18 8 0	Two hundred [*and*] sixty-four pounds sixteen shillings and twopence,	264 16 2 0
Falmouth, . . .	25 12 6	0 0 0	407 0 0 0	Four hundred [*and*] thirty-two pounds twelve shillings and sixpence,	432 12 6 0
	£305 0 0	£0 0*s.* 0*d.*	£3,720 18*s.* 4*d.* 0*q.*	Four thousand and twenty-five pounds eighteen shillings and fourpence,	£4,025 18*s.* 4*d.* 0*q.*

IN THE COUNTY OF BRISTOL.

Taunton, . . .	£49	10*s.*	0*d.*	£0	0*s.*	0*d.*	£874	3*s.*	0*d.*	0*q.*	Nine hundred [*and*] twenty-three pounds thirteen shillings,	£923	13*s.*	0*d.* 0*q.*
Rehoboth, . . .	61	0	0	0	0	0	1,095	19	8	0	Eleven hundred [*and*] fifty-six pounds nineteen shillings and eightpence, ...	1,156	19	8 0
Swanzey with Shawamet,	32	10	0	0	0	0	506	4	4	0	Five hundred [*and*] thirty-eight pounds fourteen shillings and fourpence, ...	538	14	4 0
Dartmouth, . . .	8	0	0	0	0	0	1,889	18	6	0	Eighteen hundred [*and*] ninety-seven pounds eighteen shillings and sixpence, ...	1,897	18	6 0
Norton, ...	22	17	8	0	0	0	396	16	0	0	Four hundred [*and*] nineteen pounds thirteen shillings and eightpence, ...	419	13	8 0
Mansfield, . . .	14	17	4	0	0	0	258	5	4	0	Two hundred [*and*] seventy-three pounds two shillings and eightpence, ...	273	2	8 0
Attleborough, . .	25	7	6	0	0	0	643	19	2	0	Six hundred [*and*] sixty-nine pounds six shillings and eightpence, ...	669	6	8 0
Dighton, . . .	27	5	0	0	0	0	368	16	8	0	Three hundred [*and*] ninety-six pounds one shilling and eightpence, ...	396	1	8 0
Freeto[w]n, . . .	58	0	0	0	0	0	430	2	10	0	Four hundred [*and*] eighty-eight pounds two shillings and tenpence, ...	488	2	10 0
Raynham, . . .	8	15	0	0	0	0	270	1	3	0	Two hundred [*and*] seventy-eight pounds sixteen shillings and threepence, ...	278	16	3 0
Easton, ...	43	0	0	0	0	0	301	17	8	0	Three hundred [*and*] forty-four pounds seventeen shillings and eightpence, ...	344	17	8 0
Berkley, ...	28	0	0	0	0	0	210	2	10	0	Two hundred [*and*] thirty-eight pounds two shillings and tenpence, ...	238	2	10 0
	£379	2*s.*	6*d.*	£0	0*s.*	0*d.*	£7,246	7*s.*	3*d.*	0*q.*	Seven thousand six hundred [*and*] twenty-five pounds nine shillings and ninepence, ...	£7,625	9*s.*	9*d.* 0*q.*

IN THE COUNTY OF YORK.

York, ...	£47	10*s.*	0*d.*	£0	0*s.*	0*d.*	£859	0*s.*	4*d.*	0*q.*	Nine hundred and six pounds ten shillings and fourpence,	£906	10*s.*	4*d.* 0*q.*
Kittery, ...	38	5	0	0	0	0	942	18	0	0	Nine hundred [*and*] eighty-one pounds three shillings, .	981	3	0 0
Wells, ...	41	10	0	0	0	0	670	10	10	0	Seven hundred and twelve pounds and tenpence, . .	712	0	10 0
Berwick, . . .	51	10	0	0	0	0	1,017	0	10	0	Ten hundred [*and*] sixty-eight pounds ten shillings and tenpence, ...	1,068	10	10 0
Arundel, . . .	35	0	0	0	0	0	305	14	2	0	Three hundred and forty pounds fourteen shillings and twopence, ...	340	14	2 0

IN THE COUNTY OF YORK — *Continued.*

	REPRESENTATIVES' PAY [*FOR THE YEAR 1775*].	FINES ORDERED BY THIS ACT.	STATE TAX.	[*SUM TOTAL.*]	
Biddeford,	£24 5*s.* 0*d.*	£0 0*s.* 0*d.*	£353 14*s.* 3*d.* 0*q.*	Three hundred [*and*] seven[ty] seven pounds nineteen shillings and threepence,	£377 19*s.* 3*d.* 0*q.*
Pepper[*r*]el[*l*]boro'[ugh,]	19 0 0	0 0 0	257 13 8 0	Two hundred [*and*] seventy-six pounds thirteen shillings and eightpence,	276 13 8 0
Lebanon,	0 0 0	0 0 0	95 8 8 0	Ninety-five pounds eight shillings and eightpence,	95 8 8 0
Sanford,	0 0 0	0 0 0	92 4 8 0	Ninety-two pounds four shillings and eightpence,	92 4 8 0
Buxton,	0 0 0	0 0 0	82 0 10 0	Eighty-two pounds and tenpence,	82 0 10 0
	£257 0*s.* 0*d.*	£0 0*s.* 0*d.*	£4,676 6*s.* 3*d.* 0*q.*	Four thousand nine hundred [*and*] thirty-three pounds six shillings and threepence,	£4,933 6*s.* 3*d.* 0*q.*

IN THE COUNTY OF DUKES COUNTY.

Edgartown,	£36 10*s.* 0*d.*	£0 0*s.* 0*d.*	£268 2*s.* 6*d.* 0*q.*	Three hundred and four pounds twelve shillings and sixpence,	£304 12*s.* 6*d.* 0*q.*
Chilmark,	27 15 0	0 0 0	331 5 0 0	Three hundred [*and*] fifty-nine pounds,	359 0 0 0
Tisbury,	19 0 0	0 0 0	243 5 0 0	Two hundred [*and*] sixty-two pounds five shillings,	262 5 0 0
	£83 5*s.* 0*d.*	£0 0*s.* 0*d.*	£842 12*s.* 6*d.* 0*q.*	Nine hundred [*and*] twenty-five pounds seventeen shillings and sixpence	£925 17*s.* 6*d.* 0*q.*

IN THE COUNTY OF NANTUCKET.

Sherburn[*e*],	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£1,298 0*s.* 0*d.* 0*q.*	Twelve hundred [*and*] ninety-eight pounds,	£1,298 0*s.* 0*d.* 0*q.*

Worcester,	£47	0s.	0d.	£0	0s.	0d.	£702	10s.	0d	0q.	Seven hundred [*and*] forty-nine pounds ten shillings,	£749	10s.	0d. 0q.
Lancaster,	94	15	0	0	0	0	875	10	4	0	Nine hundred and seventy pounds five shillings and fourpence,	970	5	4 0
Mendon,	58	0	0	0	0	0	649	15	10	0	Seven hundred and seven pounds fifteen shillings and tenpence,	707	15	10 0
Brookfield,	0	0	0	0	0	0	842	5	11	0	Eight hundred [*and*] forty-two pounds five shillings and elevenpence,	842	5	11 0
Oxford,	41	2	6	0	0	0	303	12	8	0	Three hundred [*and*] forty-four pounds fifteen shillings and twopence,	344	15	2 0
Charlton,	51	0	0	0	0	0	305	10	0	0	Three hundred [*and*] fifty-six pounds ten shillings,	356	10	0 0
Sutton,	80	0	0	0	0	0	831	5	8	0	Nine hundred and eleven pounds five shillings and eightpence,	911	5	8 0
Leicester,	37	5	0	0	0	0	309	2	8	0	Three hundred [*and*] forty-six pounds seven shillings and eightpence,	346	7	8 0
Spencer,	39	17	0	0	0	0	268	13	8	0	Three hundred and eight pounds ten shillings and eightpence,	308	10	8 0
Paxton,	33	0	0	0	0	0	177	5	0	0	Two hundred and ten pounds five shillings,	210	5	0 0
Rutland,	46	15	0	0	0	0	405	0	10	0	Four hundred [*and*] fifty-one pounds fifteen shillings and tenpence,	451	15	10 0
Oakham,	15	10	0	0	0	0	122	7	6	0	One hundred [*and*] thirty-seven pounds seventeen shillings and sixpence,	137	17	6 0
Barre[*e*],	39	15	0	0	0	0	355	11	0	0	Three hundred ninety-five pounds six shillings,	395	6	0 0
Hubbardston,	10	10	0	0	0	0	70	9	2	0	Eighty pounds nineteen shillings and twopence,	80	19	2 0
New Braintree,	20	17	6	0	0	0	279	4	8	0	Three hundred pounds two shillings and twopence,	300	2	2 0
Southborough,	5	10	0	0	0	0	313	0	10	0	Three hundred [*and*] eighteen pounds ten shillings and tenpence,	318	10	10 0
Westborough,	22	15	0	0	0	0	319	11	4	0	Three hundred [*and*] forty-two pounds six shillings and fourpence,	342	6	4 0
Northborough,	42	10	0	0	0	0	215	17	6	0	Two hundred [*and*] fifty-eight pounds seven shillings and sixpence,	258	7	6 0
Shrewsbury,	40	15	0	0	0	0	593	3	8	0	Six hundred [*and*] thirty-three pounds eighteen shillings and eightpence,	633	18	8 0
Lunenburg[*h*],	53	10	0	0	0	0	433	9	0	0	Four hundred [*and*] eighty-six pounds nineteen shillings,	486	19	0 0
Fitchburg[*h*],	0	0	0	0	0	0	147	18	4	0	One hundred [*and*] forty-seven pounds eighteen shillings and fourpence,	147	18	4 0
Uxbridge,	56	10	0	0	0	0	309	11	4	0	Three hundred [*and*] sixty-six pounds one shilling and fourpence,	366	1	4 0
Harvard,	49	12	6	0	0	0	425	9	4	0	Four hundred [*and*] seventy-five pounds one shilling and tenpence,	475	1	10 0

IN THE COUNTY OF WORCESTER — *Continued.*

	REPRESENTATIVES' PAY [*FOR THE YEAR 1775*].	FINES ORDERED BY THIS ACT.	STATE TAX.	[*SUM TOTAL.*]	
Dudley,	£45 10*s.* 0*d.*	£0 0*s.* 0*d.*	£273 10*s.* 0*d.* 0*q.*	Three hundred [*and*] nineteen pounds,	£319 0*s.* 0*d.* 0*q.*
Bolton,	50 0 0	0 0 0	407 18 4 0	Four hundred [*and*] fifty-seven pounds eighteen shillings and fourpence,	457 18 4 0
Upton,	0 0 0	0 0 0	167 5 10 0	One hundred [*and*] sixty-seven pounds five shillings and tenpence,	167 5 10 0
Sturbridge,	47 0 0	0 0 0	381 9 4 0	Four hundred [*and*] twenty-eight pounds nine shillings and fourpence,	428 9 4 0
Leominster,	33 15 0	0 0 0	320 7 6 0	Three hundred [*and*] fifty-four pounds two shillings and sixpence,	354 2 6 0
Hardwick,	41 15 0	0 0 0	468 1 4 0	Five hundred and nine pounds sixteen shillings and fourpence,	509 16 4 0
Holden,	29 0 0	0 0 0	223 4 2 0	Two hundred [*and*] fifty-two pounds four shillings and twopence,	252 4 2 0
Western,	30 15 0	0 0 0	295 10 0 0	Three hundred [*and*] twenty-six pounds five shillings,	326 5 0 0
Douglass,	17 15 0	0 0 0	184 2 8 0	Two hundred and one pounds seventeen shillings and eightpence,	201 17 8 0
Grafton,	39 7 6	0 0 0	314 17 4 0	Three hundred [*and*] fifty-four pounds four shillings and tenpence,	354 4 10 0
Petersham,	36 10 0	0 0 0	317 14 8 0	Three hundred [*and*] fifty-four pounds four shillings and eightpence,	354 4 8 0
Royalston,	0 0 0	0 0 0	67 18 8 0	Sixty-seven pounds eighteen shillings and eightpence,	67 18 8 0
Westminster,	31 5 0	0 0 0	269 13 0 0	Three hundred pounds eighteen shillings,	300 18 0 0
Athol,	21 10 0	0 0 0	174 5 4 0	One hundred [*and*] ninety-five pounds fifteen shillings and fourpence,	195 15 4 0
Templeton,	26 15 0	0 0 0	213 2 6 0	Two hundred [*and*] thirty-nine pounds seventeen shillings and sixpence,	239 17 6 0
Princeton,	0 0 0	0 0 0	199 16 8 0	One hundred [*and*] ninety-nine pounds sixteen shillings and eightpence,	199 16 8 0
Ashburnham,	0 0 0	0 0 0	96 0 4 0	Ninety-six pounds and fourpence,	96 0 4 0
Winchendon,	0 0 0	0 0 0	78 18 8 0	Seventy-eight pounds eighteen shillings and eightpence,	78 18 8 0
Woodstock,	0 0 0	0 0 0	62 0 2 0	Sixty-two pounds and twopence,	62 0 2 0
Northbridge,	0 0 0	0 0 0	111 10 4 0	One hundred and eleven pounds ten shillings and fourpence,	111 10 4 0
	£1,337 7*s.* 0*d.*	£0 0*s.* 0*d.*	£13,883 13*s.* 1*d.* 0*q.*	Fifteen thousand two hundred [*and*] twenty-one pounds and a penny,	£15,221 0*s.* 1*d.* 0*q.*

IN THE COUNTY OF CUMBERLAND.

Falmouth,	£49	11*s.*	0*d.*	£0	0*s.*	0*d.*	£562	7*s.*	6*d.*	0*q.*	Six hundred and eleven pounds eighteen shillings and sixpence,	£611	18*s.*	6*d.*	0*q.*
Cape Elizabeth,	15	19	0	0	0	0	416	1	0	0	Four hundred and thirty-two pounds,	432	0	0	0
North Yarmouth,	32	15	0	0	0	0	419	0	7	0	Four hundred [*and*] fifty-one pounds fifteen shillings and sevenpence,	451	15	7	0
Scarborough,	36	10	0	0	0	0	427	17	0	0	Four hundred [*and*] sixty-four pounds seven shillings,	464	7	0	0
Brunswick,	37	12	4	0	0	0	225	10	0	0	Two hundred [*and*] sixty-three pounds two shillings and fourpence,	263	2	4	0
Harpswell,	34	12	8	0	0	0	210	16	8	0	Two hundred [*and*] forty-five pounds nine shillings and fourpence,	245	9	4	0
Gorham,	44	10	0	0	0	0	222	17	0	0	Two hundred [*and*] sixty-seven pounds seven shillings,	267	7	0	0
Windham,	0	0	0	0	0	0	97	5	4	0	Ninety-seven pounds five shillings and fourpence,	97	5	4	0
New Glo[*u*]cester,	0	0	0	0	0	0	82	0	10	0	Eighty-two pounds and tenpence,	82	0	10	0
P[ca][*ie*]rsontown,	0	0	0	0	0	0	49	10	0	0	Forty-nine pounds ten shillings,	49	10	0	0
New Boston,	0	0	0	0	0	0	32	10	10	0	Thirty-two pounds ten shillings and tenpence,	32	10	10	0
	£251	10*s.*	0*d.*	£0	0*s.*	0*d.*	£2,745	16*s.*	9*d.*	0*q.*	Two thousand nine hundred [*and*] ninety-seven pounds six shillings and ninepence,	£2,997	6*s.*	9*d.*	0*q.*

IN THE COUNTY OF LINCOLN.

Pownal[*l*]boro',	£34	17*s.*	6*d.*	£0	0*s.*	0*d.*	£306	12*s.*	6*d.*	0*q.*	Three hundred and forty-one pounds ten shillings,	£341	10*s.*	0*d.*	0*q.*
Georgetown,	24	15	0	0	0	0	404	14	2	0	Four hundred and twenty-nine pounds nine shillings and twopence,	429	9	2	0
Woolwich,	12	10	0	0	0	0	131	10	10	0	One hundred and forty-four pounds and tenpence,	144	0	10	0
Newcastle,	68	5	0	0	0	0	122	18	10	0	One hundred and ninety-one pounds three shillings and tenpence,	191	3	10	0
Topsham,	16	15	0	0	0	0	130	17	0	0	One hundred [*and*] forty-seven pounds twelve shillings,	147	12	0	0
Boothbay,	0	0	0	0	0	0	152	17	0	0	One hundred [*and*] fifty-two pounds seventeen shillings,	152	17	0	0
Bristol,	55	10	0	0	0	0	161	4	0	0	Two hundred [*and*] sixteen pounds fourteen shillings,	216	14	0	0
Bowdoinham,	0	0	0	0	0	0	41	11	8	0	Forty-one pounds eleven shillings and eightpence,	41	11	8	0
Meduncook,	0	0	0	0	0	0	42	17	0	0	Forty-two pounds seventeen shillings,	42	17	0	0
Hallowell,	13	10	0	0	0	0	52	16	4	0	Sixty-six pounds six shillings and fourpence,	66	6	4	0
Waldoborough	0	0	0	0	0	0	106	4	0	0	One hundred and six pounds four shillings,	106	4	0	0
Vassal[*l*]boro'[ugh],	0	0	0	0	0	0	47	17	8	0	Forty-seven pounds seventeen shillings and eightpence,	47	17	8	0

IN THE COUNTY OF LINCOLN — *Continued.*

	REPRESENTATIVES' PAY [*FOR THE YEAR 1775*].	FINES ORDERED BY THIS ACT.	STATE TAX.	[*SUM TOTAL.*]	
Warren, and the rest of the plantation formerly called St. Georges,	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£104 14*s.* 4*d.* 0*q.*	One hundred and four pounds fourteen shillings and fourpence,	£104 14*s.* 4*d.* 0*q.*
Winthrop,	0 0 0	0 0 0	36 11 0 0	Thirty-six pounds eleven shillings,	36 11 0 0
Winslow,	0 0 0	0 0 0	37 11 8 0	Thirty-seven pounds eleven shillings and eightpence,	37 11 8 0
Gardinersto[w]n,	0 0 0	0 0 0	66 11 4 0	Sixty-six pounds eleven shillings and fourpence,	66 11 4 0
Edgecomb,	29 0 0	0 0 0	32 10 10 0	Sixty-one pounds ten shillings and tenpence,	61 10 10 0
	£255 2*s.* 6*d.*	£0 0*s.* 0*d.*	£1,980 0*s.* 2*d.* 0*q.*	Two thousand two hundred [*and*] thirty-five pounds two shillings and eightpence,	£2,235 2*s.* 8*d.* 0*q.*

IN THE COUNTY OF BERKSHIRE.

Sheffield,	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£461 3*s.* 4*d.* 0*q.*	Four hundred [*and*] sixty pounds three shillings and fourpence, £461 3*s.* 4*d.* 0*q.*
Great Barrington,	35 15 0	0 0 0	202 2 6 0	Two hundred [*and*] thirty-seven pounds seventeen shillings and sixpence, 237 17 6 0
Stockbridge,	45 0 0	0 0 0	159 7 8 0	Two hundred and four pounds seven shillings and eightpence, 204 7 8 0
Pittsfield,	32 5 0	0 0 0	270 8 4 0	Three hundred and two pounds thirteen shillings and fourpence, 302 13 4 0
New Marlborough,	0 0 0	0 0 0	259 17 6 0	Two hundred [*and*] fifty-nine pounds seventeen shillings and sixpence, 259 17 6 0
Egremont,	0 0 0	0 0 0	106 11 2 0	One hundred and six pounds eleven shillings and twopence, 106 11 2 0
Richmond,	24 5 0	0 0 0	191 2 6 0	Two hundred and fifteen pounds seven shillings and sixpence, 215 7 6 0
Lenox,	26 12 6	0 0 0	123 5 10 0	One hundred [*and*] forty-nine pounds eighteen shillings and fourpence, 149 18 4 0
Tyringham,	38 12 6	0 0 0	110 4 6 0	One hundred [*and*] forty-eight pounds seventeen shillings, 148 17 0 0
West Stockbridge,	0 0 0	0 0 0	53 2 6 0	Fifty-three pounds two shillings and sixpence, 53 2 6 0
Loudon,	0 0 0	0 0 0	20 12 6 0	Twenty pounds twelve shillings and sixpence, 20 12 6 0
Alford,	0 0 0	0 0 0	75 11 0 0	Seventy-five pounds eleven shillings, 75 11 0 0
Lanesborough,	35 17 6	0 0 0	273 3 4 0	Three hundred and nine pounds and tenpence, 309 0 10 0

Sandisfield,	0	0	0	0	0	0	192	5	4	0	One hundred [*and*] ninety-two pounds five shillings and fourpence,	192	5	4	0
Williamston,	34	5	0	0	0	0	169	16	0	0	Two hundred and four pounds one shilling,	204	1	0	0
Becket,	0	0	0	0	0	0	77	0	0	0	Seventy-seven pounds,	77	0	0	0
Gageborough,	21	12	6	0	0	0	89	9	8	0	One hundred and eleven pounds two shillings and twopence,	111	2	2	0
Partridg[*e*]field,	0	0	0	0	0	0	59	16	0	0	Fifty-nine pounds sixteen shillings,	59	16	0	0
East Hoosuck,	0	0	0	0	0	0	87	1	8	0	Eighty-seven pounds one shilling and eightpence,	87	1	8	0
Hancock,	0	0	0	40	1	0	38	10	0	0	Seventy-eight pounds eleven shillings,	78	11	0	0
Plantation No. 5,	0	0	0	0	0	0	55	0	0	0	Fifty-five pounds,	55	0	0	0
Plantation No. 7,	0	0	0	0	0	0	55	0	0	0	Fifty-five pounds,	55	0	0	0
Plantation Hartwood	0	0	0	0	0	0	24	12	8	0	Twenty-four pounds twelve shillings and eightpence,	24	12	8	0
	£294	5*s.*	0*d.*	[*£40*	*1s.*	*0d.*]	£3,155	4*s.*	0*d.*	0*q.*	Three thousand four hundred [*and*] eighty-nine pounds [nine] [*ten*] shillings,	£3,489	10*s.*	0*d.*	0*q.*

	REPRESENTATIVES' PAY [*FOR THE YEAR 1775.*]			[*FINES ORDERED BY THIS ACT.*]			STATE TAX.				SUM TOTAL.				
Suffolk,	£685	7*s.*	6*d.*	£0	0*s.*	0*d.*	£13,869	18*s.*	4*d.*	2*q.*	Fourteen thousand five hundred [*and*] fifty-five pounds five shillings and [tenpence halfpenny] [*10d. 2*],	£14,555	5*s.*	10*d.*	2*q.*
Essex,	900	7	6	0	0	0	17,863	3	7	0	Eighteen thousand seven hundred [*and*] sixty-three pounds eleven shillings and [a] [*one*] penny,	18,763	11	1	0
Middlesex,	1,249	12	6	0	0	0	13,580	7	1	2	Fourteen thousand eight hundred [*and*] twenty-nine pounds [nineteen shillings] [*19s*] and [sevenpence halfp^{y}] [*7d. 2/4*],	14,829	19	7	2
Hampshire,	882	17	6	0	0	0	9,254	19	11	0	Ten thousand one hundred [*and*] thirty-seven pounds seventeen shillings and fivepence,	10,137	17	5	0
Plymouth,	440	0	0	0	0	0	7,753	13	10	2	Eight thousand one hundred [*and*] ninety-three pounds thirteen shillings and [tenpence halfpen^{y}] [*10d 2*],	8,193	13	10	2
Barnstable,	305	0	0	0	0	0	3,720	18	4	0	Four thousand and twenty-five pounds eighteen shillings and fourpence,	4,025	18	4	0
Bristol,	379	2	6	0	0	0	7,246	7	3	0	Seven thousand six hundred and twenty-five pounds nine shillings and ninepence,	7,625	9	9	0
York,	257	0	0	0	0	0	4,676	6	3	0	Four thousand nine hundred [*and*] thirty-three pounds six shillings and threepence,	4,933	6	3	0

	REPRESENTATIVES' PAY [FOR THE YEAR 1775.]	[FINES ORDERED BY THIS ACT.]	STATE TAX,	SUM TOTAL.			
Dukes County, . .	£83 5*s.* 0*d.*	£0 0*s.* 0*d.*	£842 12*s.* 6*d.* 0*q.*	Nine hundred [*and*] twenty-five pounds seventeen shillings and sixpence,	£925	17*s.* 6*d.* 0*q.*	
Nantucket, . .	0 0 0	0 0 0	1,298 0 0 0	Twelve hundred and ninety-eight pounds, ...	1,298	0 0 0	
Worcester, . .	1,337 7 0	0 0 0	13,883 13 1 0	Fifteen thousand two hundred [*and*] twenty-one pounds and [a] [*one*] penny,	15,221	0 1 0	
Cumberland, . .	251 10 0	0 0 0	2,745 16 9 0	Two thousand nine hundred [*and*] ninety-seven pounds six shillings and ninepence,	2,997	6 9 0	
Lincoln, . . .	255 2 6	0 0 0	1,980 0 2 0	Two thousand two hundred [*and*] thirty-five pounds two shillings and eightpence,	2,235	2 8 0	
Berkshire, . . .	294 5 0	40 1 0	3,155 4 0 0	Three thousand four hundred [*and*] eighty-nine pounds ten shillings, ...	3,489	10 0 0	
	£7,320 17*s.* 0*d.*	[£40 1*s.* 0*d.*]	£101,871 1*s.* 2*d.* 2*q.*	One hundred [*and*] nine thousand two hundred [*and*] thirty-one pounds nineteen shillings and twopence halfpenny,	£109,231	19*s.* 2*d.* 2*q.*	

And be it further enacted by the authority aforesaid,

[Sect. 2.] That the treasurer do forthwith send out his warrants, directed to the selectmen or assessors of each town or other place, within this state, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town or other place, in manner following; that is to say, to assess all male polls above the age of sixteen years, within their respective towns or other places, or next adjoining to them, belonging to no other town or place, including negroes and molattoes (and such of these that are under the government of a master or mistress, to be taxed to the said master or mistress, respectively, in the same manner as minors and apprentices are taxed), at nine shillings; and proportionably in assessing the additional sums paid out of the treasury to the representatives, for their travel and attendance aforesaid (excepting the president, fellows, professors, tutors, librarian and students of Harvard College, who have their usual residence there, and settled ministers of the gospel, who are hereby exempted, as well from being taxed for their polls, as their estates being on their own hands, and under their actual management and improvement, and in the parishes where they are settled; as also the estate belonging to Harvard College); and other persons, if such there be, who, thro'[*ugh*] age, infirmity or extreme poverty, in the judg[*e*]ment of the assessors, are not able to pay towards public charges, they may exempt their polls or estate[*s*], or abate part of what they are set at, as they on their oaths shall think to be just and equitable.

[Sect. 3.] And the justices in their general sessions, in their respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same in the several towns and other places in such county, in proportion to this tax; and the assessors in each town in this state are also directed, in making a town tax or assessment, to govern themselves by the same rule; and the incomes of all estates, both real and personal, lying or being within the limits of such town or other place, or next unto the same, not paying elsewhere, in whose hands, tenure, occupation or possession the same is or shall be found, and also the income or profits which any person or persons, except as before excepted, do or shall receive from money at interest more than he or she pay interest for, or from any trade or faculty, business or employment whatsoever, and all profits which shall or may arise by money, or commissions of profits, in their improvement, at so much on the pound as together with what is set on the poll will make up the sum set and ordered hereby for each town or other place to pay; and in making said assessment, to estimate houses and lands and other real estate, at the amount of six years' yearly rent, whereof the same may reasonably be set or let for in the place where they lie, exclusive of necessary and ordinary repairs; the said houses and lands to be taxed to such persons as were the actual tenants thereof upon the first day of September last: *saving* all agreements between landlord and tenants, and where no agreement is, the landlord to reimburse one-half of the tax (new cleared lands for tillage not to be rated until[*l*] the first crop be taken off); and to estimate every ox of four years old and upwards, at forty shillings; every cow or heifer at three years old and upwards, at thirty shillings; and every horse or mare of three years old and upwards, at forty shillings; and every swine of one year old and upwards, at eight shillings; and every goat and sheep of one year old and upwards, at three shillings; the several beasts

aforementione[e]'d to be taxed to their respective owners, by the assessors of the town in which the owners dwell; and all money at interest, either within or without the state, due to persons within this state, at three times the yearly lawful interest thereof, and also the extraordinary business, employment or commissions of profit, at three times the sum of such extraordinary incomes: likewise requiring the assessors to make a fair list of said assessment, setting forth, in distinct columns, against each particular person's name, how much he or she is assessed at for polls, and how much for houses and lands, and how much for personal estate, and income by trade and faculty, and if as guardian, or for any estate in his or her improvement, in trust, to be distinctly expressed; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collector or collectors, constable or constables, of any such town or other place, and to return a certificate of the name or names of such collector or collectors, constable or constables, with the sum total to each of them committed, unto himself, some time before the twentieth day of February next.

[SECT. 4.] And the treasurer for the time being, on receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector or collectors, constable or constables, of such town or other place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collection, and to issue their accounts of the whole, at or before the first day of May next, which will be in the year of our Lord one thousand seven hundred and seventy-seven.

Provided, nevertheless, —

And be it further enacted,

[SECT. 5.] That the several officers and soldiers now in the army shall be consider[e]'d as resident in the several towns to which they belonged at the time of their engaging in the army, their absence notwithstanding; and the assessors of the several towns and other places in this state shall consider such officers and soldiers as residents in such towns, and tax them accordingly: *provided, also,* that such as engaged in the Continental Army before the first day of May last, and have continued in the service until[l] this time, or have been regularly discharged, be, and they hereby are, exempted from their poll tax.

And be it further enacted,

[SECT. 6.] That the assessors of each town or other place, respectively, in convenient time before their making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some place or places in such town or other place, or notify the inhabitants some other way, to give and bring in to the assessors true and perfect lists of their polls, and the rateable estates which they were possessed of on the first day of September last, and income by trade or faculty, and gain by money at interest, which they are to render to the assessors, on oath, if required; and if they refuse to give in an account of the money at interest, on oath, the assessors are impowered to doom them; and if any person or persons shall, upon such notice given, neglect or refuse to give in to the assessors the list of their polls and rateable estates which they were possessed of on the said first day of Sept[*embe*]r last, or shall bring in a false list and shall be convicted thereof before the said assessors, it shall be lawful to and for the assessors, to assess such per-

son or persons, according to their known ability in such town, in their sound judgment and discretion, their due proportion of this tax, as near as they can, agreeable to the rules herein given. And if any person or persons shall not bring in a list of their estates, as aforesaid, to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

[Sect. 7.] And if the person be not convicted of any falsehood in the list, by him presented, of the polls, rateable estate[*s*], or income by trade or faculty, business or employment, or otherwise, such list shall be a rule for such person's proportion to the tax which the assessors may not exceed.

Provided, nevertheless, —

[Sect. 8.] That nothing in this act shall extend or be construed to extend so as to require any assessors to assess any person or persons, not belonging to this state, in the service of the United States, who may be found resident in any town in this state, either for their polls, or rateable estate, real or personal, which they had in their possession on the said first day of September by virtue of any commission, office or employment of the United States, or the particular service of this state or any person belonging to this state, for any estate, real or personal, occupied or possessed by him or them to the use of this state by virtue of any order or appointment of the Congress, or general court, or any committee of correspondence or inspection, or selectmen of any town. [*Passed January* 27, 1777.

CHAPTER 14.

AN ACT TO PREVENT MONOPOLY AND OPPRESSION.

Whereas the avari[t][*c*]ious condu[*c*]t of many persons, by daily adding to the now exorbitant price of every necessary and convenient article of life and encreasing the price of labour in general, unless a speedy and effectual stop be put thereto, will be attended with the most fatal and pernicious consequences, as it not only disheartens and disaffects the soldiers who have nobly entered into the service of their country for the support of the best of causes, and distresses the poorer part of the community by obliging them to give unreasonable prices for those things that are absolutely necessary to their very exist[a][*e*]nce, but will be also very injurious to the state in general; *and whereas* the committee lately empowered by this state to proceed to Providence in Rhode Island, and, in behalf of this state, there to meet with committees from the other New-England states, and among other things to confer upon measures necessary to prevent monopoly, and the high price of goods and the necessaries of life, and for regulation of vendues, have, in conjunction with the said committees, recommended that rates and prices be settled and affixed by an act of this state to the articles hereinafter enumerated, — Preamble.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That from and after the twenty-eighth day of Janu[e][*a*]ry, one thousand seven hundred and seventy-seven, the price Time of this act's commencing.

of farming labour, in the summer season, shall not exceed three shillings by the day, and found, as usual, and so in usual proportion at other seasons of the year; and the labour of mechanics and tradesmen, and other labour beside what is herein hereafter especially enumerated, in proportion thereunto, according to the usages and customs which have heretofore been adopted and practiced in this state, when compared with farming labour.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That the following articles shall not be sold for a higher price than is herein hereafter settled and affixed to them respectively; viz[o]., good merchantable wheat, at seven shillings and sixpence per bushel[l]; good merchantable rye or rye-meal, at five shillings a bushel; good Indian meal or corn, at four shillings a bushel; good merchantable sheepswool, at two shillings a pound; fresh pork, well fatted and of a good quality, at fourpence halfpenny a pound, and salt pork in usual proportion according to the price of salt; good, well fatted, grass-fed beef, at threepence a pound, and stall-fed beef, well fatted, at fourpence a pound, and beef of an inferio[u]r quality, in equal proportion; raw hides, at threepence a pound; raw calf-skins, at sixpence a pound; good merchantable imported salt, at ten shillings a bushel; salt manufactured from sea-water within this state, at twelve shillings a bushel; good merchantable West-India rum, at six shillings and eightpence a gallon by the hogshead, including the cask, and six shillings and tenpence by the barrel, exclusive of the barrel, and seven shillings and eightpence by the single gallon, and two shillings by the quart; and so in proportion for a less quantity, according to the former custom and usages for retailing smaller quantities: *saving* an allowance of one penny a gallon for every ten miles the same shall be carried by land-carriage from the first port of delivery; New-England rum, at three shillings and tenpence a gallon by the hogshead or barrel (exclusive of thirteen shillings and fourpence for the hogshead, or four shillings for the barrel) and four shillings and sixpence by the single gallon at the town where the same is distilled, and so in like proportion for smaller quantities, according to the old and approved customs for retailing smaller quantities, allowing one penny each ten miles for every gallon that has been or shall be transported by land from the place of distillery; best Muscovad[a][o] sugar, at fifty-four shillings a hundred by the hogshead, and three pounds by the single hundred, and eightpence a pound by the single pound, at the place where it is first landed, and allowing ninepence for the transporting of every hundred weight ten miles by land-carriage, and sugars of an inferio[u]r quality in the usual proportion; molasses of the best quality, at three shillings and fourpence a gallon by the hogshead, including the cask, and three shillings and eightpence by the barrel (exclusive of three shillings for the barrel) and four shillings by the single gallon, at the place where it is first landed from the West Indies, and so, in proportion, in the country, allowing one penny a gallon for every ten miles' transportation by land into the country or from the place where it is so landed; best cocoa, at six pounds ten shillings a hundred weight; American manufactured chocolate, one shilling and eightpence a pound; cheese manufactured in America, sixpence per pound; butter, at tenpence a pound by the single pound, and ninepence by the firkin; peas[e], eight shillings a bushel[l]; beans, six shillings a bushel; potatoes, commonly called Spanish potatoes, of the best quality, at one shilling and fourpence a bushel in the fall of the year, and not more than two shillings in any other season, and other potatoes in usual

Salt.

West-India rum.

New-England rum.

Sugar

Molasses.

proportion; men's best yarn stockings, six shillings a pair, and in that proportion for an inferio[u]r quality; men's shoes made of neat's- leather, of the best common sort, eight shillings a pair, and for others the like price, according to their size and quality; salted pork, by the barrel, two hundred and twenty pounds in a barrel, four pounds twelve shillings; beef, by the barrel, two hundred and forty pounds in a barrel, three pounds fourteen shillings and sixpence; cotton, three shillings a pound by the bag, and three shillings and eightpence by the single pound, at the port where it is first landed from the West Indies, and the like allowance for transportation as for other articles; oats, two shillings a bushel; good, well dressed merchantable flax, one shilling a pound; good coffee, one shilling and fourpence a pound by the single pound; good tried tallow, sevenpence halfpenny a pound, and rough tallow, fivepence a pound; good yard-wide tow-cloth, two shillings and threepence a yard, and other tow-cloth in proportion according to its width and quality; and the price of co[u][*a*]rse, linnens, to be computed after the same rate; good yard-wide striped flannel, three shillings and sixpence a yard, and other flannels in proportion according to their widths and qualities, and other woolen cloth manufactured in America, according to their widths and qualities; green oak wood brought from the country and delivered at the door of the buyer in Boston, twenty-eight shillings [*a cord*]; good walnut wood so delivered, thirty shillings a cord; good walnut wood brought from the South Shore, and delivered at a wharf in Boston, twenty-eight shillings [*a cord*]; good oak wood brought from the South Shore, and so delivered, twenty-four shillings [*a cord*]; eastern wood, in consideration of the risque in bringing the same, twenty-two shillings [*a cord*], delivered, at the wharf[e] in Boston; good charcoal, one shilling a basket; tanned hides, at one shilling and threepence a pound, and curried leather in usual proportion; homespun, yard-wide cotton and lin[n]en cloth, of the common sort, three shillings and sixpence, and other widths and qualities of cotton and lin[n]en in like proportion; mutton, lamb, and veal at fourpence a pound; flour imported from the southern states, at thirty shillings a hundred; flour manufactured in this state, at twenty-five shillings; horsekeeping in Boston, for a night or twenty-four hours, with English hay, two shillings, and in other places in proportion, for keeping a yoke of oxen, the same as a horse; teaming work, one shilling and sixpence for every ton weight, a mile — excepting from North[H]ampton to the no[*r*]thern army, for which may be taken, two shillings a mile for each ton weight; turkeys, dunghill fowls, and ducks, to be sold only by the pound, at fivepence a pound; geese, at fourpence a pound; milk, at twopence halfpenny a quart; good, refined iron, at fifty shillings a hundred; bloomery iron, at thirty shillings a hundred at the place of manufactory, and the same allowance to be made for transportation of iron by land as is allowed for other articles; liver o[y][*i*]l by the barrel, four shillings a gallon; blubber, refined, thirty shillings a barrel; English hay of the best quality, at five shillings a hundred, and so in proportion for a meaner quality or sort of hay; good, merchantable white-pine boards, not to exceed forty-eight shillings a thousand in Boston, and other lumber in proportion, and the price in other parts of this state to be in proportion thereunto, according to ancient customs and us[u]ages.

Shoes. Beef, exclusive of the barrel. Cotton. Tow-cloth. Flannel. Wood. Leather. Cloth. Flour. Iron. Hay. Boards.

And be it enacted by the authority aforesaid,

[Sect. 3.] That the pri[s][c]es of all the articles produced in America hereinbefore enumerated, excepting those to which the prices

Prices to be deemed the price at Boston.

of transportation are affixed, shall be taken and deemed to be the prices of such goods and articles in the town of Boston; and that the selectmen and committees of the several towns in this state shall be and hereby are impowered to affix and settle in their respective towns what such articles and goods shall be sold for in their towns, respectively, according to the proportion the price such goods have borne in such towns with the price they have been at in the town of Boston, according to the ancient us[u]age and custom of such towns.

Selectmen and committees to affix prices.

[SECT. 4.] And the said selectmen and committees are in like manner impowered and directed to set and establish the prices of goods herein not enumerated, according to the proportion the price of them have usually borne in their respective towns to those herein enumerated. And the said selectmen and committees are also required to make out a fair list of all the articles to which they shall affix prices, and to post the same, with the prices by them so affixed, up, in some public place or places, in the town where they live, and also to return a list of such prices to the clerk of such town, there to remain upon record; and such prices by them affixed, pursuant to the duty herein [i][*e*]njoined and power hereby given them, shall be taken and deemed to be the price set and affixed by this act in such town.

And be it also enacted,

In plantations, committees may affix prices.

[SECT. 5.] That in plantations where there are no selectmen, the committee shall have such power and be required to perform the same duties as selectmen and committees have, within their towns, respectively.

And be it further enacted by the authority aforesaid,

Woollens, linens, goods imported, put at 175 per cent advance at wholesale, and other goods at 150.

[SECT. 6.] That the price of all European and East-India goods and merchandize of all kinds, which have been or shall be imported into this state, as also of all such goods which have been or shall be brought into this state in any prize-vessel shall not exceed the following rates; viz., woolen goods, co[u][*a*]rse lin[n]ens, duck, cordage, ticklenburg[h]s and oznabrigs shall not be sold, by wholesale, at a higher rate than in the proportion of two hundred and seventy-five pounds sterling for what usually cost one hundred pounds sterling in that part of Europe from whence they are imported; and any other goods, wares or merchandize (excepting hemp, warlike and military stores) imported from thence, or brought or w[*hi*]ch shall be brought into any port in this state in any prize-vessel, shall not be sold at a higher rate, from the prime cost as aforesaid, than in the proportion of two hundred and fifty pounds sterling for what cost one hundred pounds sterling in Europe; and the sell[o][*e*]r by wholesale shall make out a bill of parcels at the sterling cost of the articles sold, with his advance thereupon, and deliver the same to the bearer, under penalty of the sum at which such articles are so sold by him; and the retailers of such goods, wares and merchandize shall not sell them at a higher advance than twenty per cent upon the wholesale price, and shall, if requested by the buyer, give a bill of parcels, with the sterling cost and the advance.

Upon which the retailer may not put more than 20 per cent, on penalty.

And be it further enacted by the authority aforesaid,

Persons having necessaries for the army or navy, and refusing to sell them, subject their stores to be opened by warrant.

[SECT. 7.] That if any person having any article or articles necessary for the use of the American army or navy shall withhold or refuse to sell the same for a reasonable reward, in such case, upon complaint thereof made upon oath to the council, or Board of War, of this state, or they, knowing or suspecting the same, or either of them, are hereby authori[z][*s*]ed and impowered to issue their warrant to any sheriff, deputy sheriff, or constable, to impress the same, and for

that purpose, in the daytime, between sunrise and sunset[t], to break and enter any warehouses, stores or other places where such goods are deposited, or suspected to be deposited, and to take and apply the same to the use aforesaid, the owner thereof being paid the price at which such goods are fixed in this act; and in case the price of the goods so taken is not herein settled and fixed, the owner shall be paid for the same at a reasonable apprai[z][s]ment to be made of such goods by three indifferent, judicious men, under oath, for that purpose appointed, one of them by those who issued the said warrant, and one by the owner of the said goods, and one by the officer directed to execute said warrant; but if the owner shall decline to make such appointment, two of the said apprai[z][s]ers shall be appointed by the persons who shall execute such warrant; and the sum at which the said goods shall be appraised shall be immediately paid as aforesaid.

And be it further enacted by the authority aforesaid,

Vendue-master may not sell at auction at a higher price, on forfeiture of $50.

[Sect. 8.] That if any vendue-master, or any one for or under him, shall at any vendue or public sale sell any article for a greater or higher price than by this act is limitted, he shall forfeit [a] [*the*] sum equal to that for which such article shall be sold, and is hereby disqualified from acting at any time as an auctioneer or vendue-master; and in case he or any one in his behalf should presume to act in that capacity, he shall forfeit [the] [*a*] sum of fifty pounds for every offence.

And be it further enacted by the authority aforesaid,

Penalty for selling at a higher price than is fixed by this act.

[Sect. 9.] That every person who shall sell any of the articles above mentioned at a greater price than is herein settled and fixed for the same (or others, not enumerated, in a manifest disproportion thereto), upon conviction, shall be fined for every article so sold of the price of twenty shillings or under the sum of twenty shillings, and for every article of a price above twenty shillings a sum equal to that for which such article shall be sold. And every person who shall take and receive for his service and labour a greater sum of money than is settled and fixed for the same in and by this act, shall forfeit and pay a like sum of money to that which he shall take and receive for such service and labour.

And be it further enacted,

No action to be maintained for goods, etc., charged at a price higher than those fixed.

[Sect. 10.] That whoever shall sell any goods, wares or merchandizes, or shall do any service or labour at a greater price than is settled and fixed thereto in and by this act, upon credit, shall not have or maintain any action for the recovery thereof, but shall be barred therefrom, and the person against whom any action shall be brought for the recovery of such money may plead the general issue thereto and give the special matter in evidence to the jury.

And be it further enacted by the authority aforesaid,

Fines, how to be recovered and to inure.

[Sect. 11.] That all the fines and forfeitures mentioned in this act shall and may be recovered in any court proper to try the same, within the county in which the offence shall have been committed, by action, presentment or indictment, one-half thereof to the use of this state and the residue to the prosecutor, together with the costs of prosecution. And all grand jurors are hereby strictly enjoined to take cognizance of and to make due presentment of all offences against this act which shall come to their knowledge, or whereof they shall receive due information.

And be it further enacted by the authority aforesaid,

Provision made against persons

[Sect. 12.] That if any person shall engross, or have in his possession, by purchase or otherwise, more of any article in this act

that engross a larger quantity than is necessary for their own consumption, and refusing to sell to their necessitous neighbors.

enumerated (or any other necessary of life) than is necessary for the consumption of his own family and immediate dependants, and which he holds with an apparent design, in the judgment of the major part of the selectmen of the town where he lives or where such article shall be, to sell, trade upon, and not for his own consumption as aforesaid, and shall refuse to sell and dispose of the same for the common currency of this state or the United States of America, and at the prices affixed and settled by this act or by the selectmen and committee in pursuance of it, and complaint being thereof made to the major part of said selectmen by or in the behalf of any person who is in want of such article, or articles, for his own immediate support, the support of his family or immediate dependants, and the said selectmen or [the][*a*] major part of them bel[ei][*ie*]ving the same to be true, shall demand of such person so refusing to sell such article, or articles, for such price as is affixed by this act, or by the selectmen or committee in pursuance of it, and if such person shall refuse to comply therewith, or cannot be found to have such demand made of him, the major part of said selectmen shall apply to some justice of the peace within the same county, for a warrant to open any store, warehouse or gra[i]nary in which such article or articles may be, or otherwise to take possession of the same.

[SECT. 13.] And the said justice shall, without delay, make out his warrant, directed to some sher[r]iff, deputy sher[r]iff or constable, in form following; viz[1]., —

Form of the warrant.

[Seal.]
Suffolk, ss. To Greeting:

Whereas complaint is this day made to me by A., B., C., D. and E., a major part of the selectmen of L., in the said county of S., that I. K., of said L., (addition) hath now in his possession , with design to sell and trade upon the same, and which is not by him designed for the consumption of his family or i[m][*mm*]ediate dependants, and that the said I. K. does, though requested thereunto by the said selectmen, refuse to sell thereof to N. O., of R., within this state (who is in great necessity therefor for the support of his family and immediate dependants), for the price set and affixed by a law of this state, intitled "An Act to prevent monopoly and oppression;" you are therefore hereby required, in the name of the Government and People of the Massachusetts Bay in New England, taking with you a major part of the selectmen of said L., in the daytime, between the rising and setting of the sun, to open the store of the said I. K., or as the case may be, to take possession of the said and the same deliver to the said selectmen, to the intent that the said selectmen may sell and deliver to the said N. O., the aforesaid , or so much of that article as the said N. O. has absolute necessity for; and you are to make true return of this warrant to me as soon as may be with your doings therein. Given under my hand and seal the day of in the year of our Lord, 177 .

[SECT. 14.] And the said selectmen, or the major part of them, having possession of such article or articles in manner aforesaid, shall sell and deliver to such necessitous person so named in such warrant, so much of the article therein mentioned as he stands in need of for the support of his family and immediate dependants, at the price affixed as aforesaid; and after deducting out of the money received therefor, the pay for their own service at the rate of four shillings a day, the officer's legal fees, and two shillings for the justice's warrant, shall pay the overplus, if any there be, to the person who owned or possessed such goods.

Provided, nevertheless, —

[Sect. 15.] That the said selectmen shall not be obliged or impowered, in pursuance of this act, to supply any person as aforesaid who has by him, to their knowledge, any of the articles in this act enumerated, or any other necessary of life, more than he stands in need of for his own consumption, and refu[c][s]es to expose them to sale for the prices set and affixed in this act, or that shall neglect or refuse to bring them to market according to his usual custom. Proviso.

And be it further enacted,

[Sect. 16.] That when any action shall be brought against any officer who has a duty assigned him by this act, he may plead the general issue, and give the special matter in evidence for his justification. [*Passed January* 25, 1777.

CHAPTER 15.

AN ACT FOR THE REPEALING [*OF*] A LAW O[*F TH**]IS STATE MADE AND PASSED BY THE GREAT AND GENERAL COURT AT THEIR PRESENT SESSION, INTITLED "AN ACT TO PROHIBIT THE EXPORTATIO[*N**] OF LUMBER FOR A LIMITED TIME."

Whereas the great and manifest advanta[*ges w**]hich accrued, or were intended to accrue, to the United States of America by an a[*ct **] lately passed, intitled "An act to prohibit the exp[*ortati **]on of lumber for a limit[*t*]ed time," do now cease and subside; *and whereas* many inconveniences do arise to divers towns in this state by the [*o**]peration of said act, — Preamble 1776-77, chap. 9

Be it therefore enacted by the Council and House of Representatives in General Court assemble[*d, a**]*nd by the authority of the same,*

That the act aforesaid, intitled "An act [*to**] prohibit the exportation of lumber for a limited [*time**]," be, and it hereby is, repealed, and that every part and paragraph [*there**]of be hereafter held and taken to be null, void, and [*of n**]one effect whatsoever. [*Passed October* 16.

CHAPTER 16.

AN ACT FOR MAK[E]ING AND EMITTING BILLS OF PUBLIC CREDIT.

Whereas the ex[e][*i*]gencies of this state require a new emission of bills of public credit, to discharge the debts thereof which have or may be contracted, — Preamble.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That there be forthwith stamped, on copperplates, a number of bills of credit of this state, to the amount of fifty thousand and four pounds, of the following denominations; viz[1]., of ten shillings, of fourteen shillings, of sixteen shillings, of twenty-two shil- Bills of several denominations to be emitted.

* Engrossment mutilated.

lings, of twenty-eight shillings, of thirty-six shillings, of forty-two shillings, and of forty-eight shillings; and to be four thousand six hundred and thirty bills of each denomination, and no more: and that they be of the tenor and form following; viz., —

Form of the bills.

16 s. State of the Massachusetts Bay. ( ) Nov[r] 1776. 16 s.

The possessor of this bill shall be paid, by the treasurer of this state, sixteen shillings, lawful[l] money, by the seventh day of December, 1781; which bill shall be received for the aforesaid sum, in all payments at the treasury, and in all other payments. By order of the general assembly.

16 s. Committee. 16 s.

— and so, *mutatis mutandis*, for a greater or less sum; and that, on the back of each bill, shall be stamped the value of such bill, its date, and the figure of an American, with a sword in his right hand, with the following inscription suspended therefrom; viz[t]., "*E*[e]*nse petit placidam sub libertate quietem*;" and from his left hand, "IND.," and round the figure these words, "Issued in Defence of American Liberty."

Motto.

And be it further enacted by the authority aforesaid,

Bills received in all payments.

[SECT. 2.] That said bills shall be paid and receiv[*e*]'d in the public[k] treasury, and in all payments in this state, without any abatement or discount, under the penalty of the forf[ie][*ei*]ture of treble the value of such bill or bills so passed, and costs, to be paid and forfeited by the receiver; and may be recovered by action of debt, complaint or indictment, in any court proper to try the same, in the county, in this state, where the offence shall be committed.

And be it further enacted by the authority aforesaid,

Committee to number and sign the bills;

[SECT. 3.] That the co[m̄][*mm*]ittee hereafter to be appointed by this court, to authenticate, by numbering and signing, said bills, be, and they hereby are, directed and empowered to cause s[*ai*]'d bills, of the several denominations aforesaid, to be authenticated to the amount of said sum of fifty thousand and four pounds, and no more; and to deliver the same to the treasurer and receiver-general of this state, tak[e]ing his receipt for the same; and the said committee shall be under oath for the faithful[l] discharge of the trust reposed in them, and be rewarded for their services as this court shall determine.

—to be sworn.

And be it further enacted by the authority aforesaid,

Treasurer empowered to issue forth said bills.

[SECT. 4.] That the treasurer be and hereby is ordered and impowered to issue forth and emit the said bills, towards payment of the debts of this state, of grants and allowances made, or that may hereafter be made, by the general court, for the defence of this and the other states of America, for support of government of this state, and answering all other incidental or contigent charges thereof; according to such drafts as, from time to time, shall be made upon him, by warrant or order of the council in pursuance of the resolves or orders of the general assembly; and the s[*ai*]'d bills shall pass out of the treasury, shall be taken and accepted, in all payments, at the rate therein expressed.

And whereas it is necessary that there should be made suitable provision for calling in and sinking said emission of bills, —

Be it further enacted by the authority aforesaid,

Tax to be levied on polls and estates for the

[SECT. 5.] That there be and hereby is granted a tax of fifty thousand and four pounds, to be levied on pol[e][*l*]s, and estates both

real and personal, within this state, according to such rules and proportions, in the several towns and other places within this state, as shall be agreed upon and ordered by the general court or assembly at their sessions in May, seventeen hundred and eighty, and to be paid into the public[k] treasury on or before the last day of March then next after. calling in and paying the same.

And be it further enacted by the authority aforesaid,

[Sect. 6.] That no bills of credit shall be received in payment of the tax before mention[*e*]d, except bills of credit of the United States established by the American Congress and the bills of this government. Bills of credit of the United States to be received.

And be it further enacted by the authority aforesaid,

[Sect. 7.] That if the general court or assembly, at their sessions in May, seventeen hundred and eighty, and some time before the twentieth day of Sept[*embe*]'r, in that year, shall not agree and conclude upon an act apportioning the sum which by this act is engaged to be, in that year, assessed and levied, that then and in that case each town and other place in this state shall pay, by a tax to be levied on polls, and estates both real and personal, within their limits, the same proportion of that sum as such town or other place [was*] [*were*] taxed by the general court in the tax act then last preceeding. Towns' and other places' apportionment of the tax.

[Sect. 8.] And the treasurer of this state is hereby fully empowered and directed, some time in the month of September, in the last-mention[*e*]d year, to issue and send forth his warrants, directed to the selectmen or assessors of each town within this state, and to some suitable person or persons in such place or places as are not incorporated, requiring him or them to assess the pol[e][*l*]s, and estates both real and personal, within their several towns and other places, for their respective parts and proportions of the sum before directed and engaged to be assessed, to be paid into the treasury, at the time before mention[*e*]'d; and the assessors, as also all persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last prece[e]ding tax act. Colony treasurer empowered to issue forth his warrants to the selectmen of each town to assess, etc.

And be it further enacted by the authority aforesaid,

[Sect. 9.] That each of the bills emit[*t*]ed by this act shall be signed by any two of the committee aforemention[*e*]d. Bills to be signed by any two of the committee.

And be it further enacted,

[Sect. 10.] That the several bills of credit emitted by this act shall be received in all payments within this state, and a tender of the same may be pleaded, and have the same effect, in any action which is or may be brought for the recovery of any money, or species of money, due by deed or simple contract, or in any other way or manner whatever, in the same manner as a tender of the like sum in silver or gold might be pleaded. [*Passed October* 29. Bills established by the American Congress to be received in payments.

CHAPTER 17.

AN ACT FOR INCORPORATING THE PLANTATION CALLED ST. GEORGES, IN THE COUNTY OF LINCOLN, INTO A TOWN BY THE NAME OF WARREN.

Whereas the inhabitants of the plantation called St. Georges, in the county of Lincoln, have represented to this court the great diffi- Preamble.

* Overwritten in the engrossment, but originally written "were." † *Sic.*

culties and inconveniences they labor under, in their present situation, and have earnestly requested that they may be incorporated into a town, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

How bounded.

[SECT. 1.] That the said plantation, called St. Georges, bounded as followeth; viz., beginning at the west side of the river called St. George's River, at the north side of William Palmer's land; thence, running a west-north-west course, to Moses Copelin's south line; and then, running upon said line, a west course, until it strikes Waldoboro'-[*ugh*] line to the South Pond; and from thence, along said line to West Pond; then running along said line until it reaches the township of the Hon.[*orable*] J[*ohn*][m]. Taylor, Esq[r]. ; then, running an east course, upon said Taylor's line, about six miles and an-half on the line of said township, until it comes to Camden line; and thence, on said Camden line, south-east and by south, about two miles and a-half; and from thence, taking a bend, south-south-west course, about five miles and one-half of a mile, to the old saw-mill; and from thence, down said river, as the shore is, to the old fort; and then, crossing said St. George's River, to Watson's Point; and then, running down the river, as the shore is, to said William Palmer's line, being the first bounds mentioned, — be, and it hereby is, erected into a town by the name of Warren; and that the inhabitants thereof be, and they hereby are, invested with all the powers, priviledges, and immunities which the inhabitants of towns within this state do, or may, by law, enjoy.

And be it further enacted,

Warrant for a town meeting.

[SECT. 2.] That Waterman Thomas, Esq[r]., be, and he hereby is, impowered and directed to issue his warrant to some principal inhabitant of said town, requiring him to warn the inhabitants thereof to meet, at such time and place as shall be therein set forth, to choose all such officers as towns are, by law, empowered to chuse in the month of March, annually; at which said meeting all the then present inhabitants upwards of twenty-one years of age, shall be admitted to vote.

Provided, nevertheless,—

[SECT. 3.] The inhabitants of the said town of Warren shall pay their proportionable part of all taxes which are already assessed or levied on said inhabitants, in like manner as tho'[*ugh*] this act had not been made. [*Passed November 7.*

CHAPTER 18.

AN ACT FOR DISCONTINUING THE NAME OF A TOWN, IN THE COUNTY OF WORCESTER, LATELY INCORPORATED BY THE NAME OF HUTCHINSON, AND CALLING THE SAME BARRÉ.

Preamble.

1774, chap. 3.

WHEREAS the inhabitants of the town of Hutchinson have, by their petition, represented to this court that in June, 1774, when the said town was incorporated, General Gage, the then governor, gave it the name of Hutchinson, in honor to, and to perpetuate the memory of, Thomas Hutchinson, his immediate predecessor in the chair of government, whom they justly stile the well-known enemy of the natural and stipulated rights of America; and that at a town meeting, noti-

fied for that purpose, they voted unanimously to petition and accordingly have petitioned the general court, that the name of the said town might be altered, and that it might no longer bear the disgraceful name of Hutchinson; *and whereas* there is a moral fitness that traitors and par[r]icides, especially such as have remarkably distinguish[e]'d themselves in that odious character, and have long laboured to deprive their native country of its most valuable rights and privile[d]ges, and to destroy every constitutional guard against the evils of an all-inslaving despotism, should be held up to public view in their true characters, to be execrated by mankind, and that there should remain no other memorials of them than such as will transmit their names with infamy to posterity; *and whereas* the said Thomas Hutchinson, contrary to every obligation of duty and gratitude to this, his native country, which raised him from private life to the highest and most lucrative offices in the government, has acted towards her the part of a traitor and par[r]icide, as above described, which has been clearly manifested to the world by his letters lately published; and by his having thus acted it has become fit and just that every honorable memorial of him should be obliterated and cease; therefore, —

Be it enacted by the Council and House of Representatives of the State of Massachusetts Bay, in General Court assembled, and by the authority of the same,

That the land lying in the county of Worcester, formerly called Rutland District, and in June, 1774, incorporated into a town by the name of Hutchinson, shall no longer bear that name, but henceforth shall be called and known by the name of Barré, the aforesaid incorporating act notwithstanding; and all officers in the said town shall hold and exercise their offices, respectively, in the same manner as they would have done had not the name of the said town been altered. [*Passed November 7.*

Plantation Hutchinson erected into a town by the name of Barré.

Officers to hold and exercise their offices, respectively.

CHAPTER 19.

AN ACT FOR REPEALING AN ACT INTITLED "AN ACT FOR ALTERING THE PLACE BY LAW APPOINTED FOR HOLDING THE SUPERIOR COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, AND THE COURTS OF GENERAL SESSIONS OF THE PEACE, AND INFERIOR COURTS OF COMMON PLEAS, WITHIN AND FOR THE COUNTY OF SUFFOLK," MADE AND ENACTED BY THE GREAT AND GENERAL COURT OR ASSEMBLY OF THIS COLONY, IN FEBRUARY, 1776.

Whereas the reasons assigned in the said act for altering the place of holding the said courts have since [of] the passing [*of*] the same ceased, —

Preamble. 1775-76, chap. 12.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect 1.] That the said act, and every clause therein, be and hereby are repealed; and that for the future, the said several courts shall and may be held at Boston, in the county of Suffolk, at the several times by law prescribed, as tho'[*ugh*] the said re[s][*c*]ited act had never been made.

The several courts to be held at Boston.

And whereas the inferior court of common pleas and court of general sessions of the peace for the county of Suffolk were, on the first Tuesday of October last, opened and held at Braintree in said county, and then and there adjourned to the twelfth day of November, instant, then to be held at Braintree aforesaid, —

Be it enacted by the authority aforesaid,

Inferior court to be held at Boston, on the 12th day of November, 1776.

[SECT 2.] That the same inferior court of common pleas and court of general sessions of the peace, shall be held at Boston, in and for said county, on the said twelfth day of November, instant, such adjournment thereof to Braintree as aforesaid notwithstanding; and that all writs and processes, whatever, pending in the same courts, shall have day therein in like manner as they would have had if the same courts had been held upon said adjournment in Braintree.

All writs and processes returnable on the first Tuesday of January, A. D. 1777.

And all writs and processes made returnable into the inferior court of common pleas, or the court of general sessions of the peace, which, by virtue of the act above referred to, were appointed to be held at Dedham in said county, on the first Tuesday of January next, shall be returnable into or have day in the same courts, to be held at Boston aforesaid, on the said first Tuesday of January, A.D. 1777, and be heard, tr[y][*i*]ed, adjudged and determined therein in like manner as they would have been had the same courts been held at Dedham aforesaid on the said first Tuesday of January, A.D. 1777.

All writs and processes returnable into the superior court, on the third Tuesday of February, A. D. 1777.

[SECT. 3.] And all writs and processes made returnable into the superior court of judicature, etc., which, by the same act referred to above, was directed and appointed to be held at Dedham aforesaid, on the third Tuesday of February, A.D. 1777, shall be returnable into, and have day in, the said superior court[s] of judicature, etc., to be held at Boston aforesaid, on the said third Tuesday of February, A.D. 1777, and be heard, tr[y][*i*]ed, adjudged and determined therein in like manner as they would have been had the same court been held at Dedham aforesaid, on the third Tuesday of February, A.D. 1777. [*Passed November* 2.

CHAPTER 20.

AN ACT IN ADDITION TO AN ACT, PASSED IN THE YEAR SIXTEEN HUNDRED NINETY-FOUR, FOR THE RELIEF OF ID[I][*E*]OTS AND DISTRACTED PERSONS.

Preamble. 1693-94, chap. 18, § 1.

WHEREAS, in and by the said act provision is only made for appointing guardians for such as are naturally wanting of understanding, or shall by the providence of God fall into distraction, or become *non compos mentis; and whereas* there have been and are instances of persons being deaf and dumb from their nativity, who, altho'[*ugh*] they cannot with propriety be said either to be naturally wanting in understanding, or to come under the denomination[s] of ideots or of persons *non compos mentis*, yet are, by reason of their being deaf and dumb as aforesaid, incapacitated to make or execute a power of attorn[*e*]y, or any other instrument; *and whereas*, it sometimes becomes expedient to have guardians also appointed for the children of id[i][*e*]ots or persons *non compos mentis*, or deaf and dumb as aforesaid, who are incapable of taking due care of the sup-

port and education of their children, and no provision is by law made for any of the said cases, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the judges of probate, in their respective counties, within this state, be and hereby are fully authorised and impowered to appoint guardians to persons deaf and dumb from their nativity, and to such others as from a defect in the organs of their body are incapacitated to take care of their estates, in the same way and manner as they now are by law impowered to appoint guardians to id[i][*e*]ots and distracted persons; and also to appoint guardians for the children of id[i][*e*]ots, or of persons *non compos mentis*, or deaf and dumb, in the lifetime of their parents

Judges of probate empowered to appoint guardians to persons deaf and dumb;

— also to appoint guardians for the children of idiots.

And be it further enacted,

[Sect. 2.] That the judges of probate, in order to determine the incapacity of such persons as aforesaid, to take care of their estates or children, are to be governed by the rules and regulations prescribed by a temporary act of this state made and passed in the year of our Lord, 1737, intitled "An act in further addition to an act intitled 'An Act for the relief of id[i][*e*]ots and distracted persons,'" and revived by an act passed in February, 1776. [*Passed November 7.*

Judges of probate to be governed by a temporary act, passed A. D. 1737, to determine the incapacity of such persons. 1737-38, chap. 9. 1775-76, chap. 14

CHAPTER 21.

AN ACT FOR PROVIDING A REINFORCEMENT TO THE AMERICAN ARMY.

Whereas the state of our public affairs claims our most serious attention, and while our inveterate enemies are us[*e*]ing their utmost efforts to subjugate us not only to an arbitrary, but ignominious, government in which our task-masters may be those tools of power whom no laws could deter from the most flagitious crimes, and who have been ready at all times to sacrifice their country to their own emolument, it obviously becomes the duty of this assembly to make every possible provision against so great a calamity; *and whereas* the time for which a part of the militia of this state is engaged to serve as a reinforcement to the Continental Army is near expiring, and it is apprehended that another reinforcement may be necessary, when a movement of the whole militia would be both needless and impracticable, this court, in faithfulness to this state, has, therefore, thought proper to point out and establish the following method for determining what persons shall hold themselves in readiness to march first on this occasion, —

Preamble.

And it is enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That no rank or station in life, place, employment or office, except as is hereafter excepted, shall excuse or exempt any person from serving in arms for the defence of his country, either by himself, or some able-bodied, effective man in his stead, or, in case of his neglect or refusal, from paying the fine hereinafter required: *provided, nevertheless*, that those persons who had, before the nineteenth day of April, 1775, been by law deemed to be of the denomination of Christians called Quakers, settled ministers of the gospel, the presi-

No person, in whatever station, to be exempted from serving in arms except as hereafter excepted.

Excepting Quakers, ministers of the gospel, the

president, etc., of Harvard College, Indians, negroes and mulattoes; as, also, four men to each powder mill.

dent, professors, tutors, librarian and undergraduates of Harvard Colle[*d*]ge, Indians, negroes and molatoes, shall not be held to take up arms, or procure any person to do it in their room; and also that four men to each of the powder mills in Stoughton and Andover be in like manner exempted.

And be it further enacted by the authority aforesaid,

One fourth part of the militia to be raised.

[SECT. 2.] That one quarter part of all the able-bodied, male, persons within this state, and not in actual military service, and pay, for the defence of this or the American States, from sixteen years of age, and upward, excepting as aforesaid, and excepting the inhabitants of all such places as l[*y*][*i*]e to the eastward of Camden, so called, in the county of Lincoln, shall, either by voluntary inlistment, lot, or dra[f][*ugh*]t as is hereinafter provided, be appointed and held in readiness, armed and equipped with a good gun and bayonet, or, in the room of a bayonet, with a tomahawk, cutting-sword or hatchet, also with a cartridge-box, a blanket and knapsack, to march at a minute's warning, to serve for a term not exceeding three months from the time of their march from home, within and for the defence of any of the United States, when they shall be called out to reinforce the Continental Army, by the general court, or, in the recess thereof, by the council, and under the command of such general officer or officers as the general court, or, in its recess, the council, shall appoint.

Their equipment.

To serve for three months from their marching from home.

Selectmen to cause them to be marched.

[SECT. 3.] And that the commission[*e*]'d officers of the militia in each town in this state, shall, immediately upon their receiving this act, cause all the male persons usually residing therein, from sixteen years of age and upward[*s*], except[ed] those hereinbefore excepted, (and where there are no such officers in any town, the selectmen thereof shall cause them) to be muster[*e*]'d; and said militia officers, where there are such, in conjunction with the selectmen and committees of correspond[a][*e*]nce, etc., of such town[*s*] shall, by voluntary inlistment, lot, or dra[f][*ugh*]t, as to them, or the major part of them, shall appear equitable and just, cause one quarter part of all said male persons (not exempting themselves or any other persons but such as are hereinbefore exempted) in this state, and not in actual military service, and pay, for the defence of this or the American States, to be appointed and held in readiness, and equipped as aforesaid, to serve as is above provided, having regard to services already done and performed.

Military officers, selectmen, etc., to make out a fair list of the names of persons appointed brigadiers of the county to which they belong;

[SECT. 4.] And the military officers, with the selectmen and committees as aforesaid, shall immediately make out a fair list of the names of the persons so appointed, either by inlistment, lot or dra[f][*ugh*]t, and deliver the same, as soon as may be, to the brigadier of the county to which they belong, or, in his absence, to the next commanding officer in the brigade then in the county, who shall, as soon as such list is deliver[*e*]'d to him, with the advice of the field officers of such brigade, form that part of the militia which shall be so appointed, as aforesaid, within his county, into companies, as near as may be of the number of sixty-eight men (including non-commission[*e*]'d officers) to a company; and shall appoint, of the militia officers of such brigade, proper officers to lead them according to the rank such officers now hold; and shall form such companies into battalions, appointing proper field officers, of the standing militia, to command them, according to the rank such officers now hold in the militia, making as near as may be ten companies to a battalion; and make return to the council of the number of men, and the names of the officers, and their several ranks, who may be drafted, inlisted or

— and to make return to the council of the number of men so drafted.

appointed in consequence of this act, as soon as the same can possibly by them be ascertained.

And it is further enacted,

Selectmen to procure teams to carry baggage, and pay the soldiers' travel.

[Sect. 5.] That when the said persons so appointed are ordered to march, the selectmen of each town shall procure, by impressment or otherwise, necessary teams and waggons to carry their baggage; and shall also pay each officer and soldier twopence per mile for every mile's travel, from their several places of abode to the place or places of their destination as appointed by the general court, or, in the recess thereof, by the council; and also provide for them sufficient k[i][*e*]ttles, bottles or canteens; and shall lay their accounts thereof before the general court, with proper receipts, for allowance and payment.

And in order to enable the selectmen to perform and observe the prece[*e*]ding clause, in case they cannot otherwise procure the money needed for the purposes aforesaid, —

It is enacted,

Selectmen enabled to pay mileage and teamage:

[Sect. 6.] That they shall, as soon as the said quarter part of the male persons within their respective towns are appointed as aforesaid, return an account of the numbers so appointed, to the council, who shall make out their warrant, in favo[*u*]r of such selectmen, upon the treasury of this state, for a sum sufficient to enable such selectmen to pay the persons so appointed their mileage from the places of their abode to the place of their destination, and also for a sum sufficient to enable such selectmen to procure teams and waggons to carry their baggage; allowing one team to each company of men: the said selectmen to be accountable to the general court for the sums they shall respectively receive.

— to be accountable.

And it is further enacted,

Establishment for officers and men.

[Sect. 7.] That the persons so appointed, after they are ordered to march, shall be under the same regulations as are provided for the Continental Army, and receive wages, for every calendar month, according to the following establishment; viz., —

A colonel, fifteen pounds; lieu[*tenan*]t-colonel, twelve pounds; a major, ten pounds; a captain, eight pounds; a first lieu[*tenan*]t, five pounds eight shillings; a sec[*on*]d lieu[*tenan*]t, five pounds eight shillings; a chaplain, seven pounds ten shillings; surgeon, seven pounds ten shillings; surgeon's mate, four pounds; adjutant, five pounds ten shillings; quartermaster, three pounds ten shillings; ser[g][*j*]eant, three pounds eight shillings; corporal, three pounds four shillings; drummer or fifer, three pounds four shillings; privates, three pounds: said wages to commence from the time of their marching, and to continue to the time of their return, allowing twenty miles march to a day.

And be it further enacted by the authority aforesaid,

Empowering the selectmen, and committees of correspondence, to muster the men.

[Sect. 8.] That in each town or place where there shall have been a neglect in the appointment of one of those orders; viz., of military officers, selectmen or committees of correspond[a][*e*]nce, or of any two of those orders, such and so many of them as shall be in any town or place, shall have all the power with respect to mustering and appointing the men as aforesaid, as the military officers, committees and selectmen jointly have, and shall be held in such case, respectively, to execute this act under the same penalty as is herein provided against them in case of the joint neglect of them all.

To empower the selectmen to impress arms.

[Sect. 9.] And the selectmen of each town are also impowered and directed to impress arms for such persons as shall be appointed

as aforesaid, and are unable to procure them for themselves, and shall truly appraise the arms so impressed, and give the person or persons from whom they are taken, a receipt therefor; and said receipt shall express and certify the sum such arms are appraised at, to the intent that the owner or owners may, if they please, receive pay for them out of the treasury of this state, by warrant from the council; but if the owners of such arms shall choose to have a return thereof, after the person for whose use such arms were taken shall return from the campaign, they shall be intitled to receive for the hire of each gun, the sum of four shillings; and in case of such arms being lost, the owners shall be paid therefor according to the appraisement of the same, deducting any sum that may have been paid for the hire thereof; and if any soldier to whose use such arms are impressed, shall wilfully dispose of, or negligently lose, them, he shall have the sum such arms are appraised at, deducted from his wages; and the treasurer shall not pay any non-commission[*e*]'d officer or soldier his wages for his service until he shall produce a certificate from the selectmen of the town (or committee of correspond[a][*e*]nce, etc., of any place not incorporated), expressing either that he found his own arms, or that the arms delivered him by such selectmen have been returned by him, or were unavoidably lost.

And it is further enacted,

Penalty for military officers refusing to do their duty:

[SECT. 10.] That if any military officer, not having reasonable excuse, shall refuse or neglect strictly to perform the duties enjoined on him by this act, he shall pay a fine of twelve pounds, and be reduced to the ranks in the militia; and that, if any selectman or committee man shall refuse or neglect to perform the duties enjoined on him by this act, he shall forfeit and pay the sum of twelve pounds, to be recovered, by any person who shall prosecute for the same, by action of debt in any court proper to try the same, one half of said fine to be for the use of said prosecutor, the other half to be lodged in the hands of the treasurer of the town or place where such offender lives, to be drawn out by the selectmen for the use of hiring or procuring men to serve for the defence of this or the United States of America.

— to be paid into the hands of the treasurer of the town where such offender resides.

And it is further enacted,

Soldier refusing to march.

[SECT. 11.] That if any person appointed as aforesaid, and being in person notified of such appointment, or by writing, left at his place of abode, sign[*e*]d by any of them who have appointed him, shall refuse or neglect, in twenty-four hours thereafter, to make a reasonable excuse, to the acceptance of said persons by whom he is so appointed, or to pay into their hands the sum of ten pounds, he shall be held and taken to be a soldier in the service for which he was so appointed; and if any such soldier neglect or refuse to march as aforesaid, when called out according to the mode prescribed in the militia act, unless he produces a discharge from or provides some able-bodied man in his stead, to the acceptance of the persons herein empowered to appoint him, he shall forfeit and pay into the hand of such persons the sum of twelve pounds, or, in default of such payment, the said persons are hereby impowered and directed to commit such delinquent, forthwith, until he pay said fine, to the common goal of the county, by *mittimus* of the tenor and form following, directed to such officer as is empowered to execute a warrant from a justice of the peace: —

Penalty.

Suffolk, ss.

To , and to the keeper of the common goal of the county of , Greeting:

Oath.

Whereas C. D., of the town of , was, by us, the subscribers,

appointed a soldier according to the directions of a late act of this government, for providing a reinforcement to the American army, has been duly notified of such appointment, and did not, with[*in**] twenty-four hours after such notification, pay to us the sum of ten pounds, nor make any reasonable excuse; and the said C. D. was, on the day of , called out, according to law, to march, but neglected so to do, or to provide any person in his stead, you the said , are, therefore, hereby required forthwith to apprehend the said C. D. and him commit to the common goal in said county; and you the said keeper of the said goal are alike required to receive the said C. D. into your custody, there to remain until he pay the fine of twelve pounds, as order[*e*]'d in said act, together with charges of commit[t]ment and imprisonment; or be discharged by order of law. Hereof fail not. Given under our hands and seal[s], this day of

And it is further enacted,

[Sect. 12.] That all fines incurred by breaches of the foregoing paragraph, shall be paid over by the persons who may first receive the same, to the treasurer of the town or place, to be employed by the selectmen in hiring persons for the service herein directed, as there shall be occasion. Fines to be paid to treasurer of the town.

Provided, always, —

[Sect. 13.] That so far as the quota of said town or place is not immediately compleated by persons hired by such fines, the persons herein empowered to raise such quota shall go on, without delay, to appoint as aforesaid, till the full complement of such town or place is made up; and in case any surplusage shall remain of forfeitures, after the number of men intended to be levied in consequence of this act shall in fact be levied, the same shall be paid over to the treasurer or receiver of each town, respectively, there to remain for the disposal of such town, for raising men for future military service.

And it is also enacted,

[Sect. 14.] That the major part of the field officers of each battalion, so appointed, shall have the privile[d]ge of appointing one chaplain, one surgeon, one surgeon's mate, a quartermaster and an adjutant for such battalion. Field officers to appoint one chaplain, surgeon, surgeon's mate, quartermaster and adjutant.

And it is further enacted,

[Sect. 15.] That wherever this act requires any duty to be done by the military officers, selectmen, and committees, of any town or place, it [*is**] to be understood that the major part of them, or of such orders of them, as are found subsisting in the said town or place, be, and they hereby are, impowered to perform the same duties, no less than if the whole number of all said orders were personally present, and agreeing. Major part of them to empower the selectmen and committees of any town, to perform the same duties as required to be done by military officers.

Provided, —

[Sect. 16.] That if the persons so appointed, as aforesaid, shall not be called out to reinforce the Continental Army upon or before the first day of March next, they shall not be held to march after that time until there is a new appointment, or some further order from the general court; but if they shou[*l*]'d be called out, upon or before the said first day of March, for the purpose aforesaid, they shall be held to stay in the service for the space of three months from the time of their marching, if it shou[*l*]'d be found necessary. Soldiers be held to stay three months from the time of marching.

Provided, also, —

[Sect. 17.] That nothing in this act shall be construed to exempt said persons who are so appointed to reinforce the Continental Army,

* Engrossment mutilated.

and who are now a part of the militia of this state, from being consider[*e*]'d to belong to said militia, or to excuse or exempt them from being obliged to march for any other purpose, in defence of this or the other states of America, according to the modes prescribed by the laws of this state made and provided for the regulation of the militia therein.

And it is further provided and enacted,

The council empowered, in the recess of the general court, to call out so many of the battalions formed as shall appear to be necessary upon any emergency.

[SECT. 18.] That if any part of said persons so appointed, and not the whole of them, shou[*l*]'d be needed for the purpose and service aforesaid, upon any emergency, in the recess of the general court, the council shall be and hereby are fully impowered to call out such and so many of the bat[*t*]alions, formed as aforesaid, as shall appear to the said council to be necessary; and that each bat[*t*]alion, of said quarter part, shall be held to serve three months from the time of their marching, respectively; and that the marching of some of the bat[*t*]alions shall not be construed a release of the residue, that shall be formed in consequence of this act, from the duties herein required.

And it is enacted by the authority aforesaid,

[SECT. 19.] That this act shall be held to be in full force, any law of this state to the contrary notwithstanding. [*Passed November* 14*.

CHAPTER 22.

AN ACT FOR ESTABLISHING A NAVAL OFFICE AND FOR ASCERTAINING THE FEES.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Towns where a naval office shall be kept, for entering and clearing all vessels.

[SECT. 1.] That in the several seaports of Boston, Salem, Marblehead, Glocester, Newburyport, York, Pepper[*r*]elboro'[*ugh*], Falmouth in Casco Bay, Townsend, Penobscot, Goldsborough, Machias, Plymouth, Barnstable, Dartmouth and the island of Nantucket, within this state, there be an office kept, to be called and known by the name of the naval office, for the purpose of entering and clearing of all ships and other vessels trading to or from this state, to take bonds, in adequate penalty, for observing the regulations made or which shall be made by the General Congress, or the general assembly of this state, concerning trade, take manifests, upon oath, of all cargoes exported or imported, and keep fair accounts and entries thereof, give bills of health when desired, and sign certificates that the requisites for qualifying vessels to trade have been complied with.

Fees of said office, established.

[SECT. 2.] And the fees to be demanded and received in the said office shall be these following, and no greater; that is to say, —

	£.	s.	d.
For entering every ship and vessel from any part of this state, two shillings, ...	[0	2	0]
For clearing every ship and vessel to any part of this state, two shillings, ...	[0	2	0]
For entering every ship and vessel from any other of the United States upon this continent, six shillings, ...	[0	6	0]

* Signed November 15, according to the record.

	£.	s.	d.
For clearing every ship and vessel to any of the United States upon this continent, six shillings, . .	[0	6	0]
For entering every ship or vessel from a foreign voyage, six shillings, ...	[0	6	0]
For clearing every ship or vessel for a foreign voyage, six shillings, ...	[0	6	0]
For every register, six shillings, ...	[0	6	0]
For indorsing every register, one shilling, and for recording the same, one shilling and sixpence, .	[0	2	6]
For every bond, two shillings, ...	[0	2	0]
For a certificate to cancel bond, one shilling, . .	[0	1	0]
For a bill of health, two shillings, ...	[0	2	0]
For every permit to unload from any of the United States of America, or from a foreign port, one shilling, ...	[0	1	0]
For a cocket, three shillings, ...	[0	3	0]
For every let-pass, eightpence, ...	[0	0	8]

And be it further enacted by the authority aforesaid,

To empower the naval officer to seize vessel and cargo that shall break bulk before entry.

[Sect. 3.] That every ship or vessel which shall arrive in any harbo[*u*]r or place within this state, from any port not within this state, shall, before breaking bulk, duly enter at the naval office at or nearest the port where said ship or vessel shall unlade, upon penalty of forfeiting such part of her cargo as shall be unladen before entry, as aforesaid, to the use of this state; and any naval officer of this state is hereby authorized and impowered to take and seize such goods, wares and merchandizes, unladen before entry as aforesaid, wheresoever the same may be found.

And be it further enacted by the authority aforesaid,

No vessel to be permitted to depart this state without a regular clearance.

[Sect. 4.] That no ship or vessel shall be permitted to sail out of any port, harbo[*u*]r or place within this state, and to proceed to sea, without having first duly cleared out at the proper naval office, and obtained a certificate thereof from the naval officer in the port where such ship or vessel may be, or, in case there shall be no naval officer in the port where such vessel may be, from the naval officer nearest thereunto; and every ship or vessel which shall presume and attempt to depart from any port, harbour, or place within this state without having duly cleared out, and obtained such certificate thereof as aforesaid, shall, upon conviction thereof, with her cargo and appur-t[u][*e*]nances, be forfeited to the use of this state.

Provided, always, —

And be it further enacted by the authority aforesaid,

Coasting not to be subjected to the aforesaid regulations.

[Sect. 5.] That no ship or vessel employed in the fishing business, or in carrying wood or lumber coastways, shall be subjected to any of the aforesaid regulations, except that of taking out a register; and the owner or master of all such ships or vessels employed as aforesaid, and of all boats and lighters above the burthen of ten tons, employed in transporting goods, shall once every year enter into good and sufficient bonds, at one of the said naval offices, to the treasurer or receiver-general of this state, in the penal sum of five hundred pounds, with condition to observe, keep and obey all acts or resolves, either of the Continental Congress or of this state, respecting trade and navigation, and not to counteract or break any of them. And the owners or master of all such ships, vessels or boats, shall take a certificate thereof from the naval officer who shall take such bond[*s*]; which officer shall be entitled to demand and receive for such bond and certificate, and the entry thereof, twelve shillings, and no more;

Coasters, once a year, to give bond to the naval officer; —penalty.

Certificate.

and such ship, vessel or boat the owner or master whereof shall not have entered into such bond, and taken out such certificate thereof, shall be forfeited to and for the use of this state; and such certificate shall be deemed a full sufferance and clearance for the same vessel or boat to pass and repass from any port, harbo[*u*]r or place, to any other harbo[*u*]r or place within this state, for the term of one year from the date of the bond therein referred to, and no longer.

And be it further enacted by the authority aforesaid,

To empower the naval officer to prosecute for the same.

[SECT. 6.] That the naval officer within whose district any offences against this act shall be committed, shall be and hereby is impowered to prosecute for the same, in case it be for the forfeiture of a penal sum, by action of debt, in the inferior court of common pleas, in the county where he resides; and if for a forfeiture of goods or vessel, in the maritime court in the district wherein such offence against this act has been committed, by filing a libel in the said maritime court, the justice of which shall be tried in like manner and form as maritime causes are triable in the said court; and either party shall have liberty to appeal from the judgment of the maritime court, to the sup[*erio*]r court of judicature, &c., next to be held within the district of the same maritime court; and all maritime causes entered in the superior court of judicature, &c., shall, if continued therein, be continued over to the superior court of judicature, &c., next to be held within the district of the maritime court wherein such cause was first tried and determin[*e*]'d: *provided*, *always*, that in the eastern district (in which there are but two superior courts held in a year, and those within fourteen days of each other) the said sup[*erio*]r court may, for a more speedy determination of any maritime cause there ent[*e*]'red, upon the agreement of the parties, or their attorneys, continue the same to any other session of the said superior court within this state.

And be it further enacted by the authority aforesaid,

Penalty.

[SECT. 7.] That if any master or commander of any ship or vessel shall fraud[a][*u*]lently exhibit to any naval officer a false manifest of any inward or outward bound cargo, or, in any manifest of a cargo that he shall exhibit, shall knowingly omit any part of the same, and being convict thereof, in any court of record within the county where such naval office is kept, shall forfeit and pay the sum of ten pounds; one moiety to the naval officer, who is hereby authorized and impowered to sue for the same, and the other moiety to the use of this state, with full costs of suit.

The naval officer empowered to sue for the same.

And be it further enacted by the authority aforesaid,

Naval officer to give bond to the treasurer of this state.

[SECT. 8.] That every person who shall be nominated and appointed to discharge and execute the duties of a naval officer in consequence of this act, before he enter upon the duties thereof, shall give bond, with sureties, to the treasurer of this state, in the sum of five hundred pounds, for the faithful discharge of the trust reposed in him, and also [*to*] take the oath other civil officers in this state are by law obliged to take, before two of the council, or such other as the council, by *dedimus*, shall impower to administer the same.

And be it further enacted by the authority aforesaid,

List of fees, where posted up.

Penalty for refusing to clear.

[SECT. 9.] That every naval officer nominated and qualified for discharging the duties thereof, shall have a list of fees hanging up in his office, upon the penalty of ten pounds; and any person employed in said office that shall demand and take any greater fees than by this act is allowed, or shall illegally delay or defer the entering or clearing any ship or other vessel, such officer, so offending, shall be

liable to double costs and damages, being thereof duly convicted in any court of record within this state.

And be it further enacted by the authority aforesaid,

[Sect. 10.] That all ports, creeks and havens within this state, at which no naval officers are by this act establish[*e*]'d, shall be consider[*e*]d as belonging to the next or nearest port at which a naval office is by this act establish[*e*]'d; any usage or custom to the contrary notwithstanding. [*Passed November* 20.

Ports, creeks, etc., where there is no naval officer, how to be considered.

CHAPTER 23.

AN ACT TO CONFIRM THE TITLES OF BENJAMIN TITCOMB AND DAVID RICHARDSON, TO A CERTAIN THIRTY-ACRE LOT OF LAND IN PEARSONTOWN, SO CALLED, IN THE COUNTY OF CUMBERLAND, ORIGINALLY LAID OUT FOR A SCHOOL LOT; AND TO CONFIRM TO THE INHABITANTS OF SAID PEARSONTOWN, CERTAIN OTHER LANDS VOTED AND GRANTED FOR THE SUPPORT OF A SCHOOL, BY THE PROPRIETORS OF SAID TOWNSHIP, IN LIEU OF SAID LOT, AND AS AN EQUIVALENT THEREFOR.

Preamble

Whereas it appears to this court that the proprietors of Pearsontown, so called, in the county of Cumberland, were under a necessity, in the infancy of the settlement of that township, in time of an Indian war, and as the only means to prevent the breaking up the settlement, to take up a certain thirty-acre lot of land there, lying near where the fort, there, formerly stood, and near where the meeting-house, there, stands, — one side thereof adjoining the north-east side of the north-[we][*ea*]st road there, another side adjoining the south-east side of the north-[ea][*we*]st road, another side adjoining on lot No. 38, and the other side adjoining on lot No. 122, as the same is delineated on the plan of said township in custody of the proprietors' clerk, (originally laid out for a school lot), and to divide it into five-acre lots, to accommodate the settlers and bring them near together, and near to said fort; and that the persons placed upon those lots, by their labor and industry, in danger of their lives, clear[*e*]'d and brought the same into a state of cultivation and improvement, and, apprehending they had thereby acquired an equitable title thereto, have since sold and disposed of the same, and that now, through several mean conveyances, twenty acres, the south-west part of said thirty-acre lot, are claimed, by purchase, by Benja[*min*] Titcomb of Falmouth, in the county of Cumberland, gentleman, and the other ten acres thereof, by David Richardson of said Pearsontown, yeoman; *and whereas* it appears further, that the proprietors aforesaid, at a legal meeting on the fifteenth day of July, A.D. 1776, voted and granted other lands for the use of a school; viz., three thirty-acre lots there, numbered, on said plan, one hundred twenty-nine, one hundred [and] thirty-four and one hundred thirty-five; a strip of land there, containing thirty acres, more or less, lying between the hundred-acre lot, in the first division of hundred-acre lots, numbered seventy-one, and the two thirty-acre lots numbered one hundred and thirty-three, and one hundred and forty; and another piece of land, containing fifty acres, more or less, bounded, south-westerly, by Saco River; north-easterly, by the hundred-acre lot, in the first division of hundred-acre lots, numbered seventy-

nine; south-easterly, by the hundred-acre lot numbered seventy-seven; and north-westerly, by the hundred-acre lot numbered ninety-eight; together with, and in addition to, the thirty-acre lot numbered thirty-seven, granted for the same purpose, March 31st, 1767, in lieu of said thirty acres originally laid out for a school lot as aforesaid, and as an equivalent for the same; and it appearing, also, that the inhabitants of said township are fully satisfied and contented with said equivalent lands, and they, together with said proprietors, having requested that the same may be confirmed to said inhabitants, forever, for the support of a school, agreeable to the true intent and meaning of the reservation in the original grant of the township, in lieu of said thirty acres originally laid out for that purpose as aforesaid; and that said Benjamin Titcomb's and David Richardson's titles, respectively, to the same thirty acres be confirmed to them, their heirs and assigns, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Benjamin Titcomb's title.

That said Benjamin Titcomb's title to said twenty acres, part of said thirty-acre lot originally laid out for a school lot, be and the same hereby is established and confirmed to him, his heirs and assigns, forever; and that he and they be, and they hereby are, quieted in the peaceable possession thereof; and that said David Richardson's title to the remainder of the said thirty acres be and the same hereby is established and confirmed, to him, his heirs and assigns, forever; and that he and they be, and they hereby are, quieted in the peaceable possession thereof; and that said several parcels of land, granted as an equivalent as aforesaid, be, and they hereby are, granted and confirmed to the inhabitants of said township, for the time being, forever, for the purpose of supporting a school or schools there, agreeable to the true intent and meaning of the reservation in the original grant of said township. [*Passed November* 23.

CHAPTER 24.

Money bill.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF TWO HUNDRED THOUSAND POUNDS.

Preamble.

WHEREAS it is necessary, immediately, to make provision to enable the treasurer of this state to answer the dra[f][*ugh*]t made on him in favor of the Hon[*ora*]ble Board of War, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Treasurer directed to issue notes.

[SECT. 1.] That the treasurer of this state be, and he hereby is, directed, on the credit thereof, to issue his notes, payable in three years, to draw interest of six per cent per annum, to be paid annually; the amount of said notes not to exceed the sum of two hundred thousand pounds; and that no note be issued for a less sum than ten pounds: and that said notes be of the tenor and form following; viz[t]., —

Form.

State of Massachusetts Bay, the day of , 177 . For value received, for the use of the state of the Massachusetts Bay, I do. in behalf of said state, hereby promise and oblige myself and successors in

the office[r] of treasurer, to pay to the possessor of this note, the sum of , upon the day of , 17 , with interest at six per cent per annum; the interest to be paid annually.

Witness my hand, H. G., Treasurer.

A. B., C. D., } Committee.

— which form shall be printed on good paper, and a suitable border round the same; and when said notes are issued, a counterpart, indented, of each note, shall be kept by the treasurer.

And be it further enacted,

[Sect. 2.] That Mr. Henry Hill, and David Jeffries, Esq[r]., be a committee to sign blank notes, at the left hand, as by the form prescribed, before the same are filled up by the treasurer. Countersigners.

And be it further enacted,

[Sect. 3.] That there be and hereby is granted a tax of two hundred thousand pounds, to be levied on the polls and estates within this government, according to such rules, and in such proportions on the several towns and other places therein, as shall be agreed upon and ordered by the general court or assembly at their session in June, one thousand seven hundred and seventy-eight, and to be paid into the treasury on or before the twentieth day of March then next after, and to be applied for the redemption of the notes which may be issued by virtue of this act. Tax to be levied.

And be it further enacted,

[Sect. 4.] That if the general court shall not, some time before the first day of October, in the year one thousand seven hundred and seventy-eight, agree and conclude upon an act apportioning the sums which by this act are engaged to be paid in said year, then and in such case each town and other place in this state shall pay, by a tax to be levied on the polls and estates within their limits, respectively, the same proportion of the said sum as such town or other place was taxed by the general court in the tax act then last prece[*e*]ding. If no tax laid by the court, how to proceed.

[Sect. 5.] And the treasurer of this state is hereby impowered and directed, some time in the said month of October, in said year, to issue and send forth his warrants, directed to the selectmen or assessors of each town or other incorporated place within this state, or to some suitable person or persons in such place or places therein as are not incorporated, requiring them to assess the pol[e][/]s and estates within their several towns and other places, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury on or before said twentieth day of March, one thousand seven hundred and seventy-nine; and the assessors, as also all persons thereby assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last prece[*e*]ding tax act. Treasurer directed to issue his warrants, requiring assessments.

And be it enacted by the authority aforesaid,

[Sect. 6.] That the notes which may be issued by the treasurer by virtue of and in conformity to this act, shall, by him, upon his receiving a warrant from the council for the aforesaid sum, be delivered to the Hon[*ora*]ble Board of War, or their order, from time to time, and in such proportions and sums as said board may draw for. [*Passed December* 2. Notes, how delivered to the Board of War.

CHAPTER 25.

AN ACT FOR PREVENTING THE OPERATION OF AN ACT MADE IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND SEVENTY, ENTITLED "AN ACT FOR REPEALING THE SEVERAL LAWS NOW IN FORCE WHICH RELATE TO THE LIMITATION OF PERSONAL ACTIONS, AND FOR THE LIMITATION OF PERSONAL ACTIONS FOR THE FUTURE, AND FOR AVOIDING SUITS AT LAW."

Preamble.

WHEREAS, considering the present state of our public affairs, the limitation of actions and suits, according to the provision made in and by said act, wou[*l*]'d be the means of much injustice to many persons now employed in the service of their country, necessarily absent from their homes, and occasion a multiplicity of lawsuits, contrary to the inclination of many creditors, who wou[*l*]'d thereby be compelled to commence and prosecute the same to the great gr[ei][*ie*]vance of many good people of this state; for the preventing whereof, —

1770-71, chap. 9.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

To suspend the operation of this act until the 1st day of December, 1778.

That the operation of the said act shall be stayed and suspended until[*l*] the first day of December, which will be in the year of our Lord one thousand seven hundred and seventy-eight, and that any actions or suits may be commenced and prosecuted in any of the courts of record, or before any of the justices of the peace, within this state, during that term, in like manner and form, to all intents and purposes, as they might have been commenced and prosecuted in case the said act, or any of the acts or laws relating to the limitation of personal actions which are repealed by the same act, had never been made. [*Passed December* 3.

CHAPTER 26.

AN ACT FOR MAKING AND EMITTING BILLS OF PUBLIC CREDIT.

Preamble.

WHEREAS the exigencies of this state require a new emission of bills of public credit, to discharge the debts thereof which have or may be contracted, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Bills of several denominations to be emitted.

[SECT. 1.] That there be forthwith stamped, on copperplates, a number of bills of credit, of this state, to the amount of twenty thousand and thirty-four pounds, of the following denominations; viz., of ten shillings, of fourteen shillings, of sixteen shillings, of twenty-two shillings, of twenty-eight shillings, of thirty-six shillings, of forty-two shillings, and of forty-eight shillings; and to be eighteen hundred and fifty-five bills of each denomination and no more: and that they be of the tenor and form following; viz., —

Form of the bills.

16 s. State of Massachusetts Bay. ( ) November 17th, 1776. 16 s.
The possessor of this bill shall be paid, by the treasurer of this state, sixteen shillings, lawful mon[*e*]y, by the 7th day of Dec[*embe*]r, 1781; which bill shall be received for the aforesaid sum, in all payments at the treasury, and in all other payments. By order of the general assembly.
16 s. Committee. 16 s.

— and so, *mutatis mutandis*, for a greater or less sum; and that, on the back of each bill, shall be stamped the value of such bill, its date, and the figure of an American, with a sword in his right hand, with the following inscription suspended therefrom; viz., "*Ense petit placidam sub libertate qui*[*e*]*tem;*" and from his left hand, IND., and round the figure these words, "Issued in Defence of American Liberty."

And be it further enacted by the authority aforesaid,

[Sect. 2.] That said bills shall be paid and received in the public treasury, and in all payments in this state, for the sum therein expressed, without any abatement or discount, under the penalty of the forfeiture of treble the value of such bill or bills so passed, and costs, to be paid and forfeited by the receiver; and may be recovered by action of debt, complaint or indictment, in any court proper to try the same, in the county, in this state, where the offence shall be committed.

And be it further enacted by the authority aforesaid,

Committee to number and sign the bills.

[Sect. 3.] That the committee hereafter to be appointed by this court, to authenticate, by numbering and signing, said bills, be, and they hereby are, directed and impower[*e*]'d to cause said bills, of the several denominations aforesaid, to be authenticated to the amount of said sum of twenty thousand and thirty-four pounds, and no more; and to deliver the same to the treasurer and receiver-general of this state, taking his receipt for the same; and the said committee shall be under oath for the faithful discharge of the trust reposed in them, and be rewarded for their services as this court shall determine.

To be sworn.

And be it further enacted by the authority aforesaid,

Treasurer empowered to issue forth said bills.

[Sect. 4.] That the treasurer be and hereby is ordered and impowered to issue forth and emit the said bills, towards payment of the debts of this state, of grants and allowances made, or that may hereafter be made, by the general court, for the defence of this and the other states of America, for support of government of this state, and answering all other incidental or contingent charges thereof, according to such drafts as, from time to time, shall be made upon him, by warrant or order of the council in pursuance of the resolves or orders of the general assembly.

And whereas, it is necessary that there should be made suitable provision for calling in and sinking said emission of bills, —

Be it further enacted by the authority aforesaid,

Tax to be levied on polls and estates, for calling in and paying the same.

[Sect. 5.] That there be and hereby is granted a tax of twenty thousand and thirty-four pounds, to be levied on the polls, and estates both real and personal, within this state, according to such rules and proportions, in the several towns and other places within this state, as shall be agreed upon and ordered by the general court or assembly at their session in May, A. D. 1780, and to be paid into the public treasury on or before the last day of March then next after.

And be it further enacted by the authority aforesaid,

Bills of credit of the United States, to be received.

[SECT. 6.] That no bills of credit shall be received in payment of the tax before mentioned, except bills of credit of the United States establish[*e*]'d by the American Congress and the bills of this government.

And be it further enacted by the authority aforesaid,

Towns' and other places' apportionment of the tax.

[SECT. 7.] That if the general court or assembly, at their session in May, A. D. 1780, and some time before the 20th day of September, in that year, shall not agree and conclude upon an act apportioning the sum which by this act is engaged to be, in that year, assessed and levied, that then and in that case each town and other place in this state shall pay, by a tax to be levied on polls, and estates both real and personal, within their limits, the same proportion of that sum as such town or other place was taxed by the general court in the tax act then last preceeding.

State treasurer empowered to issue forth his warrants to the selectmen in each town, to assess, etc.

[SECT. 8.] And the treasurer of this state is hereby impowered and directed, some time in the month of September, in the last-mentioned year, to issue and send forth his warrants, directed to the selectmen or assessors of each town within this state, and to some suitable person or persons in such place or places as are not incorporated, requiring him or them to assess the polls, and estates both real and personal, within their several towns and other places, for their respective parts and proportions of the sum before directed and engaged to be assessed, to be paid into the treasury at the time before mentioned; and the assessors, as also all persons assessed, shall observe, be govern[*e*]'d by, and subject to, all such rules and directions as shall have been given in the then last preceding tax act.

And be it further enacted by the authority aforesaid,

Bills to be signed by any two of the committee.

[SECT. 9.] That each of the bills emitted by this act shall be signed by any two of the committee aforemention[*e*]'d.

And be it further enacted,

Bills emitted, to be received in all payments and may be pleaded in any action.

[SECT. 10.] That the several bills of credit emitted by this act shall be received in all payments within this state, and a tender of the same may be pleaded, and have the same effect, in any action which is or may be brought for the recovery of any money, or species of money, due by deed or simple contract, or in any other way or manner whatever, in the same manner as a tender of the like sum in silver or gold may be pleaded. [*Passed December* 6.

CHAPTER 27.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF TWO HUNDRED AND SIX THOUSAND AND FOUR HUNDRED POUNDS.

Preamble.

WHEREAS it is necessary, immediately, to make provision to enable the treasurer of this state to answer the draughts made on him for the payment of the bounty-money granted by the general court of this state to the soldiers rais[*e*]d by this state to be inlisted into the Continental service, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the treasurer of this state be, and he hereby is, directed, on the credit thereof, to issue his notes, payable in four years, to draw intere[*st**] at six per cent per annum, to be paid annually, the amount of said notes not to exceed the sum of two hundred and six thousand and four hundred pounds; and that each note be issued for the sum of ten pounds: and that said notes be of the tenor and form following; viz., — Treasurer empowered to issue his notes on the credit of the state, for £206,400.

State of Massachusetts Bay, the day of , 177 . For value received, for the use of the state of Massachusetts Bay, I do, in behalf of said state, hereby promise and oblige myself and successors in the office of treasurer, to pay to the possessor of this note, the sum of ten pounds, on the day of , 17 , with interest at six per c[*en*]t per annum; the interest to be paid annually. Form of the note to be by him given.

Witness my hand, H. G Treasurer.

A B., C. D., } Committee.

— which form shall be printed on good paper, and a suitable border round the same; and when said notes are issued, a counterpart, indented, of each note, shall be kept by the treasurer.

And be it further enacted,

[Sect. 2.] That William Cooper, and Nath[*anie*]l App[e]l[*e*]ton Esqrs., be a committee to sign blank notes, at the left hand, as by the form prescribed, before the same are filled up by the treasurer. Committee to countersign the same.

And be it further enacted,

[Sect. 3.] That there be and hereby is granted a tax of two hundred and six thousand and four hundred pounds, to be levied on the polls and estates within this government, according to such rules, and in such proportions on the several towns and other places therein, as shall be agreed upon and ordered by the general court [*or**] assembly at their session[s] in June, one thousand seven hundred and seventy-nine; and to be paid into the treasury on or before the first day of May then next after, and to be applied [*for t**]he redemption of the notes which may be issued by virtue of this act. Tax to be levied on polls and estates, for the redemption of the same.

And it is further enacted,

[Sect. 4.] That if the general court* shall not, some time before the first day of November, in the year one thousand seven hundred and seventy-nine, agree and conclude upon an act apportioning the sums which by this act are engaged to be paid in said year, then and in such case each town and other place in this state shall pay, by a tax to be levied on the polls and estates within their limits, respectively, the same proportion of the said sum as such town or other place was taxed by the general court in the tax act then last prece[*e*]ding.

[Sect. 5.] And the treasurer of this state is hereby impowered and directed, some time in the said month of November, in said year, to issue and send forth his warrants, directed to the selectmen or assessors of each town or other incorporated place within this state, or to some suitable person or persons in such place or places therein as are not incorporated, requiring them to assess the polls and estates within their several towns and other places, for their respective parts and proportions of the sums before directe[*d**] and engaged to be as- Treasurer empowered to issue forth his warrants to the selectmen of each town to assess, etc.

* Engrossment mutilated.

sessed, to be paid into the treasury on or before the said first day of May, one thousand seven hundred [*and eighty**] ; and the assessors, as also all persons thereby assessed, shall observe, be govern[*e*]'d by, and subject to, all such rules and [*directions as s**]hall have been given in the then last prece[*e*]ding tax act. [*Passed December* 6.

CHAPTER 28.

AN ACT FOR MAKING AND EMITTING BILLS OF PUBLIC CREDIT.

Preamble.

WHEREAS the ex[e][*i*]genc[*i*]es of this state require a new emission of bills of public credit, to discharge the debts thereof which have been or may be contracted, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Bills of several denominations to be emitted.

[SECT. 1.] That there be forthwith stamped, on copperplates, a number of bills of credit, of this state, to the amount of seventy-five thousand pounds, and no more : s[*ai*]'d bills to be of the following denominations ; viz[t], of twopence, of threepence, of fourpence, of sixpence, of eightpence, of ninepence, of one shilling, of one shil-[*lin**]g and sixpence, of two shillings, of three shillings, of four shillings, of four shillings and sixpence, of six shillings, of twelve shillings, of eighteen shillings, of twenty-f[*ou**]r shillings, of thirty shillings, of thirty-six shillings, of forty-two shillings, of forty-eight shillings, of fifty-four shillings, of sixty shillings, of sixty-six shillings, and of seventy-two shillings ; and that there be stamped three thousand bills of each denomination, from six shillings to seventy-two shillings, inclusively, and no more : which bills shall be of the tenor and form following ; viz[t]., —

Form of the bills.

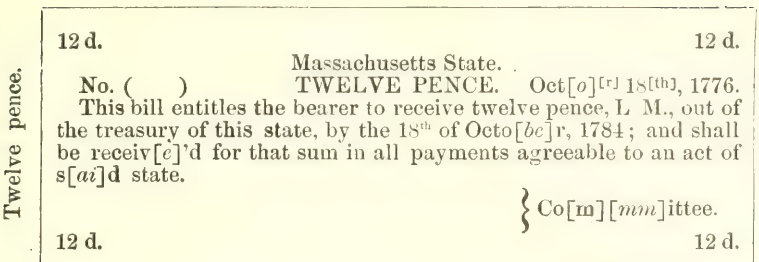
60 s. No..... 60 s.
Massachusetts State.
TEN DOLLARS.
This bill entitles the bearer to receive sixty shillings, L. M., out of the treasury of this state, by the 18th of Octo[*be*]r, 1784 ; and shall be received for that sum in all payments, by order of the great and gen[*era*]l court or assembly of s[*ai*]'d state Octo[*be*]r, 18[th], 1776.
Co[m][*mm*]ittee.
60 s. 60 s.

Sixty shillings. Sixty shillings.

— and so, *mutatis mutandis*, for a greater or less sum ; and that there be five thousand one hundred and forty-three bills of each of the lower denominations ; viz[t]., from twopence to four shillings and sixpence, inclusively, which bills shall be of the tenor and form following ; viz[t]., —

* Engrossment mutilated.

Form of the lower denomination of bills.



— and so, *mutatis mutandis*, for a greater or less sum.

Device on the back of the bill

[Sect. 2.] And that there be stamped on each bill, a handsome border, and the value of the bill expressed thereon in several places, and that on the back of each bill be printed its value, with suitable ornaments printed on t[i][y]pe met[t]al.

And be it further enacted by the authority aforesaid,

Said bills to be received into the public treasury without abatement or discount.

[Sect. 3.] That the said bills shall be paid, taken and receiv[e]'d at the public treasury of this state, and in all other payments whatsoever, in this state, at the rates expressed in said bills, without abatement or discount, under the penalty of tre[p][b]le the value of the bill or bills so passed, and costs, to be forfeited and paid by the receiver; and may be recovered by action of debt, complaint or indictment, in any court proper to try the same, and a tender of said bills may be pleaded, and have the same effect, in any action which may be brought for the recovery of any debt whatsoever, in the same manner as the tender of a like sum in gold or silver.

And be it further enacted,

Bills from six to seventy-two shillings, to be signed by any two of the committee.

Bills from two to four shillings and sixpence, to be signed by one of said committee.

[Sect. 4.] That each of the s[ai]'d bills, from six shillings to seventy-two shillings inclusively, shall be signed by any two of the committee hereafter to be appointed, to number and sign all the bills of this emission; and that the bills from twopence to four shillings and sixpence inclusively, shall be signed by one of said committee, and that the said committee be, and they are hereby, directed to deliver the bills, when numbered and signed as aforesaid, to the treasurer of this state, to the amount of seventy-five thousand pounds, and no more; and take his receipt for the same, and lodge s[ai]'d receipt in the secretary's office; and that s[ai]'d co[m][mm]ittee be allowed a reasonable sum for their services.

And be it further enacted,

[Sect. 5.] That the treasurer of this state be, and he is hereby, ordered to emit and issue forth s[ai]'d bills toward payment of the debts due from this state according to the laws, resolves and orders of the general assembly.

And whereas it is necessary that a suitable provision should be made for calling in and sinking s[ai]'d emission of bills, —

Be it therefore further enacted by the authority afores[ai]d,

Tax of £75,000 to be levied on polls, and estates both real and personal.

[Sect. 6.] That there be and hereby is granted a tax of seventy-five thousand pounds, to be levied on polls, and estates both real and personal, within this state, as shall be agreed upon and ordered by the great and general court or assembly at their session in May, one thousand seven hundred and eighty-three, and to be paid into the public treasury some time before the last day of March then next after.

And be it further enacted,

Towns' and other places'

[Sect. 7.] That if the general assembly, at their session in May,

apportionment of the tax.

one thousand seven hundred an[*d*] eighty-three, or some time before the twentieth day of Sept[*embe*]r, in that year, shall not agree and conclude upon an act apportioning the sum which by this act is engaged to be, in that year, assessed and levied, that then and in that case each town and other place in this state shall pay, by a tax to be levied on polls, and estates both real and personal, within their respective limits, the same proportion of that sum as such town or other place was taxed by the general court in the tax act then last preceeding.

Treasurer empowered to issue forth his warrants to the selectmen of each town.

[SECT. 8.] And the treasurer of this state is hereby fully empowered and directed, some time in the month of September, in the last-mentioned year, to issue and send forth his warrants, directed to the selectmen or assessors of each town within this state, and to some suitable person or persons in such place or places as are not incorporated, requiring him or them to assess the polls, and estates both real and personal, within their several towns and other places, for their respective parts and proportions of the sum before directed and engaged to be assessed, to be paid into the treasury at the time before mentioned; and the assessors, as also the persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act. [*Passed December 7.*

CHAPTER 29.

AN ACT FOR PREVENTING OR PUNISHING CRIMES THAT MAY BE COMMITTED AGAINST THE PUBLIC SAFETY, BELOW THE DEGREE OF TREASON AND MISPRISION OF TREASON.

Preamble.

WHEREAS the Congress of the United Colonies of America, in order to preserve the inhabitants thereof from that ruin and misery to which they were destined by the avarice and cruelty of Great Britain, did, upon the fourth day of July, one thousand seven hundred and seventy-six, declare the said colonies to be free states, independent of all people and nations; *and whereas*, some evil-minded persons within this state, have, at divers times, by words and actions, endeavoured to discourage the people thereof from supporting said declaration, as also in their opposition to those acts and measures of the king and parliament of Great Britain, which induced the Congress to make such declaration, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

All persons, in preaching or praying, not to support or justify the measures taken by the king or parliament of Great Britain.

[SECT. 1.] That if any person shall make use of any expressions, in preaching or praying, or in public or private discourse or conversation, with an apparent design to discourage the people of this state, or any of them, from supporting said declaration, or that shall by words or actions, directly or indirectly, endeavour to support or justify the measures taken by the king and parliament of Great Britain against the American States, or shall dissuade the people of this state, or any of them, from supporting their opposition to s[*ai*]'d measures, or shall endeavour, by any ways or means, to prevent the Continental Army from being raised, or the Continental Navy from being manned,

or, with an evident design to prevent the raising said army or manning said navy, shall dissuade or endeavour to prevent any person or persons from inlisting in the army or navy of the United States, or either of them, or shall use any means to hurt or d[i][e]stroy the credit of the public bills of the United States of America, or of this state; each person so offending, and being thereof convicted, shall pay a fine, to the use of the town or plantation where such offence is committed, not exceed[y][*ing*] fifty pounds, nor less than twenty shillings, at the discretion of the court before whom[e] the conviction shall be, and shall recognize for his good behaviour, as such court shall order, and stand committed until[l] sentence be performed. Penalty on conviction.

And be it further enacted by the authority aforesaid,

[Sect. 2.] That any justice of the peace, upon complaint made to him of such offence, and finding presumptive evidence that the same is true, shall order such offender to find sur[i][*e*]ties for his appearance at the next court of general sessions of the peace to be held in the county where such offence is committed, and, in default thereof, to commit such offender to the common goal; and all sheriffs, constables, grand jurors and tythingmen are directed and enjoined to make presentment and complaint of all such offences as shall come to their knowledge, respectively. [*Passed February* 4, 1777. Justices to order offenders to find sureties, or commit them to jail.

CHAPTER 30.

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR REGULATING OF TOWNSHIPS, CHOICE OF TOWN OFFICERS, AND SETTING FORTH THEIR POWER."

Whereas it sometimes happens that the major part of the selectmen in some towns do remove out of town, or are absent in the service of the United States of America, or either of them go beyond sea, in which cases no persons have legal authority, in such towns, to call town meetings, or transact such business as selectmen are by law authori[z][*s*]ed to transact; and such selectmen being also frequently assessors, town treasurer, and overseers of the poor, the necessary business of such towns are greatly embarrassed; for remedy whereof, — Preamble. 1692-93, chap. 28.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That when it shall happen, from either of the causes aforesaid, that the major part of the selectmen of any town are absent from such town, such selectman or selectmen as may be resident in such town, or the major part of them, or the town clerk, if there be no selectman in such town, are hereby authori[z][*s*]ed and empowered to call a town meeting, for the sole purpose of supplying such vacancy, at any time in the year; and such person or persons shall have the same power and authority in the several offices of selectmen, town treasurers, assessors, or overseers of the poor, as if such person or persons had been chosen to such office, at the annual meeting in the month of March, next preceeding. Selectmen empowered to call town meetings; or, if there be no selectmen, the town clerk.

And be it further enacted,

[Sect. 2.] That if any other town officer shall be absent in the service of the States of America, or either of them, or gone beyond Town officers being absent, the inhabitants

of any town empowered to choose some person in their room.

sea, it shall be in the power of the inhabitants of any town, at such meeting as is before provided for, to choose some other person to serve in the room of such officers so absent; and the person or persons so chosen in any office, at such meeting, shall have all the powers and authority incident to the office or offices to which they shall be chosen, until[1] the next annual meeting, in March, any law or custom to the contrary notwithstanding. [*Passed February* 4, 1777.

CHAPTER 31.

AN ACT TO PREVENT THE ARRESTING SOLDIERS FOR SMALL DEBTS, WHO HAVE INLISTED OR SHALL INLIST INTO THE CONTINENTAL ARMY.

Preamble.

WHEREAS it is apprehended that divers persons, either from inattention to the public good, or from a spirit inimical to the liberties of America, will arrest and imprison, for trifling debts, many soldiers who have inlisted, or are willing to inlist, into the Continental Army, which may greatly retard the business of raising the said Continental Army, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

No soldier to be arrested unless he is indebted £10 10*s.* more than all discounts

[SECT. 1.] That no soldier who has inlisted, or shall inlist, into the Continental Army, shall be arrested at the suit of any creditor, from and after the seventh day of February, in the year of our Lord one thousand seven hundred and seventy-seven, unless the said creditor make oath before some magistrate, that the said soldier is justly indebted to him in the sum of ten pounds ten shillings more than all discounts; and that the estate of no such soldier be liable to attachment at the suit of, or for the benefit of, all his creditors, unless their debts, in the whole, on being ascertained by their oaths before such magistrate, shall amount to more than forty-five pounds.

And be it further enacted by the authority aforesaid,

Any soldier arrested contrary to this act it shall be lawful for any justice to discharge him.

[SECT. 2.] That when any soldier shall be arrested contrary to the intent of this act, it shall and may be lawful[1] for any justice of the peace within this state, upon complaint thereof made by the party himself, or by any his superio[u]r officers, to examine into the same by the oath of the parties, or otherwise, and upon due proof made before him, that such soldier, so arrested, was legally inlisted as a soldier in the service of the United States, and arrested contrary to the intent of this act, he shall forthwith discharge such soldier, so inlisted, by warrant, under his hand and seal, without paying any fees; and the plaintiff or pla[*i*]ntiffs in any such civil suit or process, shall be at the whole cost and expence of every such suit or process brought against any inlisted soldier contrary to the intent and meaning of this act: *provided*, this act shall not be construed to extend to prohibit the collectors of taxes from collecting such taxes as are or may be due from soldiers so inlisted. [*Passed February* 7, 1777.

CHAPTER 32.

AN ACT AGAINST TREASON AND MISPRISION OF TREASON, AND FOR REGULATING TRIALS IN SUCH CASES, AND FOR DIRECTING THE MODE OF EXECUTING JUDGMENTS AGAINST PERSONS ATTAINTED OF FELONY.

* *Be it enacted and declared by the Council and House of Representatives in General Court assembled, and by the authority of the same,*

[Sect. 1.] That all persons abiding within this state and deriving protection from the laws of the same, owe allegiance to this state, and are members thereof; and that all persons passing through, visiting or making a temporary stay in this state, being intitled to and actually receiving the protection of the laws, during the time of such visitation or temporary stay, owe, during the same time, allegiance to this state.

Who are the persons owing allegiance. 1 Mass., 369.

† *And be it further enacted by the authority aforesaid,*

[Sect. 2.] That all persons, members of or owing allegiance to this state, as before described, who shall, within or wi[*th*‡]out the limits of this state, levy war, or conspire to levy war, against this state or against any other of the United States of America, or shall, within or without the limits of this state, be adherent to the enemies of this state or of any other of the said United States, giving to them aid and comfort within or without the limits of this state, and thereof be proveably attainted of open deed, by the people of their condition, such persons shall be taken, deemed and adjudged guilty of treason against this state, and shall suffer the pains of death, without the benefit of clergy.

All persons so owing allegiance, that shall levy war against this state, and be attainted, shall suffer death.

‖ *And be it further enacted by the authority aforesaid,*

[Sect. 3.] That all persons owing allegiance to any other of the said United States, who shall, within this state, levy war or conspire to levy war against this or any other of the said United States, or be adherent to the enemies of this or of any other of the said United States, giving to them aid and comfort within this state, and thereof be proveably attainted of open deed, by the people of their condition, such persons shall be taken, deemed and adjudged guilty of treason against this state, and shall suffer as is aforementioned.

All persons owing allegiance to any other of the United States, and shall, within this state, conspire to levy war, be deemed guilty of treason.

¶ *And be it further enacted by the authority aforesaid,*

[Sect. 4.] That concealment or keeping secret, of any treason, be deemed and taken only misprision of treason, and the offender therein shall forfeit, to the use of this state, all his goods and chattles, and the profits of his lands during his life, and shall and may be imprisoned for a term not less than two years, nor exceeding five years, at the discretion of the court before whom he shall be convicted.

Concealment of any treason, the offender to forfeit all his goods, and shall suffer imprisonment.

** *And be it further enacted by the authority aforesaid,*

[Sect. 5.] That any person who shall know of any treason to be committed (and i[*s*‡] no party or consenter to it) and shall not, within a reasonable time, give information thereof, upon oath, to one of the justices of the superior court of judicature, court of assize and general goal delivery, or some justice of the peace, within this state, to the

Any person who shall know of any treason committed, and not give information, shall be guilty of misprision of treason.

* § 1. The sections in the engrossment are referred to in the margin. They were marked at the beginning of the enacting clauses, and do not always correspond with the division made in this edition, and were wholly omitted in the original impression.

† § 2. ‡ Engrossment mutilated. ‖ § 3.

¶ § 4. ** § 5.

end the offender or offenders therein may be apprehended and be amesnable to justice, shall be taken and deemed to be guilty of misprision of treason, or concealment of treason.

* *And be it further enacted by the authority aforesaid,*

Superior court to have cognizance of all offences against this act.

[SECT. 6.] That all manner of offences made and declared by this act, or which shall hereafter be made and declared by any the laws and statutes of this state, to be treason, misprision of treason, or concealment of treason, which shall hereafter be done, perpetrated or committed by any person or persons without the limits of this state, shall be enquir[*e*]'d of, heard and determin[*e*]'d before the justices of the superior court of judicature, court of assize and general goal delivery, within such county as the supreme executive authority of this state shall order and direct, by good and lawful men of the same county, in like manner and form, to all intents and purposes, as if such treasons, misprision of treasons or concealment of treason had been done, perpetrated and committed within the same county.

† *And be it further enacted by the authority aforesaid,*

Persons indicted may be outlawed.

[SECT. 7.] That any person or persons, being indicted for any the treasons or misprisions of the treasons aforesaid, may be outlawed, and thereby attainted of or for any of the said offences of treason or misprision of treason; and that all process of outlawry hereafter to be made and had within this state, against any offenders, in treason or misprision of treason, being resiant or inhabitant out of the limits of this state at the time of the outlawry pronounced against them, shall be as good and effectual in the law, to all intents and purposes, as if any such offenders had been resident and dwelling within the state at the time of such process awarded, and outlawry pronounced.

Provided, always, —

And be it enacted by the authority aforesaid,

Persons outlawed, in case they surrender, within one year, to the chief justice, and traverse the indictment, may be tried.

[SECT. 8.] That if the party so hereafter to be outlawed shall, within one year next after the said outlawry pronounced, or judgment given upon the said outlawry, yield himself unto the chief justice of th[is][*e*] state, for the time being, and offer to traverse the indictment whereupon the said outlawry shall be pronounced, as is aforesaid, that then he shall be receiv[*e*]'d to the said traverse, and, being thereupon found not guilty, by the verdict of twelve good and lawful men, he shall be clearly acquitted and discharged of the said outlawry, and of all penalties and forfeitures by reason of the same, in as large and ample manner and form as though no such outlawry had been made; and where, after such outlawry, the party outlawed shall come in and be tried as aforesaid, he shall, upon such tr[y][*i*]al, have the full benefit of this act.

‡ *And be it further enacted by the authority aforesaid,*

Forfeiture upon conviction of treason.

[SECT. 9.] That every offender and offenders, being hereafter lawfully convict of any manner of treasons, by process of outlawry, according to the due course of law, shall lose and forfeit, to the use of this state, all goods and chattles which he shall be possessed of at the time of such conviction, and all lands, tenements and hereditaments which any such offender or offenders shall have, of any estate of inheritance, in use or possession, by any right, title or means, within this state or elsewhere, at the time of any such treason committed, or any time after; *saving* to every person and persons, their heirs and successors (other than the offenders in any treasons, their heirs and successors and such person and persons as claim to any their uses), all

* § 6. † § 7. ‡ § 8.

such rights, titles, interests, possessions, leases, rents, offices and other profits which they shall have at the day of committing such treasons, or at any time afore, in as large and ample manner as if this act had never been made.

Whereas nothing is more just and reasonable than that persons prosecuted for treason, and misprision of treason, whereby their liberties, lives, honor and estates may be lost and taken away, should be justly and equally tried, and that persons accused as offenders therein should not be debarred of all just and equal means for defence of their innocency in such cases; in order thereunto, and for the better regulation of trials of persons prosecuted for treason and misprision of treason, —

* *Be it enacted by the authority aforesaid*,

[Sect. 10.] That all and every person and persons, whatsoever, that shall be accused and indicted for treason, or for misprision of treason, shall have a true copy of the whole indictment deliver[*e*]'d unto them, or any of them, two full days, at the least, before he or they shall be arraigned for the same, whereby to enable them and any of them, respectively, to advise with council thereupon, to plead and make their defence, — his or their attorney or attornies, agent or agents or any of them requiring the same, and paying the officer his reasonable fees for writing thereof, not exceeding six shillings for the copy of every such indictment; and that every such person, so accused and indicted, arraigned, or tried, for any treason, as aforesaid, or for misprision of treason, shall be received and admitted to make his and their full defence, by counsel learned in the law, and to make any proof that he or they can produce, by lawful witness or witnesses, who shall then be upon oath for his and their just defence in that behalf; and in case any person or persons so accused and indicted shall desire counsel, the court before whom such person or persons shall be tried, or some judge of that court, shall and is hereby authorised and required, immediately, upon his or their request, to assign to such person or persons such and so many counsel, not exceeding two, as the person or persons shall desire, to whom such counsel shall have free access at all seasonable hours.

Persons indicted, to have a copy of the indictment before they make answer thereto.

Counsel allowed to prisoners.

† *And be it further enacted by the authority aforesaid*,

[Sect. 11.] That no person or persons, whatsoever, shall be indicted, tried, or [at]tainted of treason, or of misprision of treason, but by and upon the oaths and testimony of two lawful witnesses, either both of them to the same overt act, or one of them to one, and the other of them to another, overt act, of the same species of treason, *unless* the party indicted and arraigned, or tried, shall willingly, without violence, in open court, confess the same.

Two witnesses necessary to a conviction, unless, etc.

‡ *And be it further enacted by the authority aforesaid*,

[Sect. 12.] That if any person indicted for treason or misprision of treason, and being arraigned thereupon, shall stand mute, a jury shall forthwith be impannel[*l*]ed and sworn to try and say whether the person so standing mute standeth mute by the providence and act of God, or fraudulently, wilful[l]y and obstinately; and if they shall return their verdict that he standeth mute by the providence and act of God, the court shall thereupon cause him to be remanded to prison, and shall not proceed against him until he shall have recovered therefrom; but if the jury shall return their verdict that the prisoner so standing mute, standeth mute fraudulently, wil[*l*]fully

How mute persons are to be dealt with.

* § 6. † § 10. ‡ § 11.

and obstinately, then the court shall cause to be entered upon the indictment against the prisoner the plea of not guilty, and shall proceed upon his trial in like manner, in all respects, as if the prisoner had voluntarily pleaded the same plea thereto, and put himself upon God and the country, for his trial, except that the prisoner shall not be admitted to make any challenges to the jurors.

* *And be it further enacted by the authority aforesaid*,

Prisoners pleading to an indictment may challenge twenty jurors peremptorily.

[SECT. 13.] That every person indicted for treason, or misprision of treason, who shall have voluntarily and du[e]ly pleaded to such indictment, and put himself upon God and the country, for trial, shall be admitted peremptorily to challenge twenty of the jury and no more; and if any person indicted as aforesaid, after having voluntarily pleaded as aforesaid, shall refuse to put himself upon God and the country, for trial, or shall peremptorily challenge a greater number of the jury than twenty, the court shall disallow of all such challenges, over and above the said number of twenty; and the jury shall be charged, and the trial shall proceed, in like manner, in all respects, and the like judg[e]ment shall be given, as would and ought to have been had and given if the person so indicted as aforesaid, and having pleaded as aforesaid, had duly put himself upon God and the country, for his trial, and had not peremptorily challenged a greater number of the jury than in and by this act he is admitted to challenge.

† *And be it further enacted by the authority aforesaid*,

Attorney-general may not peremptorily challenge any jurors.

[SECT. 14.] That the attorney-general, or any other person prosecuting for and in behalf of this state, shall not be admitted, in any case whatever, peremptorily to challenge any juror about to be impannell[*e*]'d for the trial of any criminal accusation or charge.

‡ *And be it further enacted by the authority aforesaid*,

One witness to one overt act, and another to a second act, not two witnesses in this act intended.

[SECT. 15.] That if two or more distinct treasons, of divers heads or kinds, shall be alledged in one bill of indictment, one witness produced to prove one of the said treasons, and another witness produced to prove another of the said treasons, shall not be deemed or taken to be two witnesses to the same treason, within the meaning of this act.

‖ *And be it further enacted by the authority aforesaid*,

No evidence to be offered to a fact not charged in the indictment.

[SECT. 16.] That no evidence shall be admitted or given of any overt act that is not expressly laid in the indictment, against any person or persons whatsoever.

¶ *And be it further enacted by the authority aforesaid*,

Prisoners to have a list of the jurors two days before trial, and to have proofs to compel witnesses to appear for them.

[SECT. 17.] That all and every person and persons who shall be accused, indicted and tried for treason, as aforesaid, or for misprision of treason, shall have copies of the pannel of the jurors who are to try them, delivered unto them and every of them so accused and indicted, respectively, two days, at least, before he or they shall be tried for the same; and that all persons so accused and indicted for any treason, as aforesaid, or for misprision of treason, shall have the like process, of the court where they shall be tried, to compel their witnesses to appear for them at any such trial or trials, as is usually granted to compel witnesses to appear against them.

** *And be it further enacted by the authority aforesaid*,

No indictment to be quashed for false grammar, etc., unless exception is seasonably taken.
109 Mass., 327.

[SECT. 18.] That no indictment for any of the offences aforesaid, nor any process or return[*s*] thereupon, shall be quashed on the motion of the prisoner or his counsel, for miswriting, misspelling, false or improper English, unless exception concerning the same be taken

* § 12. † § 13. ‡ § 14. ‖ § 15. ¶ § 16. ** § 17.

and made in the respective courts where such trial shall be, by the prisoner or his counsel assigned, before any evidence given in open court, upon such indictment; nor shall any such miswriting, misspelling, false or improper English, after conviction on such indictment, be any cause to stay or arrest judgment thereupon.

* *And be it further enacted by the authority aforesaid*,

[Sect. 19.] That judgment given upon any indictment shall and may be liable to be reversed upon a writ of error to be brought, by the person thereby attainted, or, in case of his death, by any of his heirs, in the same court wherein such judgment was had and given. Judgment given upon indictment, liable to a reversal by a writ of error.

And to the intent that the terror and dread of such criminal prosecutions may in some reasonable time be removed, —

† *Be it further enacted by the authority aforesaid*,

[Sect. 20.] That no person or persons whatsoever, shall be indicted, tried or prosecuted for any treason, or for misprision of treason, that shall be committed or done in violation of this act, unless the indictment for the same be found within three years next after the treason done or committed. Limitation.

‡ *Provided, always*, —

And be it further enacted by the authority aforesaid,

[Sect. 21.] That this act, or anything therein contained, or any attainder or attainders of any person or persons for any offence or offences made treason by this act, shall not in any wise extend, or be judged, interpreted or expounded, to make any corruption of blood to any the heir or heirs of any such offender or offenders, or to make the wife of any such offender to lose or forfeit her dower of or in any lands, tenements or hereditaments, or her title, action or interest in or to the same, anything in this act contained, or any other law, to the contrary notwithstanding. Attainders upon this act not to make any corruption of blood.

‖ *And be it further enacted by the authority aforesaid*,

[Sect. 22.] That this state shall be deemed and adjud[g]ed in actual and real possession of the lands, tenements, hereditaments, uses, goods, chattles, and all other things, of the offender attain[t]ed of treason, or misprision of treason, as aforesaid, which such offender so being attainted, ought or might lawfully lose and forfeit to the use of this state, immediately upon such attainder. The state to be adjudged seized in fact of the estates of convicts.

¶ *And be it further enacted by the authority aforesaid*,

[Sect. 23.] That every person who shall be attainted of treason within this state, whether male or female, shall be punished by being hanged by the neck until they are dead, and not otherwise, any law or custom to the contrary notwithstanding. Punishment and mode of execution.

** *And be it further enacted by the authority aforesaid*,

[Sect. 24.] That no person upon whom sentence or judgment of death shall be passed, or given, by the justices of the superior court of judicature, court of assize and general goal delivery, shall be executed and put to death in pursuance of such judgment, before the whole record of such proceedings, or case, be certified by the clerk of the same court, under the seal thereof, to the supreme executive authority of this state, nor until a warrant shall be issued by the said supreme executive authority, under the great seal of this state, with a copy of the record thereunto annexed, directed to the sher[r]iff of the county wherein the trial of the person so attainted as aforesaid, was had, commanding the same sher[r]iff to cause execution to be done upon the person so attainted, as aforesaid, in all things according to No person to be executed without warrant under the great seal. 118 Mass., 35.

* § 18. † § 19. ‡ § 20. ‖ § 21. ¶ § 22. ** § 23.

the judgment against him; and the sher[r]iff to whom such warrant shall be directed, is hereby authorized and required to execute the same in due form of law.

* *Provided, always,* —

And be it further enacted by the authority aforesaid,

This act not to extend to impeachments in the general assembly.

[SECT. 25.] That such parts of this act as relate to the regulation[s] of trials, shall not extend, or be construed to extend, to any impeachment or other proceeding in the general assembly of this state. [*Passed February* 1, 1777.

* § 24.

ACTS

Passed at the Session begun and held at Boston, on the Fifth day of March, A. D. 1777.

CHAPTER 33.

AN ACT FOR RAISING AND FORMING A COMPANY OR TROOP OF HORSE, IN THE THIRD REGIMENT OF FOOT IN THE COUNTY OF ESSEX.

Preamble.

Whereas there has been for a long time a troop of horse belonging to the aforesaid regiment, and by the militia law no provision is made for continuing said troop; *and whereas* it will conduce much to the strength[*e*]ning the regiment of militia aforesaid, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Troops to consist of fifty-eight privates.

[Sect. 1.] That there shall be raised and formed out of the several companies belonging to the said regiment, one company or troop of horse to consist of not more than fifty-eight able-bodied effective men, exclusive of commissioned officers, the same to consist of those belonging to the troop of horse formerly belonging to the said regiment, and others to be raised by voluntary inlistment[s] out of the training-band or alarm lists, indiscriminately, to make up the number aforesaid.

And be it further enacted by the authority aforesaid,

Field officers to appoint persons to enlist the men.

[Sect. 2.] That the field officers of the regiment aforesaid, or the major part of them, shall forthwith appoint one or more suitable persons to raise or inlist the number of men sufficient for the company aforesaid; and when a sufficient number are so raised and inlisted, the said field officers, or the major part of them, shall form them into a company, which company so formed shall, by balot, in the presence of one of the said field officers (who shall cause them to be duly notified for that purpose, and shall preside as moderator) choose one captain, one lieutenant, one cornet and one quartermaster, which choice shall be immediately certified to the secretary of this state by said field officers; and the major part of the council thereupon, unless some material objection against such choice for any corrupt practice or irregularity shall be made at or before the time of receiving said certificates, shall commissionate such persons pursuant to their el[l]ection; and the said captains and subalterns when so commissionated by the council, shall, in the absen[c][*s*]e of their superior

The men, when enlisted, to choose their officers:

—to be commissioned by the council:

officers, and not having orders to the contrary, have the same power, in ordering, directing and marching said company or troop of horse, as the said field officers have over the whole regiment; and the colonel of the said regiment shall, as soon as the captain is commissioned, give him, under his hand, in writing, the place assigned by him for an alarm post, and the manner of mustering his company on all occasions: and the said field officers, and each of them, in the absen[c][s]e of their superior officers, and not having orders to the contrary, shall have power to draw forth the said company of horse, or any part ther[e]of, as they or he shall judge expedient and necessary, for the immediate defence of this or any other of the United States, subject, however, to the orders and commands of such general officers and brigadiers as the said regiment of foot are under.

— to have the same power over the troop, as field officers over the regiment.

And be it further enacted,

[SECT. 3.] That the said company of horse shall be called together by their captain, as soon as may be, for the purpose of choosing one clerk, four corporals and two trumpet[o][e]rs; and the commissioned officers of said company shall have full power and authority to remove and dismiss from his office any non-commissioned officer, for the neglect of duty, and shall call the said company together to choose another in the room of such delinquent; and on the refusal of such company to make a new choice, the said commissioned officers or the major part of them, shall, by warrant under their hands, in writing, appoint some person to fill the office of the person removed.

Company to choose subalterns.

And be it further enacted,

[SECT. 4.] That each and every officer and private of said company or troop of horse, shall equip himself, and be constantly provided, with a good and serviceable horse, to the acceptance of the brigadier of the said county, a good saddle, bit, bridle, holsters, bre[a]st-plate, and crooper; and shall further equip himself with a good carbine or firelock, not less than three feet long in barrel[l], with a belt and swivel[l], a case of good pistols, with a cutlass, a flask or cartouch-box, one pound of powder, three pounds of leaden ball (one third part thereof suited to his carbine or firelock, the other two thirds thereof suited to his pistols), eighteen flints, and a pair of good boots and spurs.

Officers and privates to be constantly equipped.

And be it further enacted by the authority aforesaid,

[SECT. 5.] That the said company shall be mustered when and so often as the companies of foot in the said regiment are obliged by law to be.

To be mustered as often as other companies are.

And be it further enacted by the authority aforesaid,

[SECT. 6.] That each and every commissioned officer of the said company who shall not, within one month next after receiving his commission, provide for, arm and equip himself with such horse, arms and accoutrements as is by this act directed, shall, by sentence of a court-martial, appointed agre[e]able to a late act of the general court of this state, intitled "An Act for forming and regulating the militia within the colony of the Massachusetts Bay, in New England, &c.," be removed from his office, and shall receive no benefit, from such commission, to exempt him from military duty; and if any non-commissioned officer, or private, being duly notified of the time and place appointed for the company to meet on a training-, or muster-day, shall unnecessarily neglect to appear, with such horse, arms and equipments, he shall pay a fine not exceeding twenty shillings, or less than five shillings, for not being equipt with a horse as aforesaid; and shall pay a fine not exceeding ten shillings, nor less than five shillings, for every

Fine of such as do not equip themselves.

1775-76, chap. 10.

other neglect in the premis[s]es; and if he shall be disobedient or disorderly on a training-, or muster-day, he shall pay a fine not exceeding twenty shillings nor less than one shilling.

[SECT. 7.] And all fines and forfeitures of money, arising, by breach of this act, for disobedience or failure of appearance on a training-day, with the proviso allowed to the soldiers in the militia act, shall be recovered, by complaint before any justice of the peace within the county of Essex aforesaid, by the clerk of the company to which the delinquent belongs, — an appeal being allowed to either party to the inferior court of common pleas, as in other actions; and if on such complaint judgment shall be given in favour of such clerk, he shall have his legal cost[s] allowed him: and the said fines, when recovered, shall be disposed of by the field officers of said regiment in purchasing banners, trumpets and other necessary implements of war, for the use and benefit of said company. [*Passed March* 19, 1777. Mode of recovering fines.

CHAPTER 34.

AN ACT FOR DISANNEXING THE EASTERLY PART OF THE TOWN OF WARREN, IN THE COUNTY OF LINCOLN, FROM SAID TOWN, AND INCORPORATING THE SAME, WITH THE EASTERLY PART OF A PLANTATION CALLED ST. GEORGES, IN SAID COUNTY, INTO A TOWN BY THE NAME OF THOMASTON.

WHEREAS the inhabitants of the easterly part of the town of Warren, in the county of Lincoln, and the inhabitants of the easterly part of a plantation called St. Georges, in said county, have represented to this court the great difficulties and inconvenienc[i]es they labor under in their present situation, and have earnestly requested that the easterly part of the town of Warren may be disannexed from said town, and that they, with the easterly part of a plantation called St. Georges, may be incorporated into a town, — Preamble.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the said easterly part of the town of Warren, bounded as follows; viz., beginning on the easterly side of St. George's River, at the westerly corner of John Alexander's lot; from thence, running, north, [32][*thirty-two*] degrees east, about seven miles, to the line of the township called Camden, belonging to the twenty associates called the Linconshire company; and that all the lands belonging to the town of Warren, easterly of said line, containing about six thousand acres, be and hereby is disannexed from said town; and that the same, together with the lands on the easterly part of a plantation called St. Georges, in said county, bounded as follow; viz., beginning on the easterly side of St. George's River, at the westerly corner of John Alexander's lot; thence, south-westerly and southerly, by said river, to a line at a spruce-tree, marked No 23 and 24, on the neck on the eastern side of said river; thence, running, east-south-east, about three miles, between the lots No. 23 and 24, across the neck, to the sea-shore; thence, south-easterly, by Muscle Ridge Bay, so called, easterly and north-easterly, by Owl's Head Bay; thence, Bounds of Thomaston

north-westerly, about five miles, by Camden line aforesaid to where it intersects the first-mentioned line, together with all the islands that lay within three miles of the main land and within the direction of the lines that run to the sea, — be, and it hereby is, erected into a town by the name of Thomaston; and the inhabitants thereof be, and they hereby are, invested with all the powers, priviledges and immunities which the inhabitants of towns within this state do or may by law enjoy.

And be it further enacted,

Waterman Thomas to issue his warrant.

[SECT. 2.] That Waterman Thomas, Esq[r]., be, and he hereby is, empowered and directed to issue his warrant to some principal inhabitant of said town, requiring him to warn the inhabitants thereof to meet at such time and place as shall be therein set forth, to choose all such officers as towns are by law empowered to choose in the month of March, annually; at which said meeting all the then present inhabitants upwards of twenty-one years of age shall be admitted to vote.

Provided, nevertheless, —

To pay their share of taxes, &c.

[SECT. 3.] The inhabitants of said town of Thomaston shall pay their proportionable part of all taxes which are already assessed or levied on said inhabitants, in like manner as tho'[*ugh*] this act had not been made. [*Passed March* 20, 1777.

CHAPTER 35.

AN ACT FOR SECURING AND MAKING PROVISION FOR THE SUPPORT OF PRISONERS WHO MAY BE TAKEN BY ANY AMERICAN ARMED VESSEL, AND BROUGHT OR SENT INTO ANY PORT IN THIS STATE.

Preamble.

WHEREAS it is necessary more effectually to make provis[s]ion for redeeming such persons who have been or may be taken by the enemy, in any vessel belonging to this or other of the American States, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Agents to send prisoners to the commissary at Boston:

[SECT. 1.] That the agent or agents for any arm'd vessel, and her crew, in the service of this state or of the United States of America, or either of them, or the commander of such armed vessels (where there is no such agent), which shall be concerned in taking and bringing, or sending, into this state any prisoners taken on board any vessel, or the master of any prize-vessel bringing such prisoners into this state, shall cause all the prisoners so brought in to be sent, forthwith, after their arrival, to Boston or to such other place as the council shall direct, there to be delivered to the commissary of prisoners taken at sea; and said commissary shall cause said prisoners properly to be disposed of and provided for on board such prison-ship or ships, or other vessels, as may be appointed for that purpose, or in some fit place, till such ships or vessels can be provided; and that the charges of sending such prisoners to Boston, aforesaid, or to such other place as the council shall direct, and supporting them, at twelve shillings a week during their continuance there, be paid to said commissary by the agents for such vessels and crews, or the commander thereof,

—and to pay 12s. a week for their support, to be deducted from the captures before distribution.

as may be concerned in taking such prisoners, respectively, or the master of any prize-vessel bringing such prisoners into this state; and that the same be deducted by such agents or commanders, or prize-master, out of the proceeds of the capture, when any, before the final division of the same.

And be it further enacted by the authority aforesaid,

Agents of private ships to pay £4 to the commissary.

[SECT. 2.] That the agent or agents, respectively, for all private vessels of war, and their crews (or the commander of such vessels where there is no agent which may be concerned in taking and bringing or sending into this state prisoners as aforesaid), or the master of any prize-vessel bringing such prisoners into this state, shall cause all such prisoners to be sent and delivered to the said commissary to be disposed as before directed; and that such agents, or commander, or prize-master, pay to said commissary the sum of four pounds for each prisoner by them, respectively, delivered to said commissary, in lieu of all other support on board the prison-ship or vessel, which sum so advanced shall be repaid or deducted out of the proceeds of the capture, when any, before the final division of the same; and that no judgment shall be given, in any maritime court within this state, upon any libel which shall be filed therein for the condemnation of such vessel or vessels, their cargoes or app[e][u]rtenances, before a certificate, from the commissary of such prisoners, shall be produced to the judge of the maritime court before whom such tr[y][i]al is to be had, that the agent or agents for any such armed vessel as is mentioned in this act, or commander, or prize-master, as aforesaid, hath complied with the requisitions thereof.

A certificate from the commissary that the agent, &c., hath complied with the requisitions thereof.

Provided, always, —

And be it further enacted by the authority aforesaid,

Support of prisoners to be paid out of the treasury of this state, and the account of charges to be laid before Congress, for allowance.

[SECT. 3.] That when any Continental, state, or private, vessel of war shall send or bring in any prisoners taken on board any vessel which shall be retaken by the enemy, and lost to the captors, the charges of sending to and supporting such prisoners on board the prison ship, shall be paid out of the treasury of this state, and an account of the charge attending those brought or sent in by Continental vessels, laid before Congress for allowance; and private adventurers shall lay their accounts before the general court, for the like purpose.

Provided, also, —

And be it enacted by the authority aforesaid,

The council may remove prisoners, in case of sickness, to one of the islands in the harbor of Boston.

[SECT. 4.] That when, on application or otherwise, it shall appear to the council of this state that by reason of the age, rank, sex, health or other circumstance attending any prisoner liable to be confined as is provided by this act, such prisoner ought to, or may safely, be exempted therefrom, the council may, during the recess of the general court, if they see fit, permit such prisoners to be removed to one of the islands in the harbour of Boston, under such restrictions as they may order.

And be it further enacted by the authority aforesaid,

To empower the council to appoint a commissary.

[SECT. 5.] That the council of this state for the time being, be, and they are hereby, impowered, from time to time, to appoint, as there may be occasion, such suitable person for a commissary to take care of and provide such victuals and other necessaries for the prisoners confined on board such prison-ship or other vessel, or on any island, as the council may order and direct; and the council, as aforesaid, are hereby further impowered to cause such vessel or vessels to be procured as may be proper to answer the purpose design[e]'d by this act, and to draw on the treasurer of this state for such sums, from time to

— and to procure such vessel or vessels as may answer the purpose in said act.

time, as will be sufficient to have this act carried into execution; and to make all other necessary regulations for guarding such prisoners, and for carrying this act, in all its parts, effectually into execution. [*Passed March* 27, 1777.

CHAPTER 36.

AN ACT TO PREVENT THE DESERTION OF SOLDIERS DURING THE PRESENT WAR WITH GREAT BRITAIN, THE CONCEALMENT OF DESERTERS, AND ALSO THE EMBEZZLEMENT OF CLO[4]THS, ARMS, &C., BELONGING TO THE UNITED STATES OF AMERICA.

Preamble.

WHEREAS soldiers duly inlisted into the service of the United States of America, may neglect or refuse to attend at the time and place whereat they have been or may be ordered to meet or muster; or may at other times absent themselves from their duty without leave orderly had and obtained, whence great obstruction to and much disorder in the said service may happen, —

* *Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same*,

Lawful for any person to apprehend deserters from the American army, suspecting them to be such.

[SECT. 1.] That it shall and may be lawful for any person to apprehend any one who may be suspected as a deserter from the American army, and to bring such person so suspected, before some justice of the peace in or near the town or place where he shall be apprehended; and such justice is hereby impowered and directed to examine such suspected person; and if by his own confession, or by other evidence, to the satisfaction of such justice, it shall appear to him that such suspected person hath inlisted into the American army now raising, and he doth not to the satisfaction of such justice prove that he hath leave of absence, or hath been duly and orderly discharged therefrom, such justice of the peace shall, by warrant under his hand and seal, commit him to the common goal of the county whereof such justice is a magistrate, and forthwith transmit an account thereof to his commanding officer, if within the same county, otherwise to the commanding officer of the continental troops within this state.

To empower the justices to examine them.

Directions to the sheriffs and constables to execute warrants and to command assistance.

[SECT. 2.] And the sher[r]iff of the county where such suspected person may be apprehended, his deputies, and the constables of the several towns therein, are enjoined and directed to obey and execute all warrants from a justice of the peace to them directed for apprehending and imprisoning such deserters or suspected persons, and are impowered to command all necessary assistance therefor; and if any person shall refuse to assist such sheriff, deputy or constable when thereunto commanded, and be thereof convicted before any justice of the peace in the county where the offence is committed, he shall pay a fine, to the use of this government, of forty shillings, and costs of prosecution; and the keepers of the several goals in this state, are required to receive such deserters or suspected persons, upon warrant from a justice of the peace, and to detain them until[l] they shall be discharged by their commanding officer, or by due order of law.

Penalty.

* § 1. The sections noted in the margin are from the engrossment.

* *And be it further enacted by the authority aforesaid,*

[SECT. 3.] That all justices of the peace are hereby authorized to issue their warrants for the apprehending of any person who hath been or shall be adverti[s][z]ed, in the public prints or otherwise, by any officer in the Continental Army, as a deserter therefrom (and is residing within the county whereof such justice is a magistrate), without any other information or complaint thereof, and cause such person, when apprehended, to be committed to the common goal of the county, and shall forthwith transmit an account thereof to his commanding officer, if within the county, or to the commanding officer of the Continental troops within this state; and all sheriffs, constables and militia officers are hereby authori[s][z]ed and required to apprehend, without waiting for any process of law, any person whom they shall know to be advertised as aforesaid, and cause him to be carried before some justice of the peace of the county wherein he shall be apprehended, to the end that he may be dealt with as a deserter. To authorize justices to issue their warrants.

† *And be it further enacted by the authority aforesaid,*

[SECT. 4.] That if any person shall harbour or conceal any deserter, knowing or having probable cause to suspect him to be such, and be thereof convicted, at the court of general sessions of the peace, or at the superior court of judicature, court of assize and general goal delivery, upon an indictment of the grand jury, he shall pay a fine of not less that nine pounds nor more than fifteen pounds, one moiety thereof to the use of the prosecutor, and the other moiety to the use of this government. Penalty for any person that shall conceal a deserter.

‡ *And be it further enacted by the authority aforesaid,*

[SECT. 5.] That when complaint shall be made to any justice of the peace, that any person suspected to be a deserter from the American army is within the county whereof such justice is a magistrate, and probable cause of suspicion is shewn to him, the said justice shall make out his warrant, directed to such officer as is before herein mentioned, commanding him to apprehend the person so suspected and to bring him before such justice, or some other justice of the peace within the same county, to be examined and dealt with as aforesaid; and in case any such offender shall be unable to pay such fine, he may be punished with whipping, not exceeding thirty-nine lashes for each offence. On complaint being made to a justice, of any person suspected to be a deserter, said justice to issue his warrant. The offender to be punished.

‖ *And be it also enacted by the authority aforesaid,*

[SECT. 6.] That it shall be the duty of each commissioned officer or the militia within this state, to cause persons suspected as deserters to be apprehended as aforesaid; and that if any commissioned officer, having probable cause to suspect any person to be a deserter, within the town whereof such officer is an inhabitant, and shall neglect to make complaint immediately to some justice of the peace, in order that such person may be apprehended and dealt with as aforesaid, such officer, after being convicted of such neglect before a court-martial, or the general sessions of the peace, shall be cashiered by the council. Officers neglecting to make complaint of persons suspected to be deserters, to be cashiered.

¶ *And be it further enacted by the authority aforesaid,*

[SECT. 7.] That if any person shall receive or purchase of any soldier, any fire-arms or other instruments, or cloaths belonging to the United States of America, with an intention to detain from or defraud the said states of them, such person, being convicted thereof before two justices of the peace, *quorum unus*, or before the court of sessions Empowering justices of the peace, *quorum unus*, to try persons that shall purchase fire-arms, &c., of soldiers.

* § 2. † § 3. ‡ § 4. ‖ § 5. ¶ § 6.

(who are hereby impowered to try the same), shall pay a fine of three times the value of such cloaths, arms, or other instruments, to the use of this state.

* [SECT. 8.] And all officers, and their assistants, by this act directed to apprehend and secure such deserters or persons suspected to be deserters, as aforesaid, shall have such fees as are allowed by law for making and executing warrants in common and ordinary cases; which fees shall be paid by the officer who shall take such deserter from goal, and the same shall be deducted from such deserter's wages. [*Passed April* 4, 1777.

CHAPTER 37.

AN ACT TO PREVENT THE FORGING OR ALTERING CONTINENTAL LOAN-CERTIFICATES AND LOTTERY TICKETS.

Preamble.

WHEREAS a loan-office is established in this state, agre[*e*]able to a recommendation of the hon[*ora*]ble Continental Congress, for the purpose of borrowing money for the use of the United States of America, and the commissioner thereof is directed to give certificates of all such sums he may so borrow; *and whereas* the said Congress have also established a lottery for the benefit of said states, and have recommended to this state to annex such penalties by law as shall effectually prevent the forging, counterfeiting or altering any such loan-office certificates or lottery tickets, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Penalty for counterfeiting any loan-office certificate or lottery ticket.

[SECT. 1.] That if any person shall forge, counterfeit or alter any loan-office certificate or lottery ticket which hath been or hereafter shall be made and issued under the authority and by order of the Continental Congress, or shall make any certificate or ticket purporting to be a loan-office certificate or lottery ticket made and issued as aforesaid, or shall pass or utter any such forged, counterfeited or altered loan-office certificate or lottery ticket, or any certificate or ticket purporting to be a loan-office certificate or lottery ticket made and issued as aforesaid, knowing the same to be false, forged, counterfeited or altered; or that shall council, advise, procure or assist in the forging, altering, counterfeiting or making, or who shall make or cause to be made any instrument to be used in forging, counterfeiting, altering or making any such certificate or ticket as aforesaid, — every person so offending, and being thereof convicted before the superior court of judicature, court of assize and general goal delivery, shall be punished by being set on the gallows for the space of one hour with a rope round his neck, and shall pay a fine not exceeding one hundred pounds to the use of this state, and suffer not more than twelve months' imprisonment, nor less than two, and be public[k]ly whipped not exceeding thirty-nine stripes, or shall suffer all or any of the foregoing punishments, at the discre[ss][*t*]ion of the court before whom he shall be convicted, according to the nature and circumstances of the offence, and shall pay to the person or persons defrauded by

such offence, treble damages; and if such offender shall not be able to pay such fine, damages, and the charges of prosecution and imprison[*men*]t, the court before whom the conviction is, shall order that at [the] expiration of [*the*] said term of imprisonment, or sooner if they see fit, such offender shall be sold in service for a time sufficient, in the judgment of the court, to pay the same.

And be it further enacted by the authority aforesaid,

Persons convicted of any offences in this act, shall be rendered incapable of holding any offices.

[SECT. 2.] That every person who shall be convicted of any of the offences mentioned in this act, shall forever thereafter be incapable of holding any office within or under the government of this state; and if any such offender at the time of such conviction shall hold any such office, the same shall thereupon be deemed vacant, and another person may be chosen or appointed in his place as though he was naturally dead.

And be it further enacted by the authority aforesaid,

Reward for information

[SECT. 3.] That any person who shall make discovery and give information of any offences committed against this act, so that the offender shall thereupon be apprehended and duly convicted thereof (*provided* the informer is no party to such offence), shall receive as a reward therefor, upon every such conviction, out of the treasury of this state, the sum of ten pounds. [*Passed April* 5, 1777.

CHAPTER 38.

AN ACT TO PREVENT THE WASTE, DESTRUCTION AND EMBEZZLEMENT OF THE GOODS OR ESTATES OF SUCH PERSONS WHO HAVE LEFT THE SAME, AND FLED TO OUR ENEMIES FOR PROTECTION; AND ALSO FOR PAYMENT OF THEIR JUST DEBTS, OUT OF THEIR ESTATES.

Preamble.

WHEREAS divers persons having estates real and personal within this state have left the same, and fled to our enemies for protection; and notwithstanding the provision already made by this court for the preservation of such estates, yet there is danger of waste and embezzlemen[*t**] thereof, whereby creditors of such persons may be disappointed in obtaining their equitable demands, or some creditors may obtain their full demands to the exclusion of others; for prevention whereof, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Persons voluntarily going to the enemy, leaving an estate of £20 or more within this state.

[SECT. 1.] That when it shall appear to the judge of probate for any county in this state, by a certificate under the hands of the major part of the selectmen or committee of correspondence, safety and inspection of any town within the county where such judge resides, that any person, being an inhabitant of their town, has absented him-, or herself for the term of three months or upwards, leaving estate real or personal behind him or her, to the value of twenty pounds or more, within this state, and that they, the said selectmen or committee of correspondence, &c, from the best intelligence that they can obtain,

* Engrossment mutilated.

verily believe such absent person voluntarily went to our enemies, and is still absent from his or her habitation or usual place of abode, and without this state, the said judge hereby is authori[z][s]ed and impowered to nominate and appoint some discreet person to be agent for the estate of such absentee, — preference in such appointment to be given to a principal creditor, not being a relation, in case he inclines to be agent; and such agent, after giving bond, with sureties, to the judge, shall have full power and authority to demand and receive, enter into, and take possession of, all the goods and estate, of every kind, left by the person to whose estate he is appointed agent, or which shall be found in this state; and the said agent, in his capacity aforesaid, is hereby authori[z][s]ed to prosecute and sue for the same, in as full and ample a manner as tho'[*ugh*] the absent person was naturally dead and the said agent was appointed administrator of his or her estate.

To empower the judge to nominate agents for absentees.

Said agents to give bond.

[SECT. 2.] And the said agent, within three months, or sooner, from the time of his appointment, shall return an inventory, upon oath, of such absentee's estate that has come to his hands, to the said judge of probate; and in case any other estate shall appear after returning the said inventory, he shall return an additional one: persons to be appointed and sworn for the appraizement thereof, in the same manner they now are upon the estates of deceased persons. And the said agent shall sell and dispose of the whole of the personal estate of said absentee, except as hereafter mentioned, at public auction, for the most the same will fetch, the agent giving public notice thereof, ten days at least before the sale; and the said agent is hereby fully authori[z][s]ed to execute a good deed or deeds, in fee, to the purchaser of the same; and the monies arising by such sale he shall pay out to the several creditors of such absentee within this or other of the United American States, and the remainder, after the said agent is paid his reasonable charges for negociating the business, he shall pay and deliver to the treasurer of this state, who is to give him two receipts, of the same tenor and date, one of which he shall immediately lodge in the office of the secretary of this state.

The agents to return an inventory of the goods and estates of said absentees, within three months, upon oath, to the judge.

To appoint persons to appraise goods, &c.

Agents to dispose of the personal estate of said absentee, at auction,

— and to execute good deeds, in fee, to the purchaser; and the moneys arising from the sale thereof to be paid to the treasurer.

And be it further enacted by the authority aforesaid,

[SECT. 3.] That in case the personal estate of the absentee shall be insufficient to pay the debts due from him or her, together with the necessary charges which may arise in transacting the business, the said agent shall sell and dispose of so much of the real estate, where the same can best be spared or will be least prejudicial to the residue, to make up that deficiency: *provided*, *always*, that no part of the real estate shall be sold until licence be obtained therefor from the sup[*erio*]r or inferior court; and the justices of the superior court of judicature at any of their sessions, and the inferior court of common pleas in the county where the said absent person was an inhabitant at the time of his or her departure, as aforesaid, are hereby severally authorized to grant licences for such sale when and so often as it shall appear to them, by a certificate from the register of the probate court where such agent is appointed, that the personal estate is insufficient to pay the debts as aforesaid, in the same way and manner they now are by law authorized to grant such licence to the executors or administrators of deceas'd persons: and the agent is to post notifications thirty days before the sale, in manner as administrators or executors now do, and to give the preference to such as will give most for the real estate to be sold.

In case the personal estate shall be insufficient to pay the debts of said absentee, the agent to dispose of part of the real estate.

To authorize the justices of the superior court of judicature to grant licenses for the sale of the real estate.

And be it further enacted by the authority aforesaid,

The judge to appoint commissioners to receive and examine the claims of the creditors of said absentees.

[Sect. 4.] That every agent appointed as aforesaid, in case the said absentee's estate shall appear insufficient to pay all the debts due therefrom, shall represent the same to the judge of probate, and thereupon the said judge shall appoint two or more fit persons commissioners to receive and examine the claims of the several creditors of such absentee, and how the same are made out; and the said commissioners shall adverti[z][*s*]e the times and place of their meeting to attend the creditors, in such newspaper or newspapers as the judge of probate, in their commission, shall direct; and the term of six, twelve or eighteen months (as the circumstances may require) shall be allowed by the judge, to the creditors, for bringing in and proving their claims; at the end of which limit[*t*]ed time the said commissioners shall make their report, and present a list, upon oath, to the said judge (of all such claims as to them, upon examination, appeared justly due and owing from the absentee), who shall order them meet recompence for their care and trouble therein; and, debts due for rates and taxes of every kind, and other debts due to this or other of the United American States, together with the necessary charges accrued in the agency being deducted, the residue and remainder the said judge shall order to be paid to and among the creditors whose claims shall be allowed as aforesaid. And whatever creditor shall not make out his or her claim with such commissioners before the full expiration of the limit[*t*]ed time, shall be barred of his or her debt, in case the said absentee's estate shall be insufficient to pay such claims as the said commissioners shall allow; or unless other estate of the absentee shall be found, not inventor[i]ed by the agent. And no process in law shall be allowed or maintained against the agent of any absentee's insolvent estate, in his said capacity as aforesaid, so long as the same shall be depending as aforesaid.

The judge to allow six, twelve, or eighteen months, to the creditors for proving their claims.

To empower the judges to allow bedding, &c., for the use of the wife and family of absent persons.

[Sect. 5.] And in case the absent person as aforesaid left a wife behind him, or children, or other domesticks, he was oblig[*e*]'d to provide for and support, the judges of probate in their respective counties are authorized and impowered to allow bedding, utensils and implements of hous[e]hold furniture, necessary to the upholding life, for the use of the wife and family of the absent person; and the same so allowed shall not be accounted assetts in [the] said agent's hands, nor be subject to the payment of debts, altho'[*ugh*] the estate prove insolvent; and may also assign to the wife the use and improvement of one third part of the real estate, during the absence of the husband. And in cases where the absent person had estate in different counties, the agent appointed as aforesaid shall have the care and management of the estate in each and every count[*r*]y within this state, and may appoint one or more agents under him, for whose conduct he shall be accountable.

Judges of probate empowered to interrogate, upon oath, any persons suspected to have concealed absentee's effects.

[Sect. 6.] And the judges of probate, within their respective counties, are hereby fully authorized and impowered to interrogate, upon oath, any person or persons that shall be suspected by the said agent, or any of the creditors of the absentee, to have secreted, concealed, embezzl[*l*]ed or conveyed away money, goods or chatt[*l*]e[l]s of the absentee, and to call such suspected person or persons before them for that purpose; and in case such person suspected as aforesaid shall refuse to acquit him-, or herself, on oath, before the said judge, the said judge is hereby authoriz'[*e*]d and impower'[*e*]d to commit such person so refusing to swear, unto the goal of the county, there to remain until he or she shall comply to discharge him-, or herself, upon

To commit to jail persons refusing to swear.

oath, as aforesaid, or be releas[*e*]'d by consent of the agent or creditor aforesaid: *saving, alway*, unto any person aggrieved at any sentence, order, decree or denial, made by the judge of probate respecting the estate of any absent person, as aforesaid, an appeal unto the supreme court of probate for this state, in the same way and manner he, she, or they, now may or can appeal from any the judge of probate of wills, in any other matter or thing wherein the same rules are to be observed and kept in the bringing forward and prosecuting such appeal. And the fees to the judge and register of probate for appointing an agent as aforesaid, and doing other business in their respective offices respecting the estates of said absentees, shall be similar and equal, in all respects, to fees that now are or may hereafter be by law allow[*e*]'d in granting administration upon, and settling the estates of, intestates or persons dying insolvent.

And be it further enacted,

Agents dying, or rendered incapable, the judge to appoint some persons to finish their agency.

[SECT. 7.] That in case the agent appointed as aforesaid shall die, or be otherw[ays][*ise*] rendered incapable of discharging the duties of the agency, before the same shall be finish[*e*]'d, the said judge may appoint some other person to finish the same. And the judge of probate may remove any agent, by him appointed, for misbehavio[*u*]r, and appoint another in his place.

And whereas the real estates of such absent persons may have been leased out, agreeable to resolutions of this court, —

The lessees to hold the estates until the terms for which they are leased shall expire.

[SECT. 8.] Nothing in this act shall be construed to revoke or disannul said leases, but the lessees shall have and hold the estates so leased until the terms for which they are leased shall expire; and the stipulated rents shall be paid to, and received by, the said agents, respectively, to be accounted for as other personal estate of such absentees. But in case no agent shou[*l*]'d be appointed by the tenth day of April, one thousand seven hundred and seventy-seven, then the committee of correspondence, safety and inspection, of the town or plantation where the real estate of any such absentee lies, shall continue to take the care of such estates until the appointment of such agent, and may lease out the same for the year ensuing, and also receive the rents which are or may become due for the occupation or improvement of such estates, for the terms for which they have been or shall be leased by them: *provided, always*, that if any agent shall be appointed before the payment of such rents, such agent alone shall receive the same.

If no agents are appointed by the 10th of April, 1777, then the committee of correspondence, &c., to take care of said estates of the absentees.

And be it further enacted by the authority aforesaid,

Agents to account with the judge.

[SECT. 9.] That the agents which shall be appointed as aforesaid shall be held to account with the judge of probate by whom he shall have been appointed, or his successors in said office, when and so often as the judge shall require in like manner as executors or administrators are by law obliged to.

And be it further enacted by the authority aforesaid,

Agents to make necessary repairs of the buildings, &c., upon absentee's estate.

[SECT. 10.] That the agent, or, where there is no agent, the committee of correspondence, safety and inspection, may make necessary repairs of the buildings or fences upon any such absentee's estate, and shall lay his account thereof before the judge of probate for allowance.

And be it further enacted by the authority aforesaid,

Judge to allow rents for the better support of absentee's family.

[SECT. 11.] That in all cases where the estate of such absentee is not insolvent, the judge of probate may allow, out of the rents and profits thereof, for the better support of such absentee's wife, children and servants, and others whom he is by law obliged to maintain, re-

maining in this state, and demeaning themselves as faithful subjects thereof, such sum of money as he shall judge reasonable, having respect to their ability to support themselves.

And whereas some evil disposed persons, taking advantage of the late troubles, have wickedly entered upon estates left as aforesaid, and made strip and waste thereon, and may again be induced to do the like, —

Be it therefore further enacted,

To empower agents to pursue actions of trespass.

[SECT. 12.] That the said agents may and hereby are fully authorized and impower[*e*]'d, in their said capacity, to commence and pursue actions of trespass, trover, detinue or account, against such wrong-doers, as fully to every intent and purpose as executors or administrators may or can, in their capacities. [*Passed April* 9, 1777.

CHAPTER 39.

AN ACT IN ADDITION TO AND FOR AMENDMENT OF AN ACT, PASS'D IN JULY, A. D. 1776, INTITLED "AN ACT FOR IMPOWERING THE JUSTICES OF THE COURT OF GENERAL SESSIONS OF THE PEACE IN THE SEVERAL COUNTIES IN THIS STATE TO PERMIT ONE OR MORE INOCULATING HOSPITALS IN EACH OF THE SAID COUNTIES."

Preamble. 1776-77, chaps. 5 and 7.

WHEREAS misch[ei][*ie*]fs have arisen from some of the hospitals that have been permitted by the justices of the court of general sessions of the peace in some counties in this state, either from the situation of [the] said hospitals, or non-observance of the rules and regulations prescribed; and there being no provision made in said act, for discontinuing hospitals erected for inoculation, nor any rules for the justices in permitting such hospitals either as to place, number or time of their continuance, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

To empower the court of general sessions of the peace to discontinue inoculating hospitals when they find said hospitals do not answer the intended purposes.

[SECT. 1] That when and so often as it shall appear to the court of general sessions of the peace in any county in this state, by an application from any town in such county, regularly assembled, where an hospital is or may hereafter be erected or permitted to be used for inoculating for the small-pox in consequence of the said act, that such inoculating hospital does not answer the good purposes for which it was intended, either from its situation or a non-observance of the regulations prescribed, the court of general sessions of the peace for the same county shall have full power and authority and are hereby impowered to discontinue such inoculating house or hospital; and any person that shall inoculate or be inoculated for the small-pox, or that shall directly or indirectly aid or assist therein at such house or hospital after such discontinuance, shall forfeit a sum not less than five pounds nor exceeding fifty pounds, to be recovered by action, presentment or indictment in any court proper to try the same; one moiety thereof to the use of the prosecutor, and the other moiety to the use of the poor of the town in which such house or hospital is situated, together with full costs of suit; and in case the party convict be unable to pay the said forfeiture, the said court may order the offender to be whipped not exceeding twenty stripes, and also may put him to hard labor not exceeding three months.

Any person inoculated after such discontinuance, to forfeit a sum not less than £5, nor exceeding £50.

And be it further enacted by the authority aforesaid,

Justices of the peace not to license the erecting hospitals without the consent of such towns regularly obtained.

[SECT. 2.] That the justices of the peace in their several sessions shall not hereafter licence or permit the erecting any hospital, or improving any house as an hospital, for inoculating for the small-pox in any town, until the consent and approbation of such town, at a regular town meeting, be had and obtained.

And be it further enacted by the authority aforesaid,

No inoculating hospitals to be permitted for a longer time than six months.

[SECT. 3.] That no inoculating hospital in any town be permitted for a longer time than six months, and until the end of the term of the court of general sessions of the peace next after to be held in the county wherein such hospital is situated, without being renewed by the same court with the consent and approbation of the town as afores[*ai*]d.

And be it further enacted by the authority aforesaid,

Hospitals to be subject to certain rules and regulations made by the court of general sessions of the peace.

[SECT. 4.] That every hospital which is or may be licensed for the purpose of inoculation shall be subject to the several rules and regulations hereinafter laid down, and to all other rules and regulations not repugnant thereunto, which from time to time shall be made by the court of general sessions of the peace in the respective counties.

Physicians to provide suitable persons as cleansers and guards.

1st. That before any hospital be opened, the ph[i][*y*]sician who is to have the care of it shall provide a cleansing-house, and, with the approbation of the selectmen of the town in which such hospital stands, suitable persons for cleansers and guards.

No person to be permitted to pass certain limits, except the physician, without a certificate from the selectmen.

2nd. That the selectmen of the town where such hospital stands shall mark out such limits round each hospital, as they judge proper, beyond which no person shall be permitted to pass, except the ph[i][*y*]sician and such as have a certificate under his hand that they are free from infection; nor shall any person be permitted to carry any paper money into the hospital, on the penalty of five pounds, to [to] be recovered by action, presentment or indictment in any court proper to try the same; one moiety thereof to the use of the poor of the town where the offender belongs; and a red flag not less than one yard square shall be hung out at each hospital, in some conspicuous place.

Penalty for persons carrying paper money into the hospital

No person to leave the hospital until the physician hath certified that he is properly cleansed.

3rd. That no person who hath been inoculated shall be permitted to leave the hospital until the ph[i][*y*]sician hath certified that such person hath been properly cleansed and shifted; that the cleanser himself shall not enter the clean-room, nor suffer others to enter it during their residence at the hospital. And when any persons are ready to shift, the cleanser shall attend them to the shifting-room and there receive all the apparel worn by such persons during their residence at the hospital; and after fumigating, and washing them with rum or vinegar, shall admit them into the clean-room there to put on clean apparel and to be discharged: the foul cloaths to be sufficiently washed and cleansed and then returned to the owners: and nothing infected shall be burnt.

Patients to give bond of £10 penalty to the physician, to observe the restrictions and regulations of the said hospital

4th. That no more patients be admitted into any hospital at one and the same time than can be well accommodated, — preference to be given to town inhabitants, and to those who are or may be engaged as soldiers in the service of this or the United States for the ensuing campaign; and that a bond of ten pounds penalty, without sureties, shall be given to the ph[i][*y*]sician of each hospital, by each patient, before he is admitted, or by his parent, master or guardian, to the use of the town where such patient belongs, to secure the observance of these regulations and such other restrictions and regulations as shall

be established by the said ph[i][*y*]sician, from time to time, under the direction of the court of general sessions of the peace for the respective county.

Physicians to give bond to the clerk of the court of the general sessions of the peace.

5th. That the ph[i][*y*]sician of each hospital shall give bond, with sureties in the penal sum of five hundred pounds, to the clerk of the court of general sessions of the peace for the county in which such hospital is situated, to the use of such county, conditioned for the faithful performance of each article of these regulations and such other regulations and restrictions as shall from time to time be required of him by any order of the court of general sessions of the peace in such county. And the clerk of the court of sessions shall deliver an attested copy of all such regulations and restrictions as shall be made by the said court, to the ph[i][*y*]sician of each hospital in the same county, who shall pay the clerk, for the same, his usual fees for copying records; and the ph[i][*y*]sician shall fix up such copy in some conspicuous place in the hospital, and, if requested, shall also furnish the town clerk of the same town with a copy thereof, without fee or reward

Patients not to leave the hospital until three weeks after the physician shall determine the inoculation took effect.

6th. That no patient be permitted to leave any hospital until after three weeks from the time the physician attending such hospital shall determine the inoculation took effect in such patient, nor then, but under the restrictions and limitations aforesaid. [*Passed April* 11, 1777.

CHAPTER 40.

AN ACT TO INCORPORATE THE PLANTATION CALL[*E*]'D HARTWOOD, INTO A TOWN BY THE NAME OF WASHINGTON.

Preamble.

WHEREAS it has been represented to this court that the erecting the plantation called Hartwood, with several conti[q][*g*]uous grants, into a town will greatly contribute to the growth thereof, and remedy many inconveniences to which the inhabitants may be otherwise subject, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Boundaries of the plantation called Hartwood. 1769–70 chap. 11.

[SECT. 1.] That the plantation called Hartwood, with several contig[i][*u*]ous grants, bounded as follows: begin[*n*]ing, on the east side of H[a][*o*]usatunnuck River, in the south line of Pittsfield and in the east line of Lenox; thence, running easterly, bounding northerly partly on Pittsfield and partly on Ashawillet Equivalent, about nine miles and an-half; then, turning and running, southerly, to the north-east corner of said Hartwood; thence, continuing south, nineteen degrees west, seven hundred and twenty rods, to the north line of Becket; thence, west, bounding south on said Becket, four miles and three-quarters, to the north-east corner of Becket; then, turning south, bounding east on Becket, two miles and three-quarters, to the north-east corner of Tyringham; thence, westerly, bounding southerly on Tyringham, three miles, to the north-easterly line of Great Barrington; thence, north, [40^{d}. 40^{m}.][*forty degrees forty minutes*] east, one mile and three-quarters, to the north-east corner of said Great Barrington, bounding on said Great Barrington six hundred rods, to the south-east

To be erected into a town by the name of Washington; and the inhabitants to be invested with all the powers, &c., as the inhabitants of other towns.

corner of the Glassworks Grant, bound[*in*]g west, partly on the Glassworks Grant, and partly on Lenox, to the first-mentioned corner, — be and hereby is erected into a town by the name of Washington; and that the inhabitants thereof be and hereby are invested with all the powers, privile[d]ges and immunities which the inhabitants of other towns within this state do enjoy.

And be it further enacted,

Warrant, by whom issued.

[SECT. 2.] That Charles Gutteridge, Esq[r]., be and hereby is impowered to issue a warrant to some princip[a]l[*e*] inhabitant of said plantation, requiring him to call a meeting of said inhabitants, in order to chuse such officers as by law towns are impowered to ch[u][*oo*]se in the month of March, annually.

And be it further enacted,

The inhabitants of said plantation empowered to collect the rates and taxes heretofore agreed on.

[SECT. 3.] That the inhabitants of said plantation be and hereby are impowered to collect all such rates and taxes, as have been heretofore agreed upon by said proprietors, for building a meeting-house, settling a minister, clearing and repairing roads, — they proceeding by the same rules in collecting said taxes as proprietors in new plantations are obliged to observe, — anything in the before-recited act to the contrary notwithstanding. [*Passed April* 12, 1777.

CHAPTER 41.

AN ACT FOR ENABLING TOWNS TO RAISE MONEY FOR CARRYING ON THE PRESENT WAR.

Preamble.

WHEREAS some doubts have arisen whether the laws of this state will fully authorize the assessors of the several towns in this state to assess upon the inhabitants any sum or sums of money that have been or that hereafter may be voted by any town for carrying on the present war, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Towns, etc., at any legal meeting, shall vote any sum for the encouragement of men to engage in the service of the United States. 10 Allen, 582. 1778–79 chap. 41.

[SECT. 1.] That when any town, plantation, district or parish, at any legal meeting of the inhabitants, shall vote any sum or sums of money for the encouragement of men to engage in the army, or for procuring necessaries for carrying on the present war, the assessors of such town, plantation, district or parish, for the time being, or such other person or persons as the said town, plantation, district or parish have or may appoint for that purpose, shall have full power and authority to apportion and assess such sum or sums of money upon the inhabitants, according to the rules and methods prescribed by law for apportioning the state tax, and shall have full power and authority to grant warrants for collecting the same, in like manner as the law directs for gathering other town rates or assessments.

Assessors empowered to apportion such sums upon the inhabitants, and grant warrants to collect the same.

And be it further enacted by the authority aforesaid,

Adjudging all grants and assessments to be legal, and collectors are required to exe-

[SECT. 2.] That all grants and assessments that have been voted in times past, or that hereafter may be voted, and assessed, in the several towns, plantations, districts or parishes, in manner and for the purposes aforesaid, be and hereby are adjudged to be legal, and that

the law ought [so] to be understood; and the collectors of the several towns, plantations, districts and parishes within this state are hereby directed and required to execute all such warrants in the same manner they are by law obliged to execute warrants for collecting other town rates or assessments. [*Passed April* 26, 1777.

execute warrants in the same manner as for collecting other town rates or assessments.

CHAPTER 42.

AN ACT IN ADDITION TO AN ACT, PASSED IN THE YEAR OF OUR LORD 1773, INTITLED "AN ACT TO PREVENT THE DESTRUCTION OF ALEWIVES AND OTHER FISH IN IPSWICH RIVER, AND TO ENCOURAGE THE INCREASE OF THE SAME."

WHEREAS the said act has in some instances been found insufficient to effect the beneficial purposes thereby intended, — Preamble. 1772-73, chap. 51.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the owners or occupants of the floom at Col[o]. Isaac Dodge's Mills, so called, in the town of Ipswich, be, and they are hereby, required, henceforward, at their own cost and charge, to take the sluice-gate there entirely out of its place, and remove it from said floom, and keep it so removed, annually, the whole time during which it is by said act required to be kept open, on pain of forfeiting the like sum as by said act is imposed for their not keeping it open according to the directions of said act, in like manner to be recovered and disposed of. Owners of the flume in the town of Ipswich, at their own cost, to remove the sluice-gate from said flume. Penalty.

And be it further enacted by the authority aforesaid,

[SECT. 2] That no person or persons shall catch any alewives or other fish, at any of the sluice-ways or passages made and kept open, in the mill-dams across said river, for the passing of such fish, nor within twenty feet of the mouths or heads of said sluice-ways or passages, respectively, in the times during which by said act they are required to be kept open. Passage in the mill-dam to be kept open for the fish, at the proper season.

[SECT. 3.] That the persons appointed in each town through which said river and the streams emptying into it do run, to see that the passage-ways for alewives and other fish be kept open, &c., be and hereby are impowered and directed to appoint the proper place or places, in their respective towns, upon said river and streams, for taking of alewives and other fish which usually do or shall pass up the same to the natural ponds to cast their spawn: *saving* that none shall be taken at the sluice-ways or passages aforesaid, or within twenty feet thereof, as above is provided. Towns to choose persons to see that this act be observed.

[SECT. 4.] That such fish shall be taken in said river and streams only on Mondays, Wednesdays and Fridays, during the times said passage-ways are by law required to be kept open (and then only with scoop net[t]s), on pain that every person offending in any of the particulars aforementioned shall forfeit and pay the sum of forty shillings, for each offence committed on Ipswich River aforesaid, and twenty shillings, for each offence committed on any of the streams running into said river: these penalties to be to the use of him or them who shall sue for the same before any justice of the peace in the county where the offence shall be committed. [*Passed May* 2, 1777. On what days fish are allowed to be taken in said river. Penalty. Disposition of the fines.

CHAPTER 43.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF FIFTY THOUSAND POUNDS.

Preamble.

WHEREAS it is necessary in order to support the public[k] credit of this state, and to prevent the making another emission of bills of credit, that the treasurer thereof should be impowered to borrow a sum not exceeding fifty thousand pounds, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Treasurer empowered to borrow £50,000.

[SECT. 1.] That the treasurer of this state be, and he hereby is, impowered and directed, on the credit thereof, to borrow, from such persons as shall be willing to lend the same, a sum not exceeding fifty thousand pounds; which sum the said treasurer is hereby impowered to give his receipts or obligations for, in the form following; viz., —

Form of the notes to be by him given.

State of Massachusetts Bay, the day of ,1777. Borrowed and received of , the sum of , for the use of the state of Massachusetts Bay; and, in behalf of said state, I do hereby promise and oblige myself and successors in said office of treasurer, to repay the said , or his order, the said sum of , upon the tenth day of May, 1782, with interest at six per centum per annum, the interest to be paid annually.

Witness my hand, H. G., Treasurer.

A. B., C. D., } Committee.

— which shall be printed upon the best paper which can be had for that purpose, and a suitable border round the same.

And be it further enacted,

Committee to countersign the same.

[SECT. 2.] That David Cheever and David Jeffries, Esqrs., be a committee to sign blank notes, at the left hand, as by the form aforesaid is prescribed, before the treasurer fill them up; of which notes a counterpart, indented, shall be kept by the treasurer.

And be it further enacted by the authority aforesaid,

Tax to be levied on polls and estates.

[SECT. 3.] That there be and hereby is granted a tax of fifty thousand pounds, to be levied on polls, and estates both real and personal, within this state, according to such rules, and in such proportions on the several towns and other places within this state as shall be agreed upon and ordered by the general court or assembly at their session in June, one thousand seven hundred and eighty-one, to be paid into the public[k] treasury on or before the tenth day of May, one thousand seven hundred and eighty-two.

And it is further enacted,

Tax to be levied on polls and estates.

[SECT. 4.] That if the general court or assembly at their session in June, one thousand seven hundred and eighty-one, and some time before the tenth day of September, in that year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged at the above-mentioned times to be apportioned, assessed, levied and paid, then and in such case each town and other place in

this state shall pay, by a tax to be levied on polls, and estates both real and personal within their limits, the same proportion of said sum as such towns and other places were taxed in the tax act then last prece[*e*]ding.

Treasurer empowered to issue his warrants.

[SECT. 5.] And the treasurer of this state is hereby fully impowered and directed, some time in said month of September, one thousand seven hundred and eighty-one, to issue and send forth his warrants, directed to the assessors or selectmen of each town and other place within this state, or to some suitable person or persons in such places where there are no selectmen or assessors, requiring them to assess the polls and estates within their several towns and other places, for their respective parts and proportions of the sums before engaged to be paid into the treasury at the time mentioned in this act; and the assessors, as also all persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last prece[*e*]ding tax act.

And be it further enacted by the authority aforesaid,

Bills of credit o the United States and of this state to be received in payments.

[SECT. 6.] That no bills of public credit shall be received in payment of the tax above mentioned, excepting bills of credit of the United States established by the American Congress and the bills of credit of this state.

And be it further enacted,

How to be appropriated.

[SECT. 7.] That the said sum of fifty thousand pounds, and each part thereof, shall be, when so borrowed, appropriated to the payment of all such warrants as shall, from time to time, be drawn on said treasury, according to law, for defraying the charges of the war and this government, agreeable to the acts and grants of the general assembly. [*Passed May* 2, 1777.

CHAPTER 44.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT TO PREVENT THE FORGING AND ALTERING BILLS OF PUBLIC[K] CREDIT, AND FOR PREVENTING THE DEPRECIATION THEREOF, AND FOR MAKING THE BILLS OF CREDIT OF THE UNITED COLONIES, AND THE BILLS OF THIS GOVERNMENT, A TENDER IN ALL PAYMENTS;" AND FOR REPEALING AND DISANNULLING A RESOLVE OF THE LATE PROVINCIAL CONGRESS, FOR MAKING THE BILLS OF OTHER COLONIES A TENDER IN THIS COLONY OR STATE.

Preamble. 1775-76, chap. 18.

WHEREAS the penalties provided in said act may be insufficient for the purposes therein intended, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Felony for counterfeiting bills of credit. 109 Mass., 527.

[SECT. 1.] That whosoever shall presume to forge or counterfeit any note or bill described in said act, already emitted or that may hereafter be emitted, or [*that*] shall council, advise, assist in, or procure, the forging, counterfeiting, imprinting or signing any such false note or bill, or engrave any plate, or make any instrument, to be used in counterfeiting or forging any such note or bill, every person so offending, and being thereof convicted as in said act provided, shall be adjudged guilty of felony, and suffer the pains of death.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That every person convicted of knowingly [ut][*tt*]tering* any counterfeit or forged note or bill, or of altering or increasing the sum or figures set and expressed in any note or bill, or of forging or counterfeiting any hand, name, or stamp, or other private mark, that has or may be made or set thereon, as expressed in said act, shall for either of said offences be set in the pillory in some market town for the space of one hour, and there have one of his ears cut off, and also the end of the thumb of his right hand at the root of the nail, and be publickly whipped not exceeding thirty-nine stripes, and also shall have and suffer imprisonment for the space of six months, without bail or mainprize.

Reward for information.

And be it further enacted by the authority aforesaid,

[SECT. 3.] That whosoever shall make discovery and give information of any person concerned in engraving any plate, or making any instrument, design'd to be used in counterfeiting or forging any note or bill described in the aforesaid act, or of any person using such plate, instrument, or any press, in counterfeiting money, so that the person guilty thereof shall be brought to justice and convicted, every such informer shall receive, as a reward therefor, out of the treasur[y][*er*] of this state, the sum of fifty pounds, on producing to the council a certificate, from the court before whom the conviction shall be, that such person did inform of such offence, according to this act and the act to which it refers; and if such informer shall likewise find, or cause to be found, the plates or instruments made use of in the impression of such counterfeit bills or notes, and produce like proof thereof to the council of this state, as aforesaid, he shall receive, an additional reward therefor out of the said treasury, the further sum of one hundred pounds. And whosoever shall discover, and in like manner bring to conviction, any person guilty of any other breach of this act, and produce a certificate thereof to the council, as aforesaid, shall receive out of the public[k] treasury, as a reward therefor, the sum of twenty pounds; any law to the contrary notwithstanding.

And whereas many inconveniences may result to this state from having other bills of credit than those of the United States, and of this state, a tender, as frauds in the bills of other governments, from various causes, are with more difficulty discovered, —

Be it therefore enacted by the authority aforesaid,

No other bills than those of the United States, and the bills of this government, to be made a tender after the first day of July, 1777.

[SECT. 4.] That from and after the first day of July next, no other bills of credit than those of the United States, established by the American Congress, and the bills of this government, shall be a tender to be pleaded in bar to any action brought for the recovery of any money, or species of money, due by deed or simple contract, or other way or manner; and that the resolve of the late provincial congress of this state, of the twenty-eighth of June, one thousand seven hundred and seventy-five, making the bills of credit of the several colonies, excepting Nova Scotia and Canada, a tender in this colony or state, be and the said resolve is hereby, so far as it relates to making such bills of such colonies a tender in this colony or state, repealed, and declared null and void. [*Passed May* 6, 1777.

* In the bill, this word is, clearly, "uttering"; but in the engrossment, the first member of the capital "U," the first letter of the word, has a flourish to the left, which makes the word so doubtful that it may be read either "uttering" or "attering."— ED.

CHAPTER 45.

AN ACT FOR TAKING UP AND RESTRAINING PERSONS DANGEROUS TO THIS STATE.

Preamble.

Whereas, at a time when the public[k] enemy have actually invaded some of our neighbouring states, and threaten an invasion of this state, the safety of the Commonwealth requires that a power be somewhere lodged to apprehend and imprison any persons whose enlargement is dangerous to the community, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Council to issue, under the great seal of this state, signed by the president, a warrant to apprehend and commit suspicious persons.

[Sect. 1.] That the council may, from time to time, issue their warrant, under the great seal of this state, signed by the president of the council, for the time being, and directed to any sheriff or deputy sheriff within this state, or to any other person, by name, to command and cause to be apprehended, and committed to any goal within this state, any person whom the council shall deem the safety of the Commonwealth requires should be restrained of his personal liberty, or whose enlargement within this state is dangerous thereto. And the sheriff, deputy sheriff or any other person to whom such warrant shall be directed, is hereby authori[s][z]ed and impowered, whenever he shall judge it proper, to require the aid and assistance of such and so many of the subjects of this state, in executing the same, as he shall judge proper, who are hereby required to give such aid and assistance, when thereto requested, under a penalty not less than five pounds, nor exceeding twenty pounds, to be recovered by indictment before the superior court of judicature, &c., or a court of general sessions of the peace; one moiety thereof to the use of the prosecutor, and the other moiety to the use of this state.

Sheriff empowered to take aid, and penalty in case of refusal.

And be it further enacted by the authority aforesaid,

Sheriff empowered to break open houses.

[Sect. 2.] That any sheriff, deputy sheriff, or any other person, to whom such warrant shall be directed, shall have full power to break open any dwelling-house, or other building or apartment, by day or by night, in which they shall suspect any person required to be apprehended by such warrant is concealed, first demanding entrance thereinto, if any person should appear.

And be it further enacted by the authority aforesaid,

Persons committed, to remain in jail, without bail or mainprize.

[Sect. 3.] That any person who shall be apprehended and imprisoned as aforesaid, shall be continued in imprisonment, without bail or mainpri[s][z]e, until he shall be discharged therefrom by order of council or of the general court.

[Sect. 4.] This act to continue and be in force for the term of one year from the tenth day of May, *A. Dom.*, 1777. [*Passed May* 9, 1777.

CHAPTER 46.

AN ACT IN ADDITION TO, AND FOR AMENDING AND MORE EFFECTUALLY CARRYING INTO EXECUTION, AN ACT INTITLED "AN ACT TO PREVENT MONOPOLY AND OPPRESSION," MADE IN THE PRESENT YEAR.

Preamble. 1776-77, chap. 14.

WHEREAS it appears that the prices at which sundry articles are fixed in the act to prevent monopoly and oppression are not adequate to the expence which will hereafter probably be incurred in procuring such articles. —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Selectmen and committees to settle and affix, in their several towns, once in two months, the price of farming labor, etc., and post up the same in some public place in their respective towns.

[SECT. 1.] That the selectmen and committees of correspondence, &c., of the several towns in this state, be, and they are hereby, impowered to settle and affix, in their respective towns, once in two months, during the continuance of this act, the price of farming and other labour, the price at which poultry, flour, and iron, either imported by land or water into such town, or manufactured therein, may be sold for, having respect to the quality of such flour and iron; and that said selectmen and committees cause the prices by them affixed and settled for said articles, to be posted up in some public place or places in their respective towns, and six days at least before such prices are to take effect; and that the price of the several kinds of smith's work be set by the selectmen and committees of the several towns in this state, as the price affixed by them to iron may, in their opinion, make it necessary; and also the prices beyond which innholders may not exceed, in disposing of mixed liquors to travellers and others, in their respective towns.

And be it further enacted,

Prices of articles stated.

[SECT. 2.] That the following articles be hereafter sold at the prices following, or not exceeding such prices; viz[.]., —

Fleece wool, at two shillings and twopence per pound.

Tann[*e*]'d hides, at one shilling and fourpence per pound.

Rye, at six shillings per bushel, deliver[*e*]'d at market.

Fresh pork, at fivepence per pound, deliver[*e*]'d at market.

Cocoa, at seven pound per [ct.] [*hundred weight*], [and] chocolate, at two shillings per pound, by wholesale, and two shillings and twopence per pound, by retail.

Coffee, at one shilling and fourpence per pound, by wholesale, and one shilling and eightpence per pound, by retail.

Cotton, at three shillings and sixpence per pound, by wholesale, and four shillings per pound, by retail.

Best American made cheese, at eightpence per pound, by the single cheese.

Butter, at tenpence per pound, by the firkin, and one shilling per pound, by the single pound.

Oats, two shillings and fourpence per bushel, at market.

Flax, at one shilling and twopence per pound, at market.

Tow cloth, yard wide, and good, at two shillings and sixpence per yard; and others of different widths and goodness in a usual proportion.

Good, homespun, yard-wide, cotton and linnen cloth, at four shillings per yard; and other widths in a usual proportion.

For keeping two oxen, a night, or twenty-four hours, in Boston, at good English hay, two shillings and eightpence.

All spirits distilled in New England, other than rum, to be at the same price and under the same regulations, in all respects, as are provided for New-England rum

Teaming work, at two shillings for a ton weight, a mile, when the distance is more than forty miles, and not otherwise; and this to last only till the first of June next.

Good, merchantable, West-India rum, at eight shillings per gallon, by the hogshead, including the cask, and eight shillings and twopence, by the barrel, exclusive of the barrel, and nine shillings, by the single gallon, and two shillings and threepence by the single quart, and so in proportion for a less quantity, according to the former custom and usages for retailing smaller quantities: *saving*, an allowance of one penny a gallon for every ten miles the same shall be carried, by land-carriage, from the first port of delivery.

Molasses of the best quality, at three shillings and eightpence a gallon, by the hogshead, including the cask, and four shillings by the barrel, exclusive of three shillings for the barrel, and four shillings and fourpence by the single gallon, — at the place where it is first landed from the West Indies; and so, in proportion, in the country, allowing one penny a gallon for every ten miles transportation, by land, into the country, or from the place where it is so landed.

New-England rum, at four shillings and twopence a gallon, by the hogshead or barrel, exclusive of thirteen shillings and fourpence for the hogshead, or four shillings and fourpence for the barrel; and four shillings and tenpence [pence] by the single gallon, at the town where the same is distilled; and so in like proportion for smaller quantities, according to the old and approved customs for retailing smaller quantities, — allowing one penny, each ten miles, for every gallon that has been or may be transported, by land, from the place of distillery.

Muscovado sugar.

Best Muscovado sugar, at sixty-six shillings a hundred, by the hogshead, and seventy-two shillings, by the single hundred, and tenpence per pound by the single pound, — at the place where it is first landed; and allowing ninepence for the transporting of every hundred weight ten miles by land-carriage: and sugars of an inferior quality in the usual proportion.

Brimstone.

Brimstone shall be consider[*e*]'d as included under the denomination of military stores, in the first-mentioned act, and the prices whereof are not limit[*t*]ed by said act.

Prices set by selectmen, etc., to be taken as the prices.

And the prices here affixed, or which may, by the selectmen and committees, be affixed, to any article, by virtue of this act, shall be the prices above which such article may not be sold; anything in said act for preventing monopoly and oppression to the contrary notwithstanding; and any person offending against the same shall be liable to the penalties provided by said act.

And be it further enacted by the authority aforesaid,

Upon opening stores, sales may be made to any persons applying.

[Sect. 3.] That when any store, warehouse, or other building shall be opened, by warrant from a justice of the peace, in the manner prescribed in the act to which this act is made in addition, or dwelling-house or other building and apartment, which they are hereby, in like manner, impowered to enter, the selectmen may not only sell and dispose to the necessitous person applying therefor, but to all others who shall appear to purchase, by retail in small quantities; and also to innholders, rum, by the barrel, and to bakers, flour, by the barrel, upon the day of executing the said warrant. And no distiller that

Distillers not to

sell by the barrel, unless.

retails, shall be subjected or compelled to sell rum by the barrel, unless he has more than one hundred gallons on hand; nor shall any other retailer of rum or molasses be subjected or compelled to sell by the barrel, unless he has two hundred gallons of each on hand; and in places or plantations where there are no selectmen the committees of correspondence, &c., are to execute all the powers given selectmen, or committees and selectmen, jointly, by this or the former act; and if none of the aforesaid enumerated articles shall be found upon opening any such store, warehouse, &c., as has been before described, the possessor, for refusing to open the same, shall pay charges.

Committees vested with all the powers, in case.

And be it further enacted by the authority aforesaid,

These extraordinary powers to be used in cases of the last necessity.

[SECT. 4.] That the powers and authorities by the last prece[e]ding paragraph granted to selectmen and committees, can only be justified in cases wherein the very existence of the community is depending; and must, whenever adopted, be, in its nature, short and temporary, and cannot, with any propriety consistent with the preservation of the common rights of men, be adopted but only in cases wherein the avarice and wickedness of a few endanger the ruin and destruction of the state; and therefore that this instance shall not, at any time hereafter, be drawn into precedent, excepting in cases of like necessity.

Provided, always, —

Provision made in case the articles applied for are not the property of the possessor.

[SECT. 5.] That if the possessor of any store, warehouse, &c., who may be requested to open the same, or either of them, by the selectmen or committee, as in the case before mentioned, shall, upon opening the store, warehouse, &c., assert that the whole or any part of the said enumerated articles therein contained, are the property of the United States, or any of them, then the said selectmen and committees shall stay all further procedure thereon; and if the possessor of such store, warehouse, &c., shall, upon opening the same, declare that the whole or any part of the said enumerated articles contained, are the property of any other person, and shall declare to whom they belong, then the selectmen and committee shall stay all further procedure on the articles asserted to be the property of another, till they shall, in person or by writing, apply to the person or persons thus declared to be the owner of such articles, representing that they are wanted for the present consumption of the inhabitants, and requesting the sale thereof; and if the person thus applied to, being the owner thereof, after receiving such request, shall neglect or refuse, in a reasonable time, in the judgment of a major part of the selectmen and committee of the town where the articles are, to give licence for the sale of such articles at the prices stated in the said act, then the selectmen, or committee aforesaid, shall proceed as is before directed where the possessor refused to sell his own goods; and in case the owner of said articles is not to be found, the selectmen, or committee aforesaid, shall give notice in the public newspapers, three weeks successively, enumerating the articles, mentioning the place where they are deposited, that they are wanted for the present use and consumption of the inhabitants, and calling on the owner thereof forthwith to sell them himself, or to authorize some other person to sell them, at the prices fixed by said act; and in case no person or persons shall appear, authorized to sell said articles, in a reasonable time after such adverti[z][s]ement, in the judgment of the major part of the aforesaid selectmen or committee, then they shall apply to some justice of the peace for the same county, for a warrant to take the same, and proceed thereon as is hereinbefore directed; and after

paying such charges as in the former act are mentioned, and the cost of adverti[z][s]ing, the selectmen, or committee aforesaid, shall pay the overplus into the public treasury of this state, taking two receipts therefor, one whereof to be lodged in the secretary's office, there to remain till some person shall make it appear that he is legally intitled to the same, or till the further order of this court. And if the possessor of any store, warehouse, &c., who may be applied to as above described, shall knowingly give false intelligence concerning the property of any goods in his custody, he shall forfeit a sum equal to the value of the goods concerning which he shall give such false intelligence; one half thereof to the use of the prosecutor, the other half to the use of th[e][*is*] state, to be recovered in any court proper to try the same.

Penalty in case false information is given by the possessor of goods.

Be it further enacted by the authority aforesaid,

[Sect. 6.] That if any person, in selling any of the said enumerated articles, shall ask or receive any sum beyond that which is limitted by the first-mentioned act, or by this act, on pretence of any unusual consideration, or in any way or manner which has not been for several years last past commonly practi[s][e]ed between buyer and seller, or shall use any different method, in disposing thereof, from what has been commonly known and approved, so as to evade the plain meaning and intent of the said act, such person shall be deemed a transgressor, and suffer such penalties as are in the first-mentioned act provided.

No unusual method of sale to be made, to evade the plain intent of this or the former act.

Be it further enacted by the authority aforesaid,

[Sect. 7.] That when any vessel that is private property shall arrive into any harbour in this state, the owner or master shall lay before the selectmen, or committee, of the town where such vessel shall arrive, or a special committee of three or five of them, appointed by a major part for this purpose, a compleat manifest of all the goods on board; and shall not break bulk, for any other purpose, till the said selectmen or committee have returned, to the owner or master, a schedule of all the articles therein contained, which they have been requested by the continental agents, or the Board of War, to reserve for the army; and if any person shall break bulk before the said selectmen or committee shall have returned a schedule as aforesaid (provided the said schedule shall be returned within twenty-four hours), or if any article therein mentioned is otherwise disposed of than to the said selectmen or committee, or some person in their behalf, agreeable to the said acts, in such case the owner or master thereof shall forfeit a sum equal to that for which such article[s] shall have been [so] sold; and the remainder of the cargo shall be sold to such persons as have conformed themselves to the prices in these acts regulated. And whenever it shall be made to appear, to the satisfaction of the selectmen and committee of such town, that any person has, knowingly, violated the said act, the selectmen and committee shall keep a fair record of the names of all such persons, and give a true copy thereof to the owner or master of every cargo that shall arrive as aforesaid, directing him or them not to sell to any of those persons any article whatever until such violat[e][*o*]r[*s*] shall have made satisfaction for such his misconduct, and given assurance for his future observance to this and the former act, to the satisfaction of the selectmen and committee. And if any owner or master, or any person in their behalf, shall sell to any person who is borne on such copy, or such person as shall be knowingly employed by them, any

Vessels importing goods not to break bulk until report is made to the selectmen, etc.

Notorious transgressors not allowed to purchase, unless.

article remaining of said cargo, he or they shall forfeit a sum equal to that for which every article shall be so sold.

And be it further enacted by the authority aforesaid,

Persons to be chosen to see this act put in execution, and to prosecute the violators thereof.

[SECT. 8.] That there shall be elected, some time on or before the last day of June next, in each town and plantation within this state, three, five, or seven persons, who shall be under oath to prosecute all breaches of this act, and of the "act for preventing monopoly and oppression," which shall come to their knowledge, or of which they shall receive information; and each person so chosen shall execute said office until the annual March meeting in their respective towns, when other persons shall be chosen and sworn in their stead; and such persons shall afterwards be chosen, annually, during the continuance of said act; and any person chosen into said office, and refusing to serve therein, or to take said oath, shall forfeit and pay the sum of five pounds, to be recovered in like manner, and to the same use, that penalties for not serving in other town offices are to be recovered and applied; and the said committee shall be intitled to such proportion of the penalty recovered by any prosecution, as by either of said acts are given to the person who may prosecute for any breaches thereof; and when any person chosen to said office shall refuse to serve therein, the town to which he belongs, shall choose some other person in his place, and so as often as the case may require.

And be it further enacted,

Mode of conviction in certain cases.

[SECT. 9.] That when any person shall prosecute another for violating either of these acts, and other evidence cannot be had, in such case the prosecutor's oath shall be received as sufficient evidence, unless the adverse party shall offer, and actually swear that he is not chargeable with the fact alledged against him; in which case the person prosecuted, shall be admitted to the oath, and the prosecutor shall be denied. And in all prosecutions by indictment, of the grand jury, on this, or the former act, one-half the forfeiture shall enure to the county where the offence is committed, the other moiety to this state, and be paid to the treasury of the state and county respectively.

And be it further enacted,

Special matter in evidence may be given under the general issue.

[SECT. 10.] That when any action shall be brought against any person for proceeding agreeable to this act, he may plead the general issue, and give the special matter in evidence for his justification; and no person that has been guilty of a breach of the act to which this is made in addition, against whom no prosecution is already commenced, shall be prosecuted therefor, unless he or she shall, after the publication of this act, again violate or transgress this or the former act; and in all prosecutions already commenced, in case the persons prosecuted shall pay the prosecutor double the costs already arisen, the prosecutor shall surcease or discontinue all further proceedings in such prosecution.

And be it further enacted by the authority aforesaid,

No execution to issue after June 15, unless oath be made.

[SECT. 11.] That no execution shall, after the fifteenth day of June next, be issued from the office of any clerk of any inferior court of common pleas, or of the superior court of judicature, &c., for any sum whatever, unless the plaintiff or plaintiffs sueing in his or their own right, and dwelling within this state, shall first take the following oath; viz., —

You, A. B., do, in presence of God, solemnly declare, that you have not, since the fifteenth day of June, 1777, wittingly and willingly, directly or indirectly, either by yourself, or any by, for, or under you, been concerned in selling any article enumerated in the "Act to prevent monopoly and oppression," at a higher price than is by the said acts limit[*i*]ed for such article, or by the selectmen or committees in pursuance thereof. So help you God. Form of the oath.

— which oath may be administred by any justice of the peace, or by the clerk of such court; and certificate thereof shall be made on such execution, by the clerk; and if any execution shall issue after the day aforesaid, without such certificate, the same shall be and hereby is declared to be void; and no licence shall be granted to, nor any recognizance taken from, any taverner, innholder, or retailer, by the justices of any of the courts of sessions within this state, after the day aforesaid, until[*l*] such taverner, innholder, or retailer shall have taken said oath, in the presence of the court, or a certificate of his having so done, from some justice of the peace, shall be presented to the court. The clerk of the court empowered to administer the oath. Retailers and innholders to be sworn before the granting license.

And be it further enacted by the authority aforesaid,

[Sect. 12.] That this act, together with the act above mention[*e*]'d, intitled, "An Act to prevent monopoly and oppression," shall be and continue in force for the term of three years from the first day of January last, and no longer. [*Passed May* 10, 1777. 1776-77, chap. 14.

CHAPTER 47.

AN ACT TO PREVENT PERSONS GUILTY OF FORGING OR COUNTERFEITING THE NOTES OR BILLS OF CREDIT, OR ANY COIN, CURRENT IN THIS OR THE UNITED STATES, FROM DEFRAUDING THE PUBLIC, OR INDIVIDUALS, BY CONVEYING THEIR REAL ESTATES.

Whereas 'tis but just and reasonable that the estates, real as well as personal, of persons who have defrauded the public, or individuals, by issuing, forging, or counterfeiting the notes, certificates, or bills of credit of the United American States, or any of them, or any other species of money, or coin, current therein, should compensate the injury sustain[*e*]'d; *and whereas* some persons who may be guilty of the offences aforesaid, may, with design to defeat so reasonable a purpose, convey away their real estates, — Preamble.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That no conveyance of any real estate, from any person that shall hereafter be convicted of issuing, forging, or counterfeiting the notes, certificates, or bills of credit of the United American States, or any of them, or any other species of money, or coin, current within the said United States, or any of them, shall be good or valid after the offence committed, upon which the offender may be convicted, unless the other estate of the person convicted of the offence aforesaid shall be fully adequate to make compensation to the public, and individuals, for such fraudulent practices; any law, usage, or custom to the contrary notwithstanding. No conveyance of real estate to be good after the offence committed.

And be it further enacted by the authority aforesaid,

[Sect. 2.] That the estates of persons convicted of the offences aforesaid, shall be held liable to refund to this state any reward that Offenders' estates liable to refund the re-

ward granted for their detection, before any other debt or damage, except the necessary cost of conviction.

may hereafter be paid, by virtue of the acts thereof, for detecting such offenders, before any other debt, damage, or demand, except the necessary cost and charges that may accrue or arise upon such conviction.

[SECT. 3.] This act to continue and be in force for the space of six months, and no longer; and that the same act may, at any time hereafter, be pleaded, notwithstanding it may have expired before the suit on which there may be occasion for its being so pleaded, is brought. [*Passed May* 10, 1777.

CHAPTER 48.

AN ACT FOR SECURING THIS AND THE OTHER UNITED STATES AGAINST THE DANGER TO WHICH THEY ARE EXPOSED BY THE INTERNAL ENEMIES THEREOF.

Preamble.

WHEREAS the enemies of this and the United American States are yet vigorously attempting to destroy the liberties, the peace, and happiness thereof, and it becoming the indispensable duty of the guardians of each state to exert every nerve to preserve them from impending ruin; and this court, considering that there are some within this state, who, from sordid motives, or from wicked and inveterate dispositions, are secretly endeavoring to counteract the united struggles now making for the preservation and establishment of American liberty, do judge it expedient that such persons should be prevented from uniting with, or aiding, the enemies aforesaid, in carrying into execution the plans adopted for the destruction of their libert[*ie*][y]s and privile[d]ges; do enact, —

And be it accordingly enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

To empower the selectmen, or committee, to warn a meeting of their inhabitants.

[SECT. 1.] That the selectmen of each town, or the committee of each plantation, within this state, be and hereby are impowered and directed, imm[o][*e*]diately on r[o][*e*]ceipt hereof, to warn, in the usual manner, a meeting of their inhabitants, qualified by law to vote in town affairs, to chuse, by ballot, some person who is firmly attached to the American cause, to procure and lay before the court hereafter described, the evidence that may be had of the inimical dispositions towards this or any of the United States, of any inhabitant of such town who shall be charged by the freeholders and other inhabitants of said town, in manner hereafter mention[*e*]'d, of being a person whose residence in this state is dangerous to the public peace or safety.

Selectmen to lay before the town a list of disaffected persons.

[SECT. 2.] And the selectmen, at such meeting, shall lay before the town a list of all such persons, belonging to their town, as they shall know or believe have been endeavouring, since the 19th of April, 1775, to counteract the united struggles of this and the United States, for the preservation of their liberties and priviledges.

Others to be added, or struck out, by a vote.

[SECT. 3.] And if any freeholder, or other person, qualified to vote in said meeting, shall move to have the name of any other person, residing in such town, whom he shall conclude to be of the disposition aforesaid, added to said list, and the motion shall be sec-

onded, the question shall be put by the moderator of said meeting; and if there shall appear a majority of the voters present at said meeting, in favo[u]r of said motion, the name of such person shall be, by the town clerk, added to such list accordingly, or the name of any person inserted in said list may, by a major vote, in the same manner, be struck therefrom.

List to be delivered to two justices, *quorum unus*.

[SECT. 4.] And the town clerk shall deliver such list to two or more justices of the peace for said county, *quorum unus;* and the said justices are hereby required, immediately on receipt on such list, to issue their warrant for apprehending and securing the suspected persons named in said list, so that they may be had before them, and such other justices of the peace of the same county as may attend the trial, at a special session of the peace to be held for that purpose (*unless*, when any person shall be charged with being guilty of treason, murder, or an[y] other crime which, by the laws of this state, is to be punished with death; in which case, the said justices shall cause them to be retained in custody, according to the former laws, and not proceed with them according to this act, until[l] after they shall be acquitted of such charge), which warrant shall be served seven days at least before the day fixed upon by the said justices for holding the court; and the said justices shall at the same time make out an order to the clerk of the court of sessions, forthwith to issue a *venire facias*, to the constables of such towns as they shall direct, for returning and summoning as many jur[e][o]rs — to be appointed in the manner petit jurors for the superio[u]r court are appointed, and to be drawn from the same box — as shall make up a full pan[a][e]l of twelve, to attend before them at the time and place they shall appoint for hearing the charge. And in case the jurors appointed and summoned as aforesaid, should not attend to make up the full number of twelve, or a sufficient objection should be made to any of the jurors returned, in the opinion of the justices, to prevent his or their judging on the accusation, in case seven of the original jurors returned remain, then the said justices shall order the sheriff, deputy sher[r]iff, or constable, attending, to return as many others of the bystanders, being freeholders in said county, as shall make up the number of twelve; which jury shall be sworn to return a true verdi[c]t, according to the evidence, upon the charge exhibited against the respondent for being inimical to the interest of this and the American States, without favo[u]r, envy, partiality, or malice; and in case the jury aforesaid, after hearing the charges against the accused, and the evidence adduced to support it, as well as the defence made by the accused, and such evidence as may be produced in his favo[u]r, shall return their verdi[c]t that the accused person now is so inimically disposed towards this and the other United States of America, that his further residence in this state is dangerous to the public peace and safety, then the said justices shall, by warrant directed to some proper officer, cause said person or persons to be immediately sent to the Board of War of this state, to be by them sent on board a guard-ship, which they are hereby impowered and directed to provide for that purpose, or otherwise secure as they shall think proper, until[l] the said Board of War can transport such persons off the continent to some part of the West Indi[a][e]s, or Europe, — those who are able, at their own expence, and others, at the expence of this state.

Mode of trial.

Tallies to be put on the jury, in case.

To be sworn.

Delinquents to be sent to the Board of War to be transported

And be it further enacted by the authority aforesaid,

Justices to proceed upon complaint, if they

[SECT. 5.] That when complaint shall be made to any two of the justices of the peace, within this state, whereof one is [of] the quo-

judge it expedient.

rum, that any person within the county whereof they are justices, is evilly disposed to this state, or any of the United States of America, such the justices shall, if they see fit, have full power to issue their warrant to apprehend such evilly disposed person, and to bring him to tr[i][y]al, and deal with him in the manner hereinbefore pointed out for the tr[i][a]al of those whose name shall be exhibited, in a list, by any selectmen, as is provided by this act.

And it is further enacted by the authority aforesaid,

Penalty for returning after transportation.

[SECT. 6.] That if any person transported as aforesaid shall, voluntar[il]y, afterwards, during the continuance of the present war, return to this state, without liberty first had and obtained from the general court, he shall, on conviction thereof before the superio[u]r court of judicature, court of assize and general goal delivery, be adjudged guilty of felony, without benefit of clergy.

And be it further enacted by the authority aforesaid,

Persons transported may carry off their personal estate, in case.

[SECT. 7.] That such persons as may be transported, as aforesaid, shall be indulged to carry off, at their own expence, their mon[ey][ie]s and all other personal estate they are possessed of, and not prohibited, in case they shall carry their families with them; deducting so much as shall be sufficient to pay their just debts; and such money or effects as shall appear, to the Board of War, to belong to other persons. And such as shall leave their families within this state, shall be allowed to carry off no more money or goods than shall be, by the Board of War, judged necessary for their immediate support; and any conveyance of real estate by any person, after he shall be inserted in such list as aforesaid, without the approbation or allowance of the general court, shall be and hereby is declared null and void, unless the person so making the conveyance shall be, on tr[i][y]al, acquitted of the charge brought against him. And the expence arising on the tr[i][a]al of any person in consequence of this act, shall be paid out of the county treasury, by order of the court of general sessions of the peace; the fees to be tax[e]'d, as in other cases, in the sessions: and the court aforesaid, in case they cannot finish the tr[i][y]al on the day assigned therefor, may adjourn, from day to day, till the tr[i][y]al sh[i][a]ll be finished.

Real estate not to be conveyed after persons are accused, unless.

Fees to be paid by the county.

[SECT. 8.] This act to be in force till the first day of January next, and no longer. [*Passed May* 10, 1777.

NOTES. — The sittings of the General Court this year were interrupted by four adjournments and two prorogations. Of course, the sitting after the prorogation of July 13th, was a new session, and the acts previously passed are properly classed as of the first session. The second session began August 28, and was adjourned, on the eighteenth of September, to Oct. 9. On the ninth of November the General Court was again adjourned, to meet, on the twelfth, at Boston, — which place, though evacuated by the king's forces as early as the seventeenth of March, had, up to this time, been considered unsafe on account of the small-pox which prevailed there, — and on the eleventh of December, it was adjourned to the 24th, and again, on the eighth of February, to March 5, 1777; and it was prorogued on the tenth of May. The acts passed between Aug. 28 and Sept. 18, were signed on the day last named, which circumstance seems to indicate that these two dates were supposed, by the Legislature, to include a separate session, notwithstanding it was not ended by prorogation. In like manner, all the acts passed between Oct. 9, 1776, and Feb. 8, 1777, were signed on the day last named, and would, therefore, appear to have been considered the work of a single, distinct session, although that session was ended by adjournment, merely. It is true that in the original impression, these acts are not grouped according to this division; but neither is the second session distinguished by a separate heading, although it was held after a prorogation.

If it be thought to impair the practical usefulness of the system of division here followed, that the rule of parliamentary law respecting the operation of prorogations and adjournments, upon the business of the Legislature has not invariably governed the classification of these acts, the fault must be attributed, chiefly, to the difficulty of ascertaining, with absolute certainty, in every case, whether the sitting was ended by prorogation or adjournment; and the system of grouping the acts heretofore followed (see vol. II., p. 667, *note*) has therefore been adhered to as most convenient and most probably in accordance

with the intention of the Legislature; and the attempt to ascertain beyond question what prorogations were made has been abandoned as useless.

It may be well to repeat, here, that the chapters are enumerated in the order observed in the original impression, rather than chronologically. The only exceptions are the acts not previously printed, or those which, like the tax acts, for instance, were printed separately.

All the engrossed bills which were passed to be enacted this year, are preserved, but none were written on parchment. All were signed by fifteen or more of the Council, except chapter 5, which was signed by eleven only; chapter 13, by seven; chapter 18, by thirteen; chapter 31, by six; chapter 36, by eight, and chapter 38, by fourteen. Sufficient blank space seems to have been purposely left on each engrossment, for the signatures of all the Council, and though the charter confers no efficacy upon the assent of a less number than a majority of the Council, no question appears to have been raised as to the regularity and validity of the defective acts; and in the record of the assents, the journals make no discrimination between the acts.

Towards the end of the next Legislature, a resolve was passed, in concurrence, conferring full authority, in this respect, upon any seven members of the Council, for the time being, on account of the difficulty of securing the attendance of a majority of the board, by reason of the prevalence of the small-pox in Boston and the adjacent towns (see notes to 1777–78, *post*); but this appears to have been the first adoption of such a rule.

No formal notification of the signing of the Declaration of Independence appears to have reached Boston until after the close of the first session of the General Court, although, before the prorogation, undoubtedly, that event was generally understood to have taken place. Circulars publishing the Declaration, were sent out by order of the Continental Congress, on the fifth of July, and a rumor that the Declaration had been made had reached Worcester, and was published in the "Worcester Spy, or American Oracle of Liberty," on the tenth. Hancock, on the 6th of July, and Washington, on the 7th, had written to the General Court, enclosing each a copy of the Declaration; but no action thereupon was taken by that body, or by the Council, until two days after the prorogation.

The proceedings which then took place in the Council were as follows: —

"July 15, 1776. On Motion Ordered, that John Winthrop, William Phillips & Francis Dana Esq^rs be a Com̄ittee to take into Consideration, what Way manner & form the Declaration of y^e Hon^ble Continental Congress should be made publick" — *Executive Records of the Council, vol.* 19, *p.* 78.

"July 17, 1776. The Com̄ittee to whom was reffer'd, to take under Consideration what way manner & form, the Declaration of the Continental Congress shou'd be made Publick — Report that the said Declaration be proclaim'd by the Sherrif of the County of Suffolk, from the Balcony of the State House in Boston, on Thursday next at One O'Clock PM — in Presence of & under Direction of a Com̄ittee of Council to be appoint^d for that purpose, that the Representatives, Magistrates, Ministers & Selectmen of the said Town, & Other Gentlemen, the Com̄ission Officers of the Continen^tl. Army, stationed in Boston, Also of the Militia of Boston & of the Colonial Regiments there, be desired to meet at y^e Council Chamber at that time, and that the Militia of the Town of Boston, & such of the Contin^tl. Army, & of the Colonial Regiments as can be spared from Duty, be drawn up in, State Street at y^e same time — And that the s^d Declaration be printed & a Coppy sent to the Ministers of every Parish, of every Denomination within this State, and that they severally be required to read the same to their respective Congregations, as soon as divine Service is Concluded in the Afternoon, of the first Lords Day, after they shall have receiv'd it, and after such Publication thereof to deliver the said Declaration to the Clerks of their respective Towns or Districts, who are hereby required to record the same in their respective Town or District Books, there to remain as a perpetual Memorial thereof. — That the Com̄ittee of Council who shall be Appointed for the Abovementioned Purpose, be Impower'd to direct the Other proceedings relative to said Proclamation, in such manner as they shall Judge proper — By Order of y^e Council

RICHARD DERBY JUN^R Presid^t. —

On Motion Ordered that James Bowdoin, Artemas Ward, Richard Derby, Thomas Cushing, John Winthrop, Mosses Gill, Will^m Phillips Benj^a Austin & Frances Dana Esq^rs be a Committee to repair to Boston, to direct the manner relative to the Proclaiming the Declaration of Congress —

* * * * * * *

On Motion Ordered that Dan^l Hopkins Esq^r be directed to Print the Declaration of the Continental Congress, at Salem & bring them to Watertown." — *Ibid., pp.* 82 *and* 83.

"July 18, 1776. On Motion Ordered that y^e Declaration be Publickly read by the Secretary in y^e Council Chamber and that the Representatives of this and the Other Towns who are present, be invited to Attend the said Publication." — *Ibid*, *p.* 88

The "Boston Gazette and Country Journal" of Monday, July 22, 1776, gives the following report of the ceremony: —

"Thursday last, pursuant to the Orders of the honorable Council, was proclaimed, from the Balcony of the State House in Boston; the DECLARATION of the AMERICAN CONGRESS, absolving the United Colonies from their Allegiance to the British Crown, and declaring them FREE and INDEPENDENT STATES. There were present on the Occasion, in the Council-Chamber, the Committee of Council, a Number of the honorable House of Representatives, the Magistrates, Ministers, Selectmen, and other Gentlemen of Boston and the neighbouring Towns; also the Commission Officers of the Continental Regiments stationed in Boston, and other Officers. Two of those Regiments were under Arms in Kingstreet, formed into three Lines on the North Side of the Street, and in thirteen Divisions; and a Detachment from the Massachusetts Regiment of Artillery, with two Pieces of Can-

non was on their Right Wing. At One o'Clock the Declaration was proclaimed by the Sheriff of the County of Suffolk, which was received with great Joy, expressed by three Huzzas from a great Concourse of People assembled on the Occasion. After which, on a Signal given, Thirteen Pieces of Cannon were fired at the Fort on Fort-Hill the Forts at Dorchester Neck, the Castle, Nantasket, and Point Alderton, likewise discharged their Cannon: Then the Detachment of Artillery fired their Cannon thirteen Times, which was followed by the two Regiments giving their Fire from the thirteen Divisions in Succession These Firings corresponded to the Number of the American States United. The Ceremony was closed with a proper Collation to the Gentlemen in the Council Chamber; during which, the following Toasts were given by the President of the Council, and heartily pledged by the Company, viz.

Prosperity and Perpetuity to the United States of America.
The American Congress.
The General Court of the State of Massachusetts Bay.
GENERAL WASHINGTON, *and Success to the Arms of the United States.*
The downfall of Tyrants and Tyranny.
The universal Prevalence of Civil and Religious Liberty.
The Friends of the United States in all Quarters of the Globe.

The Bells of the Town were rung on the Occasion; and undissembled Festivity cheer'd and brighten'd every Face."

By the fifth of August the copies of the Declaration ordered to be printed were ready for distribution, and the deputy secretary thereupon sent the following notification to the sheriff of Suffolk County: —

"Council Chamber Aug^t 5^th 1776

Sir I am directed by the Hon: Committee of Council to Acquaint you that the Printed Declarations of Independency are on their Table & they Expect you will take proper care that they be distributed thro' this State as soon as may be — that Every town may have them publickly read, in each religious Assembly. In the Name & by Order of the Com^ttee of Council I am Sir your most hum^l Ser^t.

Sheriff Greenleaf JN^o AVERY D Secy." — *Mass. Archives, vol.* 195, *p.* 437.

When the General Court next assembled, on the 28th of August, the Council sent the following message to the House: —

"The important Period has at length arrived! The Honourable Congress have declared the united American Colonies *Free and Independent States.* — This Declaration we have ordered to be made public, agreeable to the Request of Congress, thro *every Part* of Massachusetts Bay; and we shall readily concur with you in expressing our Approbation of the Measure, and readiness to *risque our Lives* and *Fortunes* in Defence and support of it."* — *Ibid., vol.* 158, *p.* 43.

The following is an extract from the message of the House, in reply: —

"To The Hon^ble the Major Part of the council of y^e Massachusetts Bay. May it please your Honours —

The House of Representatives have given all due attention to y^e Message from your Honours of the 28^th instant & are desirous of expressing with a manly Fortitude their entire Satisfaction in y^e declaration of Independence made by y^e hon^ble Congress. & published by your Honours Order in this State They with great chearfulness congratulate y^e hon^ble Board on y^e very general approbation that Measure has met with thro all ranks of People in the united states of America, & are ready to Pledge their Fortunes Lives & sacred Honor to support it." — *Ibid., p.* 50.

On the fifth of September, the following order was passed in the House: —

"On a motion *Ordered*, That Mr. *Sullivan*, Major *Hawley*, Brigadier *Palmer*, Mr. *Jackson* and Mr. *Anger* be a committee to prepare an address to the Honorable Continental Congress, signifying the approbation of this Colony of their declaring the Colonies INDEPENDENT STATES, and the readiness of this Colony to support them therein; and to request that they would form a Confederation, and delineate the powers necessary to be held by that Honorable Assembly." — *House Journal, p.* 91.

The committee thus appointed received further instructions on the 12th, by which circumstance it would seem that they had not then reported; and as no record of the presentation of such an address as was ordered to be prepared has been found in the journals of the Continental Congress, it is believed that no report was made under the order.

The Assembly which thus recognized the independence of the province, and ratified the declaration proclaimed at Philadelphia, was composed of representatives chosen with full knowledge of the following proceedings of the previous Legislature, — the resolve with which they close having been published throughout the colony: —

"May 9, 1776. On Motion, *Ordered*, That Mr. Speaker, Major *Hawley* and Mr. *Story*, be a Committee to bring in a Resolve recommending the several Towns in the Colony to give Instructions to their Representatives, with respect to INDEPENDENCE.

* * * * * * *

The Committee appointed to bring in a Resolve, recommending the Towns to instruct their Representatives with Respect to Independency, reported. Read and accepted.

Resolved, That it be, and hereby is recommended to each Town in this Colony, who shall send a Member or Members to the next General Assembly, fully to possess him or them with their Sentiments relative to a Declaration of Independency of the United Colonies on *Great-Britain*, to be made by Congress, and to instruct them what Conduct they would have them observe with Regard to the next General Assembly's instructing the Delegates of this Colony on that Subject. Sent up for Concurrence.

* Dated Aug. 28, but presented to the House, Aug 29th.

Ordered, That Capt. *Brown* get the foregoing Resolve printed in Hand Bills, and sent to the several Towns in this Colony." — *Ibid.*, *pp.* 263 *and* 269.

"May 10, 1776. On a Motion, *Ordered*, That a Message go to the honorable Board to know if they have passed on the Resolve of Yesterday, relating to requesting the Inhabitants of the several Towns to Instruct their Members to be chosen relating to Independency.

Samuel Holten, Esq; came down and informed the House that the Board had nonconcurred the same:

Thereupon *Ordered*, That the Secretary be directed to lay the said Resolve on the Table, which he did accordingly.

* * * * * * *

Resolved, As the Opinion of this House that the Inhabitants of each Town in this Colony, ought in full Meeting warned for that Purpose, to advise the Person or Persons who shall be chosen to Represent them in the next General Court, whether that if the honorable Congress should, for the Safety of the said Colonies, declare them Independent of the Kingdom of *Great-Britain*, they the said Inhabitants will solemnly engage with their Lives and Fortunes to Support the Congress in the Measure.

Ordered, That Mr. *Cooper* get the foregoing Resolve printed in the several News-Papers as soon as possible." — *Ibid.*, *pp.* 274 *and* 276.

This resolve appeared in the "Boston Gazette," of May 10, and the "Worcester Spy," of May 18, signed by Samuel Freeman, speaker, and attested by William Story, clerk *pro tempore*.

And, on the third of July — the next day after the Continental Congress had voted in favor of independence, and the day before the Declaration had been prepared at Philadelphia — the following vote had been passed by the Assembly: —

"July 3, 1776. On motion, it was *Voted*, *unanimously*, That if the Honorable Continental Congress should think proper to declare the Colonies independent of the kingdom of *Great-Britain*, this House will approve of the measure." — *Ibid.*, *p.* 58.

So that, at the beginning of the second session, there was no hesitation as to accepting all the consequences of complete separation from the mother country.

Although, in the acts, the word "state" was substituted for "colony," the latter word, by a singular oversight, continued to be used in the printed heading of the sessions for two years longer. The following vote and order* are all the proceedings that have been discovered relative to the adoption of the name of "state" instead of "colony." The resolve provided in the order does not appear to have been reported or passed.

"Sept. 10, 1776. Afternoon. On motion, That the House would determine whether the word *Colony* and *State* be used promiscuously in all the proceedings of this Court; the question was put, and it passed in the negative.

Ordered, That Mr *Pitts*, Mr. *Ellis* and Col. *Bliss*, be a committee to bring in a resolve to establish the use of the word 'State.'" — *Ibid.*, *p.* 97.

Chap. 1. "June 5, 1776. On Motion, *Ordered*, That Mr. *Partridge*, Mr. *Dix*, Major *Fuller*, Col. *Bliss* and Mr. *Hosmer*, be a Committee to examine into the State of the Treasury, and to consider and report what further Sum is necessary to be emitted." — *House Journal*, *p.* 34.

"June 7, 1776. The Committee appointed to examine the State of the Treasury, and to report what further Sums are necessary to be emitted by this Colony, ask Leave to report as follows, *viz.* We find that the Treasury† has borrowed, on the Act lately made to enable him to borrow the Sum of *fifty Thousand Pounds*, ... £8,806 5*s.* 5*d.*
That there are Warrants on the Treasury for the sum of 9,000 0 0
That the advance Pay and Blankets of the three Regiments now raising in this Colony, will be about 5,000 0 0
That the Salt-Petre now in the Hands of our Committees and other Persons which is ready to be delivered, will amount to the Sum of . . 12,000 0 0
That the Pay and Subsistence of Sea-Coast Men, now due, is supposed to Amount to the Sum of 12,000 0 0
That there is due to Mr. *Jackson*, and others at *Newbury-Port*, for 18,190lb. of Powder, ... 5,457 0 0

£.52,263 5 5
Cash in the Treasury, ... 5,194 5 5

£.47,069 0 0

So that there appears to be Demands on the Treasurer for the Sum of *forty-seven Thousand and sixty-nine Pounds* paid, or to be paid immediately out of the aforesaid Sum of *fifty Thousand Pounds* ordered to be borrowed, and out of the outstanding Taxes due to the Colony, which are not appropriated to other Uses. And your Committee are of Opinion, that there be immediately emitted on the Credit of this Colony, a further Sum of *one Hundred Thousand Pounds*, to defray the Expences of this Colony for the current Year; all which is humbly submitted. Read and accepted, and thereupon

Ordered, That the same Committee bring in a Bill for the Emission of *one Hundred Thousand Pounds* accordingly. On Motion, *Ordered*, That the Committee, previous to their bringing in a Bill, report what Denominations the Bills shall be of. Also, the Expence of the Impression thereof." — *Ibid.*, *p.* 47.

On the 12th, Mr. Noyes was added to the committee, which, on the 13th, reported upon the denominations of the bills of credit. Their report was immediately accepted, and a

* "Dec. 7, 1776. On motion, *Ordered*, That the words 'State of Massachusetts-Bay', be inserted on the top of all acts and resolves that shall hereafter pass this Court." *House Journal*, *p.* 189. † *Sic.*

bill was ordered to be brought in, accordingly. The same committee made a further report, on the 14th, "That Mr. *Edes* had agreed to take *thirteen Pounds six Shillings and Eight Pence*, less than *three Farthings* Old Tenor a Bill, and that it was thought best to have some device on each Bill, *Voted*, That it be left to the Direction of the Committee to act as they judge best." — *Ibid.*, *p.* 84.

On the day last named the bill had its first and second reading, and on the next day it was read a third time, passed to be engrossed and sent up for concurrence.

On the 17th, the House passed an order for the printing of the bills of credit "as soon as the bill has passed the Honorable Board," and, on the 19th, the bill, not having been brought down, a message therefor was sent to the Council, whereupon it was carried down by Daniel Hopkins, Esq., and recommitted, for amendments, to Major Fuller, Mr. Pickering, Col. Brooks, Mr. Wood, and Mr. Story, who, on the same day, "reported several Amendments, which were agreed to by the House, and the Bill being read again, was sent up to the Honorable Board." — *Ibid.*, *p.* 106.

The bill was amended, accordingly, and on the 21st, was passed to be enacted, and on the same day the committee appointed to contract for the printing of the bills, were ordered to exhibit to the House and Council a specimen thereof. The specimen which was exhibited in accordance with the order last mentioned was, on the 22d, ordered to be inspected by a committee consisting of Maj. Fuller, Mr. Pitts, Mr. Story, Mr. Mills, Mr. Wright, Brigadier Preble and Col. Robinson, who were ordered to sit forthwith and to report whether the bills of credit "are printed on a suitable type."

On the 26th, a committee was appointed to report to the House the number of persons proper to be appointed to sign and number the bills; and Messrs Chase and Codding were appointed to inspect the impression.

On the 27th, the following order* was passed: —

"In the House of Representatives. Order'd, That Abram Fuller Esq^r. Cap^t. Samuel Carleton, Stephen Hall tertius Esq^r. M^r. George Partridge, Jonathan Brown Esq^r. John Pitts Esq^r. M^r. Samuel Allyne Otis, Doctor Moses Gun, Tristram Dalton Esq^r., M^r. Abner Ellis, Joseph Nye Esq^r. of Harwich, Edward Wigglesworth Esq^r. Benj. Mills Esq^r., Israel Hobart Esq^r., George Williams Esq^r. & Caleb Davis Esq be a Committee to sign, and number the Bills of Credit of the present Emission. — In Council. — Read, & Concurred. — Consented to by the Major part of the Council" — *Council Records, vol.* XXXV., *p.* 90. — but Messrs. Nye, Pitts and Mills having been excused, Mr. Warwick Palfrey, Mr. Henry Hill and Col. Samuel Thatcher were, on the 28th, appointed in their stead, and, July 2, Daniel Hopkins was in like manner appointed in the place of Mr. Dalton who was absent; and, the next day, David Jeffries, Esquire, was appointed in the place of Mr. Hill, excused.

On the 11th of July "the committee for inspecting the impression of the bills of credit," were ordered "to take some effectual measures to prevent the printer, or any under him, from striking off any bills in the absence of the committee."

At the conclusion of their labors the committee appointed to sign and number the bills made the following report: —

"Dec. 7, 1776. The Committee appointed to Number, & sign the several Denominations of Bills of Credit mentioned in the Act that passed in June 18th 1776 for Emitting £100,000 beg leave to report, that they have performed said Service, and the Members of said Committee have number'd & signed the several denominations as follows.

of the smallest Denominations. —

George Partridge.	from	№ 1 to 1000	half sheets.
George Williams.	d^o	1001 to 2000	d^o
Daniel Hopkins.	d^o	2001 to 3000	d^o
Israel Hobart.	d^o	3001 to 4000	d^o
Moses Gunn.	d^o	4001 to 5000	d^o
Stephen Hall.	d^o	5001 to 6000	d^o
Samuel Thacher.	d^o	7001 to 7300	d^o
Israel Hobart.	d^o	7301 to 7800	d^o
Daniel Hopkins.	d^o	7801 to 8000	d^o

of the largest Denominations.

Fuller, & Browne.	from	№ 1 to 500	d^o
d^o	d^o	4001 to 5500	d^o
Davis, & Ellis.	d^o	501 to 1000	d^o
d^o	d^o	5501 to 7000	d^o
Palfrey & Carleton	d^o	1001 to 3000	d^o
Jeffrey & Otis	d^o	3001 to 4000	d^o
d^o	d^o	7201 to 8000	d^o
Hobart, & Williams.	d^o	7001 to 7200	d^o

In the House of Representatives. †Resolved that there be paid out of the public Treasury of this State to each of the Committee hereafter named the several Sums annexed to their names at 5s ℔ Thousand Bills so signed, & numbered amounting to Fifty five pounds four shillings as followeth viz;

To Cap^t. George Partridge	£4
To Cap^t. George Williams	4 "8
To Israel Hobart Esq^r	6 "8
To M^r Stephen Hall	4
To Col^o Edward Wigglesworth	1 "4
To Abraham Fuller Esq^r	4
To Jonathan Brown Esq^r	4
To Deacon Caleb Davis	4
To M^r Abner Ellis	4

* **Printed resolves**, chapter CXXVII. † *Ibid.*, November session, chapter CLXIV.

To Mr David Jeffries	£3" 12
To Mr Samuel A. Otis	3" 12
To Mr Warwick Palfrey	4
To Mr Samuel Carleton	4
	£51" 4

In Council. Read, & Concurred. — Consented to by 15 of the Council."— *Ibid., vol. XXXVI., p.* 289.

Chap. 2. The act of May 1, 1776 (1775–76, chap. 22), provided for the alteration of such commissions, only, as were issued after Sept. 19, 1775; and the present chapter was passed, as the preamble shows, to authorize the alteration of all commissions issued by a majority of the Council before that date. In the Council, on the fourteenth of June, Walter Spooner and David Sewall were appointed to bring in a bill for this purpose. The bill reported by them was read a first time, in Council, June 17th, and read a second time, passed to be engrossed, and sent down for concurrence, on the 20th. In the House, the bill was read a first time, on the 21st, and on the 24th it was specially assigned to the 26th, for a second reading; and was read a third time, and passed, in concurrence, to be engrossed, on the 27th, and on the 28th it was passed to be enacted.

In the House, on the fourteenth of September, Messrs. Pickering, Sergeant and Appleton were appointed a committee to revise the laws respecting the style, and to bring in a resolve for lengthening the time for altering the military commissions which were dated in August and September, 1775. The report of this committee, together with the action of the Legislature thereon, is as follows: —

"Sept. 16, 1776. In the House of Representatives. *Whereas in, and by one Act, or Law of this State made in the present year of the Christian Era for establishing the Stile of Commissions &c. And by one other Act in Addition thereto; it is Order'd that all Military Commissions issued by the major part of the Council of this State before the first day of June One Thousand, seven hundred, & seventy six, & bearing the date of the Year of the Reign of the king of Great Britain, and not afterwards made conformable as to the Stile, and date in the manner required by said Acts before the Nineteenth day of September One thousand, seven hundred, and seventy six should on, and after said day become Void and of none effect, and as sundry military Officers of this State have neglected to get their Commissions made to conform as aforesaid; And it being necessary for the defence of this, and the other united States that the whole Militia be constantly prepared & properly organized for Duty: And especially necessary at this time to expedite the marching that part of the Militia now order'd for reinforceing the Army at New York, and defence of a neighbouring Government. It is therefore Resolved that all military Commissions now in force shall be, and continue in full force, and effect on the same Nineteenth day of September, and from thence to the 19th Day of January next after, such Commissions not being made to conform as aforesaid notwithstanding. In Council. Read, & Concurred. Consented to by the major part of the Council."—*Council Records, vol. XXXV., p.* 256.

Before the expiration of the time limited for the alteration of military commissions, the following resolve was passed, still further extending the time for that business: —

"Dec. 6, 1776. In the House of Representatives. †Whereas in, and by one Act or law of this State made in the present year of the Christian Era for establishing the Stile of Commissions &c and by one other Act in Addition thereto; it is Ordered that all military Commissions issued by the major part of the Council of this State before the first day of June One thousand, seven hundred, & seventy six, and bearing the date of the year of the Reign of the King of Great Britain, and not afterwards made conformable as to the Stile, and date in the manner required by said Acts, before the nineteenth day of September One thousand seven hundred, & seventy six should on, and after said day become Void, and of none effect, which commissions altho' not made to conform as aforesaid have by a Resolve of this State dated Sept. 16th 1776. been continued in full force until the 19th day of January 1777. And as sundry military Officers of this State, have still neglected to get their Commissions made to conform as aforesaid; And it being necessary for the defence of this, and the other United States that the whole Militia be constantly prepared, and properly Organized for Duty; And especially necessary at this time to expedite the marching that part of the Militia now ordered for reinforceing the American Army at, or near New-York, It is therefore Resolved, that all Military Commissions now in force shall be, and continue in full force, and effect on the same nineteenth Day of January 1777, and from thence until the further Order of the General Court. — In Council. Read, & Concurred. Consented to by 15 of the Council."— *Ibid., vol. XXXVI., p.* 279.

The following are the proceedings to legalize the acts of the deputies of Sheriff Richmond, of Bristol County, whose commission was not altered under the provisions of this chapter: —

"Mar. 6, 1777. Petition of Saml. Fales Clerk of the Sessions & pleas for the County of Bristol by Desire of a Number of the Justices of said County & others interested, Setting forth—That whereas your Honors in the Year of our Lord 1776. did among other things Enact, that all Commissions Issued by the Major part of the Council since the Nineteenth of Sept. 1776. & no longer, except renewed and altered agreeable to an Act for the Establishing the Stile of Commissions & altering the Stile of Writs &c—That the Commission of Silvester Richmond Esqr. late Sheriff for the County of Bristol, being (Issued before the said Nineteenth of Sept. A D 1776.) not renewed and altered conformable to said Act, was after said Nineteenth of Sept. A D 1776—null & void & of no Effect.—That the deputies of said Silvester (being ignorant of the Expiration of said Silvesters Commission,) did, after said 19th of Sept. 1776. & until Zephan. Leonard Esqr was appointed & Commis-

* Printed resolves of the August session, chapter LXXXVIII.
† *Ibid.*, November session, chapter CLIII.

sionated as Sheriff for s[d]. County of Bristol, execute Writs, processes &c, cause Lands to be appraised & set off; and have made Attachments on real and personal Estates, by Virtue of Writs, precepts &c, on which Judgments have not yet been rendered, and did transact Business of every kind, in the same manner, that legal Deputies are wont to transact—That by reason of the above doings many Difficulties, inconveniences, & great injustice are like to arise, & take place within said County: unless speedily prevented by the Legislature of this State.—

Wherefore (seeing said County was destitute of a legal Sheriff from and after the said 19[th] of Sept[r]. 1776, 'till the appointment of Zeph[h]. Leonard Esq[r]. as aforesaid,) it is humbly requested, that your Honors would take the premisses in Consideration, and establish the proceedings of said Deputies, by an Act for that purpose; or any other way, that your Honors in your Great Wisdom may devise, to prevent Injuries arising to any One by means of the Transactions abovesaid. —

In the House of Representatives.—*Whereas tis represented to this Court, that several of the deputy Sheriffs for the County of Bristol under Silvester Richmond Esq[r]. late Sheriff of said County, Served and Executed divers Writs & Processes to them directed, without knowing that their Power and Authority, by the expiration of the Commission, issued to the said Silvester, expired upon the 19[th] day of September one thousand seven hundred & seventy Six Whereby Injury and Injustice will accrue to divers Persons unless, an Adequate remedy be provided in that behalf it is therefore,

Resolved, That all Acts and doings of the said several under, or deputy Sheriffs in their respective offices under the said Silvester, from and after the 19[th] day of September 1776. and until Zepheniah Leonard Esq[r] the present Sheriff of said County, was Commissionated and Sworn, as Sheriff of said County; Be and hereby are Established—ratified and Confirmed, as fully and effectually to every intent and purpose, as tho' the Comission granted to the said Silvester Richmond Esq[r]. for Executing the Duties of Sheriff for said County of Bristol, had during that period been in full force and Virtue, any Law usage or custom to the Contrary Notwithstanding. — In Council read and concurred Consented to by fifteen of the Council."—*Ibid., vol.* XXXVII., *p.* 27.

Chap. 3. Upon the following petition (the date of presentation of which, to the House, does not appear, but which was referred to a committee, before June 26, 1771,) the committee, on the day last named, reported that 'the petitioner have leave to bring in a bill, and Col. Williams was appointed to prepare the bill accordingly.

"Province of The Massachusetts Bay } To his Excellency Thomas Hutchinson Esqr Cap[t]. General and commander in chief in and over his Majestys Province of the Massachusetts Bay in New-England.

And To the Honourable his Majestys Council and house of Representatives in General court assembled At Cambridge The 30[th] day of May 1770:

The Humble petition of Luke Vornaunum & others hereto subscribers Who have made Settlements on Lands belonging To said Province in The County of Berkshire and on The west frontiers of The said Province where There are upwards of forty families which belong To no Town and are destitute of The priviledges and advantages of Incorporated Societies in This Province by which means your petitioners Labour under great inconveniencies with respect To all publick matters and regulations which is Necessary for the well being of Society. Wherefore Your petitioners most humbly pray That your Honour and The honourable Court Would be pleased in yor great wisdom and goodness To Incorporate your petitioners and The other Inhabitants living on The Lands hereafter described into one distinct town or district granting The privile ges and enjoyning The duties Usual To Such Incorporated Societies: (viz) bounding North upon the south Line of Williams Town East on The west line of Lansborough west on The Province Line That divides between This Province and The Province of New York, and South upon The south line of Uzziel Barker and Ezra Sanfords Farms. And as in Duty bound Shall ever pray.

The Great Hollow south of Williamstown June 6[th] 1770.

SAM[LL] GRIPPIN
JESSE SQUIRE
JONATHAN DOUGLASS
NATHANIEL DOUGLASS
JACOB LOBDEN
HEZEKIAH HAMMON
JOHN HAMMON,
RICHARD TREAT
JAMES MUG
ELEASAR DEMING
JOHN WODDOMS
NATHANEL DARRO
JOSHUA SIMONS
PELAR ROE
JOHN GRAHAM
JOHN CLARK
HESECYAH HAMON
EUSAL BARCAR
EZRA SANFORD
JOSIAH DUA
ARON KIBBE
IZREL BACON,
DANIEL PARCE
WILLIAM WAIT
FRANCES SWEET
JOHN CLOTHIER
SILAS ALSWORTH
WILLIAM HADSALL
JOHN ECCLESTON
WHEELER DOUGLASS
CALEB CARR
THOMAS DRAPER
DAVID SWEET
CALEB SHERMAN
JAMES RAYNOLDS
CLARK ROGERS
JACOB GLEZON
DAVID VAUGHN
CALEB GARDNER
WILLIAM BOARDMAN
SAM[LL] HAND
JOHN BROUN
SAMEWEL SHERMON
JOSEPH BRIGS
LUKE VORNORNUM
ASA DOUGLASS
JOHN WICKWIRE
PALMER GARDNER
REYNOLDS CAHOON
ISAAC PERRY
WILLIAM DOUGLASS
THOMAS STILLWELL
JAMES DARROW
JOHN BOARDMAN
AMBROSS CLOTHIER
MARTIN TOWNSEND
DANIEL SQUIRE
REUBEN SQUIRE
JOHN WHALEN
URIAH MALERY
JOB DOLLY,
DAVID MAVENY,
CALEB GARDNER JUN
AMASA TOWNSEND
DAVID SPRAGUE
NATHANEL GARNER
SAMUEL GARNAR
DANEL GARNAR."—*Mass. Archives, vol.* 118, *p.* 454.

* Printed resolves, chapter II.

The bill reported in accordance with the order of June 26th, had its first reading on the 27th, was read a second time on the day following, and was read a third time, and passed to be engrossed, July 1, 1771. The Council, however, at the stage, refused to concur, and the bill was lost. The following are the boundaries of the territory sought to be incorporated by this bill: —

"The Tract of Land aforesaid, contained within the Lines and Limits following, Viz^t: Bounded North on the South Line of Williamstown, West on the Line between this Province and the Province of New York; South upon the South Line of Uziel Barker and Ezra Sanford's Farms, from thence East twenty Degrees South to the Top of the mountain; thence north Twenty Degrees East to the north Line of Benjamin Gutridge's Grant; thence East Twenty Degrees South to the Southwest Corner of Lanesborough; then by the West Line of said Lanesborough 'till you come to the northwest Corner; from thence North 40. Degrees West to the South Line of said Williamstown." — *Extract from the original bill: ibid., p.* 456.

No further attempt to secure an act of incorporation has been discovered, until 1775, during the second session of the General Court, when the following proceedings began: —

"Oct. 13, 1775. A Petition of *Asa Douglass*, Agent for the Town of *Jericho*, praying that that Town may be incorporated; read and committed to Major *Smith*, Mr. *Kollock*, Mr. *Mills*, Mr. *Roseter* and Mr. *Wilson*." — *House Journal, p.* 160.

On the 16th of October this committee reported "that the prayer of said petition be granted," and a committee of three was appointed to bring in a bill. On the 28th, the bill, having been reported, was ordered to be read a second time, at "the next session of this court."

On the 20th of June, 1776, an order was passed, in the House, appointing a committee to bring in a resolve for admitting Asa Douglass, the petitioner, to a seat in the House, upon the certificate of a special committee of the plantation of Jericho. On the 22d, this committee reported a resolve, as ordered, and, though the report was not accepted, the bill of this chapter passed its several stages, to engrossment, and was sent up for concurrence.

On the 24th, a petition from Jericho, and the answer thereto, were laid upon the table. These papers have not been found; but the following entry appears in the journals of the House: —

"June 28, 1776. *Caleb Cushing*, Esq; brought down the bill, intituled, 'An act for erecting the plantation called *Jericho*, in the county of *Berkshire*, into a town by the name of *Jericho*.' Passed in Council, and sent down for concurrence.

Read and concurred, with the following alteration, *viz.* The House propose to dele at (A) the name '*Jericho*,' and insert '*Hancock*.' Sent up for concurrence." — *Ibid., p.* 50.

On the second day of July, this bill was passed to be enacted by both branches, and a precept was ordered to the inhabitants, for the choice of a representative "if they see cause."

The next day after the enactment of the bill, the following proceedings took place: —

"To the Great and General Court of Assembly for the Province of the Massechusetts Bay — now Conveigned at Watertown the Adress Remonstrance and Petetion, of us the Subscribers being Inhabitants of a New place Called Jericho, Ajoining York Goverment, lying in the County of Birkshire and Province aforesaid. Humbly Sheweth that whareas a Petetion hath been prefered to this Honnourable Court, for the Incorporating Said Jericho as a Township, we your Humble Petetioners haveing well Considered the Consequenses ariseing tharefrom, would beg leave to represent to your Honnours the present Circomstances of your Petetioners, Relative to our Situation for a Township, that our Lands fit for Cultivation Cheifly lie Confined in a Very Narrow Hollow, between two large ranges of Ruged Mountains, which Mountains contain and take up more than two thirds of the whole quantity of our Lands, the Hollow in many places not more than one hundred Rods wide, from one Mountain to the other, admiting of but one teer of Farms through the whole Place, together with Some Scattering people upon the Granted & ungranted parts of the Mountains, and the Distance from Lanesborough and Pitsfeild West lines, which is our East line, to the Supposed York line, Scarcely three miles at the widest place, and the South part not near that Distance, Lying as is Petetioned for, near Seventeen Miles in length, which must make us Extreamly Ill Situated, So that many of the Inhabitants that live not more than three or four Miles from Ritchmont, Meeting House, in order to meet and come together in the middle of this long and narrow Extent, must Travel Near ten Miles and this middle is like the middle of a Cord Close to one Side, by York line, and the Ruggedness of the Mountains, is such, that tis impracticable to mak a Road in Jericho, to pass from the North to the South Part of the Intended Town, and Consequently are obliged to Travel four, or five Miles in York Goverment, the Cheif Settlers being only one Row of Houses through the the Hollow, and but Very few Spots that will Admit of a Good Farm on Either Side the Mountains, East and West of us, and whereas this place is the out Skirts of the Province, and has been under no proper Regulation, Lying upon the Disputed York line, it has proved an Assalum for many Poor People, that had no whare Else to go, who have Settled upon the ungranted Lands, who greatly Swell our Numbers, but are not like to Increase our Abilities, many of whom being Ignorant of the manner and Duty of an incorporated Town, and Consequently have been the easyer Drawn into and Influenced to Consent to the affors^d Petetion, by a few artfull ambitious and Designing Men, in Order as is thought to Probegate their own Intrest, however Disintresting it may prove to the rest of the Inhabitants, the particulars of which will be too tegeous to Trouble your Honnours with at Present, Said Inhabitants haveing well Considered the fatal Consequences of Incorporating as a Town a place So ill Situated for a Township and unequal to the Task, Considering at the Same time that a Small Variation in the Supposed York line, when ever it may be Settled

may take a great Part of the most Valluable land in the place, and if so those Very men who Strive most to Git the Town Incorporated will fall into York Goverment whare much of their most Valluable Improvements are at preset, and thereby Shun the Burthen themselves, which they are precureing for others, we would further ask leave to Inform your Honnours, that this is the Second Petetion of this Kind which we have endeavoured to Lay before the Assembly, the former of which we Sent Some Years ago was ungenerously Stoped by the way. Your Humble Petetioners beg leave to add, that from a Due Consideration of our own Inabilities by being So young a Settlement, not more than nine or ten Years Sence it began, and three fourths of the Inhabitants not half that time, together with our Inconvenient Situation, the Poverty of Great part of our Inhabitants, together with the Great Expence our Invaded Country must be at in the present unhapy Dispute with Great Brittain, we think Renders it our indespensible Duty to come Like Children to Parents Beseeching your Kind Interposition in our behalf, that beging leave, to tell your Honnours that we Vew our Selves altogether unfit for a Township and incapeable to perfom the Duties thereof but are willing if your Honnours in your Wisdom shall see fit, to be Set off as a District, to begin at the Norwest Corner of Pitsfeild, and Extend North to the South West Corner of Williams Town, and West to York line, or if not that we may be Anex[d] to to Lainsborough, and Williamstown, the Same Extent — wherefore we pray that Your Honnours would take the affair into Consideration, and do that which in your Wise Council Shall apear to be most Constitutional Just and Equal, and your Petetioners as in Duty Bound will Ever Pray

Jericho June y[e] 20[th] A D 1776

ELEAZER BATEMAN	ROBERT SWEET	JOHN STANTON
GARDNER ELDRED	PELEG SWEET	JOHN WIGHTMAN
JEREMIAH GREENE	ADAM CASEY	CHRISTO[PHAD] KINYON
RAYNOLD CAHOON	NATHAN WHITFORD	EDWARD CARR
JOSEPH HAND	BENJAMIN GARDNER	EDWARD GREENMAN
PALMER GARDINER	JOHN GARDNIER	ELIJAH BROWN
ROBERT CARR	SAM[ll] HAND	GIDEON BRAYTON
DANIEL OSBORN	RICHARD BRADWAY	JOHN FORDICE
CALEB GARDNER	JOHN ECCLSTON	THOMAS WIGHTMAN
ISRAEL THOMAS	JOSEPH HADSALL	ELIGAH CUNINGHAM
HENRY HASZARD	WILLIAM KITTEL	ADLEY GREENMAN
PELEG CARR	AMASA TOWNSEN	RUBEN CORAH
JONATHAN HASZARD	SHIBNAH SPINK	JOHN NICHOLS
JOHN LEE	EZEKIL WETFORD	TIMOTHY WALKER
PHILEMON LEE	NATHUNEL GARDNER	JOHN CUNNINGHAM
JOHN FRANKLIN	RICHMOND CARR	WILLIAM KEECH
GEORGE GARDNIER	JOHN AUSTEN	GERSHOM SHEARMAN
FRANCIS SWEET	DANIEL GARDN	WILLIAM DOUGLAS
HENRY SWEET	JOB DOLEY	JAMES REYNOLDS

In Council July 3[d] 1776

Read & thereupon resolv'd that Eldad Taylor Esq[r] and such as y[e] Hon[bl] House may join be a Committee to bring in a Bill for repealing An Act entituled an Act for erecting y[e] Plantation call'd Jericho in y[e] County of Berkshire into a Town by y[e] Name of Hancock, pass'd y[e] present Session Sent down for Concurrence

JN[o]. AVERY Dp[y] Secy."— *Mass. Archives, vol.* 181, *p.* 102.

In the House, this petition was "Read and Ordered to lie 'till next Session."

"To the Honnourable Council and House of Representatives of the State of the Massechusetts Bay the Memorial of a number of the inhabitants the North part of Jericho Alies Hancock beg leave to Shew that whareas your Petetioners prefered a petition,to this Honnourable Court endeavouring to Set fourth the inconvenient and Disadvantageous Situation, that our long and narrow strip of Land is in, to be incorporated, as a Township, our Said petetion not ariving till after the Act for incorporateing the Place was past, which Sorrowfull News your Petetioners Lament to Hear, being fully confident had your Honnours but Known the True Situation and Circumstances of the Place, that the United prayer of every individual Parson in it would not have prevailed with your Honnours to have Laid us under the Disadvantage of being incorporated as a Town, but as we think the Greatest necessity makes it our Duty, to Entreat your Honnours again to take the affair into your wise Consideration, and Repeal Said Act if it may apear agreable to Your Wisdom So we underiake the Disagreable Task not as we think, from a Disposition for Contention, but Extremnity it Self is the cause, as we think we are able to make it apear we have long been most Cruely opresed and Tiramised over, and are like to be troden underfoot in Comparison of Sivel Liberty, by Asa Douglass, and those he has for Some years past been influencing to be his asociates and assistants who we for Six or Seven Years past, have Vewed to be an inveterate Enemy to m[any*] of us, that takeing the advantage of the present Struggles with Great Britain and the Distraction from thence ariseing, has Spent great part of his time in Spreading the most inflametory reports, and that in the most agrevateing manner, against us his Neighbours, in the ajacent Towns, and to the most principal men in our County, that we ware Tories and unfriendly to our Country, and at home: takeing the most abucive measures with us, and as to the afforsaid reports against us we absolutely Declare them to be false, that we as a People Declare we are and have been bothe ready and willing to Join with our Distresed Country and Sacrifice both our lives and intrests in its Defence. Your petetioners, beg leave to refer your Honnors to our afforsaid petetion remaining on file, and also a Complaint of Some Cruel Treatment from those Men. Said complaint not being Entered Last Session, as the Court was about Rise-

* Manuscript mutilated.

ing when it Came and as your petetioners Desire nothing but a fair imparcial Hearing we pray that if your Honnours See fit to refer our Case to a Comm[ittee*] that Birkshire County may be exemted, and Vollentine Rathbon in a Perticular Manner as one we look upon in Close Connection With Said Douglass and Greatly prejudiced against us. Your petetionors Considering ourselves as Strugeling under the most Cruel opresion Beging your Honnours to have patience in hearing us and do that which in your Wise Council Shall Seem Meet — And you Petetioners as in Duty bound will Ever pray.

EDWARD GREENMAN	ELIJAH BROWN	CALEB GARDNER
TIMOTHY WALKER	THOMAS ROGERS	ELIAZAR BATEMAN
W^m. KITTLE	CHRISTOPHER KINYON	DANIEL GARDNER
JAMES RENNALDS	AMOSY TOWNSEN	JOHN LEE
JESSE CLOTHER	JOHN FORDICE	FRANCIS SWEET
PELEG CARR	RICHARD BROADWAY	EBENEZAR FRANKLIN
ABEL BROADWAY	NATHANIEL GARDNER	ADDAM CASEY
JOHN GARDNER	JOHN CUNINGHAM	JOHN FRANKLIN
JOHN GREENMAN	PHELIMON LEE	NATHAN WHITFORD
AMOSY TOWNSEN JUN^R.	JOHN CLOTHER	RENNALDS CAHOON
THOMAS WIGHTMAN	W^M KEETCH	THOMAS DRAPER
GARSHAN SHEARMAN	ROBERT CARR	SAMUEL ROGGERS
BENJ^A GARDNER	JOHN NICHOLS	DANIEL HILL
ELIJAH CUNNINGHAM	JOHN WIGHTMAN	JEREMIAH GREEN
JONATHAN HASZARD	JOHN STANTON	GARDENER HILL
HENRY HASZARD	ISRAEL THOMAS	DANIEL ORSBORN
RUBEN CORAH	EDWARD CARR	GEDEON BRATON
ROBERT SWEET	RITCHMOND CARR	JOSEPH HAND
PELEG SWEET	HENRY SWEET	MALLETIAH HATCH
EZEKIEL WHITFORD	JOHN AUSTIN	ISHAMEL SPINK
SHIBNA SPINK	ADLEY GREENMAN	WILLIAM DOUGLAS

SAM^LL HAND & five more on the other for the same." — *Ibid.*, *p.* 198.

"Praying this may be heard †

To the Honnourable Council and House of Representatives of the State of the Massachusetts Bay now Conveined at Watertown this Memorial Humbly Sheweth —

that we your Petetioners being Inhabitants of the South part of what is Called Jericho being informed that A Petetion from the Inhabitants of the North part of s^d Jericho hath been Laid before your Honnours representing that s^d Jericho as it is petetioned for Incorporation as a Town is Situated in manner following Viz that our Lands fit for cultivation or Improvement Chiefly lie Confined in a Narrow Hollow between two Large Ranges of Ruged Mountains which Contain and take up more than two third parts of our place, admiting in but Very few Spots of but one Teer of farms through the whole together with Some Scatering People upon the ungranted Mountains and the Distance from Lansbourough and Pitsfield west lines together with part of Ritchmont and New ashfort West lines to the Suposed York line is Scarce any whare to exceed three miles and the South part not near So much which is our Wedth and Lying as is petetioned for near Seventeen or Eighteen miles in length and more than half that Distance from the South End Northerly the Hollow or flat Lands almost all in York Goverment leaving but little else besides Mountains in the South part of What is Called Jericho wherefore your Petetioners beg leave to inform your Honnours that the above Discription we look upon to be right together the Mountains obliging us to pass a number of miles through a Town in York goverm^t to git from one End the place to the other together with the Inconviency attending, induce us to think it our Indespencible Duty to pray and Intreat your Honours to Repeal the Act Pased by your Honnourable Board in Your Last Sesion for Incorporating s^d Jericho as a Towship and that we may be Considered as Joining wth our Neighbours in the North part of Jericho afforsaid for a repeal of S^d Act as it must be So Extreamly uncomfortable for the North and South parts that when the unhapy party Dispute that Seems to rage amongst us Shall Cease we may expect the Extream parts to be wearying the Assembly with Petetions to be Set off to the ajoining Towns whare they Can be So much better accommodated and Your Petetioners as in Duty bound Well Ever Pray

Jericho August 22^nd A D 1776

CALVIN HAMMOND
ELIJAH GOODRICH
ELIJAH GOODRICH JUN
JOHN GOODRICH
NOAH WHEATEN." — *Ibid.*, *p.* 205.

On the 7th of September the two foregoing petitions were read, and referred to a committee consisting of Messrs. Otis, Bliss and Preble, of the House, and Messrs. Greenleaf and White, of the Council; upon the report of which committee, the Council, on the 14th of September, passed an order directing the petitioners to serve the town clerk of Hancock with a copy of the petition and of the order thereon, twenty days, at least, before the return day, requiring the town to show cause, on the third Wednesday of the next session of the General Court, why the prayer of the petitioners should not be granted.

Though this order was sent to the House for concurrence, the latter took no action thereon until Oct. 25th, when the petitions were again read, and ordered to be recommitted, and the order was sent to the Council, for concurrence.

On the 4th of November the committee was changed, by the substitution of Messrs. Guild and Noyes, of the House, for Messrs. Otis and Bliss; and David Sewall, of the

* Manuscript mutilated.

† These five words appear at the head of the petition which follows, but they seem to be a continuation of the final memorandum or concluding sentence of the preceding petition.

Council, was substituted for Benjamin Greenleaf, who was absent; and, on the 7th, they made the following report, embracing, besides the business before mentioned, the subject of a memorial againt Asa Douglass, the representative to the Legislature from Hancock, for alleged tyrannous and unpatriotic conduct:

"The Committee of both Houses upon the Petition of divers Inhabitants of the Town of Hancock formerly called Jericho; And memorial respecting the Conduct of Asa Duglas Esq^r are of opinion that a full knowledge of the several matters in the memorial & Petition cannot be obtained unless by viewing the said Tract of Land & hearing the partys at said Place, and therefore are of Opinion That a Committee should be sent to said Hancock, of persons of this State that are not Inhabitants within the County of Birkshire or Hampshire to hear the partys and make report to the General Court —

In Council Nov^r. 6, 1776 — Read & accepted & Walter Spooner Esq^r with such as may be joined by the Hon^ble House be a Committee to repair to the Town of Hancock & view the Tract of Land mentioned and hear the partys at the place and make report to this Court as soon as may be — Sent down for Concurrence — JOHN AVERY D^y Sec^y

In the House of Representatives Nov^r. 7, 1776 — Read & Concurred and M^r Singletary & Cap^t. Hosmore, are joined — T. DALTON Sp^r Pro: Tem:

Consented to by the major part of the Council —

A true Copy attest JOHN AVERY Dp^y Sec^y."— *Ibid*, *p* 209.

The following supplementary petitions appear in the archives, but no record of any action upon them has been discovered: —

"Hancock Nov^r. 23. A D 1776 —

This is to Certify that we whose Names are hereunto afixt are Desirous that the place Called Hancock may not be a Township and that the Act for Incorporateing the Same may be Repealed

CALVIN HAMMOND	JEREMIAH GOODRICK	GIDEON MARTIN
JOSHUA LOBDELL	AMOS HAMMOND	SIMEON MARTIN
JAMES LOBDELL	WILLIAM WHEATEN	JOSEPH SANFORD
ELIJAH GOODRICH JU	WILLIAM BORMAN	HEZEKIAH HAMMOND
JESSE GOODRICH	CLARK ROGERS	ELIJAH GOODRICH
JOHN GOODRICH	JAMES DARROW	JOHN SHAPLEY."—*Ibid.*,

p. 210.

"We the Subscribers inhabatants of the town of Hancok do hearby Sertifi that we had no warning of the meating of this town nor wear present when the town agread to Petition the Gen^l Cort to be incorperated & desier the Hon^ble Cort to Set a Side the incorperation December y^e 4^th 1776

NATHAN DART	ABRAHAM GROVER	SILIS BECKITT
HAINS CHAPMAN	DAVID FINNEY	EBENEZER SAVEGE,
	DANIEL BECKITT,	EBENEZER CHAPMON." — *Ibid.*

The final report of the committee, omitting only such portions as refer solely to the charges against Asa Douglass, is as follows: —

"The Committee of both houses upon the Petition of devirs Inhabitants of the Town of Hancock formerly called Jericho; And Memorial respecting the Conduct of Asa Duglas Esq^r have attended that sarvis viewed s^d Town, and fully heard the partys at the place directed, and Meturely Considred theiron and Report that it is the Opinion of s^d Com^tee that the Tract of Land Incorporated by the name of Hancock should so continew for y^e present * * W SPOONER by Order

In Council Jany 15. 1777 Read & Accepted Sent down for Concurrence

JOHN AVERY Dp^y Sec^y

In the House of Representatives Jan. 17, 1777. Read & concurrd

J WARREN Spkr

Consented to—" [Signed by fifteen of the Council]. — *Ibid.*, *p*. 211.

Chap. 4. On the 28th of June, a joint committee, consisting of Messrs. Hawley, Lowell, Watson, Orne and Pickering, of the House, and Powell, Spooner, Winthrop and Thomas Cushing, of the Council, was appointed "to consider and report what is necessary to be done by this court before it is adjourned." The report of this committee was brought down to the House the next day; the second paragraph running as follows: —

"Your Committee would further recommend that the Treasurer be directed to hire the Sum of one hundred thousand Pounds as soon as may be for the Use of the Colony & that a Bill be brot in to enable the Treasurer so to do." —*Mass. Archives*, *vol*. 137, *p*. 97.

Messrs. Story, Whittemore and Preble were thereupon "appointed to bring in a bill to direct y^e treasurer to borrow £100,000 agreeable to y^e 2d paragraph."

A bill was prepared, accordingly, which was "read a first and second time, and recommitted," on the 29th, and passed to be engrossed on the first of July, and passed to be enacted on the day following.

On the 25th of October a committee, consisting of Messrs Dalton, Palmer and Wendell, of the House, was appointed "to bring in a resolve to increase the interest agreed to be allowed on the money the treasury* is ordered to borrow, and that the same be fixed at six per cent and the same interest be allowed to those that have already lent this government any money in conformity to the acts of this government empowering the treasury* to borrow money."

On the same day this committee reported the following resolve†: —

"In House of Representatives October 25^th 1776 —

Whereas the Receiver General of this State has, by two several Acts passed in May & July of the present year, been impowered to borrow the Sum of One hundred and fifty

* *Sic.* † Not in the printed resolves.

thousand Pounds at the Rate of five ℔ Cent Interest ℔ annum—and whereas He has not as yet been able to procure but Part of the Sum beforementioned upon the Terms prescribed by said Acts, & the present Exigencies of this State require an immediate Supply of Money—therefore Resolved that the Receiver General of this State be and hereby is impowered and directed, as soon as possible, to borrow of such Persons, as are willing to lend the same, such a Sum as with y^e^ Sum already borrowed will make up the Sum of One hundred & fifty thousand Pounds beforementioned, at the Rate of Six per cent ℔ annum and for the same Time as is directed by the Acts aforesaid — And it is further resolved—That the Treasurer be, and is hereby, directed to pay the like Interest of six ℔ Cent ℔ Annum on Notes issued for Monies already borrowed by Virtue of said Acts—from their Dates respectively— The Tenor of said Notes notwithstanding—

Sent up for Concurrence J WARREN Spk^r^

In Council Oct^r^. 29^th^ 1776 Read & Concurr'd JOHN AVERY Dp^y^ Secy

Consented to.—"[Signed by fifteen of the Council]. — *Ibid., vol.* 210, *p.* 449.

During the third session the following resolves* were passed, to secure a more prompt subscription to the loan: —

"Dec. 6. 1776. In the House of Representatives. Whereas it is of the greatest importance to the safety of this State that a large supply of money be immediately put into the public Treasury to answer the present Exigencies of the Government, and it will be very inconvenient at present to make any further Emissions of paper Money, and whereas by an Act of this Court passed this present Year the Treasurer is impower'd to borrow the Sum of One hundred thousand pounds, Therefore Resolved, That the Committees of Correspondence, Safety, and Inspection of every Town and place in this State be, and hereby are directed immediately to open Subscription Lists, and to apply to such persons within their respective Town or place as they may think proper for the loan of such Sums of Money as they can possibly spare for the service of this State for which according to said Act the Treasurers Notes payable the twentieth day of July 1778 with Interest at six ℔ Cent ℔ annum according to a late resolve of this Court shall be given, every note to be for ten pounds, or upwards, and the Interest to be paid annually, and that the Committees cause such subscription lists to be compleated as soon as may be, and deliver'd into the Treasurers office and the persons so subscribing to lend are earnestly desir'd to bring, or send their Monies to the Treasury as soon as possible, and the Treasurer is hereby ordered to give his Notes for any sums received according to the foregoing directions as will best suit the persons who lend such Monies.—

And further Resolved, that M^r^. Serjeant of Malden get this Resolve printed in hand Bills and sent to the Committees of each Town, and place in this State immediately. In Council. Read, & Concurred.—Consented to by 15 of the Council." — *Council Records, vol. XXXVI., p.* 281.

Chap. 5. Feb. 11, 1774, a joint committee was appointed "to bring in a bill to ascertain the number and places of hospitals that may hereafter be erected for the inoculation of the small-pox, and regulating the same, and also for regulating the hospital already erected at Salem for that purpose," but no report of that committee, and no further action upon the subject, until the present year, has been discovered.

On the sixth of June, 1776, a joint committee, consisting of Benjamin Lincoln and Samuel Holten, of the Council, and Messrs. Wendell, Cooper and Lincoln, of the House, was appointed "to take into consideration the state of the small-pox in this colony, and report what order may be necessary for this court to take in the matter." The report of this committee and the proceedings thereupon are given below: —

"June 8, 1776. The Com^tee^ of both Houses appointed to take into consideration the state of the Small Pox in this Colony—Beg leave to Report that there is much reason to suspect that notwithstanding the Exertions of the Selectmen of Boston, & the General of the continental Troops now in this Colony to prevent it, Inoculation hath been practised in a very secret, & unjustifiable manner both among the Inhabitants, & Army which has greatly exposed those who had not pass'd thro the Distemper—They have also Reason to believe that Inoculation has been, & is now practised in the Westward part of the Colony at a place called N^o^. 5 about 14 miles distant from North-Hampton where some Persons have repair'd to be inoculated, & it appears that many Inhabitants of this Colony are desirous for their own safety, & that of the public that there be some place under the Regulations of the General Court where Persons might be inoculated without exposeing themselves to the Penalties of the Laws in that Case provided—Your Committee won'd therefore propose to the Hon: Court, whether it be not expedient to allow of one, or more inoculating Hospitals in some interior part of the Colony to be properly regulated by some Law of this Assembly at the same time imposing a severe Penalty on any Person or Persons, who may inoculate, or otherwise voluntarily take the Distemper in the Sea Ports, or Vicinity thereof as such Conduct must be very fatal to the safety of the Colony during the present Summer S: HOLTEN ℔ order

In Council. June 8^th^ 1776. Read, & Accepted, & thereupon Resolved, that Benj^a^ Lincoln, & Sam^l^. Holten Esq^r^. with such as the Hon: House may join be a Committee to consider of, & Report some suitable place, or places within this Colony, where it may be most for the Convenience, & Safety of the Public, to allow of Inoculating Hospitals being Establish'd by such persons as may be willing to undertake the same at their own Expence, also to Report such Regulations as it may necessary they should be under, & likewise to prepare, & report a Bill for preventing any Person, or Persons from inoculating for the Small Pox, but at such Hospital or Hospitals as may be allowed of —— In the House of Representatives. June 11: 1776. Read & Concurred, & Cap^t^ Washburn, M^r^. Pickering, & M^r^. Pyncheon are joined.

In Council Order'd, that Rich^d^. Derby, & Thomas Cushing Esq^rs^ be of the aforesaid

* **Printed** resolves of the November session, chapter CLVI.

Comittee in the Room of Benj^a Lincoln, Esq^r. absent, & Samuel Holten Esq^r excused"— *Council Records, vol. XXXV., p.* 33.

On the 28th of June, John Taylor was put upon this committee, in place of Richard Derby, who was absent, and, on July 2d, the bill passed its several stages to be engrossed. On the 3d, the bill was again read in the House, "and referred to the next sitting of the General Court;" but, the next day, this last vote was reconsidered, and a message was sent to the Council, proposing a clause to be added to the bill, which was accepted, and constitutes the fourth section of the act. The House, thereupon, passed the bill to be enacted, and, on the 4th, it was also passed to be enacted by the Council.

The engrossment of this act was mislaid soon after its passage, and the act was repealed, on the 9th of July, by chapter 7, which differs from it in the provision respecting the manner of recovering penalties, and in the provisions of the fourth section. The act is here printed, for the first time, from the original engrossment.

Chap. 6. The bill of this chapter was brought in, June 22d, on leave of the House, by Mr. Freeman. It was read a first time the same day; a second time, on the 24th; and a third time, and passed to be engrossed, on the 25th, when it was sent to the Council for concurrence. It was passed to be enacted in the House, on the 28th, and on the 29th, in the Council.

Chap. 7. Chapter 5, covering the same subject matter as chapter 7, differs from the latter in the provision for recovering penalties, and also in the postponement of its operation until the third day of August. Whether these variances, which were intentional, as appears by the preamble to section 4 of the present chapter, were of themselves considered sufficiently important to require the enactment of this chapter, does not appear, since the fact that the engrossment of chapter 5 could not be found, was good ground for re-enacting it. The bill of this chapter was brought down from the Council, July 8th, with an endorsement, of the same date, that it had been read a first and second time and had been passed to be engrossed. On the 9th, it was passed to be enacted, by both branches.

Chap. 8. The Legislature of the previous year had appointed a committee, consisting of Messrs. Hawley, Cushing and Story, of the House, and Spooner and Holten, of the Council, "to take into immediate consideration the best measures proper to prevent the spreading of the small-pox," whose report, and the legislative proceedings thereon, are given below: —

"The Committee of both Houses appointed the 21^st^ March Curr^t to consider the best Measures to prevent the spreading of the Small pox have attended that Service and ask leave to report the following Resolve as the best measure for the end aforesaid —

In Council March 22, 1776. Resolved that the Selectmen of the Town of Boston be directed to use the utmost vigilance and industry to find out every person in that Town who is actually infected with the Small pox and to cause them to be collected in some several house or houses in the most Westerly part of the Town and with the greatest Diligence & Care effectually to cleanse all infected places other than those to which the infected persons shall be removed, and that in case it should so happen that the said distemper should break out anew that the infected person or persons be removed immediately to the place assigned for those who are now infected, and that the S^d Selectmen be also directed from time to time very particularly to advertize the publick of the State of the Small pox during its continuance there —

And that M^r Pitts a Member of this Court and one of the Selectmen of Boston be directed to take a Copy of this Resolve attested by the Secretary and communicate the same to his Brethren the S^d Selectmen as soon as may be — sent down for Concurrence

PEREZ MORTON D Secry

In House of Representatives March 22^d 1776 Read & concurred —

WILLIAM COOPER Spr Pro Tem

Consented to" [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 208, *p.* 218.

The infection continuing to spread, the following additional measures were proposed in the House of Representatives, on the report of Messrs. Cooper, Mayhew, Robinson, Curtis and Wendell, a committee appointed, July 3d, "to consider what directions are proper to be given to the selectmen of the town of Boston relative to the state of the small-pox in that town."

"In the House of Representatives July 3. 1776 *

Whereas it appears to this House from a representation made by the Selectmen of Boston, next to impossible to stop the spreading of the Small Pox in that Town, — whereby the provision made for preventing the same is now become intirely useless — therefore *Resolved*, that the Selectmen of said Town be directed to forbear hiring any other Houses for the reception of those Persons that may hereafter be taken with the Small Pox, as also making further provision for their being carried thro' the Distemper, any Resolve or Order of this Court to the contrary notwithstanding — and that said Selectmen be furnished with a Copy of this Resolve

Sent up for Concurrence TIM^o DANIELSON Spr p Tem." — *Ibid, vol.* 209, *p.* 467.

This report was read, in the Council, on the same day, and committed to Messrs. Derby, Taylor and Sewall, "to consider on some method to prevent the spreading of the small-pox in Boston."

On the 4th of July, Richard Derby brought down from the Council a bill "to prevent the further spreading of the small-pox," which had been passed to be engrossed in the Council. This bill was read a first time in the House, the same day, and assigned for a

* Printed resolves, chapter CCXIV.

second reading, to the 5th, but appears to have been dropped at this stage. On the 6th, in the Council, a bill empowering the justices of the court of general sessions, to allow inoculation in Boston, was "committed to Messrs. Taylor, Gill and Dana," and, on the same day, a bill, bearing the same title as this chapter, probably reported by the committee last named, was brought down to the House, by Benjamin Austin, with an endorsement thereon, that, after two readings in the Council, it has passed to be engrossed there. This bill was immediately read a first time and referred to a committee, consisting of the Speaker, and Messrs. Cooper, Wendell and Watson. On the 8th, Mr. Otis was substituted for Mr. Wendell, on this committee, and the bill was read a second time and recommitted. On the 9th, the bill had its third reading, and "was passed, in concurrence, to be engrossed, as taken into a new draught," and sent up to the Council. On the 10th, Benjamin White brought down the bill from the Council, with a vote of Council proposing amendments therein, and, on the 11th, the House concurred in some of these proposed amendments, and nonconcurred in others, and recommitted the bill to a committee, consisting of Messrs. Phillips, Story and Wendell, and such as the Council should join, and sent up their vote, for concurrence. On the same day the bill was passed, in the Council, to be engrossed, and, on the 13th, it was passed to be enacted, by both branches.

While the bill was on its passage to enactment a joint committee was appointed, consisting of Messrs. Greenleaf and Taylor, of the Council, and Stickney, Phillips and Adams, of the House, "to consider whether some further provision may not be made to prevent the spreading of the small-pox through the province than is made by" the bill under consideration. Pending this proceeding the Legislature was prorogued; but the Council subsequently passed the following order: —

§ 4 — "Mass^{ts} Bay In Council July 16th 1776

Ordered That notice be forthwith given to the several persons who have opened and set up Hospitals for the purpose of innoculating persons with the Small Pox within this State without the permission of the General Court of Sessions of the Peace of such County wherein such Hospital is opened and set up, that they immediately desist from innoculating in, or receiving any persons innoculated with the Small Pox into, their several Hospitals at their peril: The Council being determined that every Person who shall offend against the Laws of this State made for the security of the good People of the same against that infectious & dangerous distemper, shall be prosecuted with the severity of Law— And that all such persons as have opened and set up such Hospitals without permission as aforesaid, be and they are hereby at their peril directed to restrain their patients within such limits from their respective Hospitals as will not endanger any of the People of this State or others untill they shall be thoroughly cleansed from all infection Read & accepted Jn^{o}. Avery Dp^{y} Secy." — *Ibid.*, *vol.* 165, *p.* 424.

During the second session, the following complaint from the town of Cambridge was received, and acted upon as hereunder shown: —

"State of Mass^{ts} Bay

To the Hon^{ble} the Councill and House of Representatives in Gen^{l} Court assembled

The Town of Cambridge in the County of Midles^{x} (by their Com^{ee}) Humy Sheweth

That whereas almost all the wood in this Town and a Great Part of the same in the Neighbouring Town having Been taken up for the Contineentiel army, so that Neither The Town or the Colledge in it Can be suplyed with wood at a Reasonable Price but by Water, and that whereas the Court of General session of the Peace for the County of Suffolk, having appointed the Barracks on Sewell^{s} Point* (so Called) for an Inoculating Hospital, and said Barracks having also been Improved for a small Pox Hospital for the army which has in a Great Measure Prevented your Petetioners having suplys by Water because the Coasters who have not had the small Pox are unwilling to Pass up the River by those Barracks, Even when the wind Blowed upon that shore, and when it Blowed off the shore they have been absolutly Detered from Passing: one wood sloop that ventured up the River: after being unloded, Lay there four Days on Expence for no other reason than that the wind blowed off that shore, this Difficulty Necessarily Enhances the Price of Wood that Comes by water, and while the small Pox is or is supposed to be in those Barracks or near that Point the Coasters will Continue to be afraid to Venture, so that Neither the Inhabitants of the Town or students at the Colledge will be able to Procure wood, but at an Extravigant Price unless those Barracks are Cleared of the Infection Wherefore your Petitioners Humbly Pray that your Honr^{s} Would take such order for Clearing said Barracks of the Infection as to your Honr^{s} shall apear Proper and your Petitioners as In Duty Bound shall Ever Pray —

Cambridge Sep^{r} 5th 1776 Edw^{d} Marrett } one of said Com^{ee} p^{r} order

The Com^{tee} [which consisted of Dr. Bachelor, Mr. Ellis and Capt. Robbins] on this petition beg leave to report That they are of Opinion (considering the various accts with regard to the Scituation of S^{d} Hospital its Distance from the River &c) That a Com^{tee} be appointed and Directed to take a view of the premises and Report what is propper for this house to do with regard to s^{d} petition which is hum^{y}. Submitted

Joseph Bachelor p^{r} Ord^{r}

In the House of Representatives Sept^{r} 13, 1776

Read & accepted — & Coll Storer M^{r} Appleton and Cap^{t} Shiverick are appointed a Committee for the purpose mention'd in s^{d} Report — Att Sam^{l} Freeman Clerk

In the House of Representative Sept 14. 1776

M Sergeant was appointed in the room of M Appleton on the Committee above^{s}^{d} —

Att Sam^{l} Freeman Clerk

The committee abovementioned have viewed y^{e} Hospital at Sewalls point & heard y^{e}

* In Brookline.

parties & their witnesses & upon deliberation beg leave to report to y^e^ house by way of Resolve underwritten which is humbly Submitted —

In the House of Representatives Sept^r^ 18^th^ 1776*

Resolved that y^e^ Prayer of this Petition be so far granted as that y^e^ Barracks standing within y^e^ fort at Sewalls point be not used for a hospital & that they be kept clear of infection, any thing in y^e^ order or Lycence of y^e^ Court of General Sessions of y^e^ Peace for y^e^ county of Suffolk to y^e^ contrary notwithstanding.

Sent up for Concurrence — J WARREN Spk^r^

In Council Sept^r^ 18: 1776 Read & Concurrd — JOHN AVERY Dp^y^ Sec^y^

Consented to"—[Signed by fifteen of the Council] — *Ibid.*, *vol.* 210, *p.* 272.

"Apr. 6, 1778. In the House of Representatives. †Resolved, that the Selectmen of Roxbury be, and they hereby are impowered and Directed to employ two discreet persons at or near the Lines in Roxbury to cleanse all persons passing from the Town of Boston who may be thought to be infected with the Small-Pox by causing them to be smoaked in a Smoak-House to be erected for that purpose, not exceeding three Weeks from this time, and to lay their Account of the expence before this Court for Allowance In Council Read and Concurred. Consented to by Fifteen of the Council." — *Council Records, vol.* XXXVIII, *p.* 416.

"State of Massachusetts Bay. In the House of Representatives April 7. 1778

‡Whereas the safety of the Public requires further Provision than is made in the Resolve of the sixth Instant to prevent the infection of the Small Pox from the Town of Boston being communicated by Persons who may come from said Town —

Therefore Resolved That Smoak Houses be erected at the entrance of the Town of Roxbury & also at Winnisimmet Ferry and at Charlestown Neck — and the Selectmen of the Towns of Roxbury Boston & Charlestown are impowered & directed to cause said Smoak Houses to be forthwith erected & proper Persons to attend the same and to smoak all Persons who shall pass from the said Towns of Boston and Charlestown — and also all Papers they may have to prefer to the General Court, and also the Money they may bring from said Town — and lay their Accounts before this Court for allowance — And it is Order'd that this Resolve be printed in the Boston News Papers Sent up for Concurrence — J. PITTS Spk^r^ P Temp

In Council April 7, 1778 Read & Concurred — JN^o^ AVERY D^y^ Sec^y^

Consented to"— [Signed by sixteen of the Council]. — *Mass Archives, vol* 217, *p.* 447.

"State of Massachusetts Bay In the House of Representatives April 11^th^ 1778 —

§ Whereas the Resolves of this Court that have already passed have been found insufficient to obleige People passing out of the Town of Boston & Charlestown with their Effects to be smoaked in the Smoak Houses erected for that Purpose and it being absolutely necessary in order to prevent the spreading of the small Pox that the same should be complied with, Therefore Resolved that any Person coming out of the said Towns who shall refuse to be smoaked as before directed togeather with his or her Effects, shall forfit and pay a Penalty of forty shillings to be recovered on the complaint of any Person [A] *before any Court* [B] *in this State proper to try the same,*[C] one half of said Fine to be to the Use of the Prosecutor, and the other half to the Use of the Town where the offence may be committed. Sent up for Concurrence — J PITTS Spk^r^ P Temp

In Council April 11^th^ 1778 Read & Concurred with an Amendment at A —

Sent down for Concurrence — JN^o^ AVERY D^y^ Sec^y^

At A dele *before any Court* and insert *upon Oath before any Justice of the Peace in the County where the Offence is committed* —

In the House of Representatives April 11. 1778

Read and concurred with a further amendment. viz dele from B to C Sent up for Concurrence — J. PITTS Spk^r^ P Temp

In Council April 11.' 1778 Read & Concurred — JN^o^ AVERY D^y^ Sec^y^

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *vol.* 218, *p.* 7.

Chap. 9. On a motion originating in the House, a joint committee, consisting of Messrs. John Brown and Col. Orne, of the House, and William Phillips, of the Council, was appointed, Aug. 29th, "to take into consideration the expediency of prohibiting the exportation of lumber from one part of this state to another, and to foreign parts, for a limited time, and to report a resolve necessary to be passed for that purpose." On the next day, Daniel Hopkins brought down from the Council the report of this committee, signed "William Phillips ℔^r^ order," "that they judge it expedient that an embargo be laid upon all lumber, and that an act prohibiting the exportation thereof from all and every port within this state, till the first day of November next, will be the most effectual method for preventing the same" This report was accepted, the same day, by both branches, and the same committee was ordered to bring in a bill, accordingly.

Sept. 2d, a bill bearing the title of this chapter was read twice, in the Council, and passed to be engrossed. It was then sent down to the House, where, after three readings, it was passed, in concurrence, to be engrossed, with certain amendments to which the Council agreed, and, on the 4th, it was passed, by both branches, to be enacted.

In the mean time the following resolve¶ was passed by both branches: —

"In Council Sept^r^ 2^nd^ 1776. Whereas Benj^a^ Greenleaf & Oliver Wendell Esq^rs^ & Capt Geor. Williams are appointed a Committee to repair to Portsm^o^ in the State of New Hampshire, to procure the Continental Frigate to cruize after the Milford, and other Frigates of the Enemy that are Infesting the Sea Coast of these united States; — *Resolved* that the said Committee be directed to represent to the legislative authority of the state of New Hampshire, the *expediency* of Forthwith passing an *Act* to prohibit the exportation of Lumber for a limited Time, simular to that passed by this State for that purpose — sent down for *Concurrence*. JOHN AVERY Dp^y^ Sec^y^

* Printed resolves of the August session, chapter CXX. † *Ibid.*, chapter XV.
‡ *Ibid.*, chapter XIX. § *Ibid.*, chapter XXXIV. ¶ *Ibid.*, chapter XVIII.

In the House of Representatives Sept^r 2^d 1776 Read & concurrd — J WARREN Spk^r." — *Mass. Archives, vol.* 210, *p.* 131.

Chap. 10. On the 4th of September, the committee of the House, on "the state of this State", reported "that a committee be appointed to consider the state of the treasury, and report with what sum, and in what manner, it shall be supplied." This report was accepted, and a committee, consisting of Messrs. Osgood, Davis, Wood, Sullivan and Sartell, was appointed, accordingly. This committee appears to have proceeded to business at once; for their report was in the orders of the day for Sept. 5th, and was that day accepted, and a resolve was passed, thereupon, "that there be immediately emitted the sum of one hundred and twenty-five thousand pounds to supply the treasury," and Messrs. Brown of Watertown, Brown of Boston, Fuller, Osgood and Pickering were appointed a committee "to consider and report of what denominations the bills shall be."

On the 6th of September, Messrs. Brown, Davis and Otis were appointed a committee "to wait upon Mr. Revere to know if he can recut the former plates to answer in part for the new emission of the bills agreed to be made and emitted;" and, on the 9th, the same committee was "directed to receive from the treasurer the copperplates in his possession, engraved for the emission of £75,000;" which the treasurer, by the same order, was directed to deliver to them. The same committee was further directed "to agree with some suitable person to engrave plates for the emission of one hundred thousand pounds, of such denominations as shall hereafter be agreed upon."

It thus appears that the bills to be emitted under this chapter, were to be printed from the old plates, while the remainder of the emission were to be printed from plates of a new design.

On the 10th, Mr. Wendell was ordered "to wait on Mr. Revere to desire him to alter the word *Colony*, in the plate on which the bills of credit are to be struck off, and insert *State* in the room thereof."

On the 9th of September, Messrs. Davis, Pickering and Whiting were appointed a committee to bring in a bill "for the striking off the sum of £25,000, part of the £125,000" already voted to be emitted, and Messrs. Parker, Williams and Billings were appointed a committee "to procure paper for that purpose, and to agree with a printer for striking off the same."

A bill for emitting £25,002 was read a first time on the 10th, a second time on the 11th, and, on the 12th, it was read a third time, and sent to the Council, for concurrence. On the 13th, this bill, by request of the House, was sent down to them; and, on the same day, it was passed in the Council, in concurrence, to be engrossed. On the 16th, the bill was again sent to the Council, with an amendment by which the sum to be emitted was made £50,004, instead of £25,002, to which amendment the Council immediately agreed; and the bill was passed to be enacted in both branches, and the Rev. John Murray, Thomas Cook, Abraham Fuller, Jonas Dix, John Bliss, Jonathan Brown, John Lewis and Henry Hill, were appointed a committee to sign and number the bills emitted under this act. On the next day, "Mr Davis and Col Goodwin" were substituted for "Major Fuller and Col. Bliss, excused," on this committee.

With regard to the remainder of the bills the emission of which was required by the resolve, it was ordered, on the 11th of September, "that the committee appointed to report suitable denominations of the bills of credit, be directed to consider some proper device for the same, and report." Accordingly, the following report was made, read and accepted, on the 16th of the same month:—

"The committee appointed to consider of what denominations the emission of money ordered by this House, should be, reported, as their opinion, That there be engraved, two plates, twelve bills on each plate; the large plate to contain bills of *one dollar, two dollars, three dollars, four dollars, five dollars, six dollars, seven dollars, eight dollars, nine dollars, ten dollars, eleven dollars*, and of *twelve dollars;* the small plate to contain bills of *two pence, three pence, four pence, six pence, eight pence, nine pence, twelve pence, one shilling and six pence, two shillings, three shillings, four shillings*, and *four shillings and six pence;* that each bill, on each plate, have a border, handsomely engraved, for the face of the bill, and the value of the bill expressed thereon, in several places;

That on the face of the bills, on the largest plate, be engraved, the arms of this State, with this motto round the same, 'POST TENEBRAS LUX,' and on the scrole, in the Americans hand, IND; and that on the back of such bill, be printed the value of such bill, with suitable ornaments cut on type metal." — *House Journal, p.* 109.

On the same day, Messrs. Wendell and Davis and Mr. Brown of Boston were appointed a committee to procure paper for the bills last described, — four and one-half reams for the larger plate, and ten reams for the smaller.

In the mean time, paper had been procured for printing the bills ordered to be emitted by this chapter, and, on the 18th of September, Capt. Brown of Watertown was ordered to "cause the three reams of paper (for emission of money) to be brought from Milton to Watertown," where the General Court was sitting

Chap. 11. "Sept. 4, 1776. A petition of *Thomas Rice*, and others, in behalf of the town of *Pownalborough*, setting forth, That, for the more easy and peaceable enjoyment of religion, the said town did, at a legal meeting, warned for that purpose, divide the east precinct in said town, into two precincts, by a line, therefore praying that said east precinct may be divided into two precincts, agreeable to the vote of said town. Read, and *Ordered*, that the prayer of the said petition be granted, and that Col. *Cushing* bring in a bill for that purpose." — *House Journal, p.* 87.

A bill was brought in, in accordance with the above order, and read a first time, on the 9th. On the 10th, it was read a second and third time, and passed to be engrossed. In

the Council it was passed, in concurrence, to be engrossed, on the third of December, and on the 7th, it was passed to be enacted. The petition of Thomas Rice and others has not been found in the archives.

Chap. 12. "March 3, 1762. A Petition of Joseph Frye Esq^r Praying liberty to purchase a Tract of land sufficient for a Township in some place between a River called Great Ossape running into Saco River, and the Mountains above Pigwacket, and as there are sundry Tracts of Land that would make good Settlements and are not yet disposed of by the Government, lying below on Saco River, which would be much advanced by the Settlements which the Petitioner proposes to make; and as he has spent the Prime of his Life in the defence of his Country viz^t the last War from the beginning of the year 1745, till the settlement of a Peace; and the present War from the year 1754 till last December (saving a suspension of eighteen months occasioned by his falling into the hands of the Enemy, when Fort William Henry was taken, and by which he sustained a very heavy Loss) He humbly hopes he may be favoured in the Purchase.

In the House of Representatives Voted and Resolved That the Prayer of the Petition of Joseph Frye Esq^r be so far granted as that he have liberty to lay out a Township of the contents of six miles square in some place on either side of Saco River, between the River called Great Assape and the Mountains above Pigwacket and to make his Pitch within said Limits where it may not interfere with any former Grants; and that he return A Plan of the same in six Months after the first day of March Instant, if the General Court be then sitting, or at the first time of their sitting after to have it confirmed: and that he also do give bond with sufficient security to the Province Treasurer or to his Successor to settle the same with sixty good Families, each of which in the term of five Years from the Grant to have built a good house of twenty feet by eighteen and seven feet Stud, and have cleared for Pasturage or Tillage seven Acres each, and that they also out of the Premisses grant one sixty fourth part to the first ordained Protestant Minister; one sixty fourth part for the use of a Personage forever; one sixty fourth part for the use of Harvard College forever; and one other sixty fourth part for the use of a School forever within the said Town: And further that the said Joseph Frye give bond with sufficient security to the Treasurer to pay to him or his Successor for the use of the Province, One hundred pounds lawful money within twelve Months from the date of the confirmation of the Grant, and that the said Town shall within ten Years have a Protestant Minister settled among them. In Council Read and Concurred Consented to by the Governor." — *Council Records, vol. XXIV., p.* 306.

"Feb. 24, 1763. In the House of Representatives. The plan of a Township granted by this Court at their Session in March 1762. to Joseph Frye Esq^r and by him laid out at a place called Pigwacket in the County·County of York bounded at the South Corner to a Spruce Tree marked; and from thence North forty five Degrees West by the needle of the Instrument, Two thousand one hundred and seventy two Rods to a Beach Tree marked, thence North forty five Degrees East Two thousand One hundred and seventy two Rods to a Maple Tree marked, thence South Forty five degrees East Two Thousand one hundred and seventy two Rods to a Pine Tree marked, then South forty five Degrees West to the first bound was presented for acceptance, and accordingly —

Resolved that the said Plan be accepted, and that the said Lands therein described be and hereby are granted and confirmed to the said Joseph Frye and to his heirs and Assigns forever, provided it dos not interfere with any former Grant) the Township lying on both sides the River Saco, notwithstanding; subjected nevertheless to all the Conditions and reservations made and provided in said Grant. —

In Council Read and Concurred Consented to by the Governor." — *Ibid., p.* 606

"June 26, 1772. A Petition of Joseph Frye — Setting forth — That in the North Corner of the Township at Pigwacket in the County of York which was granted & confirmed to him in 1763 there lyes a quantity of interval Land seperated (by low sunken Land) so far from any·Upland in said Township, except a small strip as renders the settlement of any Families in that part of it impracticable and the improvement of said interval very inconvenient. And praying that he may be allowed to drop 4147 Acres of the Land in the west Corner of s^d Township and to lay out the same quantity in the Province Lands adjoining to the Northwardly part of said Township, in lieu thereof, to accommodate the s^d interval Land with Upland.

In the House of Representatives. Resolved that the Government receive back the four thousand one hundred and forty seven Acres of the land in the west Corner of the Township at Pigwacket in the County of York which was granted to the Petitioner in AD 1762. and confirmed in 1763. as appears by the Plan herewith exhibited, and that in lieu thereof there be granted him the same quantity of the Governments Land as prayed for in said Petition, with liberty to lay it out adjoining to the Northwardly or Northeastwardly part of his Township (so as not to interfere with any former Grant) and that he return a plan thereof taken by a Surveyor and Chainman under Oath for acceptance and confirmation in twelve Months from this time

In Council, Read & Concurred Consented to by the Governor." — *Ibid., vol. XXIX., p.* 294.

"May 1, 1776. *Whereas the General Court held at* Boston, *in* June 1772, *passed an Order that the Colony should receive back from* Joseph Frye, *Esq; four Thousand one Hundred and forty seven Acres of Land in the West Corner of the Township of* Pickwalket, *in the County of* York, *and that in Lieu thereof he should have Leave to lay out the same Quantity adjoining to the northwesterly Part of said Township; and whereas the said* Joseph Frye, *in the Month of* March 1774 *laid the same out and returned a Plan thereof, which now lays before the Court, but the Court not being entirely satisfied with the Survey thereof:*

It is *Ordered*, That the said *Joseph Frye*, Esq; cause a Plan thereof to be taken by Mr. *Joseph Noyes*, who is appointed for that Purpose, with two Chainmen under Oath, and returned unto the General Court of this Colony as soon as may be, that the Court may advise thereon. Sent up for Concurrence." — *House Journal, p.* 227.

"In Council Read & Concurred Consented to by 15 of the Council." — *Council Records, vol. XXXIV., p.* 831

The bill of this chapter, having passed to be engrossed in the House, was passed, in concurrence, to be engrossed, in the Council, Nov. 29th, and, on the 11th of January, having been passed to be enacted, in the House, it was passed, in concurrence, to be enacted, in the Council.

Chap. 13. "Jan. 22. 1776. In the House of Representatives Resolved that there be paid to Elisha Porter Esq^r out of the Colony Treasury the sum of Sixteen pounds, to be laid on the Town of Hadley, in full for his Travel to, and attendance at the House the present Session, as a Representative for said Town — also Resolved that there be paid out of the said Treasury to M^r Abner Morgan the sum of Ten Pounds, seven shillings and Six in full for his Travel to and attendance at this House the present session, as a member from the Town of Brimfield, said sum last mentioned to be la•d on the said Town of Brimfield — In Council Read and Concurred Consented to by Fifteen of the Council." — *Council Records, vol. XXXIV., p.* 535.

"From a Representation of the Treasurer, there will be £75,000, or thereabouts, besides the Interest thereof, due from the State in June next (exclusive of £50,000 for which the Monies due from the Continent, before the last Session were mortgaged as a fund). You will doubtless be convinced that a Tax for the whole, or the greater Part of this will be necessary to be Assessed in this Session." — *Extract from message of the Council to the House, Aug.* 28, 1776: *ibid., vol. XXXV., p.* 184.

"Sept. 4, 1776. The committee on the state of this State, reported as follows, *viz.* * * * * 2. That a committee be appointed to consider what sum the inhabitants of this State shall be taxed, the present year. Accepted; and Col. *Bowers*, Col. *Brooks*, Mr. *Wood*, Col. *Thatcher* and Mr. *Jackson*, were appointed a committee for that purpose." — *House Journal, p.* 86.

"Sept. 5, 1776. The committee appointed to consider what sum the inhabitants of this State should be taxed, reported, verbally, That *one hundred thousand pounds* would be a suitable sum. And the House assigned three o'clock in the afternoon to consider said report. * * *

The House was moved, That, previous to determining what tax should be laid on the inhabitants of this State, a committee should be appointed to consider the circumstance of the several towns, and report what towns abatements shall be made from, or what additions shall be made to the proportion of the tax that might be laid on them respectively, agreeable to the last valuation; and the question being put it passed in the negative

The House was then moved, That a committee be appointed to consider and report what Towns shall be abated of the proportion of the taxes that might be laid on them, agreeable to the said valuation, and what part of such tax shall be abated them; and the question being being put, it passed in the negative

Reconsidered, and the members from the several counties had leave of the House to nominate a person for their respective counties, such person not being of the committee appointed to bring in a Form of Government, or belonging to such suffering towns as expect an abatement of their taxes; whereupon the following gentlemen were appointed as a committee for the purpose proposed, *viz.* Major *Crane*, Mr. *Wood*, Major *Fuller*, Col. *Mosely*, Mr. *Turner*, Dr. *Sweeting*, Mr. *Basset*, Mr. *Cottle*, Capt. *Parker*, Col. *Goodwin*, Mr. *Fabyan*, Col. *Cushing* and Capt. *Stratton*." — *Ibid., p.* 90.

The following report is dated September, though the day is not given. No action thereon by the House has been discovered; but the tax act shows that the abatements reported, except in the case of Wellfleet, were actually made: —

"The Committe appointed to consider what Towns Shall be abated, of their Proportion, of the Taxes that might be laid on them, agreeable to the last Valuation, and what part of Such Tax Shall be Abated them, have considerd the matter and beg leave to Report, the folling abatement, to the Towns hearafter named (Viz)

Boston . . .	1/2	Falmouth . . .	1/2
Roxbury . .	1/5	Plymouth . . .	1/8
Charlstown . .	8/9	the County of Lincoln	1/3
Marblehead .	1/2	Wellfleet not accepted	1/10
Glocester . .	1/3	Manchester . .	1/8

Sept^t y^e 1776 THO^S CRANE p^r order." — *Mass. Archives, vol.* 137, *p.* 103.

The following order does not appear to have been concurred in by the Council and the clause referred to is not in the act, though a similar clause was in the act of the previous year. From this it may be inferred that the fugitives had generally returned to their respective towns: —

"Oct. 22, 1776. *Ordered*, That the inhabitants of *Boston*, *Charlestown* and *Falmouth*, that are now out of town, be taxed to the several towns to which they respectively belonged; and that a clause be inserted in the tax act, accodingly as it was in the last tax act." — *House Journal, p.* 132.

"Oct. 25, 1776. *Voted*, That a tax of *fifty thousand pounds*, be laid on the several towns in this State, for the year 1776; and that Major *Fuller*, Mr. *Dix* and Capt. *Noyes*, be a committee to bring in a bill for proportioning the same among the several towns" — *Ibid., p.* 134.

Nov. 26, 1776. In the House of Representatives. Order'd, That Major Fuller, M^r

Speaker, Mr Phillips, Mr Cooper, and Mr Plympton be a Committee to confer with such as the Honble Board may appoint on the subject of the Tax Bill.

In Council Read, & Concurred, and Jeremiah Powell Artemas Ward, Thomas Cushing, John Whetcomb, and Francis Dana Esqrs are join'd on the part of the Board" — *Council Records, vol. XXXVI., p.* 204.

"A Bill has been laid before the Board, intitled, 'An Act for apportioning, and Assessing a Tax of Fifty Thousand five hundred, & ninety four pounds 13s 7½d upon the several Towns, & other places in this State for defreying the Public Charges, and also for assessing a Tax of Seven Thousand three hundred, & twenty pounds, 17s paid the Representatives for their Travel & Attendance in the General Court in the year 1775.

The levying so low a Tax upon the People the present year is liable to so many objections, and will in our opinion be attended with such fatal Consequences to this State that the Board could not see their way clear to concurr with the Honble House in passing this Bill. You Cannot but be sensible that the public Exigencies have of late required large Emissions of paper Bills, or Notes. These Bills or Notes are no other than a promise or obligation which the State brings itself under to pay the Possessor the sum specified in the Bill or Note within a certain time; and they owe their Currency to the credit of the State, or to an Opinion that the State is able to make good its Engagements: consequently Paper Bills owing their Currency to opinion, have only a local, and imaginary Value. This shews the absolute necessity of the States taking effectual measures to support the Credit of their paper Currency; in order to which, the utmost care should be taken that their Emissions are not Extended beyond their proper limits, For we must observe that the value of the Currency of any State has a limit beyond which it cannot go; and if the nominal sum is extended beyond that limit, the real Value will not follow. Suppose one million was the utmost limit of Currency to which this State could give real effectual Value, and they should Emit one million more. The last Million would add nothing to the real value of the whole, but would sink the value of the two Millions down to its limit, one million; that is, the two millions would not purchase more real substantial Goods than the one million before the other was added to it. This being the Case, We cannot think of any better method to reduce the quantity of paper Bills than partly by Taxing, and partly by Funding. If these sentiments are just, This State will not be able to support the credit of its Currency by levying such small Taxes upon the People while the exigencies of the State require such large Expenditures — moreover, we would remind the Honble House that the Treasurer in May 1775, was directed by this State to borrow the Sum of One hundred thousd pounds, lawful money, about seventy five thousand of which he actually did borrow, and gave his notes with Interest at 6 ℔ Cent ℔ annum payable in June 1777, and the faith of this State has been solemnly plighted to the Possessors of those notes for the payment of the same at that period. Now as no provision has yet been made to enable the Treasurer to redeem those notes, with the Interest due thereon at that Time, certainly the credit of this Government requires that this should be done without Delay, and that sufficient provision shou'd be made therefor by the present tax Act. We would further observe, that it appears from the public Acts of this Government that this State has promised the Possessors of their Bills to pay to them the sum of One hundred, & ninety thousand pounds partly in the month of March, & partly in the month of May 1778. and the three following years must also be more, or less loaded with Taxes to enable the Treasurer to redeem the Bills emitted by this State besides a Tax of Thirty Thousand pounds that must be laid upon each of those years to redeem our Proportion of the Bills emitted by the Continental Congress; In short, the Bills, and notes that have been Emitted by virtue of former Acts of this Government, and those that will be emitted in pursuance of Acts & resolves, that have been passed the present sessions will amount to above one million lawful mony. Two hundred, & sixty five thousand pounds of which must, if we mean to fulfill our Engagements, & keep our Credit good, be paid in the years 1777, & 1778 — consequently if only a Tax of about Fifty Thousand pounds is laid upon the present Year — there will remain a Tax of above Two hundred thousand pounds to be levied upon the next Year. — From this State of Facts we think you must be convinced that, in order effectually to comply with the engagements this State are under, it will be absolutely necessary to lay a larger, a much larger Tax the present year than the sum specified in the Bill referred to such a measure, will certainly tend greatly to the safety of the State as well as to the ease of the People for the present rise of every saleable Article makes it Evident that the circulating Cash within this State is plentier than usual, or necessary, & therefore easily to be obtained. Now the difficulty of collecting Taxes is in some proportion to the scarcity of money. The only time then for levying, & collecting large Taxes with ease, and safety is when money is plenty Has there then been a Time when the people could pay their Taxes with more ease than the present? will it be possible to carry on the present War, unless the credit of our paper Currency is supported? Can this be effectually done without the People are Taxed in some proportion to the money that is Emitted, or proper funds are Established to support the Credit of it? these are weighty considerations, & require the utmost attention of the whole Legislature" — *Message from the Council to the House, Dec.* 4, 1776: *ibid., p.* 259.

On the 22d of January, the House sent up, by Mr. Pickering, a message to the Council, requesting a return of the tax bill, which being sent down forthwith, was amended to the form of this chapter, and was, the same day, passed to be engrossed, in the Council, and on the 27th, it was passed to be enacted, and signed by fifteen members of the Council.

"To the Honble the Council & the honorable the House of Representatives of the General Assembly of the State of Massachussets-Bay for the year One thousand seven hundred & seventy seven,

The joint petition of Zachariah Mayhew of Chilmark of Dukes County & Gideon Hawley of Mashpee in the County of Barnstable humbly sheweth,

That they have for many years past been ordained to the work of the Gospel ministry and are now employed as Missionaries to the Indian Natives in their respective Counties and have under their care several Indian Churches & congregations which they visit occasionally & to one or another of which they constantly preach the Gospel on the Lords Day and at other times: And have on account of their office been exempted from all taxation till the last year when by virtue of a Clause in the tax bill they were assessed, which would have been a singular Burden at any time but is now very heavy upon them as they have been long since deprived of remittances from a charitable fund in England by which they were supported — and therefore your petitioners do respectively pray that the Great & general Assembly would make such order & ordanance in their favor as is agreeable to their piety & goodness and your petitioners will always pray.

ZECHARIAH MAYHEW
GIDEON HAWLEY." — *Mass. Archives, vol.* 183, *p.* 277.

The foregoing petition was referred to a committee, consisting of Messrs. Wendell, Jeffries, and Niles, Nov. 28, 1777, whereupon the following resolve * was passed Dec. 1, 1777: —

"Resolved. That the Assessors of the Towns of Chilmark & Mashpee respectively, abate & remitt the whole Tax assess'd on the Revd Zachariah Mayhew & the Revd Gideon Hawley Missionaries to the Indians they having heretofore been exempted from public Taxes by Virtue of their sacred Office in which they still continue to be faithfull Servants." — *Ibid., vol.* 216, *p.* 43. — See, also, note to 1777-78, chap. 13, p. 834, *post.*

Chap. 14. The following order of the House marks the beginning of the movement to prevent, by legislation, the rise of the price of goods, caused by the risks and losses attending foreign commerce during the war, and by the depreciation of the currency: —

"Feb. 5, 1776. On a Motion, *Ordered*, That Maj. *Brooks*, Maj. *Fuller* and Capt. *Brown* of *Watertown*, with such as the Hon. Board may join, be a Committee to take into Consideration the present high Price of Goods, and report what is proper to be done at the next sitting of the Court. Sent up for Concurrence." — *House Journal, p.* 248.

No intimation of the concurrence of the Council in the above order having been received, the House, on the 14th of March, passed an order that a message upon this subject be sent to the Board; and the same day the following proceedings occurred in the House: —

"A Petition of the Committee of Inspection of the several Towns of *Medfield, Wrentham, Attleborough, Dedham, Medway, Billingham, Holliston, Mansfield, Natick, Stoughton, Stoughtonham, Sherburn* and *Walpole*, praying the Court to take into Consideration the extravagant Price which is demanded for *English* Goods, Wood, Flax, Shoe-Leather, Grain, and sundry other Articles, and make some Provision to prevent the growing Evil.

Read and committed to the Committee appointed the fifth of *February* last, to consider what was proper to be done with regard to the high price of Goods. Sent up for Concurrence" — *Ibid., p.* 6.

A second message to the Council, to know if the order of the House relating to the high price of goods had been concurred in, was sent on the 20th; and, six days later, there was presented to the House the petition of a committee, chosen out of the committees of correspondence, safety, &c., for the towns of Newburyport, Newbury, Bradford, Andover, Boxford, Salisbury, Haverhill and Methuen, in Essex County, and Londonderry, Plaistow, New Salem and Atkinson, in New Hampshire, "representing the exorbitant prices of goods and articles vended by the merchants and farmers, and praying that some speedy and effectual remedy might be applied to prevent the evils arising therefrom." At the third session, the following resolve † and order were passed: —

"Nov. 16, 1776. In the House of Representatives.—Resolved, That the Honble Tristram Dalton, & Azor Orne Esqrs with such as the Honble Board shall join be a comtee to meet Committees from the General Assemblies of the States of Connecticut, New Hampshire, & Rhode-Island at Providence in Rhode Island the tenth Day of December next, provided said assemblies think proper to appoint such Committees—then, & there to hold a Conference respecting further Emissions of Paper Currency on the Credit of any of said States—Also on measures necessary for supporting the credit of the Public Currencies thereof—and that the said Committee (if the Committees of the other States so met agree thereto) be empowered to communicate to the other United States of America the Intention of their Convention, and urge that some measures be taken by them to the same purpose, and to give like information to the Honble the Continental Congress, and propose to them whether the regulation of the Currencies is not an object of necessary attention—and to report as soon as may be.—

And it is Orderd, That the Secretary immediately transmit authenticated Copies of this Resolve to the General Assemblies of the several States aforemention'd.

In Council. Read, & Concurred, & Thos. Cushing Esqr. is joined on the part of the Board.— Consented to by 15 of the Council." — *Council Records, vol.* XXXVI., *p.* 175.

According to the above resolve and instructions the committee met at Providence, in Rhode Island, Dec. 25, 1776, with a similar committee from Connecticut, consisting of Eliphalet Dyer, Richard Law, Nathaniel Wales and Titus Homer, and a similar committee from New Hampshire, consisting of Nathaniel Folsom, Josiah Bartlett and Supply Clap, and still another committee, with similar powers, from Rhode Island. The last committee consisted of Stephen Hopkins, William Bradford and Henry Ward.

Before the departure of the committee from Massachusetts a letter was received from Governor Cooke, enclosing a resolve of the assembly of Rhode Island proposing a council of war, at Providence, on or before Dec. 23, 1776, to devise measures to repel the British fleet and army then invading that state. Accordingly, on the 16th, the Council of Massachusetts Bay adopted the following resolve: —

"Resolved That it is highly necessary and expedient that the Honble Thomas Cushing Azor Orne and Tristram Dalton Esqrs (a Committee appointed the sixteenth day of No-

* Printed resolves of the November session, chapter XII. † *Ibid.*, chapter XXXVII.

vember last by the General Assembly of this State to proceed to providence and confer with such Committees as might be appointed by the several States of New England upon the measures necessary to support the Credit of the public Currencies of said States) should proceed and they are hereby impowered to proceed to Providence in Rhode Island and on the part and in behalf of this State on the 23d. instant there to meet and to confer with the Council of War appointed by the Assembly of the State of Rhode Island and also with such other Committees as may be appointed by the States of Connecticut and New Hampshire upon the expediency of raising an Army for our immediate and common defence upon the measures necessary to support the Credit of the public Currencies of the New England States, for preventing Monopoly and high price of goods and the necessaries of Life Regulation of Vendues Embargo on Shipping and such other matters as are of general concernment to the New England States and not repugnant to or interfering with the powers and Authorities of the Continental Congress and report the result of their conferrence to the General Court and the Secretary is hereby directed to Notify the Gentlemen before mentioned of this Resolution of the board inclose them a Copy of the same and desire them immediately to signify to the Board whether they shall proceed upon the business aforesaid or not." — *Executive Records of the Council, vol.* 20, *p.* 107.

The committee organized and proceeded to business, Dec. 25, 1776, and, on the 28th, they took up the subject of regulating prices. After some progress made, they postponed the subject, but resumed the consideration of it on the 31st, when the following recommendations were agreed upon: —

"This Committee taking into Consideration the unbounded Avarice of many Persons, by daily adding to the now most intolerable exorbitant Price of every necessary and Convenient Article of Life, and also the most extravant Prices of Labour in general, which at this time of Distress unless a speedy and effectual stop be put thereto will be attended with the most Fatal and Pernicious Consequences.— As it not only Disheartens and Disaffects the Soldiers who have nobly entered into Service, for the Best of causes, by obliging them to give such unreasonable Prices for those Things that are absolutely needful for their very existence, that their pay is not sufficient to subsist them; but is also very Detrimental to the Country in General.—

Wherefore it is recommended by this Committee, that the Rates and Prices hereafter enumerated be affixed and Settled within the Respective States in New-England to wit

Farming Labour } in the Summer Season shall not exceed Three shillings and four pence per Diem, and so in the usual Proportion at other Seasons of the Year, and the Labour of Mechanics and Tradesmen, and other Labour to be computed according to the usages and Customs, that have heretofore been adopted and practised in different Parts of the several States compared with Farming Labour.

Wheat: Good Merchantable Wheat shall not exceed the Price of Seven-shillings & Sixpence per Bushel in any Part of the States of the Massachusets Bay, New-Hampshire, & Rhode-Island Providence Plantations, and Six Shillings per Bushel in any part of the State of Connecticut.

Rye. Good Merchantable Rye shall not in the State of Connecticutt exceed Three Shillings & Sixpence per Bushel, and not in any part of the States of the Massachusets-Bay, New-Hampshire & Rhode-Island Providence Plantations Four shillings & Sixpence per bushel.

Indian Corn } Good Merchantable Indian Corn shall not in any part of the State of Massachusetts Bay exceed Three shillings & four pence per Bushel, and not in any Part of the State of Connecticutt Three shillings per Bushel and not in any part of the States of New-Hampshire and Rhode-Island Providence Plantations Three shillings and Six pence per Bushel.

Wool. Good Merchantable Sheeps-Wool shall not in any Part of the States of Massachusets Bay, Connecticut & Rhode-Island Providence Plantations exceed Two shillings per pound, nor in any part of the State of newhampshire two shillings and two pence ℔ pound

Pork. in any Part of the State of the Massachusetts-Bay shall not exceed (those Weighing) from 5 to — 7 Score . . 4^{d}
7 to — 10 Score . . $4\frac{1}{2}$ } ℔ Pound
all above 10 Score . . $4\frac{3}{4}$

in any Part of the State of Connecticut shall not exceed those Weighing from 5 to — 7 Score . . $3\frac{1}{4}{}^{d}$
7 to 10 Score . . $3\frac{1}{2}$ } ℔ Pound
all above 10 Score . . $3\frac{3}{4}$

in any Part of the State of New-Hampshire shall not exceed those Weighing from 5 to — 7 Score . . $4\frac{1}{2}{}^{d}$
7 to 10 Score . . $4\frac{3}{4}$ } ℔ Pound
all above 10 Score . . 5

in any part of the State of Rhode-Island and Providence Plantations shall not exceed those weighing from 5 to 7 — Score . . $3\frac{1}{2}{}^{d}$
7 to 10 — Score . . 4 } ℔ Pound
all above 10 Score . . $4\frac{1}{2}$

Beef. Grass fed Beef of the Best Quality in any Part of the States of the Massachusets-Bay, New Hampshire, & Rhode-Island Providence Plantations shall not exceed Three pence per pound And in any Part of the State of Connecticutt shall not exceed Twenty-four shillings ℔ Hundred Weight — And so in that Proportion in the said Several States for Stall-fed Beef, and likewise Beef of an Inferior Quality.

Hides. Raw-Hides shall not exceed Three pence per pound in any part of either of said States.

Salt. Good Merchantable Salt shall not exceed Ten shillings per Bushel in any part of either of said States

Rum. Good Merchantable West-India Rum shall not in either of said States exceed Six Shillings & Eight Pence per Gallon by the Hogshead, Seven Shillings & Eight-pence per Single Gallon, and Two Shillings ℔ Quart, and so in like proportion for Smaller Quantities according to the Old and accustomed Usages for Retailing smaller Quantities in any Part of said States save allowing one penny Pr Gallon for every Ten Miles the same shall be conveyed by Land Carriage from the first Post of Delivery for the Cost Charge & Risque in carrying the same.

New-England Rum of the best Quality shall not in any part of the said states exceed Three shillings & Ten Pence ℔ Gallon by the Hogshead, Four Shillings ℔ Gallon, by the Barrel and Four shillings & Six Pence by the single Gallon at the Ports & Places where the same shall be first Distilled (exclusive of the Cask) and so in like proportion for smaller Quantities, according to the Old and accustomed usages for Retailing small Quantities, save allowing one penny per gallon for every Ten Miles the same shall be conveyed by Land Carriage from the Place of Distillery for the Cost, Charge and Risque in carrying the same. —

Sugar. Best Muscovado Sugar shall not in any of said States exceed Fifty-four shillings ℔ Hundred Weight by the Hogshead, Sixty shillings by the single Hundred Weight, and Eight Pence pr pound at the first Port of Delivery allowing Nine pence ℔ Hundred Weight for Every Ten Miles Land Carriage the same may be conveyed from the said First Port of Delivery to defray the expence of carrying the same.

Melasses. Melasses of the best Quality shall not in any of said States exceed Three-Shillings & four pence ℔ gall by the Hogshead, Three shillings and Eight-pence by the Barrel, & Four shillings by the Single Gallon at the First Port of Delivery, allowing one Penny per Gallon for every Ten miles Land-Carriage the same may be conveyed from the said first Port of delivery to defray the expence of carrying the same. Making the accustomed and usual allowances for Melasses of an Inferior Quality.

Cheese. American Manufactured Cheese shall not exceed six pence ℔ pound in any part of either of the said States.

Butter. Butter of the best Quality shall not exceed Ten pence per Pound in any part of either of sd states.

Pease. Peas shall not exceed Eight shillings per Bushel in any part of either of sd States.

Beans. Beans of the best Quality shall not exceed Six shillings per bushel in any part of either of said States.

Potatoes commonly called Spanish Potatoes of the best sort shall not in the Fall of the Year exceed One shilling & four-pence pr Bushel and not at any season of the Year exceed Two shillings pr Bushel in any Part of either of said States.

Stockings Mens Good Yarn Stockings shall not exceed Six-Shillings ℔ Pair in any part of either of said States — and in such proportion to those of an Inferior Quality.

Shoes. Mens Neat-Leather Shoes of the best *common* Sort shall not exceed Eight Shillings ℔ pair in any part of either said States and other Shoes in Proportion according to their Quality. —

Salted Pork } Salted Pork by the Barrel two hundred and Twenty pounds weight in each Barrel, shall not in any Part of the States of the Massachusets-Bay, and Rhode-Island Providence Plantations exceed Four pounds Twelve shillings ℔ Barrel, in the State of Connecticut Four pounds four shillings ℔ barrel, and in any Part of the State of New Hampshire Five pounds ℔ barrel.

Cotton. Cotton shall not exceed Three shillings per Pound by the Bag and Three shillings & Eightpence ℔ the Single pound in any Part of either of the said States —

Oats. Good Oats shall not exceed Two shillings per Bushel in any Part of either the said States. —

Flax. Good well dressed Merchantable Flax shall not exceed one shilling per pound in any Part of either of the States of Massachusets-Bay New-Hampshire, & Rhode-Island Providence Plantations, and shall not in any Part of the State of Connecticut exceed Ten-pence per pound.

Coffee. Good Coffee shall not exceed One shilling and Four-pence ℔r the Single pound in any Part of either of the said States.

Tallow good Tried Tallow shall not Exceed $7\frac{1}{2}$d ℔ pound in any part of Either of said States.

Tow Cloth Good Yard wide Tow-Cloth shall not exceed two shillings & three pence ℔ yard in any Part of either of said States, and so in Proportion according to its Quality. Course Linens to be computed after the Rate of Tow-Cloth allowing therefor the Reasonable worth.

Flannels. Good yard wide striped Flannell shall not exceed Three Shillings & Six pence ℔ yard in any Part of either of the said States and other Flannels in proportion according to their Widths and Qualities and other Woolen Cloth in like Proportion.

This Committee considering that Goods in General imported have of late (owing to the unbounded Avarice of some Persons) been sold by whole-sale at the exorbitant advance of Five and Six Hundred ℔ Cent from the prime Cost, and retailed out at the unreasonable profit of Forty or Fifty ℔ Cent or more in addition thereto; which has been the occasion of great oppression especially to the Poor Consumer, do to correct and rectify such exorbitances, Recommend that notwinding the great Risque of a Voyage to and from Europe, the high rate of Insurance, the Difficulty of procuring Articles suitable for that Market the loss upon those exported, the increased expences and length of the Voyage and the real necessity of importing many Commodities from thence, the Price of European Goods which have ben or shall be imported, as also as such Goods which have ben or shall be brought into any of said States in any Prize-Vessel shall not exceed the following Rates which this Committee is of opinion will allow but a Reasonable Profit to the Adventurers, Woolen goods — Course Linens, Duck Ticklenburghs, & Oznaburghs shall not be sold by whole-sale at a higher Rate than in the Proportion of Two-Hundred and Seventy Five Pounds Sterling for what Cost One-Hundred pounds Sterling in Europe, and not any other Goods Wares or Merchandize imported from thence, or brought into any Port in said States in any Prize Vessel shall be sold at wholesale at a higher Rate than in the Proportion of Two Hundred Fifty pounds Sterling for what cost One Hundred pounds Sterling in Urope excepting warlike Military Stores the Price of which the Committee are of opinion need not be Limited — And the Retailers of such goods shall not sell them at a higher advance than Twenty ℔ Cent upon the whole-sale Price.

This Committee further recommend that the several Legistive Bodies, within the said Respective States affix and, Assertain the Price of Wood, Hay, Pine-Boards, Plank, Joist, Hoops, Shingles, Charcoal Tanned Leather, Cotton & Linen Cloths, Mutton Veal and Flour and also the Rates of Carting which can be much better done in the several States than by this Committee.—

It is further recommended to the Respective Legislatures aforesaid to Regulate or Prohibit Vendues and other Public Sales in such manner as not to interfere with but so as to enforce the several Regulations recommended as aforesaid.

It is further Recommended to the above mentioned States to empower suitable Persons in their Respectives States to open any ware-Houses Stores or other Places where Goods are deposited, which are necessary for the use of the Army and Navy and are withheld by Monopolizers, Engrossers or others and to take and apply such Goods to the use aforesaid paying the Owners thereof at the Rate at which such Goods are Valued in this Resolution and in Case the Goods so taken are not herein Rated, at a Reasonable Appraisement to be made by indifferent Persons.

It is further Recommended as it is of great importance that the mode of carrying the resolves aforesaid into execution, in the respective States be uniform and effectual.—

This Committee recommend it as necessary that the Respective States Prohibit the Sale of any of the Articles aforesaid at any higher price than they are above rated under severe Penalties & Forfeitures which in the Opinion of this Committee may be as follows to wit.

For any and every Article or Articles sold at or under the Price of Twenty Shillings, a Penalty of Twenty shillings, & for each and every Article or Articles Sold at a Higher Price than Twenty-Shillings a Penalty of the Price at which they shall be Sold.

And that the Respective States regulate the Mode of recovering such Penalties as they shall judge most agreeable to their Circumstances & most likely to prevent the Breaches of the Acts they may pass in pursuance of the recommendation aforesaid."— *Mass. Archives, vol.* 144, *p.* 17.

While the committee were absent, the General Court, passed an order (Dec. 26) directing Richard Derby and Benjamin Austin, "agents for the Middle District in this state," to permit no more of the cargo of the prize-ship Julius Cæsar (which had been brought in early in November) to be sold, until the further order of the Assembly. An order had passed, on the 12th of November, directing Mr. Derby to furnish to the Council a box of stationery from the cargo of that vessel — "the state allowing the same price as the rest of these articles sell for at vendue."

On the 4th of January, 1777. Thomas Cushing, in behalf of the above committee from Massachusetts, submitted to the Council a written report, which, on the same day, was read in Council, and sent down to the House, where it was committed to Messrs. Wood, Cooper, Brooks, Storer and Story, with such others as the Council should join; and, on the 6th, Messrs. Powell, Spooner, Fisher and Dana, of the Council, were joined. This committee promptly reported, through James Bowdoin, who had been appointed thereon, "that the rates and prices of the necessary and convenient articles of life be regulated and settled agreeable to the recommendation" of the committee at Providence and "that vendues and other public sales be regulated in such manner as not to interfere with, but to enforce the said regulations; and that [an] act or acts be passed for that purpose."

A committee was appointed the same day to bring in a bill, and to this committee was referred the report of the committee that had sat at Providence. On the 14th, Judge Sullivan brought to the Council a message from the House inquiring whether or not the committee appointed to bring in a bill had reported, and requesting to have it sent down if it had been passed upon by the Council. The bill, which for the first time appears on the record by the title given to the act, was, on the same day, read and sent down. On the 21st, Mr. Pitts carried a message from the House to the Council proposing a conference of both branches on certain amendments which had been offered to the bill. The Council immediately declined this proposal, and suggested referring the bill to a joint committee, to which the House agreed, and appointed thereon Messrs. Danielson, Sullivan, Cooper, Palmer and Pickering. The Council thereupon joined Messrs. Powell, Sever, Greenleaf, Cushing and Phillips. On the 25th, the House proposed an amendment in the last two

lines of § 9, striking out "so," between "shall" and "take," and inserting the final words "for such service and labour," which was agreed to by the Council.

After the bill had been enacted, the House passed a resolve to require the secretary to attest the printed acts. This resolve, which has not been discovered, was not concurred in by the Council.

"Jan. 30, 1777. In Council — * Whereas it is represented to this Court that some persons within this State are purchasing pork at an extravagant price as well as other Provisions, and are also employing persons to do the same within the State of Connecticutt, and that they are causing such Provisions to be transported to some Sea port Towns within this State, which evil practice if tolerated must prove very prejudicial to this and all the united States, and if carried on by persons inimical to the Rights of America may be attended with fatal Consequences.—

Wherefore it is Resolved, That the Board of War be directed to make the Strictest Enquiry possible from time to time and if they shall obtain knowledge where quantities of pork or other Provisions are deposited that they have reason to believe were procur'd in this manner that they immediately secure such Provisions for the public use agreeable to a late Act of this Government.—

And all Selectmen & Committees of Correspondence Inspection & Safety of the several Towns within this State are also enjoin'd & directed to exercise the utmost Vigilance for the detection of such pernicious practices; and if they shall at any time learn where any such Provisions are plac'd within their respective Towns, that they forthwith pursue such measures by taking the same into their own Custody or otherwise as they shall judge necessary to prevent the purchasers or possessors thereof from secreting them, and they are then forthwith to give Information thereof to the Board of War, acquainting them of the names of the persons concerned and other Circumstances, and wait the Instructions of the Board of War respecting the same, which it is expected the Board of War will give without delay and make returns to this Court from time to time. †

In the House of Representatives — Read & Concured and the Board of War are directed to cause this Resolve to be published in all the Boston News Papers. In Council read and Concurred Consented to by fifteen of the Council." — *Council Records, vol. XXXVI., p.* 512.

"Mar. 15, 1777. In the House of Representatives — ‡ Whereas by an Act of this State intitled An Act to prevent Monopoly and Oppression made the present year, difficulties have arisen relative to the price of Beef &c imported or Captured the produce of Europe, the proprietors of such Beef Alledging they can legally sell such imported Beef, at the rate of £ 250 stg for what costs £ 100 stg in Europe, agreeable to the price of other merchandize imported from thence, altho' American Beef is Stipulated in said act at £3. 14/ 6 ₩ bll.— therefore,

Resolved, that no Beef, whether the produce of America or Elsewhere, shall be sold for more than £3.14/ 6d ₩ bll — And also Resolved that the price Stipulated in the above said Act for Peas Beans Pork Wheat Rye Hides, Loaf Sugar, Chocolate Butter Potatoes Oats Tallow Flour and Barr Iron the produce of America shall be the price of those articles already or that may hereafter be imported or Captured whether sold at public Auction or at private Sale, be they the produce of any Country whatever — And every person that shall sell the same at a greater price shall be subject to the same penaltys as mentioned in said Act; Any Law usage or Custom to the Contrary notwithstanding — In Council read and Concurred — Consented to by fifteen of the Council."— *Ibid, vol. XXXVII., p.* 68.

Chap. 15. On the 9th of October, Messrs. Partridge, Dix and Davis were appointed by the House a committee to report a bill for repealing the act for laying an embargo upon lumber, which had been passed on the 5th of the previous month. A bill was accordingly reported which, on the 11th, had its several readings in the House, and was passed to be engrossed and sent to the Council, for concurrence, and, on the same day, was, by the Council, passed, in concurrence, to be engrossed. On the 16th, it was passed, by both branches, to be enacted; and, at the same time, by a concurrent order, the secretary was directed to get it "published in the several newspapers."

Chap. 16. On the twenty-fifth of October the bill of this act was ordered to be brought in, by a committee consisting of Messrs. Pickering, Otis and Ingalls. The bills were to be from the "plates the last emission were struck off from," and a committee, consisting of Mr. Davis, Mr. Brown of Boston and Mr. Brown of Watertown, was appointed "to get the last plates repaired for the new emission" On the same day, the bill was reported, read three times, passed to be engrossed, and sent to the Council by a committee consisting of Messrs. Palmer, Cooper, Pitts, Brown and Storer. At the same time, the committee appointed to get the plates altered was directed to secure a quantity of paper sufficient for the impression of the bills.

On the 26th, the Council passed the bill, in concurrence, to be engrossed. The bill was passed to be enacted, by the House, on the 28th, and, on the next day, by the Council.

The following orders were subsequently passed by the House: —

"Oct. 29, 1776. *Ordered*, That Mr. *Ingalls* and Mr. *Robinson*, be a committee to inspect the press for the emission of *fifty thousand and four pounds*.

Voted, That Mr. *Dix*, Mr. *Wood* Capt. *Brown*, of *Watertown*, Col. *Goodwin*, Mr. *Hubbard*, Mr. *Drew*, Mr. *Sergeant*, of *Malden*, and Mr. *Noyes*, be a committee to sign and number the bills of the emission of *fifty thousand and four pounds*." — *House Journal, p.* 138

"Nov. 2, 1776. Mr. *Leach* is appointed to inspect the press in the room of Mr. *Ingalls*, absent." — *Ibid, p.* 142.

* Printed resolves of the December session, chapter CXXVI.

† "Of their doings herein," added in the printed resolves. ‡ *Ibid.*, chapter XXX.

Chap 17. "To the Honourable the Council and House of Representatives of the Colony of Massachusetts Bay

The Petition of the Subscribers Inhabitants of a Tract of Land lying on & near St Georges River in the County of Lincoln in said Colony, being part of the Plantation called St Georges (the whole Plantation being much too large for a Township) Humbly sheweth, That whereas the Hon^ble^ the great & general Court of said Colony have ordered a Tax of forty nine pounds three Shillings & seven pence farthing, to be paid by the Inhabitants of said Plantation called St Georges; and whereas by a late Act or Law of the Province the Inhabitants of new Plantations were enabled & impowered to assess, levy & collect Province and County Taxes; Yet the Inhabitants of said St Georges have not pursued the Directions of said act & thereby have lost the Benefits thereof: But being willing to bear our part of the publick Charges according to our Ability, have agreed to assess, & collect our Proportion of said Tax (tho' attended with Difficulty) according to the last Assessment made in this Place, which was a County Tax: Wherefore, to prevent the like Difficulties for the future, and to shun the many other Inconveniencies to which unincorporated Plantations are exposed, and procure the Benefits arising from Incorporation, which we apprehend will increase the growth of this Place, Your Petitioners pray that the said tract of Land may be incorporated into a Township Bounded as followeth viz. Northwesterly by a Line beginning at St Georges River at the westerly Corner of John Alexander's Lot from thence running, as his Line runs, North thirty two Degrees East about seven Miles, to the Line of the Township called Camden, belonging to the twenty Associates called the Lincolnshire Company; westerly by St Georges River southwesterly by a Line beginning at a Spruce Tree marked number twenty three and twenty four on the Neck the eastern Side of St Georges River, thence running East South East about three Miles between the Lots Number twenty three & twenty four across said Neck to the Sea Shore; Southerly by Muscle Ridge Bay, so called; Easterly by Owls Head Bay, and Northeasterly about five Miles by Camden Line aforesaid, to where it intersects the Line first mentioned, said Camden Line runs from the Sea Shore, or Owls Head Bay aforesaid, at a place called Clam Cove Neck, a North west by North Course. Together with all the Island that lieth within three Miles of the Main Land, & within the Direction of the Lines that run to the Sea; And that we may be invested with all the Powers and Priviledges that the Inhabitants of other Towns in said Colony do enjoy— And your Petitioners as in Duty bound shall ever pray &c.

Since writing the above, we understand that a Small Number of the Inhabitants on the western Side the River are desirous of being connected with us, & their Sentiments as to Church Goverment being the same with ours, we are very willing; If the Hon^ble^ Court, for the Reasons they give, shall think proper to annex them.

MASON WHEATON	DAVID FALES	ELISHA SNOW
THOMAS HAM	NATH^L^ FALES	JA^S^. STACPOLE
HEZEKIAH BATCHELDER	OLIVER ROBBINS JU^N^	JOHN SHIBBS
RICHD: KATING	JONATAHN CROCKIT	OLIVER ROBBINS
ISRAEL LOVEIT	FRANCIS HASKELL	JAMES FALES
JAMES WEED	JONATHAN SMITH	JONATHAN SPEAR
JOSHUA TENNENT	JOHN RENDELL	ISAIAH TOLMAN
ISRAEL JORDAN	DAVID WALCH	DAVID WATSON
THOMAS STEVENS	JOHN BRIDGES	TALER SMALLY
OLIVER SMITH	JAMES ORBETON	JOSEPH SMALLY
JOHN BOWLER	JOSEPH COOMBS	DAVID SMALLY
JOHN MATHEWS	WILLIAM HEARD	CALEB BARROWS
		ISAIAH TOLMAN JUNER."

— *Mass. Archives, vol.* 181, *p.* 122.

"To the Honourable the Council & House of Representatives of the Colony of Masschusetts Bay

The Petition of the Subscribers Inhabitants in the Plantation called St Georges in the County of Lincoln, on the western Side of St Georges River Humbly sheweth, That your Petitioner are exposed to all the Inconvenienencies that unincorporated Plantations suffer; and more particularly, A Number of the Inhabitants of this Plantition having gathered a Church, & settled a Minister according to the Presbiterian Mode of Church Goverment; and we having been educated in, and still thinkings, That the Congregational mode is more for Edification, therefore cannot regularly join with them; And having understood, that a Number of the Inhabitants on the Eastern side of the River have petitioned to be incorporated into a Township, and our Lands lying more commodous to be joined with them, than with the other parts of the Plantation, Therefore your Petitioners pray that our Lands lying on the Eastern side St Georges River, Bounded as followeth, to wit, Beginning at a Stake and Stones at the River aforesaid, thence running (between Capt. Jonathan Nutting's Lot and John M^c^ Carters Lot, as their Line runs, which is) west North west about two Hundred & thirty two Rods and west about three Hundred and twenty Rods, making in the whole five Hundred and fifty two Rods, thence North about two Hundred and ten Rods, to the south west Corner of Land sold by Moses Copeland to Samuel Counce, thence East by the Line between said Copeland & Counce two Hundred and twenty Six Rods, & Northeasterly thirty one Rods to Ebenezer Sumner's Land, thence East between said Sumner & Copeland two Rods to Copeland's Creek (so called) thence Eastwardly by said Creek and Southerly by St Georges River aforesaid to the Bound first mentioned, may be annexed to, and erected into a Township with the Lands on the Eastern Side, And your Petitioners as in Duty bound shall ever pray &c.

JONATHAN NUTTING
SETH VOSE
MICAH PACKARD
MOSES COPELAND." — *Ibid., vol.* 210, *p.* 82

The date of the presentation of the foregoing petitions has not been discovered, but both were committed, on the 12th of July, to a joint committee, consisting of Messrs. Lithgow, Pickering and Brooks, of the House, and John Taylor and Col. Thayer, of the Council. This committee, on the 13th, reported, by way of resolve, that the petitioners serve "the committee of the inhabitants on the west side of St. George's River in said plantation," with a copy of both of said petitions and of the order of the General Court thereon, to "shew cause, if any they have, on the third Tuesday of the next sitting of the General Court, why the prayer of both or either of said petitions should not be granted."

This report was accepted by both branches in concurrence.

The petition, or remonstrance, of the committee above mentioned is as follows: —

"The Petition of the Commitee of S[t] Georges to the Honourable the general Court of the Colonie of the Masachussets Bay Humbly sheweth —

That whereas a small number of of people representing themselves to consist of forty Families which upon strict enquery will be found to be false, want to tear this Town in pieces by cutting off the middle and leaving out the two-ends whereby the plantations commonly called the Lower and uper S[t] Georges wou'd be Reduced to the greatest hardships imaginable as the former has not bounds to extend themselves and as the later has but a small handful of people —

We the Commitee of S[t] Georges are appointed by the Inhabitants to send this our humble petition to this Honourable Body begging that your Honours would not grant a hearing to any petition creaving the incorporation of a part and not of the whole of this Town as the granting such a request would prove in the end very hurtful & pernicious and the Consequences very fatal —

We therefore Rely upon the virtue and integrety of this Honourable Court for granting a gracious hearing to this our very humble petition and your petitioners as in duty Bound shall ever pray —

St Georges June 20[th] 1776 REUBEN HALL Ch[n]man." — *Ibid.*, *p.* 83.

No further record of proceedings upon these petitions has been found, until October, when the Council substituted Walter Spooner and Daniel Davis, for John Taylor and Ebenezer Thayer, on the committee above named; the House, at the same time, ordering that the consideration of these petitions be put off until 11 o'clock the next day. On the 16th, in the House, a petition of the inhabitants, to be incorporated, was read, and, together with former petitions and papers accompanying them, was referred to a joint committee, of which Messrs. Choate, Partridge and Sartell were appointed members, on the part of the House, and to which, on the 18th, the Council joined, in concurrence, Benjamin White and Daniel Davis.

At this stage, the following petition appears to have been first presented. The date of the petition seems to show conclusively that it cannot have been the petition which was read in the House on the 16th, and yet no other petition of similar purport has been discovered which could have been acted upon by the Assembly on that day.

"State of the Massachusetts Bay } To the Honorable the Council and Honorable House of Representatives in Great and General Court for s[d] State Assembled at Watertown by Adjournment October y[e] 9[th], AD, 1776 —

The Petition of Hugh M[c]Lean of Milton in the County of Suffolk Merchant. and Samuel Gragg of the upper Plantation on and near S[t] Georges River (so called) in the County of Lincoln in the Eastern Parts of this State Gentleman in their own Behalf and also as Agents for the Inhabitants of the said Plantation — Most Humbly Sheweth

That the said Inhabitants and their Predecessors with much Toil and Labour and at great Expence of Blood and Treasure have Cultivated and brought too the said Plantation in such a manner that through the smiles of Heaven on their Industry from a wild Desert it is now become, and is like to be a still more pleasant and flourishing Settlement consisting at present of more than Forty Familys, so that they want nothing to Compleat their Temporal Interest & Comfort but the Enjoyment of the same Civil and Religious Privileges on a Legal foundation which the several Towns in this State are happily in the possession of, Your Petitioners therefore most humbly and Earnestly Request of your Honors That the said Plantation (Butted and Bounded as follows Viz[t] Beginning on the West side of S[t] Georges River on the North side of William Palmer's Line running West North West to Moses Copeland's South Line than on a West course on s[d] Copeland's line to Waldoborough line & to the South Pond and from thence to Westerly Pond, and so on to the Hon[b]le John Taylor Esq[r]'s Township from thence East about Six Miles & an half on the Line of the said Township 'till it comes to Cambden Line and thence on s[d] Cambden Line South East & by South about Two Miles & an half, from thence taking a South South West Course about Five Miles & an half to the Old Saw Mill and so keeping along on the Shoar as it lays to Old Fort, and from thence across s[d] S[t] Georges River to Watson's Point and so on to s[d] Palmer's line being the first mentioned Bounds agreable to the Plan thereof May be by Your Honors Incorporated into a Township (as many Inconveniencys would be removed and great Advantages accrue to the said Inhabitants thereby) by the Name of S[t] Georges and that they may be Endowed with all such Privileges as the Several Towns in this State by Law Enjoy And Your Petitioners for themselves and in their Capacitys of Agents as aforesaid as in Duty Bound Shall Ever Pray &c[ra]

HUGH M[c]LEAN

Boston Octo[r] 21[st]. 1776 SAM[LL] GRAGG." — *Ibid.*, *p.* 395.

This petition was, on the 22d, referred, by the House, with the concurrence of the Council, to the committee having the former petitions in charge — Messrs. Lithgow and Holt having first been substituted, on the committee, for Messrs. Sartell and Partridge, who were absent. On the 23d, a report of the joint committee, that day sent down from the Council, "that the prayer of the petition be granted, and that the petitioners have leave to bring in a bill for the purpose mentioned in the petition" — was accepted, in concur-

rence. The bill was read, a first time, in the House, Oct. 26th, and a second and third time, and passed to be engrossed, on the 30th, when it was sent up for concurrence. In the Council, the bill was passed, in concurrence, to be engrossed, Nov. 5th, and, on the 7th, it was there passed, in concurrence, to be enacted.

The first petitioners, Elisha Snow and others, soon discovered that this act was not in accordance with their petition, and again applied to the General Court for an act of incorporation setting them off from Warren and annexing them to the territory to be embraced in the new town of Thomaston. See the note to chapter 34, *post*.

Chap. 18. The following petition was presented to the House in the last session of the previous year. It was read April 16th, and referred to "Col. Grout, Capt. Hodges and Capt. Brown:"—

"To the General assembly of the Colony of the Massach^{ts} Bay now Setting at Wartertown

Gentlemen we your Humble Petitioners Beg Leave Humbly to Shew: that whereas a Certain Tract of Land or plantation Lying in y^{e} County of worcester formerly known by the name of Rut^{d} District the Inhabitents of said District Being Desirous of a new incorporation Did in the year 1773 Petition the General assembly of this Colony for to be Sett off as a Town & So have the Connection with Rutland Subside And we So far Succeeded in our attempt as to obtain the approbation & Concurrance of both Houses: But the matter was non Concurred by Gouenor Hutchinson who was then in the Chair unless he Could haue the privelidge of Filling the Blank but the House not willing to give up what they Vewed as theair right the matter was not Compleated Till M^{r}. Gage took the Chair who Very Soon after gaue us a Specimen of what he was or intended to be to this Colony by filling up the Blank with that obnoxtious nane Hutchinson that well known Enemy to the natural & Stipulated rights of America: which gave us a very Disagreable Sensation of mind not Being able to Speake of the Town in which we Lived but our thoughts ware necessarrily Turned upon that ignominious Enemy of man kind and in a measure fill'd with Shame to tell where We Live when Requested

Therefore we your Humble petitioners did on the 17th of Janury Last at a Town meeting notified for the purpose of taking the minds of the inhabitents of our Town: passed the Following votes (viz) voted unanemously to petition The general assembly of this Colony to take off and Cancil that obnoxtious name Hutchinson 2ly voted unanemouly that it would give Content to the in inhabetents of this Town to be incorporated by that Euer memorable friend to the rights & Liberties of America namely, Wilks —

We your Humble petitioners wishing Success to the American Cause Expecting our petition to be Granted which we in Duty are Bound Shall Ever pray —

Hutchinson 5th Febuary 1776: JOHN MASON, NATHAN SPARHAWK, PETER FESSENDEN, ANDREW PARKER } Committee in behalf of the town."—*Mass. Files: Bills*, 1776

No further proceedings upon the petition during the year 1775-76 have been discovered and it probably went over to the succeeding Assembly under the order of May 10, 1776 referring all unfinished business "to the next sitting of the General Court."

On the 5th of June, a resolve was passed in the House "that the member from the town of Hutchinson, have leave to bring in a bill for changing the name of the town to 'Wilkes,'" and on the 25th a bill changing the name of this town to "Barré," was read twice, and, on the next day, read a third time, passed to be engrossed, and sent up for concurrence.

On the 14th of October, the secretary was directed to lay the above petition on the table, and, the same day, it was taken up and a vote was passed that Mr. John Mason have leave to bring in a bill for the purpose mentioned therein. This bill was read three times, in the House, October 21st, passed to be engrossed, and sent up for concurrence. The bill thus passed contained the following preamble: "WHEREAS the Great and General Court of this colony, at their session in June, 1774, which was held at Salem, did incorporate the lands in the county of Worcester, aforesaid, which was known by the name of the Rutland District, into a town by the name of Hutchinson; and *whereas* the inhabitants of that town have petitioned this Court that the name of said town may be altered, and no longer be called Hutchinson; therefore," &c. The Council concurred in the vote of the House upon the bill, "as taken into a new draught." In this new draught a slight change was made in the title of the act; but the principal change was made in the preamble, which was finally altered to the form which appears in the act. The following copy of the preamble as first reported shows the amendments that were made in it before its adoption in the Council. The words in Roman letters, in brackets, were interlined; and those in Italic letters, in brackets, are the words that were stricken out.

"In the year of our Lord 1776

An Act for discontinuing the name of a Town in y^{e} County of Worcester lately incorporated by y^{e} name of Hutchinson and calling the same Barrè.

Whereas the Inhabitants of the town of Hutchinson have by their Petition represented to this Court, that in June 1774, when y^{e} said Town was incorporated, General Gage the then Governour gave it the name of Hutchinson, in honour to, and to perpetuate the memory of, Thomas Hutchinson his immediate Predecessor in the chair of Government, whom they justly stile the well-known enemy of the natural and stipulated Rights of America; and that at a Town-meeting notified for that Purpose, they voted unanimously to petition [and accordingly have petitioned] the General Court, that the name of the said town might be altered, and that it might no longer bear the [disgraceful] [*obnoxious*] name of Hutchinson. And Whereas there is a moral fitness that Traitors and Paricides, especially such as have [remarkably] distinguished themselves [in that odious character]

and have long laboured [*for*] to deprive their native Country of [*their*] its most valuable Rights and Privileges, and to [*pull down and*] destroy [every constitutional Guard against the Evils of] [*all its Fences against*] an all-inslaving despotism, should be held up to public view in their true characters to be execrated by mankind; and [that there should remain] [*should have*] no other memorials of them, than such as will transmit their names with infamy to Posterity. And Whereas the said Thomas Hutchinson, contrary to every obligation of duty and Gratitude to this native Country, which raised him [from private life to the highest and most lucrative offices in the Government,] [*from insignificance and to importance from non-importance*], has acted towards her the part of a traitor and parricide, as above described, which has been clearly manifested to the world by his letters lately published; and by [his having thus acted] [*many of which*] it has become fit and just, that every honourable memorial of him should be obliterated and cease, Therefore

Be it enacted by the Council and House of Representatives of the State of Massachusetts Bay [in General Court assembled] and by the authority of the same., That the land lying in the County of Worcester formerly called Rutland District and in June 1774 incorporated into a Town by the name of Hutchinson shall no longer bear that name, but henceforth shall be called and known by the name of Barrè, the aforesaid incorporating Act notwithstanding. And all officers in the said Town shall [*shall*] hold and exercise their offices respectively in the same manner as they would have done, had not the name of the said Town been altered."— *Ibid.*

The bill, thus amended, was brought down to the House by Walter Spooner, of the Council, on the second of November. On the 5th, the House voted a concurrence with the Council, who, on the same day, after two readings, passed it to be engrossed "in concurrence," and on the 7th, it was passed to be enacted by both branches, and signed by thirteen of the Council.

Chap 19. This act originated in the Council, and was brought down to the House, October 22d. It was read in the House, a first time, October 29; a second time, October 30; a third time, and passed to be engrossed, November 1st. On the 2d, it was passed to be enacted, by both branches, and was signed by sixteen of the Council.

"In the House of Representatives — Nov 21st 1776.

* Whereas by a late Act of the General Court, the Town of Dedham was made the Shire Town for the County of Suffolk, in consequence of which the Registers Office for that County with the Books and Papers thereto belonging, were removed to the said Shire Town, by which removal Two Volumes of Records were lost, and several others much defaced—And whereas the removal of the said Books of Records to the Town of Boston, where by the repeal of the said Act, the said Office and Records ought now to be kept, wou'd be attended with much risque and danger in this unsettled state of our Public Affairs.

Therefore Resolved — That the Register of Deeds for the County of Suffolk for the Time being be and he hereby is directed and impowerd to keep said Office together with the Records and Papers thereto belonging in the Town of Dedham within the said County of Suffolk, until the further Order of the General Court, any Law to the contrary notwithstanding — Sent up for Concurrence J WARREN Spkr

In Council Nov.' 21.' 1776 Read & Concurr'd JOHN AVERY Dpy Secy

Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 211, *p.* 161.

The volumes lost, as above stated, are books 112 and 114, and have not been recovered.

Chap. 20. "Sept. 5, 1776. Petition of Abigail Curtiss of Arundell, setting forth, That her Husband by his last Will, & Testament duly proved, & allowed, gave the larger part of his Estate Real, & Personal to his two Sons Jacob, & John — That the said John has been from his Infancy Deaf, & Dumb, and cannot Read, or Write, — That she applied to the Judge of Probate for the County of York to appoint a Guardian to the said John, but the said Judge altho' he was fully convinced of expediency thereof did not Imagine that he was by Law impower'd to make such an appointment, inasmuch as the said John could not be called with propriety *an Ideot, non compos mentis,* or *distracted person,* — and praying, that the Judge of Probate for the County of York to appoint some suitable Person, or Persons as Guardian to the said John shall still Judge it most for the said John's Interest to make such an appointment

In Council. Read, & Order'd, That the Petitioner have leave to bring in a Genl. Bill to empower the Judge to appoint a Guardian for the purposes of the Petition

In the House of Representatives. Read, & Concurred." — *Council Records, vol. XXXV, p.* 203.

On the 16th, a bill, prepared in accordance with the above order, was passed by the Council, to be engrossed, and was sent down to the House, for concurrence. The bill not having been passed by the House, was, on the 11th of October, sent up to the Council, at the request of that Board, and, on the 25th, it was again sent down to the House, with memoranda thereon that it had been read a first time, in Council, on the 22d, and a second time, and passed to be engrossed, on the 25th. On the 30th, it was passed to be engrossed, by the House, with an amendment by which the words, "or even to take any proper care of such estates as consist in writings of any sort," were stricken out, after the word "instrument," in the preamble. In this amended form, the Council passed it, in concurrence, to be engrossed, on the same day, and, on the 5th of November, it was passed to be enacted, by the House, and on the 7th, by the Council, in concurrence, and signed by fifteen of the Council.

Chap. 21. The following resolve† was passed by the Council, and consented to by fifteen

* Printed resolves, chapter LIX. † *Ibid.*, August session, chap. LXII.

members, on the twelfth of September, which date does not appear in the records from which it is here taken: —

"Sept. 10, 1776. In the House of Representatives. Whereas it has been represented to the General Court of this State by the honorable the Governor of the State of Connecticut, that it is of the utmost Importance to the United States of America, to have a large Body of Troops station'd above the Island of New York to prevent the British Army's cutting off the communication between the American Army at the City, and Island of New York, and the Country. And whereas the honorable Congress, in consequence of an application made to them by his Excellency General Washington, in the present critical State of our Affairs, have since called upon this Government in the most pressing Terms immediately to send all the Aid in our Power, to the Army at New York: This Court being sensible that the Safety, Freedom and future Happiness of America, depends upon, and pressingly demand a vigorous, and manly Management of this Campaign; and well considering that while all that is dear to this People is at Stake, they should be chargeable with great Remissness, if they did not exercise the Powers with which they are vested by this State for its Salvation, at this critical Moment, by sending such Reinforcement to the Army at New York as the Exigency of the case requires: And whereas the Militia of this State within the Counties of York, Cumberland, & Lincoln, are too remote to march to the timely Aid of the Army. And Whereas the Situation of the Counties of Nantucket, and Dukes County the Towns of Boston, Dartmouth, Plymouth, Salem, Marblehead, Glocester, Manchester, Beverly, and Newbury Port, render it unfit for any Part of the Militia to be draughted from them at present:

It is Resolved, That one fifth part of the Militia of this State not now in Actual Service by Sea, or Land, excepting those of the Towns and Counties abovenamed, be Order'd by the Major part of the Council to march immediately under the Command of such General Officer as shall be appointed by the General Court, and Commissioned by the Council to Command them, to remain, and continue in the Service within the four New England Governments, the State of New York, or the Jerseys, until they are recalled by the General Court of this State, the House of Representatives, or the major part of the Council, under such Regulations and upon such Establishment as is herein after provided.

And that the Fifth Part of said Militia may March without delay, It is Resolved, That the Major part of the Council make out their Order in Writing to Major General Warren, commanding him that he immediately Order the Brigadier of the several Counties of Suffolk, Essex Middlesex, Worcester, Hampshire, Plymouth, Barnstable, Bristol and Berkshire, to cause the Militia as well of the Alarm List as Training Band of their respective Brigades, to be muster'd without Delay, excepting those in the Towns above excepted; and that they cause to be draughted therefrom, when so muster'd, every Fifth able bodied Man of the Non-Commissioned Officers, and Private Soldiers, under Fifty years of age, except the Officers and Students of Harvard College, Grammar School-Masters, and Persons necessarily employed in the Manufacture of Gunpowder, not exceeding four to each Powder Mill, and armed with a good Firelock, Bullet Pouch and Powder Horn, or Cartridge Box, a Bayonet, Cutlass, or Hatchet, and twenty Bullets fitted to their Gun, with a Knapsack, and Blanket, to march to the Reinforcement of the Army as aforesaid: and that they form those so draughted into Companies of Sixty four Men each, including Non-Commissioned Officers, or as nigh thereto as they conveniently can; and that the said Brigadiers, from the Officers of their respective Brigades, order one Captain, and two Lieutenants to take the Command of each of said Companies; and that said Brigadiers shall form such Companies as are rais'd and draughted from their respective Brigades, not amounting to Sixteen, into one Regiment; and where they do amount to that number of Companies, or upwards, into two; and to each Regiment so formed, assign, or order from the Field Officers of such Brigade, one Colonel, one Lieut. Colonel, & one Major to command the same, and the Officers of said Detachment of the Militia draughted as aforesaid shall have while in said Service the same relative Rank with each other as they now have.

And it is further Resolved, that if any Person of the Alarm List, or train Band, non Commissioned Officer, or Soldier shall after being duly warned thereto neglect to appear upon such Muster designed for draughting as aforesaid, he shall forfeit, and pay the Sum of Ten pounds One half thereof to the use of this State, and the other half to the Person who shall sue for the same by action of Debt in any Court proper to try the same; and if any person so draughted shall refuse to march upon being ordered thereto not having a sufficient excuse therefor, and shall not procure some able bodied, and effective Man to go in his Stead, or shall absent, or conceal himself so that his Officer cannot find him to give him marching Orders he shall for either of the said Offences pay a Fine not exceeding Ten pounds, or be committed to Prison not exceeding Two months upon his being convicted thereof on Indictment, or presentment therefor by the Grand Jury for the County where the Offence shall be committed before any Court proper to try the same whose Duty it shall be to make a Presentment thereof—

And it is likewise Resolved, that the said Detachment of the Militia shall while out of this Government be under the General Command of the Commander in chief of the Continental Army, and shall be under the Laws, & Regulations provided by the Congress for said Army. —

And it is further Resolved, that the pay, & allowance of Provision for said Detachment shall be every way the same as that allow'd the Continental Army.

And it is likewise Resolved, that the Selectmen of each Town from whence any part of such Detachment shall be draughted, shall be, and hereby are directed, & impowered to procure as many Teams, or other Conveyances within their respective Towns, as shall be sufficient to carry the Baggage of the said fifth part of the Militia to Fairfield in Connecticut in the most expeditious Manner. And the said Selectmen are also directed to fur-

nish said Men with Kittles, and Canteens: and also to pay each Man One penny for each Mile from the Place they march from, to the Place of their Destination, to support themselves, and to render an Account of those Expenditures to the General Court for allowance, and Payment.

And it is also Resolved, That the Brigadier of each County shall appoint one Chaplain, one Surgeon, and Mate, one Adjutant, and one Quarter Master to each Regiment that shall be so draughted from his Brigade; and the General Officer appointed to Command the Detachment shall appoint a Brigade-Major to each Brigade.

And it is also Resolved, That each Brigadier General, as soon as the Men are drafted, and formed into Companies, be, and hereby is directed to order them to march to Horseneck; subject however to such further Orders as they may receive from the General Court of this State, the House of Representatives, or the major part of the Council, or the Orders of the General, and Commander in Chief of the Continental Army.

And it is further Resolved, That in the Absence of any Brigadier of any County, the next Officer in Command in said Brigade, shall be held to do the Duty assigned to the Brigadier, and shall be obeyed accordingly.

And it is also Resolved, That the Commissary-General of this State be, and hereby is directed to send forward immediately to New-Haven, such Quantities of Ammunition as this Court shall order. In Council. Read, & Concurred. Consented to by the major part of the Council."—*Council Records, vol. XXXV., p* 221.

The following is the resolve of the Continental Congress, above referred to:—

"*Resolved,* * * * That it be recommended to the assemblies and conventions of the several states to the northward of Virginia, immediately to send all the aid in their power to the army at New-York:

That one of the continental battalions in Rhode-Island be ordered immediately to march, to reinforce the army at New-York:

That it be recommended to the assembly of Massachusets-Bay, to send to Rhode-Island a battalion of their militia, to supply the place of the continental battalion ordered from thence."—*Journals of Congress: Sept.* 3, 1776.

"Sept. 11, 1776. In Council. *Whereas the General Assembly of this State did by their Resolve of the 12th† Inst. order, & direct that one fifth part of the militia both of the Alarm, & Train Band List not now in Actual Service be drafted from the said Militia of the Counties of Suffolk, Essex, Middlesex, Hampshire, Plymouth, Bristol, Barnstable, Worcester & Berkshire, some Towns only excepted to March to the aid of the Army at New York in manner as is by said Resolves directed. And Whereas the Hon^ble the American Congress have requested the Assembly of this State to send One Battalion of the Militia thereof to the State of Rhode Island to supply the place of a Battalion in the Service of the united States ordered from thence to reinforce the Army at New York —

It is therefore Resolved, that the Men drafted from the Brigades in the Counties of Plymouth, & Barnstable in consequence of the aforesaid Resolves be, and hereby are Ordered, instead of marching to the aid of the Army at New York, to march to the State of Rhode Island to supply the place of the Continental Battalion, aforesaid and the major part of the Council of this State be, and hereby are desired to make out their Orders in writing to Major General Warren — commanding him immediately to Order the Brigadiers of the said Counties of Plymouth, & Barnstable as soon as their men are drafted agreeable to the Resolves aforesaid to form them into Companies of sixty four men each including Non-Commissioned Officers, and to officer them agreeable to the Resolves aforesaid, and the whole to form into One Regiment, & to be Officer'd agreeable to said Resolves, and to order them to march to Rhode Island for the purpose aforementioned the Resolves aforesaid notwithstanding — This Regt. to continue in the service until they are recalled by the Gen^l. Court of this State, the Major part of the Council, or the House of Representatives. In the House of Representatives. Read, & Concurred. Consented to by the major part of the Council." — *Council Records, vol. XXXV., p.* 226.

On the 16th, a committee of the House, consisting of Messrs. Sergeant, Wood, Hawley, Murray and Dix, was appointed "to consider some difficulties that attend raising the militia to reinforce the army at New York, and report what is proper to be done to remove the same." This committee reported, the next day, and, though their report has not been discovered, the following resolve appears to have been passed to carry out the recommendations of the committee: —

"Sept. 17, 1776. In the House of Representatives. ‡Whereas doubts may arise in the minds of some of the good People of this State, who are willing to go out at this important juncture against our unnatural Enemies agreeable to the Resolve of this Court passed the 12th* instant, about what time they shall be held in that Service. —

Therefore for removing any difficulties of that nature —

It is Resolved, that all those persons, who shall march out on this exigence, shall be recalled within the space of two months from this date at the farthest, and as much sooner as the Service may admit of —

And whereas some persons may, pursuant to the said Resolve of the 12th* instant be drafted for the purposes therein specified whose business, or other avocations may render it inconvenient for them to attend that duty personally, and may voluntarily chuse rather to pay down their fines; and some persons that have been already drafted may have paid the Fine by reason of their not knowing what Time they should be held in service —

It is further Resolved, that the commanding Officer of each Company be, and hereby is impowered to receive the fines of all such persons who will voluntarily pay the same, and to dispose thereof in the best manner he can for the purpose of raising other men for that Service — And such persons as have already paid their fines by reason of their not know

* Printed resolves of the August session, chapter LXXV. † *Sic:* 10th. ‡ *Ibid.*, chapter CIII.

ing how lengthy* should be held in the Service shall have the said Fine paid back to them by the Officer that receiv'd it, in case they incline to receive it back and to proceed upon the Service, or do procure some ablebodied effective persons to proceed in their room —

And in Order, that there may be no deficiency in the number of men for the above Service. — It is further resolved, that the commanding Officer of each respective company of the militia in any town, or in case the militia is not duly organized in any town then the respective committees of Safety &c. of such Towns, or the Selectmen, where there are no such Committees, are hereby impower'd and directed to muster the militia when, and so often as they may respectively find it necessary in order for the obtaining the Quota designed, and that all persons for non attendance, or for not marching when drafted shall be subject to the like penalties as are specified in the said Resolve of the 12th† instant, to be applied as aforesaid and that each man on his March shall be intitled to receive for his support a further sum of one penny ℔ mile from the place he marches from to the place of his destination — And the Selectmen of the several Towns are in like manner as in the former Resolve to pay the same, and lay their Accounts before this Court for allowance, and payment. In Council. Read, & Concurred. Consented to by the Major part of the Council." — *Ibid., p.* 274.

On the 9th of October, John Hancock, president of the Continental Congress, wrote, from Philadelphia, to the Assembly, by direction of Congress, enclosing certain resolves of that body relative to encouraging enlistments. These resolves, together with the letter accompanying them, are given below: —

"Gentlemen, The enclosed Resolves, which I transmit in Obedience to the Commands of Congress, will inform you of the ample Provision they have made for the Support of both Officer and Soldier, who shall enter into the Service during the War. The Pay of the former is considerably encreased, and the latter is to receive annually a compleat Suit of Cloaths, or in Lieu thereof, the Sum of twenty Dollars, should he provide the Suit for himself. This additional Encouragement, besides the twenty Dollars Bounty, & one Hundred Acres of Land formerly granted, the Congress expect will be the Means of engaging the Troops to serve during the War. For this Purpose also I am to request, you will appoint a Committee or Committees, to repair immediately to the Army, to induce such of the Troops as have been raised by your State, to enlist during the War, and to appoint officers for the same.

The Congress, for very obvious Reasons, are extremely anxious to keep the Army together. The dangerous Consequences of their breaking up, and the Difficulty of forming a new one, are inconceiveable. Were this Barrier once removed, military Power would quickly spread Desolation and Ruin over the Face of our Country. The Importance, and indeed the absolute Necessity, of filling up the Army, of providing for the Troops, and engaging them to serve during the War, is so apparent, and has been so frequently urged, that I shall only request your Attention to the Resolves of Congress on this Subject; and beseech you, by that Love you have for your Country, her Rights and Liberties, to exert yourselves to carry them speedily and effectually into Execution, as the only Means of preserving her in this her critical and alarming Situation.

I have the Honour to be,
Gentlemen,
your most obed^{t} & very hble Serv.
JOHN HANCOCK Presid^{t}." — *Mass. Archives, vol.* 195, *p.* 295.

Honble Assembly of Massachussetts Bay

"In Congress October 2^{d} 1776—

Resolved, That it be recommended to the several States to make Legal Provision to compel the furnishing of necessary Supplies & Assistance to the Quarter Master General of the Continental Army on reasonable Terms for the Public use. — * * * *

October 7th — Resolved, That as a further Encouragement for Gentlemen of Abilities to engage as Commission Officers in the Battalions to be furnished by the several States to serve dureing the war, their monthly pay be increased as follows—

A Colonel	75. dollars	Lieutenants	27.
Lieut. Coll^{o}	60.	Ensign	20.
Major . .	50.	Quarter Master . .	27.⅓
Captain . .	40.	Adjutant	40—

In Congress October 8th 1776.

Whereas it is necessary that the most Speedy and effectual Measures be taken for raising the new Army—Resolved, That it be recommended to the Assemblies, Conventions, and Councils of Safety of the several States,—which have any Regiments now in the Continental Service, either at New York, Ticonderoga, or New Jersey, that they forthwith appoint Committees to proceed to those places with full Powers to appoint all the Officers of the Regiments to be raised by their States under the new Establishment, that such Officers may proceed immediately to enlist such Men as are now in the Service and incline to reinlist during the war; and that such Committees be instructed to advise with the General Officers, and promote such Officers as have distinguished themselves for their Abilities, Activity, & Vigilence in the Service, and especially for their Attention to military discipline.—

That the said Committees be also instructed not to appoint any Officer who has left or shall leave his Station in the Army, and is absent without leave from the General or some other Officers haveing Authority to grant the same.

Resolved, That for the further Encouragement of the Non Commission-Officers and Soldiers who shall engage in the Service during the war, a suit of Cloaths be annually given each of the said Officers and Soldiers, to consist for the present year of two linen

* *Sic:* long they. † *Sic:* 10th.

hunting Shirts, two pair of overalls, a leathern or woolen waistcoat with sleaves, one pair Breeches, a hatt or leathern cap, two Shirts, two pair hose, and two pair Shoes, amount^{g} in the whole to the value of twenty dollars, or that sum to be paid to each Soldier who shall procure those Articles for himself and produce a Certificate thereof, from the Captain of the Company to which he belongs, to the paymaster of the Regiment—Resolved, That it be recommended to the Assemblies & Conventions of the respective States from Virginia to New Hampshire—inclusively to take the most effectual Measures for Completing by the tenth of November their proportions of the levies to be Raised during the war,—

As the Army has greatly Suffered—through the defect of some of its Regimental Officers. Resolved, That it be recommended to the Assemblies & Conventions of the respective States to use their utmost endeavours that all the Officers to be hereafter appointed be Men of Honor and Known abilities without a particular regard to their having before been in Service — By order of Congress

JOHN HANCOCK Presid^{t}." — *Ibid.*, *vol.* 210, *p.* 306.

On the 18th of October, Henry Gardner brought the foregoing letter and resolves down from the Council, whereupon they were read, in the House, and referred to a joint committee, consisting of the Speaker and Messrs. Hawley, Partridge, Orne and Palmer, of the House, and Messrs. Spooner, Sever, Thomas Cushing and Whetcomb, of the Council.

The following report of this committee was made in Council, October 19th, sent down to the House, and returned with a vote of acceptance. The Council concurred, and the resolves were thereupon passed, and signed by fifteen of the Council: —

"The Committee of both Houses to whom were Committed the Letter and Resolves lately received from the Congress have attended that Service and beg leave to report that the receipt of the Letter from the President of the Congress of the 9th Instant Inclosing the Resolves of Congress of the 2^{d} and 8th of October renders it necessary to reconsider the resolves which passed the Two Houses on the 17th Instant* relative to raising the proportion of the men assigned this State by the Hon^{ble} Congress for forming a new Army — Your Committee therefore report as their Opinion that the said Resolves should be reconsidered by the Two Houses & humbly propose the Resolve accompanying this report should be substituted in the room of them. Your Committee beg leave further to report that in their Opinion it will be expedient to Impower them to write to Congress upon the Subject of raising the army and to make such representations and proposals to them as they may think may tend to Effect this Valuable purpose with despatch. And your Committee beg leave to sitt again W SEVER $\frac{d}{p}$ ord^{r}." — *Ibid*, *p.* 380.

The following are the resolves† which accompanied the foregoing report: —

"In the House of Representatives Oct^{r} 19th 1776. Whereas the Importance of raising the proportion of men Assign'd this State by the hon^{ble} Congress with the greatest dispatch is such as demands our immediate attention, and requires our utmost Exertions — Therefore it is

Resolved That Timothy Danielson Esq^{r} George Partridge Esq^{r} Col^{o} Josiah Sartwell Jonathan Gardner Jun^{r} Esq^{r} and Cap^{t} Seth Washburn be a Committee to repair without delay to the Camp at, or near New York, and there after gaining the best intelligence they can get, and after advising with his Excellency Gen^{l} Washington, or the Commander in chief in that department respecting the Characters of the Officers belonging to this State now in the Army proceed to appoint from the Officers now in the Army, or others the Field, & Staff Officers for seven battalions, and also the Captains, & Subalterns for the Companies of seven battalions on the Conditions hereafter mention'd, and to give the said Captains, & Subalterns beating Orders, and Inlistments for raising their respective Companies from men belonging to this State upon the Terms and for the time proposed by the Hon^{ble} Congress by their resolves of the 16, 18, & 19th September last each of s^{d} Captains & subalterns who shall Inlist men as afores^{d} & shall return the original Inlistments to the Committees appointed by this State, & shall not be Commissioned shall be Intitled to & receive from this State six shillings for each man he shall so Inlist, & that shall pass muster — and each Corpse of Officers for a Company consisting of One Captain, One first Lieutenant, One second Lieutenant, and One Ensign raising a company equal to the number establish'd by Congress for a Company on, or before the first day of December next to be intitled to receive their respective Commissions agreeable to their Appointment by said Com^{tee} the said Officers once every fortnight, or oftener as the said Committee shall direct making return of the men so inlisted to said Committee, and lodging with them the Original inlistments, and not to be intitled to said Commissions unless they inlist a sufficient number of Men to compleat a Company as aforesaid — and also

Resolved That Abraham Watson Esq^{r} Col^{o} Nath^{l} Leonard Major Jacob Davis, Cap^{t} Elisha Cranston & M^{r} William Page be a Com^{tee} to repair without delay to the Camp at, or near Ticonderoga, and thereafter gaining the best Intelligence they can get, and after advising with Gen^{l} Gates, or the Commander in Chief in that department respecting the Characters of the Officers belonging to this State now in the Army there proceed to appoint from the Officers in said Army, or others, the Field, & staff Officers for five battalions and also the Captains, & Subalterns for the Companies of five battalions, and to give to the Captains, & Subalterns for each Company beating Orders, and Inlistments for raising their respective Companies from men belonging to this State upon the Terms, and for the time proposed by the Hon^{ble} Congress by their resolves of the 16, 18, & 19th Sep^{r} last each Captain & subaltern who shall Inlist men as afores^{d} & shall return the original Inlistments to the Committees appointed by this State, & shall not be commissioned shall be Intitled to & receive from this State six shillings for each man he shall so Inlist & that shall pass muster, and each corps of Officers for a Company consisting of One Captain,

* *Sic:* September 17th?

† Printed resolves, chapter XLIII.

One first Lieutenant One second Lieutenant, & one Ensign raising a Company equal to the number establish'd by Congress for a Company on, or before the first day of December next to be intitled to receive their respective Commissions agreeable to the appointment made by said Committee — The said Officers Once every fortnight, or oftener as the said Committee shall direct making return of the men they shall so inlist to said Committee, and lodging with them the Original inlistments, and not to be intitled to said Commissions unless they inlist a sufficient number of men to compleat a Company as aforesaid — And it is further

Resolved That the said Committees in their respective departments be, and hereby are impowered at the Expiration of the Term abovementioned for compleating Inlistments by the several Corps of Officers for that purpose appointed to deliver Commissions to such as shall have compleated inlistments for a full Company, and in all Cases where Captains, Lieu^{ts}, & Ensigns designed for a Company have inlisted a number of Men less than a number a Company is to consist of the said Com^{tees} are hereby Impowered to Form them into Companies, and to distribute the Commissions to the Officers in such manner as to them shall seem most conducive to the service giving preference to such Corps of Officers as shall have raised the most men.

And it is further Resolved, that each of said Committees be, and they are hereby directed to transmit from time to time to Congress, and the General Assembly of this State the Success attending their undertakings that they give Account of any Embarrassments, or difficulties attending the Compleating the aforesaid levies, and the reasons of such difficulties, or embarrassments, that Measures may be immediately taken to remove the same if any there be —

And it is further Resolved that the Commission Officers of each Company who shall receive Commissions from the Committees aforesaid shall appoint the Non-Commission'd Officers in their Companies respectively.

It is also Resolved that each non Commissioned officer and private soldier who shall Enlist into the Continental Service as aforesaid shall be Intitled to and receive from this State one Blankett annually or Eighteen Shillings in case he shall procure one for himself and produce a Certificate thereof, from the Captain of the Company to which he belongs, to the paymaster of the Regiment, provided Congress should not make provision for the same

It is also Resolved that each non Commission officer and private soldier who shall Inlist into the Continental Service as aforesaid shall be entitled to & receive from the Treasury of this State Twenty Shillings ℔^{r} month to be paid him or his order every six months during his Continuance in the service, in addition to the pay & Encouragement already granted by Congress provided Congress shall not make any Addition to their wages as Established on or before the 1^{o} September last and in Case the Cong[ress*] shall make an Increase of wages less than Twenty Shillings ℔^{r} month, this State will supply the deficiency and cause the same to be paid them as aforesaid." — *Ibid.*, *pp* 377, 383.

In the House, on the 29th of October, Messrs. Hawley, Dorr and Nye were appointed a committee to prepare a resolve for a temporary reinforcement of the army, and the next day another committee was appointed, consisting of the Speaker, and Messrs. Sullivan, Sergeant, Murray and Orne, to consider what steps are necessary to be taken for making ready such a reinforcement, if it should be required, and "to send off such expresses to the army as they think necessary for the public good."

On the 8th of November, the bill of this chapter was passed, in the House, to be engrossed, and was sent up for concurrence, and on the ninth, the Council concurred, with sundry amendments. Other amendments had been made in the original draught of the bill, before it went to the Council chamber; one of which was the interlineation of the words "Indians, negroes and molattoes" among the persons exempted in the first section. The amendments subsequently proposed were nineteen in number. Eight of these were adopted upon the report of a committee of conference consisting of Messrs. Hawley, Sullivan and Goddard, of the House, and Spooner, Gardner and Sewall, of the Council. Of the other amendments, eight were proposed by the House, on the 14th. These were adopted upon the report of another committee of conference, consisting of the same persons, with the exception of Mr. Dalton, who was substituted for Mr. Goddard, of the House, and Powell and Cushing, who were substituted for Spooner and Gardner, of the Council.

The following are the principal amendments adopted:—

Preamble; in the fourth line, the word "may" substituted for "must."

§ 1; in the second line, "as is hereafter excepted" substituted for "that of a settled minister of the gospel."

in the fourth and fifth lines, "or in case of his neglect or refusal, from paying ing the fine hereinafter required:" inserted.

in the eighth line, "settled ministers of the gospel," inserted, and the last clause beginning "and also" &c., added.

§ 2; in the thirteenth line, "when" inserted; "in the first alarm upon which" struck out, after "United States"* "to reinforce the Continental Army, added."

§ 3; in the second and third lines, "immediately upon their receiving this act" substituted for "on or before the twentieth day of November instant."

in the thirteenth line, "on or before that day" struck out, after "to be."

§ 4; the last clause, beginning "and make return," &c., added.

§ 6; in the seventh line, "place of their destination" substituted for "State of New York."

* Manuscript mutilated.

after the last clause, "Provided nevertheless that if the place or places appointed as aforesaid be any where short of the state of New York the selectmen shall not pay the marching parties milage for any further space than from their abode to their place of destination," struck out.

§ 11; in the second line, "or by writing, left at his place of abode signed," inserted.
in the twenty-third line, "providing a reinforcement to the American army," substituted for "for embodying a part of the inhabitants of this state for the immediate defence of the United States."

§ 12; in the second line, "over by the persons who may first receive the same," inserted.

§ 13; the last clause, beginning "and in case any surplusage," &c., added.

§ 16; in the second line, "to reinforce the Continental Army" substituted for "upon an alarm."
in the sixth line, "for the purpose aforesaid," inserted.

§ 17; the whole paragraph, added.

The following correspondence, and resolves of Congress, reveal the origin of the proceedings, hereunder given, which took place after the passage of this chapter:—

"Providence Novr. 19th. 1776

Gentlemen, I inclose you a Copy of a Letter from Major General Lee, which I received last Night. As the Contents are very important I have no doubt of your paying the greatest Attention to it. I have to request your Honors to give the necessary Orders to the Militia in the Southern part of your State to march to our Assistance, in Case of an Attack with all possible Expidition;— and for giving such other Aid as shall be necessary This Letter will be delivered you by Capt. Topham, One of those brave Men who were taken Prisoners at the Attack upon Quebec.—

I am with every Sentiment of Esteem & Respect.

Your Honors most Obdt & hble Servt NICHS COOKE

General Court Massachusetts-Bay

In Council Novr. 20' 1776 Read & sent down— JOHN AVERY Dpy Secy

In the house of Represents. Novr. 20. 1776 Read and Committed to Brigr Palmer Mr Adams and Brigr. Prebble with such as the honble board shall join Sent up for Concurrence SAML FREEMAN Speakr P T

In Council Novr. 20.' 1776 Read & Concurrd & John Winthrop & John Whetcomb Esqrs. are joined— JOHN AVERY Dpy Secy."—*Ibid.*, *vol.* 195, *p.* 360.

The following is the inclosed copy referred to above:—

"Camp North Castle Novr. 14th. 1776.

Dear Sir, There is no doubt of a considerable Force being embarked or about to embark in Staten Island.—They give out that South Carolina is the Place of their Destination, but as it is not impossible or improbable that they may have some Designs against Rhode Island, either on a pillaging Scheme, or perhaps with a view of establishing Winter Quarters for a Part of their Troops as they find themselves streighthned at New York.—I think it my Duty to apprize your Honor of their Preparations, that you may be upon your Guard either by removing your Stock, fortifying yourselves, or in Short by taking such Measures as your Wisdom shall dictate for the Welfare of America and your particular Security. * * * CHARLES LEE."—*Ibid.*, *p.* 339.

The following letter was addressed to James Bowdoin, president of the Council:—

"Camp at Philipsburg Novr ye 21st 1776

Sir — Before the unfortunate affair of Fort Washington it was my opinion that the two Armies that on the East and that on the West side of N. River must rest each on it's own bottom — that the idea of detaching and reinforcing from one side to the other on evry motion of the Enemy was chimerical — but to harbour such a thought in our present circumstances is absolute insanity — in this perswasion shou'd the Enemy alter the present direction of their operations and attempt to open the passage of the Highlands or enter N. England I shou'd never entertain a thought of being succour'd from the Western Army. I know it is impossible — We must entirely therefore depend upon ourselves — to Connecticut and Massachusets I shall look for assistance — The time of service of the Men who compose the little Corps under my command is near expiring — the Enemy's Troops are well clad for a Winter Campaign — shoud They attempt when the Winter sets in to open the communication of the Highlands or enter N. England I know not what We have to oppose to 'em — some means must be devis'd to raise your regular Battalions for as to your Militia They are grown more detestable than ever, not from the bad quality of the Men for They are certainly good, but from the wretched character of the Officers, particularly the lower sort — who want evry attribute of Soldiers and Citizens — They want Spirit Patience Constitution Integrity and public virtue of course—if Your Men run away You may be assur'd that the way is led by the Officers — there are notwithstanding — some worthy subjects amongst 'em but the bad preponderate so enormously that little confidence can be plac'd in your militia — I must repeat therefore that I hope not only the legislative Body but the whole Gentlemen of the N. England Provinces will exert themselves to forwar'd the completion of the Continental Regiments — for Heaven's sake, Sir, contrive to send us some Blankets — otherwise We must dissolve away before the time of our natural Death — I hope the cursed jobb of Fort Washington will occasion no dejection the place itself was of no value — for my own part I am perswaded that if We act with only common sense spirit and decision the day must be our own — adieu, Dr Sir, and believe me to be most respectfully yours CHARLES LEE."—*Ibid.*, *p.* 371.

"*Resolved*, As the opinion of Congress, that if the soldiers to be raised by the state of Massachusett's-Bay be inlisted on the terms offered to them, which are more advanta-

geous than what are offered to other soldiers serving in the same army, it would much retard if not totally impede the inlistment of the latter, and produce discontent and murmur, unless Congress should equally increase the pay of these, which it is the opinion of Congress, would universally be reprobated as an immoderate expence, and complained of as a grievous burden by those who must bear it; and therefore that the committee from the state of Massachusett's-Bay, be desired not to inlist their men on the additional pay offered by the Assembly of that state."—*Journals of Congress: Nov.* 12, 1776.

"Nov. 25, 1776. In the House of Representatives. *Whereas the Resolve of this Court of the 19th of October last so far as it relates to the additional Encouragement to the non Commission'd Officers, & Soldiers has been found to be attended with Inconveniencies, and the mode of the said Encouragement has been disapproved by Congress—

And Whereas the Hon^ble Congress by their Resolve of the 12th Instant have permitted an Inlistment for three years instead of an Indefinite Time.—Therefore it is—

Resolved, That the said Resolves so far as they relate to the additional Encouragement therein Engaged to be given to such non Commissioned Officers, & Soldiers as should Engage in the Continental Service on the part of this State agreeable to the Establishment of Congress, and to serve during the War, be & hereby is made null, & void, & shall be so consider'd, and the several Committees employed by this State to raise the Quota of the Army assigned to it, are to govern themselves accordingly — and Whereas it is just, & reasonable that a suitable Encouragement, should be given to such non Commissioned Officers, & Soldiers as shall Enter into the service of their Country in defence of its rights, & for the safety & security of every thing dear to themselves, and their fellow Countrymen against the most cruel, & barbarous Invasion ever devised by Tyranny, & Despotism on the Rights, peace, & happiness of any Country—therefore—

Resolved, that the Committees appointed by this Court to appoint Officers give out Beating Orders &c proceed in all things as directed by said Resolves so far, as relates to the Commission'd Officers.—excepting that the Term of Time within which certain Persons receive Beating orders, & inlisting men should be Intitled to six shillings for each man Inlisted be extended to the last Day of Decr. next, and that instead of the additional Encouragment propos'd by this State by the Resolves of the 19th of October last, there shall be paid out of the Treasury of this State to each non-Commissioned Officer, & Soldier not belonging to any other of the United States who shall Inlist into the Continental Army either during the War, or for the Term of Three years as part of the Quota of men assigned this State the Sum of Twenty pounds on his passing muster the said Bounty of Twenty pounds to be paid in Treasurers notes of Ten pounds each payable to the possessor in four years, with Interest to be paid annually at the rate of six ℔ cent—

And Whereas it is convenient, & proper that all that part of the army raised on the part of this State should be on the same footing—

It is therefore Resolved, that all such non-Commissioned Officers & Soldiers as may have inlisted into the army on the Encouragement given by Congress and by this Court in their Resolve of the 19th of October last be, & hereby are discharged from their said Inlistment upon returning such moneys, or other things received as a Bounty, or Encouragement to Inlist as aforesaid, and be at Liberty to inlist on the Encouragement given by these Resolves, and all persons who shall have inlisted into said Service, and shall not return such monys, or other things receiv'd in consequence thereof shall be deemed, and held to be Engaged to serve in the capacity wherein they Inlisted for, and during the Term of three years unless sooner regularly discharged, and shall accordingly be Intitled to, & receive the Bounty of Twenty pounds as aforesaid in lieu of the Encouragement before offered by the Resolves of this Court of the 19th of October last.—In Council. Read, & Concurred.—Consented to by 15 of the Council."—*Council Records, vol. XXXVI., p.* 200.

"Nov. 27, 1776. In the House of Representatives. Order'd That the Secretary cause the Act which lately pass'd this Court intitled 'An Act for providing a Reinforcement to the American Army' to be printed, together with this Order, in the several Boston news papers. In Council. Read, & Concurred."—*Ibid., p.* 210.

The following, undoubtedly, are the letters referred to in the proceedings of the General Court, hereafter given. Another letter, received from Gen. Lee, suggesting an embargo upon all privateers until after the Massachusetts quota for the army should have been completed, could not have influenced the General Court in their proceedings, since it bears date at "Philipsbourg, Nov. 27th 1776," — a date so recent that it could not possibly have reached Boston before the resolves were passed.

The following letter was addressed to James Bowdoin:—

"Camp near Philipsbourg 22d. November. 1776.

Sir, Indecision bids fair for tumbling down the goodly fabrick of American Freedom and with it the rights of Mankind. 'twas indecision of Congress which prevented our having a noble Army and on an excellent footing. 'twas indecision in our military counsils which Cost us the Garrison of Fort Washington, the consequence of which, must be fatal, unless remedied in time by a contrary spirit. Inclosed I send you an Extract of a Letter from the General, on which you will make your comments, and I have no doubt but that you will concur with me in the necessity of raising immediately an Army to save us from perdition; affairs appear in so important a crisis, that I think even the Resolves of the Congress must no longer too nicely weigh with us—We must save the comaunity in spite of the ordinances of the legislature—there are times when we must commit treason against the laws of the state, for the salvation of the State—the present crisis demands this brave virtuous kind of Treason, for my own part, and I flatter myself that my way of thinking is congenial with that of M^r. Boidoin's, I will stake my head and reputation on the propriety of the measure—to come to the point, I request and conjure you therefore to wave all formalities and devise some means of compleating not only your

* Printed resolves, chapter LXXIV.

Regiments prescribed to the Province, but to add if possible four Companies to each Regiment. We must not only have a force sufficient to cover your Province and these fertil district from the insults and irruptions of the Tyrant's Troops, but sufficient to drive 'em out of all their Quarters in the Jersey's—or all is lost, disaffection is daily encreasing in Pensilvania which must be check'd by a tremendous superiority—in the mean time send up a formidable Body of Militia to supply the place of the Continental Troops which I am order'd to carry over the River—let your People be well supplied with blankets and warm Cloathes as I am determin'd by the help of God to unnest 'em even in the dead of Winter—let me hear from you soon Yours most affectionately & respectfully

CHARLES LEE

For Heavens sake lose no time in sending up the Militia—and a number of Shoes Stockings and blankets for the Army—if Massachusets and Connecticut do not now exert themselves, they must, and indeed ought to be enslaved, but if they act with the necessary vigor and virtue I will answer for the Success."—*Mass. Archives, vol.* 195, *p.* 374.

"Hartford Novr. 25th. 1776

Sir/ In a Letter from Genl. Lee of the 21st instant, he says: 'I shall begin with my Application immediately for Heavens Sake! contrive to procure us Blankets write to Massachusetts if you have none yourselves'—a large Quantity is wanted for the use of the Army. This State have not a sufficiency for the Supply of the Men sent from it,—which necessitates us to apply to yours—If in your Power, we trust you'll forward a Quantity to the Army with the utmost Dispatch and likewise inform whether some cannot be supplied, to furnish Troops raised and ordered to march immediately from this State. Your speedy Answer will much Oblidge your most Obedt. humble Servant

Honble. James Bowdoin— JONTH. TRUMBULL." — *Ibid.*, *p.* 378.

"Nov. 28, 1776. In Council. Resolved, That Jeremiah Powell, Artemas Ward, William Sever, John Winthrop, Thos. Cushing, John Whetcomb, & Francis Dana Esqrs. be a Committee with such as the Honble House shall appoint to take the Letters receiv'd from Governor Trumbull, & General Lee this Morning into immediate consideration, and report what is necessary to be done thereon.—

In the House of Representatives. Read, and Concurr'd and Mr. Speaker, Colo. Orne, Mr. Pickering, Brigr. Preble, Mr. Murray, Mr. Lowell, Mr. Phillips & Brigr. Palmer are joined.

Brigr. Palmer came up with a Message from the Honble. House to acquaint the Board that the House propos'd a Conference of both Houses on the Letters receiv'd this Morning from Govr. Trumbull & General Lee to meet in the Representatives Room if agreeable to the Honble Board.

Thomas Cushing Esqr. went down with a Message to the Honble. House to acquaint them that the Board agreed to the foregoing Proposal of the Honble. House.—

Mr. Pickering came up with a Message from the Honble. House to acquaint the Board that the House were ready to attend yo. Conference propos'd and they had appropriated the two front Seats and the two side Seats for the Honble. Council, & desir'd the President might take the Chair

The Honble Council then met agreeable to the Proposal of the Honble House in the Representative Room.

The Hon: Jeremiah Powell Esqr. in the Chair. The President read the Letters receiv'd this morning from Govr. Trumbull, & General Lee, and a Conference upon the subject matter thereof continued some time, and then a Motion was made that the Conference be dissolved, and the Committee be directed to sit forthwith to take said Letters into consideration, which passed in the affirmative—the Honble Council then returned to their own Room." — *Council Records, vol. XXXVI., p.* 220.

"Nov. 29, 1776. The Committee of both Houses to whom were referred several Letters lately received from Govr. Trumbull, & General Lee, and to report what it is necessary for this Court to do thereon have attended that Service, & beg leave to report that the following Resolutions* be passed by both Houses JER: POWELL pr order

Whereas orders have already been Issued to the several Brigades in the Counties of Essex, Middlesex, Hampshire, & Worcester to march to the Reinforcement of the American Army near New York & there is a necessity of a further Reinforcement to the American Army there—therefore—

Resolved, That the Council be desir'd immediately to issue out their Orders to Major General Warren to direct the Brigadiers of the Counties of Suffolk Barnstable York, Cumberland, Berkshire, and Lincoln excepting the Inhabitants of all such places in the County last mentioned as lie to the Eastward of Camden or to the Commanding Officer of each Brigade to order one quarter part of the Militia in their respective Brigades, that are, or may be draughted in pursuance of an Act lately passed this Court intitled 'An Act for providing a reinforcement to the American Army' to march forthwith to the town of Fairfield in the State of Connecticut there to follow and obey such Orders as they shall receive from their commanding Officer for the purpose aforesaid, and to continue in said Service according to the requirement of said Act.—

And Whereas that part of the militia to be drafted from the Counties of Cumberland and Lincoln are by this Resolve to be ordered to march to the Reinforcement of the Army in, or near New York—The Council are hereby impowered notwithstanding, if they, see Cause, to alter their Destination, and to order them to march for the defence of the State of Rhode Island, or to such other places as they judge for the General Service.

A Resolve for amending, and explaining a late Act of the General Assembly of this State intitled 'An Act for providing a Reinforcement to the American Army.'

Whereas some Amendments, and explanations of said Act are found necessary—Therefore it is Resolved, that the Council of this State shall during the sitting of this Court

* Printed resolves, chapters CXVII. and CIX.

have the same powers, and Authorities touching such part of the militia as in, and by said Act is provided to reinforce the American Army as is thereby given them during the Recess of the Court.

And whereas a Doubt has arisen from what part of the Militia the said reinforcement shall be appointed.

Be it therefore Resolved, that the One fourth part of all the able Bodied Male persons from sixteen Years of Age, and upwards, excepting those Persons who had before the 19th of April 1775 been by law deemed of the Denomination of Christians called Quakers, settled Ministers of the Gospel, The President, Professors, Tutors Librarian, Steward, & Butler, & under Graduates of Harvard College, Indians, Negroes, & Molattoes, and four Men to each of the Powder Mills in Stoughton and Andover, and excepting also the Inhabitants of all such Places, as lie to the Eastward of Camden (so called) in the County of Lincoln, not in actual Military Service, and pay for the defence of this or the American States at the time of passing said Act viz: on the 14th day of November Inst.t shall either by voluntary Inlistment, Lot, or Draught be appointed, and held in readiness as in said Act is provided any Law, or Resolution to the contrary notwithstanding.

And whereas some Towns, and some Companies have not complied with the Resolves of this Court of the 12th, 13th, & 17th days of Sept.r last, & thereby have not borne their share of the public defence—therefore Resolved, that the Council be desired also to Issue their Orders, that in Addition to the number of men now required, they furnish a number sufficient to compleat one fifth part of the Train Band, & Alarm List as is by said Resolves required, and with the men drafted as by the Act aforesaid to march, and with them do duty for the Term of three months from the Time of their marching, unless sooner regularly discharged; and the pains, & penalties in said resolves provided for non appearance, or not marching shall with regard to the Men in said Towns, & Companies be still in full force, and all such as shall refuse, or neglect to appear, or to march when drafted, shall be prosecuted accordingly. —

Resolved, That M.r Murray, & M.r Appleton with such as the Honble Board may join be a Com.tee to prepare an Animating Address to the Inhabitants of this State to encourage them to Inlist into the Army, to be raised for the defence of the United States upon the Encouragement offered by this Government by their Resolve of the 25th Instant — and that the several Committees appointed to repair to New-York & Ticonderoga be, and hereby are directed to proceed to Inlist the men in the Army at their respective places upon the Terms prescribed by said Resolve — And also that the Committee for appointing Captains, & Subalterns, & giving out beating Orders for raising three Batalions of Continental Troops in this State be directed to appoint said Officers, & to issue their Orders immediately. Resolved, That the Council be, and hereby are desir'd not to Issue out any Commissions to private Ships, or Vessels of War until application can be made to the States of Connecticut, Rhode Island and New Hampshire to give orders that no Commissions be Issued out to private Vessels of War, and that a Committee be appointed to prepare a Letter to the Assembly of each of those States beforemention'd upon that subject. —

Resolved, That the Committees appointed to provide Cloathing for the Army be, and hereby are directed to forward the same to the American Army in, and near the State of New-York without delay.

Resolved in case General Washington or the Commander in chief should think it necessary that some part of the men belonging to this State now in the Continental Army at New York should be retain'd there; after [the Time for which they are] engaged should expire. That the Committee there be and hereby are directed to endeavour to retain such part of said Men, and for such time as General Washington or the Commander in chief may think necessary, on the same encouragement as they are directed to offer the Militia — The Committee ask leave to sit again

In Council Nov.r 29th 1776. Read, & Sent down JOHN AVERY Dp.y Sec.y

In the House of Representatives Read, & pass'd In Council. Read, & Concurred, and Daniel Hopkins Esq.r is joined on the part of the Board to prepare an animating Address to the Inhabitants of this State. In the House of Representatives. Read, & Concurred — Consented to by 15 of the Council." — *Ibid.*, *p.* 230.

"Dec. 10, 1776. In Council December 9th 1776. *Whereas by a Late Act of this State for providing a Reinforcement to the American Army, provision is made in said Act to enable the Selectmen of the several Towns in this State upon their returning an account of the number of men appointed by said act for the reinforcement intended, to receive by order of Council a Warrant upon the Treasury of this State for a sum sufficient to enable such Select men to pay the persons so appointed their mileage from the places of their abode to the place of their destination, and also a sum sufficient to enable them to procure Teams, & Waggons to carry their Baggage but no provision is made in said act to enable them to procure Kittles, Bottles, or Canteens which may occasion a dangerous delay, & much trouble. & expence

Therefore Resolved, That when, & so often as the Selectmen of any Town in this State shall make a return of the number of men appointed in their respective Town, or plantation for the purpose mentioned in said Act, and make application to the Council for a warrant upon the Treasury for a sum sufficient to pay their mileage, & Transportation of their Baggage, That the Council be, and they are hereby Impowered to make an Estimate of a Sum sufficient to enable said Selectmen to procure such a number of Kittles, Bottles or Canteens as may be necessary for said men, and order a Warrant on the Treasury for such additional Sum any thing in said act notwithstanding —

In the House of Representatives. Read, & Concurred. Consented to by 15 of the Council" — *Ibid*, *p.* 304.

"Jan. 4, 1777. A Remonstrance of Colonels, Thomas Marshal, John Greaton, Ichabod Alden, Samuel Brewer, & Ebenezer Francis viz.t

* Printed resolves of the November session, chapter CLXXIX.

We the Subscribers being appointed to the Comand of Battalions in this State beg leave to remonstrate to your Honors of several Difficulties that attend the raising said Battalion — viz : —

1st[y] The order of Court obliges the Soldiers that Inlist to have a good Firelock, & Bayonet, which (We apprehend) is impossible in the present circumstances as the Soldiers have had their arms stop'd at their several Stations, and not any arms to be purchas'd that we can hear of —

2d[ly] Many of the new inlisted Soldiers being poorly Cloath'd, and destitute of Blankets as all that could be found here are purchas'd by your Committees that they are in suffering Circumstances, and cannot go into the Barracks for want of their Blankets and other Necessaries.

3d[ly] As our Orders promis'd the Soldiers twenty Dollars from the Continent as a Bounty. We have no person to apply to for the same. —

In the House of Representatives. Read, & Committed to the Committee appointed to consider what is further necessary to be done relating to the marching such of the fourth part of the militia who have since inlisted into the Continental Army. In Council. Read, & Concurred." — *Ibid.*, *p.* 392.

"Jan. 7, 1777. The Committee of both Houses to whom was Committed the Remonstrance beg to report as their Opinion — viz[t] — *That such men as have inlisted into any of the fifteen Battalions, raising by this State to reinforce the Continental Army, and have passed Muster without being equipped with Arms &c; and all others which shall Inlist in said Battalions, and cannot equip themselves with Arms, shall be furnished with Arms, &c out of those belonging to the Continent, now in this State: And that a Letter be sent to the Hon[ble] Congress informing them of the necessity of the measure. That five thousand Blankets be levied upon the several Towns in this State, in order to furnish such Soldiers, and non-commissioned Officers as cannot supply themselves with Blankets, be paid three Dollars therefor upon their passing muster. —

And that each non Commissioned Officer, & Soldier who does not furnish themselves with Arms &c according to a Re·olve of this Court of 30th November last shall have four pounds stopt out of the Six pounds Bounty given by the Congress in order to procure said Arms &c and that orders be sent to the several muster Masters to stop the same. —

JOHN TAYLOR Dp[y] order —

In Council. Read, & Accepted. In the House of Representatives. Read, & Concurred. Consented to by 15 of the Council." — *Ibid.*, *p.* 402.

"Jan. 10, 1777. Jer[h] Powell Esq[r] went down with a Message to the Hon[ble] House to propose an Amendment on the report of the Committee to whom was referr'd the remonstrance of Colonel Marshall and other Officers as taken into a New Draft that Eighteen Shillings be allowed instead of Twenty upon their procuring a Certificate from their Commanding Officer that they have so done — if agreeable to the Hon'ble House. —

M[r] Strong came up with a Message from the Hon[ble] House to inform the Board that the House agreed to the foregoing Message of the Honorable Board." — *Ibid.*, *p.* 424.

"In Council Febry 5. 1777. †Whereas by the Act of this State for providing a Reinforcement to the American Army it was directed that all Arms provided by the Select men of any Towns for such men as were unable to procure them for themselves should be paid for at their appraised value out of the Treasury of this State by warrant from the Council, in case the Owner or Owners of such Arms choose to receive pay for them which method hath been found inconvenient; Therefore Resolved, That all certificates from the Selectmen of the appraisement of any Arms so provided by them, shall be paid and discharged by the Committee of accounts if it appears to them that the Owner or Owners of such Arms choose to receive pay for them. And the said Committee are directed to keep a particular account of their doings herein, noting the Towns in which such Arms were provided, and the names of the persons to whom they were delivered. Sent down for Concurrence JOHN AVERY Dp[y] Sec[y]

In the House of Representatives Feb. 6. 1777 Read & concurred J WARREN Spkr

Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 212, *p.* 310.

"Apr. 11, 1777. In Council — ‡Whereas by an Act passed this Court in the year of our Lord one thousand seven hundred and seventy-six, Intitled an Act for providing a Reinforcement to the American Army; it was amongst other things Enacted that if any person that should be draughted in way, and manner as in, & by said Act is provided, and shall neglect, or refuse to March, he is to forfeit, and pay the sum of twelve pounds, or in default of such payment the said person is to be committed to the Common Goal of the County where said delinquent belongs; and in consequence of said Aid — Six of the people called Quakers belonging to the Town of Dartmouth was draughted, & ordered to march; but they declaring their religious principles are such that they could not take up Arms, neither could they pay the fine Order'd by said Act to be paid: but was obliged to submit to the other part of said Law — viz[t], that of being confined in Goal which Penalty they have submitted to for more than three months; and no provision by Law being yet made Whereby any part of their Estates may be taken to pay said fine, so that their Persons may be discharged. —

Therefore Resolved that the Sheriff for the County of Bristol be, and hereby is impowered, & directed so far to discharge the said six persons now confined in Goal at Taunton to return to their Families until the further order of this Court on their giving bonds to the Sherriff of the County of Bristol in the Sum of twenty pounds each that they will well, and truely return to said Goal whenever this Court shall so order.— In Council Read and Concurred Consented to by fifteen of the Council." — *Council Records, vol. XXXVII.*, *p.* 183.

Chap. 22. "*Resolved*, That it be recommended to the assemblies and conventions in the several colonies to appoint proper officers at convenient places in their respective colo-

* Printed resolves of the December session, chapter LII. † *Ibid.*, chapter CXLVIII.
‡ *Ibid.*, March session, chapter C.

nies, to take bonds in adequate penalties, for observing the regulations made by the Congress, or assemblies, or conventions, concerning trade, and for securing the observation of such parts of the association, as are not inconsistent therewith; and that the obligor shall, within eighteen months after the departure of the vessel, produce to such officers a certificate under the hands and seals of three or more reputable merchants, residing at the port or place where the cargo shall be delivered, that the same was there unladed, and take manifests upon oath, of the cargoes exported and imported, and keep fair accounts and entries thereof, give bills of health when desired, grant registers shewing the property of the vessels cleared out, and sign certificates that the requisites for qualifying vessels to trade, have been complied with: And that the fees of the said officers be stated by the respective assemblies or conventions. Provided always, that no prosecution upon any of the said bonds, shall be commenced, but within three years after the date thereof." — *Journals of Congress: April 6*, 1776.

On the 30th of August, the foregoing resolve, erroneously described, in the order, as of March 6th, was referred to a joint committee of the General Court, consisting of Messrs. Cheever, Palfrey and Story, of the House, and Thomas Cushing and Benjamin Austin, of the Council, with instructions to "report what is necessary for this court to do thereon." The committee was subsequently changed by substituting Samuel Holten for Thomas Cushing, and, finally, Moses Gill for Holten.

A letter (which has not been discovered) received from Nathaniel Barber was, on the 14th of October, referred to the above committee, and, on the next day, they reported, by Moses Gill, that they "are of Opinion, that it will be necessary for this Court to appoint a naval Officer in the several Ports of Boston, Salem, Newbury port, Glocester, & Marblehead, Plymouth, Ipswich, Falmouth in Casco Bay, Dartmouth York, Pownalboro,' and the Island of Nantucket, whose Business shall be, to take bonds in adequate Penalties, for Observing the regulations made by the General Congress or General Assembly of this State concerning Trade and take Manifests of all Cargoes exported, and imported, and keep fair Accounts, and Entries thereof give bills of Health when desired, and sign Certificates that the requisites for qualifying Vessels to trade have been complied with, and that the fees of the said Officers be stated by this Court, and that a bill be brought in for the above Purposes" — *Council Records, vol. XXXVI., p.* 26.

This report was accepted, forthwith, by a vote signed by fifteen of the Council, and, on the 17th, a committee, consisting of Messrs. Batchellor and Orne of the House, and Gill of the Council was appointed "to prepare a bill relating to the power and fees of naval officers."

On the 17th, a petition was received praying for the establishment of a naval office at "Gooldsboro and Machias," and, on the 23d, a petition was received "praying that a naval officer may be appointed at Bristol in the county of Lincoln." These were severally referred to different committees.

On the 29th, a bill for the above purpose had been reported to the Council, read, and sent down to the House. On the first of November, the bill was recommitted, by a concurrent vote, and again reported, with amendments, on the 8th, when the amendments were agreed to, and the bill was passed, by the House, to be engrossed; which vote was reconsidered the next day, and the bill was again recommitted. The bill, was reported, in a new draught, on the 14th, to the Council, where it was read, and sent to the House. On the 18th, it was passed, in the House, to be engrossed, and sent up for concurrence. On the 19th, the Council concurred, with amendments, which the House agreed to the same day, and proposed a further amendment, which was agreed to by the Council, and, on the 20th, the bill was passed to be enacted, and was signed by fifteen of the Council.

"Nov. 22, 1776. In the House of Representatives. Resolved that the naval Officers for the several ports in this State shall be chosen, & appointed in the same manner as the field Officers of the militia by the Votes of either house subject to the negative of the other, & to hold their said Office only for the term of one year. In Council, Read, & Concurred. Consented to by 15 of the Council."* — *Ibid., p.* 194.

"Nov. 27, 1776. In the House of Representatives.† The House made choice, by ballot, of the following Persons as Naval Officers. — viz^{t}: —

Nath^{l}. Barber Esq^{r}. for the Port of Boston — M^{r}. Warwick Palfrey for Port of Salem — Thomas Mayhew Esq^{r}. for Port of Plymouth — Richard Trevet for Port of York — Tristram Jordan Esq^{r}. for Port of Pepperelboro' — Samuel Whittemore Esq for Port of Glocester — Edward Pope Esq^{r}. for Port of Dartmouth — Cap^{t}. Mich^{l} Hodge for Port of Newbury Port — Joseph Otis Esq^{r}. for Port of Barnstable — M^{r}. Thomas Child for Port of Falmouth — Col^{o}. Jon^{a}. Lowder for Port of Penobscot — Ichabod Plaisted for Port of Nantucket. In Council Read, & Concurred. Consented to by 15 of the Council" — *Ibid., p.* 215.

"Dec. 2, 1776. In the House of Representatives. The House made choice by ballot of the following Persons as Naval officers — viz^{t}. John Beath, for the Port of Townsend [Goothbay]. William Nichols for the Port of Goldsboro'. Stephen Smith for the Port of Machias." — *Ibid., p.* 241.

John Gerry was appointed, in like manner, for Marblehead Jan 28, 1777.‡

The following resolve was passed March 21, 1777: —

"*Resolved*, That the following be and hereby are established as the Forms of the several Instruments to be used by the Naval-Officers within this State. And that the same, together with the Resolves of Congress concerning Trade, and all Matters relative to the Duty of the said Officers, be printed in a Pamphlet; and that *Samuel Freeman*, Esq; be and hereby is directed to see the same printed accordingly; and that he furnish each Naval-Officer with two of them.

* Printed resolves, chapter LXVII.
† This resolve and the next are united in the printed resolves, as chapter LXXXIX.
‡ Printed resolves of the December session, chapter CXXII.

FORMS.

[Bill of Health.]

State of Massachusetts-Bay.

Port of

{ L.S. } *To all People to whom these Presents shall come.*

Naval-Officer for the Port of in the said State, sends Greeting.

WHEREAS Master of the burthen about Tons, and navigated by Men, now lying in the Harbour of and by GOD'S Grace bound for is now ready to proceed on the said Voyage. — And it being just and proper to prevent if possible, any Suspicions that may arise in the Minds of any Persons, on Account of any supposed infectious Disease on board said Vessel.

Therefore KNOW YE, by these Presents, That (through the great Goodness and Mercy of GOD, to whom on this Account be rendered Praise) there is not in the said Port of any Pestilence or contagious Distemper whatever.

In Testimony whereof, the said has hereunto affixed the Seal of his Office, and subscribed his Name.

Dated at aforesaid, the Day of in the Year of American Independency, *and in the Year of our* LORD, One Thousand seven Hundred and

[Register.]

State of Massachusetts-Bay.

of in the County of and State aforesaid, maketh Oath, That the whereof is at present Master, being a stern'd Vessel of the Burthen of Tons, or thereabouts, was built at in the State of in the Year *One Thousand seven Hundred and*

{ Seal of the State. }

And that at present Owner thereof; and that no Subject of the King of *Great-Britain*, directly or indirectly, hath any Share, Part or Interest therein. Port of

{ Naval-Office Seal. }

THE *Oath aforesaid was administered at the Naval-Office for the Port of the Day of Anno Domini*, One Thousand seven Hundred and

Before me, Naval-Officer.

[Bond.]

KNOW all Men by these Presents, That are holden and stand firmly bound and obliged unto *Henry Gardner*, Esq; Treasurer of the State of *Massachusetts-Bay*, in the full and just Sum of *Pounds*, to be paid unto said *Henry Gardner*, Esq; or his Successor in said Office, for the Use of the said State. To which Payment well and truly to be made, We bind ourselves, our Heirs, Executors and Administrators, jointly and severally, firmly by these Presents. *Sealed with our Seals, dated at the Port of in the State aforesaid, the Day of Anno Domini*, One Thousand seven Hundred and

THE Condition of this Obligation is such, That whereas the said Master of the bound from this Port to hath taken on board said now in the Harbour of the following Articles, *viz.* to be landed at aforesaid.

Now if the said shall truly and faithfully carry from hence and deliver said Articles at said Port, or some other Port not under the Dominion of the King of *Great-Britain*, the Danger of the Seas and Enemies excepted, without Fraud, Coven or Delay, and produce a Certificate thereof from the proper Officer where the same shall be landed, or from some Justice of the Peace, or two Merchants of known Reputation residing there, within Months from this Date. Then the above-written Obligation to be void and of no Effect, otherwise to abide in full Force and Virtue.

Signed, Sealed and Delivered, in Presence of us,

[Certificate or Clearance.]

State of Massachusetts-Bay.

Port of

{ L. S. }

THESE certify all whom it doth concern, That Master or Commander of the burthen Tons, or thereabouts, navigated with Men, mounted with Guns, has Permission to depart from this Port with the following Articles, *viz.*

The said having here given Bond with sufficient Suret in the Sum of conditioned that the said Goods and Commodities shall not be carried to, or landed at any Port under the Dominion of the King of *Great-Britain*. And these are further to certify, that it appears by the original Register now produced to me, that the above-mentioned Ship was registered at the Day of 17

Given under my Hand and Seal of Office, at aforesaid, the Day of in the Year of our LORD, One Thousand seven Hundred and

Naval-Officer.

[Certificate to cancel Bond.]

State of Massachusetts-Bay.

Port of

{ L. S. }

THESE certify, That there hath been landed here out of the whereof is Master, Which appears by Certificate, dated the Day of to have been

shipped and laden at the Port of
Given under my Hand and Seal at the Day of
Anno Domini, One Thousand seven Hundred and
Naval-Officer.

[Permit to take on board.]
State of Massachusetts-Bay.

Port of
THIS may certify that Master of the now in the Harbour of
and bound for is hereby permitted to take on board said
any Articles the Exportation of which is not prohibited by Congress, or the General Assembly of this State.
Given under my Hand at this Day of Anno Domini,
One Thousand seven Hundred and
Naval-Officer.

[Let-Pass.]

Port of
PERMIT the Master, navigated with Men, mounted with
Guns, bound for to pass the Forts and Guards under your Command.
To the Commanding Officers of the several Fortresses and Guards in the Harbour of
Naval-Officer.

[Cocket.]
State of Massachusetts-Bay.

Port of
L. S. THIS may certify, That Master of the who cleared
out from this Office the Day of 177 for
has Permission to take on board the said
Given under my Hand and Seal, at aforesaid, the Day of
177
Naval-Officer.

[Permit to Unload.]
State of Massachusetts Bay.

Port of
To all whom it may concern.
PERMIT Master of the who has this Day entered at this Office
from with to Unload.
Naval-Officer.

[Manifest Inwards.]
State of Massachusetts-Bay.

Port of
I Master of the burthen about Tons, navigated by
Men, mounted with Guns, from do swear that the
following is to the best of my Knowledge a true Account of the Cargo on board the said
viz.
So help me God.
Sworn to the Day of A. D. 177
Before me,
Naval-Officer.

[Manifest Outward.]
State of Massachusetts-Bay.

Port of
I Master of the burthen about Tons, navigated with
Men, mounted with Guns, bound to do swear, that
the following is to the best of my Knowledge a true Account of the Cargo on board the said
viz.
So help me God
Sworn to the Day of A. D. 177
Before me,
Naval-Officer.

[Form of Bond to be given by Coasters.]

KNOW all Men by these Presents, That
are holden and stand firmly bound and obliged unto *Henry Gardner*, Esq; Treasurer of the State of *Massachusetts-Bay*, in the full and just Sum of *five Hundred Pounds*, to be paid unto said *Henry Gardner*, Esq; or his Successor in said Office, for the Use of the said State: To which Payment, well and truly to be made, We bind ourselves, Heirs, Executors and Administrators, (jointly and severally) firmly by these Presents. Sealed with our Seals. *Dated at the Port of in the State aforesaid, the Day of A. D.* 177

THE Condition of the foregoing Obligation is such, That whereas by a Law of the General Assembly of this State, made and passed in the Year of our Lord, One Thousand seven Hundred and Seventy-six, intitled, '*An Act for establishing a Naval Office, and for ascertaining the Fees*,'— it is enacted, That the Owner or Master of all Ships or Vessels employed in the Fishing Business, or in carrying Wood or Lumber Coast-ways, and of all Boats and Lighters above the Burthen of ten Tons, employed in transporting Goods, shall once every Year enter into good and sufficient Bonds, at one of the Naval-Offices within this State, to the Treasurer and Receiver-General of the same, in the penal Sum of *five Hundred Pounds*, with Condition to observe, keep and obey all Acts or Resolves, either of the Continental Congress or of this State, respecting Trade and Navigation, and not to counteract or break any of them.

And whereas the said of the burthen about

Tons, proposes to employ the said in the Business of for the Term of one Year from the Date hereof. Now therefore if the said shall well and truly observe and perform the Conditions aforesaid in said Act mentioned, according to the true Intent and Meaning thereof, then this Obligation to be Void and of no Effect, otherwise to be and remain in full Force and Virtue.

Signed, Sealed, and Delivered,
in Presence of

[Certificate for Coasters.]
State of Massachusetts-Bay.

Port of
{L. S.} THESE Certify all whom it may concern, That [Owner or Master] of the burthen Tons, or thereabouts, navigated with Men, which [Vessel or Boat] the said proposes to employ in the Business of for the Term of one Year from the Date hereof, has this Day entered into Bonds at my Office, to the Treasurer and Receiver-General of this State, agreeable to a Law of the same, intitled, '*An Act for establishing a Naval Office, and for ascertaining the Fees*'—The said [Vessel or Boat] has therefore hereby full Sufferance to pass or repass from any Port, Harbour or Place, to any other Harbour or Place, within this State, for the Term of one Year from the Date hereof, and no longer.

Given under my Hand and Seal of Office, the Day of in the Year of our LORD, One Thousand seven Hundred and Seventy

Naval-Officer"*

"State of Massachusetts Bay In the House of Representatives Oct. 18th. 1777†

Whereas this Court on the twenty second Day of November last — Resolved That the Naval Officers for the several Ports in this State should hold their Offices only for the Term of one Year — and Whereas the Time for which the said Naval Officers were chosen will expire in November next — and it is not probable this Court will be then sitting, and their choice cannot therefore be then renewed —

Resolved That the said Naval Officers be & hereby are severally impowerd to hold & execute their Offices until they shall be rechosen by this Court or until others shall be chosen in their stead

Sent up for Concurrence J WARREN Spkr
In Council Oct'. 18'.1777 Read & Concurred JNO AVERY Dy Secy
Consented to."—[Signed by sixteen of the Council].—*Mass. Archives, vol.* 215, *p.* 433.

No choice of a naval officer, under the following resolve‡ has been discovered: —

"Feb. 4, 1778. In the House of Representatives. On the Petition of a number of the Inhabitants of the Town of Tisbury in Duke's County, Setting forth the great Inconveniency that they labour under for want of a Naval Officer.

Resolved, That there shall be a Naval Officer appointed in Duke's County for the purpose of Entering and Clearing such Vessels as go in or out at the several Ports and Harbours in said County, Agreeable to the Laws of this State In Council Read and Concurred. Consented to by Fifteen of the Council."—*Council Records, vol. XXXVIII., p.* 288.

Chap. 23. "At a legal Meeting of ye. Proprietors of the Township of Pearson-Town, at the House of Deacon Jonathan Philbrick Inholdr. in Sd. Town, ye 15th day of July. AD. *1776.*—

2d article. Voted & Granted for the purpose of Supporting a School in Sd. Township agreeable to the intention of ye. Original grant, three thirty Acre lots number'd 129, 134 & 135.—a strip of Land containing 30 Acres more or less lying between the 100 acre lot in the first Division of 100 acre lots number'd 71. & ye two 30 acre lots number'd 133 & 140. another piece of Land containing 50 Acres more or less bounded South Westerly by Saco River, N. Easterly by ye. 100 Acre lot in the first Division of 100 Acre lots No 79. & by the lots 77, & 98. at each end, together with and in addition to the 30 Acre lot No. 37 granted for that purpose March 31st. 1767. in lieu of said 30 acre lot first laid out for a School lot.—

further Voted that Brigr. Preble & Saml. Freeman Esq or either of them apply to the General Court in order to Obtain a Confirmation of ye above Vote & Grant, & of his the Sd. Titcombs & Richardsons titles to ye Sd. 30 Acre Lot originally Granted for a School lot,—the principal Inhabitants of Sd. Pearson-Town having signifyed their Consent & Desire of the same.—

Cumberlan ss } Falmouth Augt 24th 1776

The within is a True Coppey from the Proprietors Book of Records.
Att BENJ TITCOMB Propr's Clerk."—
Mass. Archives, vol. 210, *p.* 197.

"Whereas the Proprietors of Pearsontown in the county of Cumberland at a legal meeting held this day have voted and granted several tracts of land in said Township. for the purpose of supporting a School there, in lieu of a thirty acre lot originally laid out by ye propr's. for that purpose, as is fully expressed in said vote, we the subscribers principal Inhabitants of said Township hereby declare our plan to be fully satisfied & contented with the same, and our full & free consent & desire that said vote & grant may be confirmed by the great & general Court, & ye said Tenja Titcombs & David Richardsons titles to said Thirty acre lot originally laid out for a school lot, be also confirmed to them & their heirs.

Witness our hands July 15th. 1776.
EPHM JONES JUNR EBENEZER SHAW JUNR JOHN SANBORN

* Printed resolves of the March session, chapter XXXIX.
† *Ibid.*, September session, chapter CLXII. ‡ *Ibid.*, January session, chapter CXI.

THOMAS THOMPSON	his	
WILLIAM JONES	JOHN X WOOD	JONA. PHILBRICK
MOSES LOWELL	mark	CALEB ROWE
THO^{S} BRADBURY	JOHN COOKSON	MICHAEL PHILBRICK
JOSIAH SHAW	JOHN YORK	DANIEL CRAM
MOSES RICHARDSON	DAVID SANBORN	JONATHAN SANBORN
DAVID RICHARDSON	JEREMIAH SANBORN	SETH HINKLEY
JOHN MCGILL	EBENE^{R} SHAW	SARGANT SHAW
JOHN AYER	DANIEL SANBORN	JOHN NICHOLLS
his	JN^{O} DEANE	EPHRAIM BATCHELDOR
JOSIAH X BEAN	EPH$^{M.}$ JONES	DAVID SANBORN
mark	GE$^{O.}$ FREEMAN	JOHN PIERCE
PETER MOULTON	JAMES MOODY	EDMUND FOGG."— *Ibid.*, *p.* 196.

"State of the Massachusetts-Bay in New England } To the honorable Council & honorable house of Representatives of said state in great & general court assembled—

Humbly shew the Proprietors of Pearson-town, so called, in the county of Cumberland, that they were under a necessity, in the infancy of the settlement of that township, in time of an indian war, & as the only means to prevent the breaking up of the settlement, to take up a certain thirty acre lot of land there, near the fort, before that time laid out as a school lot agreeable to the reservation in the original grant of the township, & to divide it into five acre lots to accommodate the settlers & bring them near together & near said fort; that the persons placed on said lots, by their labour & industry, & in danger of their lives, cleard & brought the same into a state of cultivation & improvement, & apprehending they had thereby acquired an equitable title to them, sold & disposed of them;—that, after sundry mean conveyances, they are now claimed, by purchase, by Benjamin Titcomb & David Richardson. Your Petitioners further shew, that they at their legal meeting on the fifteenth day of July last, desirous, at once, of complying with said reservation in the original grant of the township, of giving content & satisfaction to the Inhabitants, & of quieting the said Titcomb & Richardson in their titles & possessions to & of said thirty acres, granted other lands, in different parcels & places, in the township, amounting to two hundred acres at least, in lieu of said lot, & as an equivalent for the same, with which, the Inhabitants are fully satisfied, as your Petitioners are ready to shew;

Wherefore your Petitioners, who are joined in this request by said Inhabitants, humbly pray that said Thirty acre lot may be confirmed to said Titcomb & Richardson, their heirs & assigns, according to their respective Interests therein, & that said equivalent lands may be granted & confirmed to the Inhabitants of said Township, for the time being, forever, for the purpose of supporting a school or schools there. And your Petitioners as in duty bound shall ever pray by

JEDIDIAH PREBLE } their agent hereto
SAM^{LL} FREEMAN, } appointed & impowered."— *Ibid.*, *p.* 193.

On the 12th of September, a resolve was passed, in concurrence, that the prayer of the foregoing petition be granted, and that the petitioners have leave to bring in a bill, accordingly. A bill, bearing the title of this chapter, was read in the House, a first time, on the 12th of October, and, on the 30th, was read a second and third time, passed to be engrossed, and sent up for concurrence. In the Council, after two readings, it was passed, in concurrence, to be engrossed, on the 19th, and, on the 23d, it was passed to be enacted and was signed by sixteen of the Council.

Chap. 24. The bill of this chapter, having had three several readings in the House, was there passed to be engrossed, and sent up for concurrence, on the 22d of November. No information, respecting the action of the Council, having reached the House, it was sent for, by message, on the 30th of November. No response to this message has been found; but, on the second of December, this bill was read twice, and passed to be engrossed, in concurrence, and sent back to the House. The House immediately passed it to be enacted, and returned it to the Council, where it was passed to be enacted, in concurrence, but not being returned, at once, to the House, it was again sent for by message, on the third, and thereupon sent down to the House, signed by fifteen members of the Council.

"Dec. 5, 1776. M$^{r.}$ Pickering came up with a Message from the Hon^{ble} House to acquaint the Board that the House cannot agree with having a Stamp upon the Notes for the emission of £200,000 in Notes as the Delay will take up too much Time, and also brought up the Bill for said Emission." — *Council Records, vol. XXXVI., p.* 272.

After this disagreement the following resolve was passed, on the same day, relative to stamping notes of future emissions: —

"In the House of Representatives. *Resolved, that the Hon^{ble} Council be desir'd to cause to be procured as soon as may be a suitable Machine, and Stamp for impressing a mark on such notes as may be issued, by order of the General Assembly of this State, after the same shall be procured—and the Treasurer of this State is hereby directed to have all the Notes issued after that time stamped, or impressed in such manner as the Council shall direct.— In Council. Read, & Concurred.— Consented to by 15 of the Counvil." — *Ibid.*

The following order does not appear to relate to any other issue than the £200,000 authorized by this chapter: —

"Dec. 26, 1776. In the House of Representatives. †Order'd, that M$^{r.}$ Jeffries, and Mr. Hill be added to the Committee for Countersign the Treasurer's Notes for borrowing £150,000. and that any two of them countersign the said notes. In Council. Read, & Concurred.—Consented to by 15 of the Council." — *Ibid*, *p.* 343.

* Printed resolves of the November session, chapter CXLVI. † *Ibid.*, chapter VI.

At the maturity of the notes issued under this chapter the following resolve* was passed: —

"Dec. 29, 1779. In the House of Representatives—Whereas it appears to this Court that a considerable Sum in Notes issued by the Treasurer of this State became due on the Second of this instant December and no provision is made to enable the Treasurer to pay said Notes or the Interest thereof—therefore,

Resolved that the Treasurer of this State be directed and he is hereby accordingly directed to pay out of such moneys as he may have in his hands any of the aforesaid Notes for which payment may be demanded, and in case the holder of any of the aforesaid notes is not disposed to receive the principal, the Treasurer is hereby impowered and directed in such case to pay the Interest only, and the holder of said Notes shall be intitled to receive and the Treasurer is hereby impowered and directed to pay the Interest of said Notes annually until the Note or Notes shall be paid.—In Council Read and Concurred Consented to by fifteen of the Council." — *Ibid., vol. XL., p.* 206.

Chap. 25. "Oct. 31, 1776. *Francis Dana*, Esq; brought down from the Hon. Board, a bill, intitled, 'An act for preventing the operation of an act, made in the year of our Lord, 1770, intitled, 'An act for repealing the several laws now in force, which relate to the limitation of personal actions, and for the limitation of personal actions for the future, and forwarding suits at law'." — *House Journal, p.* 140.

"Oct. 31, 1776. A Bill intitled, 'An Act for preventing the Operation of an Act made in the year or our LORD 1770, intitled 'An Act for repealing the several Laws now in Force, which relate to the Limitation of personal Actions and for the Limitation of Personal Actions for the future and for avoiding Suits at Law,' having passed the House of Representatives to be Engross'd In Council, having had two several Readings passd a Concurrence to be Engross'd." — *Council Records, vol. XXXVI., p.* 100.

"Dec. 3, 1776. An Engross'd Bill intitled 'An Act for preventing the Operation of An Act made in the Year of our Lord 1770 intitled 'An Act for repealing the several Laws now in Force which relate to the limitation of personal Actions, and for the limitation of personal Actions for the future, and for avoiding suits at Law,' having had three several Readings in the House of Representatives pass'd to be Enacted.—In Council, having had two several Readings pass'd a Concurrence to be Enacted." — *Ibid., p.* 250.

"State of Massachusetts Bay In the House of Representatives Janʸ. 31ˢᵗ 1777 †Whereas many Persons were absent in the Service of the united States of America at the Time when the Resolve respecting the Revival of Actions in the Superiour Court, &c in this State passed the general Court & others were not apprized thereof It is resolved that any Person who was concerned in any Action which by said Resolve might have been revived at the next Superiour Court in each County respectively & has not brought forward the same, may have Liberty to enter his Action or Complaint as the Case may be at the Superiour Court for the County where such Action was pending at any Term which shall happen within twelve Months from the first Day of February next & the same Proceedings shall be had thereon as if the same had been entered at the next Term after the passing said Resolve — Sent up for Concurrence J WARREN Spkʳ

In Council Febʸ 1ˢᵗ 1777 Read & Concurred JNᴼ AVERY Dpʸ Secʸ

Consented to"—[Signed by seventeen of the Council]. — *Mass. Archives, vol.* 212, *p.* 234.

Chap. 26. For names of the signers of the bills emitted under this act, see note to chap. 28, *post*.

Chap. 28. This bill was read a first time, in the House, as early as October 14th, and, on the 19th, it was read a third time, passed to be engrossed, and sent to the Council, for concurrence. It does not appear to have been acted upon by the Council, until December 6th, when, after two readings, it was passed, in concurrence, to be engrossed, and the next day was passed to be enacted.

"State of Massachusetts-Bay In the House of Representatives Dec 7. 1776 Voted ‡That Joseph Henderson, Dummer Jewett, Thomas Ivers, Nehemiah Abbot, Ezra Sergent, Henderson Inches, Jonathan Hastings junʳ, and David Cheevers, be a Comᵗᵉᵉ for Signing and numbring the bills to be emittᵈ by Virtue of an act for the Emission of £75000 — and also the bills to be emitted by Virtue of the act for the Emission of £20,034. Sent up for Concurrence SAMᴸ FREEMAN Speakr P T

In Council Decʳ. 7ᵗʰ 1776 Read & Concurr'd JOHN AVERY Depʸ Secʸ

Consented to"—[Signed by fifteen of the Council]. — *Mass. Archives, vol.* 211, *p.* 352.

This was the last act for emitting bills that were not to replace bills already issued either by the Legislature of Massachusetts or the Continental Congress, passed in this state before the Constitution. — See note to 1777-78, chap 7.

Chap. 31. The following resolve having been passed by the Continental Congress, a joint committee was appointed to consider and report thereon: —

"*Resolved*, therefore, That it be recommended to the several legislatures in these colonies, whether assemblies or conventions, to pass acts or ordinances, prohibiting the arrests of continental soldiers for small debts; and in order that the same rule may pervade all the colonies, that no soldier be arrested at the suit of any of his creditors, unless the said creditor make oath, that the said soldier is justly indebted to him in the sum of thirty-five dollars over and above all discounts; and that the estate of no such soldier be liable to attachment at the suit of, or for the benefit of all his creditors, unless their debts in the whole, on being ascertained by their oaths, shall amount to more than one hundred and fifty dollars." — *Journals of Congress: Dec.* 26, 1775.

The above committee reported to the House, as early as Jan. 29, 1776, as follows: —

* Printed resolves, chapter LVI. † *Ibid.*, December session, chapter CXXXV.
‡ *Ibid.*, November session, chapter CLXIII.

"*4th.* That a Bill be brought in prohibiting the Arrests of Soldiers in the Continental Army, and the Attachment of their Estates for small Debts." — *House Journal, p.* 219.

A committee, consisting of Messrs. Godfrey and Mills, of the House, and Sever, of the Council, was thereupon appointed to bring in a bill, accordingly. An ineffectual attempt was made, in the House, the next day, to procure the insertion of a "provision to prevent desertion from the army, and any person from harbouring deserters."

Before any further action was taken upon the subject of this bill, a letter was received from Gen. Gates, which led to the passage of the resolve, given below, exempting enlisted soldiers from arrest in actions of trespass. This resolve was reported by James Sullivan:—

"Apr. 1, 1776. *Whereas this Court has received Information that* John Park, *the Deputy-Quarter-Master-General of the Army of the United Colonies, and* Richard Duff, *his Clerk, are arrested at the Suit of* William Thompson *Merchant, in an Action of Trespass, wherein the said* Thompson, *Complains that the said* John *and* Richard *broke, and entered his Dwelling-House, and made an Assault on his Person, and broke his Household Furniture in said House being — and it being suggested to this Court, that the said* John *and* Richard *entered said House by Order of their superior Officer, to quarter Soldiers there, and it appearing to said Court, that in the present State of our public Affairs, the producing Suits against Persons employed in said Army for their entering the Houses and Enclosures of the Inhabitants of this Colony, in support of said Army would have a Tendency more Dangerous than the suspending such Suits for the present:*

It is therefore *Resolved*, That there shall be no Suit produced or prosecuted, nor any Writ or Precept served on any Officer or private Soldier now in, or that have been in the Army aforesaid, the last or present Campaign, for any Entry by them made on Houses or Lands in this Colony, while they were in the Service of the said Colonies, and all Sheriffs and other Officers are commanded to take Notice and govern themselves accordingly, and that they do not execute or return any Writ against such Person now in their Hands, or that shall hereafter be delivered them, until this Court shall further consider of this Matter and re-consider this Resolve." — *Ibid., p.* 68.

Here the matter of exempting soldiers from arrest seems to have been allowed to subside, until Feb. 4, 1777, when a bill, which had been passed to be engrossed, in the Council, was sent to the House, for concurrence. The House proposed amendments, striking out the words "the fifteen battalions allotted by the American Congress as the quota of this state for reinforcing," after the word "raising," in the preamble, and adding the second section. These amendments were agreed to by the Council, which, in turn, proposed amendments, changing "fifth" to "seventh," in the third line of the first section, and inserting the word "further," in the second enacting clause. These amendments being concurred in by the House, the bill was passed to be enacted, in concurrence, on the seventh, and was signed, though by only six of the Council; notwithstanding which, its authority seems never to have been questioned.

By the following resolves, the exemption was extended to cases of all debts contracted since enlistment, and to all debts contracted previous to enlistment under £15 in amount:—

"State of Massachusetts Bay In the House of Representatives May 8th, 1777 *Resolved that no Soldier inlisted into the Contenental Army shall be arrested for any Debt which he has contracted or may contract after his Enlistment. —

Resolved that any such Soldier, who may have been already arrested for any debt contracted since his Inlistment, shall, at the desire of his Commanding Officer, be immediately released, the said Officer paying all Charges then arisen on the Suit — which Officer is to lay his Account before the General Court, or in the Recess thereof before the Council for immediate payment.

Resolved that no Soldier inlisted into the Continental Army shall be Arrested for any Debt by him contracted previous to his Inlistment unless it amounts to more than Fifteen pounds to be ascertained as is prescribed in an Act of this State intitled 'An Act to prevent the Arresting Soldiers for Small Debts, who have inlisted or shall inlist into the Continental Army any Act or Resolve of this State to the Contrary notwithstanding

Sent up for Concurrence — J WARREN Spkr.

In Council May 8'. 1777 Read & Concurred JNO AVERY Dpy Secy

Consented to"—[Signed by fifteen of the Council]. — *Mass. Archives, vol.* 214, *p.* 30.

This act was intended to apply only to soldiers enlisted in the campaign then projected. At a later period, therefore, it was deemed necessary to extend the exemption to soldiers enlisted in a subsequent campaign, which was done by the following resolve†: —

"State of Massachusetts Bay In the House of Representatives June 23: 178 Whereas some detriment may arise to the Publick if some provision is not made to hold the men from being arrested for Debts who have or may voluntarily Inlist or that have been or may be drafted to Reinforce the Continental Army the present Campaign.

Resolved, That any person who has or may Voluntarily Inlist, or that have been and may be drafted to Reinforce the Continental Army the present Campaign, shall not be liable to be arrested for any Debt by him contracted — During the Time for which he is so inlisted or Drafted. Sent up for Concurrence JOHN HANCOCK spkr

In Council June 23d. 1780 Read & Concurred JOHN AVERY D Sec

Consented to"—[Signed by fifteen of the Council].—*Ibid., vol.* 228, *p.* 433.

Chap. 32. It will be noticed that the description, in the following resolves of the Continental Congress, of persons owing allegiance to the state, was substantially adopted in the first section of this chapter: — [See, further, 1778–79, chaps. 9 and 24, and notes, *post.*

"*Resolved*, That all persons abiding within any of the United-Colonies and deriving protection from the laws of the same owe allegiance to the said laws, and are members of such colony; and that all persons passing through, visiting or making a temporary stay

* Printed resolves of the March session, chapter CCXIII. † *Ibid.*, chapter CXI.

in any of the said colonies, being entitled to the protection of the laws during the time of such passage, visitation or temporary stay, owe during the same allegiance thereto:

That all persons members of, or owing allegiance to any of the United Colonies, as before described, who shall levy war against any of the said colonies within the same, or be adherent to the king of Great Britain, or other enemies of the said Colonies or any of them within the same giving to him or them aid and comfort, are guilty of treason against such colony:

That it be recommended to the legislatures of the several United Colonies to pass laws for punishing, in such manner as to them shall seem fit, such persons before described, as shall be proveably attainted of open deed by people of their condition of any of the treasons before described." — *Journals of Congress: June* 24, 1776.

On the third of September, by a concurrent vote of both houses of the Assembly, the committee, appointed in July, to take into consideration the test-act of the previous year (see note to 1775–76, chap. 21, *ante*), were empowered to bring in a bill relative to high treason, and "enjoined to sit forthwith." On the 25th of October, the Council, in response to a message from the House, replied that the committee had not reported a bill. On the ninth of November, the House appointed Mr. Sullivan, upon the committee, in place of Mr. Cooper, who was absent; and, ten days later, the House sent a message to the Council, informing the Board that it was their desire that they would enjoin the committee "to sit forthwith." This request was repeated on the 25th; whereupon the Council replied that the committee had reported a bill, which they had under consideration; that the bill had had one reading, and that a time had been assigned for a second reading. The date of the first reading was November 20th, and of the second reading, November 25th, when it was passed to be engrossed and was sent to the House for concurrence.

On the seventh of January, the House passed the bill, in concurrence, to be engrossed, with fourteen amendments, the most important of which were the insertion of the words "within or without the limits of this state," twice in section two; also of the clause, in section nine, relating to the forfeiture of goods and chattels; the changing of the number of peremptory challenges, in section thirteen, from thirty-five to twenty-three, and, finally, to twenty; and the substitution of the words "immediately upon such attainder," in section twenty-two, for the words "without any office found of the same."

The following substitute for section twenty-four was rejected; but the other amendments, proposed, were adopted upon the report of a committee of conference appointed on the 28th of January: —

"And be it further enacted by the Authority aforesaid. That any Person who shall commit or be attainted of Treason or Misprision of Treason, at any time — in any Recess of the General Court of this State may be reprieved by the Supreme Executive Authority thereof until the second Wednesday of the then next sitting of said General Court and no longer — But no Pardon shall be at any time granted, in any such Case, but only by the General Court for the time being by Warrant under the Great Seal of this State."

The bill passed to be engrossed, in the Council, on the 31st, and, on the next day, it was passed, in concurrence, to be enacted.

"State of Massachusetts Bay In Council April 14: 1778

*Whereas there is now Confined in the Goals in the Counties of Hampshire & Berkshire Sundry persons who were taken with our Enemies & in Armes against the United American States. And it being of great importance to these States that such Parricides should Receive Adequate Punishment Therefore

Resolved that the Attorney General of this State be and he hereby is directed At the next Superior Court of Judicature &c to be holden at Northampton within & for the Counties of Hampshire & Berkshire to bring forward Process for High Treason Against all such persons Inhabitance of this State as have been taken in Armes with the Enemies of the United States, and Are now Confined in the Goals in the Counties of Hampshire & Berkshire. And the Justices of said Court are hereby directed to hear and determine thereon Agreeable to the act of this State Against Treason &c

Sent down for Concurrence JNº AVERY Dr Secy

In the House of Representatives April 15th 1778 Read & concurrd

J PITTS Spkr P Temp

Consented to" — [Signed by sixteen of the Council]. — *Mass. Archives, vol.* 218, *p.* 18.

"State of Massachusetts-Bay. In the house of Representatives, April 29th, *1778*.

†Whereas in the late Act against Treason &c passed by the General Assembly of this State in the year *1777*, there is a Clause which Enacts, 'That *no person* upon whom Sentence or Judgment of Death shall be passed or given by the Justices of the Superior Court of Judicature, Court of Assize and General Goal delivery, shall be executed & put to Death in pursuance of such Judgment, before the whole Record of such proceedings or Case be certified by the Clerk of the same Court under the Seal thereof, to the Supreme Executive authority of this State, nor until a Warrant shall be issued by the said Supreme Executive Authority, under the Great Seal of this State, with a Copy of the Record thereunto annexed, directed to the Sheriff of the County wherein the Trial of the Person so attainted as aforesaid, was had, commanding the same Sheriff to cause Execution to be done upon the Person so attainted as aforesaid, in all Things according to the Judgment against him. And the Sheriff to whom such Warrant shall be directed, is hereby authorized & required to execute the Same in due form of Law.'

Concerning which said Clause, doubts have arisen, whether it ought to be construed so as to extend to all Cases whatsoever upon whom such Sentence shall pass; Or whether it shall be restricted to such Persons only who have, or shall have such Judgment passed upon them by virtue of said Act.

For preventing such Doubts in future, it is hereby Resolved, That said Clause was intended, & shall be construed to extend to all Persons, in all Cases whatsoever, upon

* Printed resolves, chapter XLVI.

† *Ibid.*, chapter CXXXII.

whom such Sentence of Death hath, or shall pass, other than those convicted by virtue of said Act. Sent up for concurrence J PITTS Spkr p Tem.
In Council April 29th. 1778 Read & Concurred JOHN AVERY Dy Secy
Consented to." — [Signed by eight* of the Council]. — *Ibid.*, *p.* 399.

Chap. 33. "State of the } To the Honorable Council and House of Representitives
Mass^{a} Bay } in General Court Assembled Augst. 28th. 1776
The memorial of Jonathan Cogswell junr Isaac Dodge & Charles Smith Field Officers of the Third Regiment of militia in the County of Essex. Sheweth
That there has bin for a long Term of Time a Troop of Horse belonging to the aforesaid Regiment, And your Memorialist not knowing but that a Troop of Horse would be Allow'd of, did give Orders for said Troop to Convene, and Elect their Officers, And when so convened they did elect Robert Perkins Elisha Brown Junr. John Pearson & Palatiah Brown for their Officers, whose names where lodged in the Secretary's Office, with those of the foot Companies
That we have sence understood that there is no provision made for any Troop of Horse, only in the County of Worcester But as the aforesaid Troop, had no Voice, in the choice of the Officers in the foot Companies, we apprehend they will not willingly do Duty in said Companies, And they are, so Remotly Situated from each other, that they will not be able to form a foot Company with any Conveniency. And they have bin always ready and have Raised their proportion of Men Call'd for, and they are Desireous that they might be Allowed to Ride
Wherefore your Memorialist Humbly prays that the aforesaid Troop might be Allowed of, And the aforesaid Officers Commissionated and put under such Regulations, as the Honorable Court shall think proper. And your Memorialist as in duty bound shall ever Pray.— JON^{A} COGSWELL JUN^{R}.
Ipswich Sept^{r}. 9. 1776 ISAAC DODGE
CHARLES SMITH" — *Ibid*, *vol.* 210, *p* 353.

The foregoing memorial was presented to the Council, Sept. 13, 1776. It was referred to a joint committee, consisting of Holton, of the Council, appointed that day, and Messrs. Dix and Turner, of the House, appointed three days later.

On the 16th of October, the committee reported to the Council, "as their opinion, that the memoralists have leave to bring in a bill for the purposes mentioned" in their memorial. This report was forthwith accepted, and a resolve was passed in accordance therewith, in which the House concurred.

No further proceedings on this memorial have been discovered, until March 11, 1777, when a bill for the purpose prayed for was passed, in the House, to be engrossed, after having been read three times. It was sent to the Council, for concurrence, the same day. Five amendments were proposed by the Council, which were concurred in by the House on the 12th, and, on the 19th, the act was passed and signed.

Chap. 34. The prayer of the inhabitants of the territory "on or near St. George's River," resulted in the enactment of chapter 17, which, as will be seen on a comparison of their petition (note to chapter 17, *ante*) with the act aforesaid, was not a compliance with their request. The reasons of the failure of the petitioners to secure such legislation as they asked for, appear in the petition below; and the proceedings which ensued thereupon, also given hereunder, show the steps leading to the enactment of the present chapter, which was intended to gratify the wishes of the original petitioners: —
"State of Massachusetts } The Memorial of Mason Wheaton to the Honble the
Bay } Council and the Hoñble the House of Representatives of said State in General Court assembled—
Your Memorialist would humbly represent to the Hoñble Court the Misconduct of Capt. Samuel Gragg & the Imposition on the Hoñble Court by him, in his maletreatment of me & divers Inhabitants on the Easterly Side of St. George's River—
In July last your Memoralist with thirty six others on the Easterly Side of said St. Georges River petitioned the Hoñble Court praying that We & our Lands might be incorporated into a Township, whereupon the Hoñble Court ordered us to notify the other Inhabitants of said St. Georges by serving them with a Copy of said Petition & the order of Court thereon, that they might shew Cause if any they had on the third Tuesday of the then next sitting of the General Court why the Prayer thereof should not be granted. The Petition we sent by Col. Cushing of Pownalborough & none of us were present— said Gragg being then at Watertown went to the Deputy Secretary as I have been credible informed & took said order of Court to bring to us, but neglected ever to deliver the same to either of us & secreted the same by which means we were ignorant of the time when we were to be heard—just before the appointed time we accidentally heard that there was to be a hearing but knew not the time—we however sent up Mr Elisha Snow to support said Petition, but the Court having at that time matters of greater Moment before them could not attend to private Affairs. Upon which said Mr. Snow left his Papers with Mr Murray a Member of the Hoñble Court who promised if another Day was appointed for a Hearing he would endeavour we should be notified thereof, but we were never informed by Mr. Murray or any other Person that a further time was appointed—Nor did we hear anything further of the Matter till in October, when to our Great surprize and Damage we were informed that said Gragg & one Capt. McLean of Milton petitioned the Hoñble Court that the Inhabitants with their Lands on the West Side of said St. Georges might be incorporated into a Township & unknown to us included your Memoralists &

* See notes on p. 651, *ante*.

six other Families with our Lands within the Bounds of said Township, utterly against our Wills & much to our Damage as is fully set forth in the Petition accompanying this Memorial—

The Town of Warren has more Inhabitants & much more and better Lands without us than the Petitioners on the Eastern Side of said River hath with us—

Your Memorialist would further represent that said Gragg, in order to injure the Character of your Memorialist, in a Petition presented the Honble Court in July last set forth that he was in Possession of certain Lands belonging to Thomas Flucker & others & that he refused to put the same under the Care & Direction of the Committee, which your Memorialist can make appear an absolute Falshood by the Testimony of the Committee themselves accompanying this memorial

The Land prayed for to be incorporated is contained within the Yellow Lines in the Plan on the East Side of the River, and the Land on the West Side of the black line within the Yellow lines is the Land incorporated in the Town of Warren

MASON WHEATON."— *Mass. Archives, vol.* 181, *p.* 128

"Elisha Snow of Lawful Age Testifieth and Saith, That sometime in the Summer past a Number of the Inhabitants on and near St Georges River, did prefer a Petition to the Honourable the General Court praying that they might be incorporated into a Township. That a Report prevailed amongst us, that the said Petition was to have a hearing on the seventeenth Day of September last, in consequence of which this Deponent was chosen Agent for said Inhabitants, and attended the Court on that Business But was there inform'd by the Revd. Mr. Murrey then a member of the genera Court that the Matter could not have a hearing on that Day, neither was there any other Day appointed for that purpose, but Mr. Murrey told me that if he could obtain an Appointment of a certain Day for the Hearing, he would send me Word that I might attend; however I never had any Inteligence from him, or in any other way, of there being such an appointment, therefore could not attend And further saith not ELISHA SNOW

Lincoln ss December 17, 1776. Then the above named Elisha Snow appeared personally and made Oath to the Truth of the above written Deposition by him Subscribed

before me WATERMAN THOMAS Justice of Peace."—*Ibid.*, *p.* 124.

"To the Honourable Council and House of Representatives of the State of the Massachusetts Bay, in general Court assembled

The Petition of the Subscribers, Inhabitants of a Tract of Land lying on and near to St Georges River in the County of Lincoln, Humbly Sheweth, That your Petitioners with a Number of other Persons, did sometime past, prefer a Petition to the Honourable Court, therein praying, that we, with our Lands might be Incorporated into a Township; but through some inattention or neglect, the Prayer of said Petition hath not been granted, and also we understand that several Persons then Petitioners with us, are with their Lands annexed to another Town without their Knowledge or Consent, and utterly against their inclination; The particular Reasons for their and our desiring to be joined in a Township, are Because we are of the same Opinion as to the form of Church Government, that is Congregationals (whereas the most of the Inhabitants with which they are incorporated are of the Presbiterian way) The Tract of Land also is very conveniently scituated, & not over large, being but little more than the Contents of Six Miles square, viz. about twenty four Thousand eight Hundred & twenty acres but exclusive of those Families & their Lands which are taken off from us, and annexed to the other Township, we have but about nineteen thousand four Hundred & fifty acres, which we apprehend is much too small for a Township, neither is there any Islands or other Lands that can conveniently be annexed to us (without including some Inhabitants without their Consent, which we desire not to do) whereas the Town now incorporated by the Name of Warren contains above Sixty Square Miles viz. about thirty eight Thousand eight Hundred and thirty acres. A due Consideration of these Facts we humbly apprehend, will induce your Honours to discontinue that incorporating Act so far as relates to those Families. And to shun the many inconveniencies to which unincorporated Plantations are exposed, and procure the Benefits arising from Incorporation which we apprehend will greatly increase the growth of this Place; Your Petitioners pray, that the said Tract of Land, Bounded as followeth viz. Northwesterly by a Line beginning at St Georges River at the westerly Corner of John Alexander's Lot, from thence running as his Line runs North thirty two Degrees East about seven Miles to the Township called Camden belonging to the twenty associates called the Lincolnshire Company; westerly by St Georges River; Southwesterly by a Line Beginning at a Spruce Tree marked Number twenty three and twenty four on the Neck the Eastern Side of St Georges River, thence running East South East between the Lots Number twenty three and twenty four across said Neck about three Miles to the Sea Shore, Southeasterly by Muscle Ridge Bay, so called, Eastwardly by Owls Head Bay, and Northeasterly about five Miles by Camden Line aforesaid, to where it intersects the Line first mentioned, said Camden Line runs from the Sea Shore or Owls Head Bay at a place called Clam Cove Neck a North west by North Course; together with all the Islands that lieth within three miles of the Main Land, and within the Direction of the Lines that run to the Sea; may be incorporated into a Township, and that we may be invested with all the Powers and Priviledges that other Towns in the said State do enjoy: But if the Honourable Court should not be disposed to annex those Families and their Lands to us according to these given Lines, we being so few in Number and the Tract of Land so small and uncultivated, that we are by no means able to maintain a Minister or support the Gospel and enjoy the other essensial Benefits arising from Incorporation, in that Case we cannot desire to be incorporated, but pray that a Committee of the Honourable Court may be appointed, and come down, at our Expence, view and de-

termine the Proper Lines and Boundaries of our Township. And your Petitioners as in Duty bound shall ever pray &c.

ELISHA SNOW	WILLIAM HEARD	HUGH KILLSA
JAMES STACPOLE	FRANCIS HASKELL	JONATHAN CROCKT
JOHN MATHEWS	THOMAS HAM	JONATHAN SPEAR
TALER SMALLE	HEZEKIAH BATCHELDER	OLIVER ROBINS JN
JOSEF SMALLY	SAMUEL BARTLET	ISRAEL LOUEITT
JOHN BRIDGES	JACOB KEEN	SAM^{LL} BROWN
JAMES ORBTON	ISAIAH TOLMAN JUNER	RICH$^{D.}$ KATING
	ISAIAH TOLMAN	JONATHAN ORBETON."—

Ibid., p. 131.

"To the Honourable the Council and House of Representatives of the State of Massachusetts-Bay, in general Court assembled.

The Petition of the Subscribers, humbly sheweth, That your Petitioners with a Number of other Persons, living on and near St Georges River in the County of Lincoln, did prefer a Petition to the Honourable Court praying that we might be incorporated into a Township by certain Meats and Bounds therein mentioned. The Reasons for our desiring to be annexed to them, with whom we then petitioned are, First, Because our Lands and Possessions are much more commodiously scituated for that purpose, than to be joined to any other, Secondly, Because our Sentiments as to the Mode of Church Government is the same with theirs, that is, Congregational; And thirdly, Because we find a general Hermony between us and them in other Matters, as well as in the Mode of Church Government; the reverse of all these we find with respect to the other Inhabitants with whom we (to our great Sorrow) understand that we are incorporated, they having gathered a Church and settled a Minister according to the Presbiterian Mode, in which Proceedures we never could unite, but ever declined, & absolutely refused to have any concern therewith, for the above mentioned Reason: and now they have stated their Lines and included us in their Township purely with a view to have us under their Controul, and to take and dispose of our Money not only without our Consent, but contrary to our express Sentiments and Principals (so far as relates to Mode of Church Government) which is a Hardship so great, that we humbly trust your Honours will never expose us to: Wherefore your Petitioners most earnestly pray that we with our Lands may be disconnected from that Township, and erected into a Township according to our former Petition: But if the Honourable Court should not think proper, from a Consideration of these Reasons, to grant this Petition, we further pray that a Committee of the Honourable Court may be appointed and come down, at our Expence, and view and make Report according to their Discretion. And your Petitioners as in Duty bound shall ever pray &c.

N B Altho there is but about Twenty three signers to M$^{r.}$ Snows Petition and Others, yet I am Confident, that there is Ten more, that would Gladley have signed, if they had an oppertunity, nor is there one man Within the Limits, Prayd for but what is Desireous to be Incorporated with us, this I Can Assert with the greatest Asurance and can Evedently make the same Appear MASON WHEATON."—*Ibid., p.* 139.	JOHN SHIBLES PACKRICK PORTERFIELD MASON WHEATON THOMAS STEVENS JOHN BOWLER JONATHAN SMITH DANIEL MORSE

On the first of January these petitions, and the accompanying papers, were referred to a joint committee consisting of John Taylor and Joseph Cushing, of the Council, and Messrs. Partridge, Kimball and Danielson, of the House. On the same day the following counter-petition or remonstrance, was referred to the same committee.

"State of the } To the Hon^{l} Council, and the Hon^{l} House of Representatives of
Massachusetts Bay } said State In General Court assembled, at Boston Dec^{r} 1776

The Petition of Hugh M^{c}Lean of Milton Agent for the Inhabitants of the town of Warren in the County of Lincoln, humbly shews—

That your Petitioner, being informed, that a Number of Settlers in said County scituate on and near the River S^{t} George's & commonly known by the name of the middle town, have petitioned your Honors to be incorporated, and in order thereto have requested certain Lands within the said township of Warren to be set off to them; Your Petitioner therefore begs leave to represent to your Honors, that the said tract of Land, which is requested by the said Inhabitants of the middle town to be set off to them, is almost the only valuable spot within the township of Warren, and is of more Importance to the Inhabitants of said town, than all the other Land within their boundary, and without the benefit & profit of which they shall be entirely unable to support a Minister.— For these Reasons, the Subject of the Petition of the said Inhabitants of the middle town, (which has been long apprehended) has been matter of serious Consequence to your Petitioner's Constituents, he therefore prays your Honors that the said Petition may be dismissed, or at least suspended. 'till the said Inhabitants of Warren can have an Opportunity of being freely & fully heard upon the matter; which cannot be till they have compleated & complied with the Requisitions of this Hon^{l} Court for supplying their proportion of Men for the Continental Service, a matter which at present engrosses all their Attention, and as in Duty bound shall ever pray &c HUGH M^{c}LEAN."—*Ibid, p.* 130.

On the 3d of January, 1777, Elisha Snow and others, and John Shibles and others, the petitioners, were ordered to serve the committee of correspondence of the town of Warren, with a copy of their respective petitions, that the town might show cause why the prayer thereof should not be granted, on the second Tuesday of February, if the Assembly should be in session; otherwise, upon the first Tuesday of the following session. On the the sixth of February, an order was passed reciting that,—

"Considering the great Distance all the aforesaid Parties are from this Place, it being

more than two hundred miles Distance and the great Probibbitily there is that the Parties are now on their Journey to attend this Court and the great cost that must Necessarily attend their Coming again and more especially inasmuch as some of them have already been at the expence of three or four Journeys the above Distance, on the aforesaid subject And the great probibitily there is that this court will not be setting on the second Tuesday of February instant."—(*Ibid*, *p.* 137.)

— and appointing a joint committee, consisting of Moses Gill, of the Council, and Messrs. Story and Pitts, of the House, "to hear the parties and report what is best for this court to do thereon, and to make their report at the next sitting of this court."

In the mean time, the following memorial from the town of Warren, and the accompanying two powers of attorney to Major Wheaton, were received:—

"To the Honourable Counsil and house of Represen ives of the State of the Massechusetts Bay in General Court assembled at Boston

The Memorial of the Committee of the town of Warren humbly Sheweth That Whereas your Honours has been Pleased to Incorperate us Into A town Agreeable to our plan and petition, for Which we In behalf of Said town Return Your Honours hearty Thanks

And Whereas John Shibles and others have petition[ed*] Your Honours to be Sett of from this town for Sertai[n*] Reasons they have laid before you, and We have been Favoured With A Coppy of the Same Where we find your honours desires us to Shew Reasons why they Should not be Sett off from Said town of Warren we therefore Inform your honours the Reasons are as follows Viz—

1st that there is but two free holders Within the bounds Prayed to be Sett off that owns any land Namely John Shibles and Patrick Porterfield—

2dly that there is Some of the best of the land lying betwen them and the bounds of our town and the middle town Which if we have not our town will be Spoiled

3ly Daniel Morse and Jonathan Smith are not Within the bounds Prayed to be Sett off likwise John bowler Improves about two or three Acres of land which is not his own & Thomas Stevens lives on a piece of land belonging to Mr. Shibles

4ly at the first Settling of this town Brigadier Waldo promised the inhabitants the benefit of the lime Works for their further Incouragement which they Improved while he lived also we Were to have So much of the limestone as We wanted for Our own Use Rent free for Ever Which Will apear by the town Grant

We the inhabitants of this town or our fathers Cleared fenced and brought too the land that Colo Wheaton prays to have Sett off Whereon he now live[s*] the most of our Meadows lies Within the bounds o[f*] the middle town, So that If all the best of our Priviledges be taken from our town we Shall n[ot*] Be Worthy the Name of a town—Col: Wheaton in his petition does not like to pay Rates to our minister, we never Call'd upon them [for*] Any Such payment nor never Expected to durin[g*] this Ministers Stay Amongst us but they may pay Where they Go to hear— REUBEN HALL Clk man."—*Ibid*., *p.* 133.

"St Georges January 24, 1777

We the Subscribers (some of us having signed and others fully consenting to and joining in the Prayer thereof) having preferred a Petition to the Honble the General Court of the State of the Massachusetts Bay Praying to incorporate Part of the Plantation called St Georges into a Township Do hereby constitute and appoint Colonel Mason Wheaton our Agent with full power to attend the Court and carry on said Petition to final Determination promising to ratify and hold Valid all that our said Agent shall lawfully do in our Names thereupon—

JAMES STACKPOL	COMSTON RANKIN	DAVID WALCH
NATHANAEL CROCKIT	ELISHA SNOW	DAVID WASON
ISAIAH TOLMAN	ISRAEL JORDAN	×JAMES WEED
WILLIAM HEARD	THOMAS HAM	RICH'D KATING
OLIVER ROBINS	HEZEKIAH BATCHELDOR	TALAR SMLLEY
JOHN BRIDGES	FRANCIES HASKELL	JOSEPH SMALLY
×ISRAEL WOODCOCK	NATHLL FALES	JOSEPH COMBES
JOHN MATHEWS	JONATHAN CROCKIT	DAVID SMALEY
HENERY FLING	JONATHAN ORBETON	JAMES ORBETON
JOHN RANDEL	WILLIAM THOMSON	SAMUL BROWN
HUGH KILLSA	×OLIVERE ROBINS JUR	ISRAEL LOUETT
		JACOB KEEN

Those with this × Mark are Young men i.e. Single men."—*Ibid*., *p.* 135.

"St Georges January 27, 1777

We the Subscribers having preferred a Petition to the Honble the general assembly of the State of the Massachusetts Bay praying that we with our Land might be disconnected from the Township of Warren and erected into a Township with the Easterly part of the Plantation called St Georges, Do hereby constitute and appoint Colo Mason Wheaton our Agent investing him with full Power to attend the General Court and in our Names to carry on said Petition & transact all matters relating thereunto hereby promising to ratify and hold valid all that our said Agent shall lawfully do in the Premises In Witness whereof we do hereunto set our Names— JOHN SHIBES

PATRICK PORTERFIELD	THOMAS STEVENS
DANIEL MORSE	JONATHAN SMITH "—*Ibid*.,

p. 136.

On the 7th of March, the committee last appointed made the following report, which was accepted, the same day, by the Council, and, on the 13th, by the House:—

"The Committee of Both Houses appointed to consider the Petitions of John Shibbels & others of the Town of Warren Praying the Lands mentioned in said Petition might be

* Manuscript mutilated.

disannexed from said Town & incorporated with the Easterly Part of S^t^ Georges, also the Petition of Elisha Snow & others on the Easterly Part of S^t^ Georges, Praying that the Lands mentioned in Both said Petitions might be incorporated into a Town — have attended that service and after a full hearing of both Parties are unanimously of opinion That the Lands mentioned in the said Shibbels Petition ought to be disannexed from the Town of Warren and Annexed to the Eastern part of S^t^ Georges as they apprehend that the General Court would never have made said lands part of said Town of Warren had they been Acquainted with their Situation and Circumstances

And your Petitioners are also Clearly of opinion that if the Eastern part of S^t^ Georges together with the Lands aforesaid be taken off from the Town of Warren and are Erected into a Town it may be of Service to the Inhabitants and of public Utility —

Your Committee therefore beg leave to report that the Petitioners have leave to bring in a Bill for disannexing the Lands mentioned in said Shibbells Petition from the Town of Warren, and for incorporating the same with the Easterly part of S^t^ Georges as Described in a Petition of Mason Wheaton & others of July last into a Town — All which is humbly submitted — MOSES GILL *dp*^y^ order." — *Ibid.*, *p.* 140.

After this report had been accepted by the Council, and before the House had passed upon it, the following petition was presented, which gives some interesting details respecting the case of the petitioners, not to be found elsewhere: —

"State of the Massachusetts Bay } To the Hon^ble^ the House of Representatives of said State —

Humbly sheweth The Petition of Mason Wheaton of the Town of Warren in the County of Lincoln —

That in July last your Petitioner with about forty others, Inhabitants on the Easterly part of S^t^ Georges petitioned the hon^ble^ Court praying that we together with the Lands described in our Petition might be incorporated into a Town that we might enjoy the Privileges as well as perform the Duties of a Town; but as we were at more than two hundred Miles distance, we did not either of us attend personally but sent said Petition by Col. Cushing of Pownalborough a member of the hon^ble^ House; & the Court at that time were pleased to order your Petitioners to notify the Inhabitants of the West side of S^t^ Georges to shew Cause if any they had why the Prayer of said Petition should not be granted, but your Petitioners were so unhappy as not to receive said Order of Court — Just before the time appointed we heard a Rumour that we were to have a hearing but knew not the time when, however we sent up M^r^. Elisha Snow to find out the time & to support said Petition. But when he came he was informed by M^r^. Murray a Member of the hon^ble^ House that the Court were so much engaged in raising a Reinforcement for the Continental Army at Ticonderoga and near New York that they could not attend to any Matters of a private Nature, & promised that he would endeavour to have some future time appointed for a hearing & in case he obtained it he would inform us thereof, upon which said Snow returned home, after which a day in October was appointed for a hearing, when again we were so unhappy as not to hear thereof till the time was elapsed altho' I have no doubt M^r^. Murray wrote to us as he promised. Soon after this to our great Grief & Surprize we were informed that Cap^t^. Gragg of S^t^. Georges & one Cap^t^. M^c^Lane of Milton in behalf of the Inhabitants on the West Side of S^t^. Georges petitioned Your'Honors praying that they with the Lands mentioned in their Petition might be incorporated into a Town and in said Petition they included the best part of the Land and Improvements & at least one third part of the rateable Estates mentioned in our Petition, altho' the West part had much more Land and better Land as may fully appear from a Plan now on your Honors' Table and more Inhabitants without any part of that mentioned in our Petition, than we on the East part had even ask'd for, yet the Prayer of their Petition was granted altho' none of us were at Court or knew any thing of the Matter. But, as we were confident the Court never would have taken from Us four or five Thousand Acres of the best Lands & Improvements to our utter Ruin and give it to the West Side who had upwards of thirty three thousand Acres without & your Petitioners not twenty six thousand with it, had the true Circumstances of the Case been known; we who were incorporated with the Town of Warren without our Consent or Knowledge and to our great Grief & Damage, again petitioned the hon^ble^ Court in January last praying we might be disannexed from the Town of Warren and with the Inhabitants of the East Part be incorporated into a Town agreable to our first Petition, & the Inhabitants of the East part at the same time petitioned, praying that they with us might be incorporated together, at which time the Court ordered us to notify the Town of Warren to shew Cause if any they had on the second Tuesday of February then next, why the Prayer of our Petition should not be granted, with which order we readily complied & your Petitioner was at the trouble & Expence of going himself to said Warren which is upwards of two hundred Miles to serve said Notification & return'd here in the beginning of February to support said Petitions, but the Court adjourn'd before the Day appointed for a hearing, having first in their great Goodness appointed a Committee of both Houses to hear the Parties, in order to prevent any more Journies and needless Expences to the Petitioners which had been very great and grievous already — Cap^t^. Gragg & Cap^t^. M^c^Lane were seasonably & fully acquainted with the above order yet by their nonattendance they prevented a hearing before the hon^ble^ Committee repeatedly & from time to time, till at length your Petitioner was again at the trouble of notifying them by an order from said Committee of the Appointment of another day for the hearing when they attended, for the truth of which together with the unweary'd Pains & Expences I have been at in order that the matter may be fully & fairly heard & finally determined I appeal to the hon^ble^ M^r^. Gill, W^m^. Story & John Pitts Esq^rs^. who were the Committee, who unanimously reported in favour of our Petition, which Report has been considered and accepted by the Hon^ble^ Council but your Petitioner is informed the Hon^ble^ House after reading the Report of the Com-

mittee & order of Council thereon have ordered the same to lye on the Table till the Members of the County of Lincoln come to Court; But as there are but four Representatives from the County of Lincoln neither of whom live nearer than thirty or forty Miles to the Lands in Dispute & considering the great distance they are from Court being almost two hundred Miles & the Travelling very bad renders it very uncertain whether they be here this Session — And in as much as your Petitioner hath been obliged to make three or four Journeys more than two hundred Miles each & hath now been waiting for the Determination of the hoñble Court more than thirty Days, he therefore most earnestly prays your Honors would be pleased once more to take into Consideration said Petition & the Report thereon & let the matter be finished that your Honors and your Petitioner may have no further Trouble on that Account —

If the hoñble Court desire further Information relative to the true State of facts, your Petitioner begs leave to mention that the Hoñble John Taylor Esq^r. Major Minot and Cap^t. Minot all of whom live in the Town adjoining the Town of Warren & S^t. Georges and are now in Town can give Information relative thereto and if your Honors please can be inquired of —

And your Petitioner as in Duty bound shall ever pray —

Boston 12^th March 1777 MASON WHEATON."

— *Mass. Files: House, no.* 130.

On the day the above report was accepted by the House, the bill of this chapter was read a first time, in the Council; on the next day (Oct. 14), it was read a second time, passed to be engrossed, and sent to the House, for concurrence. It was immediately returned from the House, with a vote of concurrence. On the 20th, it was passed to be enacted, and was signed by fifteen of the Council.

Chap. 35. "May 4, 1776. A Message from a major Part of the Council by the Secretary. *Gentlemen of the House of Representatives*, There is a considerable Expence arising for the Support of Prisoners sent hither from Time to Time, who were taken on board Vessels infesting this Coast, or supplying our Enemies, and the Guards accompanying them; no Directions have yet been given in what Manner this Expence shall be defrayed: —We recommend it to you to take this Matter into your Consideration, that some general Regulations may be established relative thereto. In the Name and by Order of the major Part of the Council, JAMES OTIS, President.

Read and committed to Major *Fuller*, Deacon *Rawson* and Col. *Orne*."—*House Journal*, *p.* 247.

The following, which appears to be a copy, remains in the archives. It is not dated, nor are the signatures of the committee affixed, and no record of its having been passed upon by either house has been discovered:—

"The Committee appointed to make Answer to the Message of the Major part of the Council, of the 4^th of May Instant, report

In the House of Representatives May 1776

Resolved that the necessary Charges that have arisen, or may arise in Supporting such Prisoners as are or may be taken on board Vessels infesting this Coast, or Supplying our Enemies (whose Confinement is for the Safety of this Colony) and the Guards accompaning them, be paid out of the Colony Treasury, as other Contingent Charges are paid, untill further order of the General Court; and that part thereof Charged to the Continent in order for a reimbursment, of Such Prisoners that have been or may be taken by Continental Vessels."—*Mass. Archives*, *vol.* 137, *p.* 81.

While this matter was in the hands of the committee the following letter was received:—

"Head Quarters Harlem Heights 29^th Sep^r. 1776

Gent^n. Gen^l Howe having signifyed to me, a desire of making a General Exchange of Prisoners both Officers and privates, it becomes necessary to have an exact Return of the Numbers in our possession.

You will therefore be pleased to have all the Continental prisoners of War, (belonging to the Land Service) in the different Towns in your State, collected and brought together to some convenient place, from whence they may be removed hither when a Cartel is fully settled — when they are collected you will please to have made out, and transmit to me, an exact Return of the Names of the Commissioned and Staff Officers, their Ranks and the Corps to which they belong; The Names of the non commissioned and privates need not be mentioned their Numbers will be sufficient.

As it will be more convenient to send them by water than by land, which may always be safely effected by means of a Flag; I think you had better order the prisoners to some place contiguous to a port, there to remain till you hear farther from me.

As I apprehend the Number of prisoners in the State of New Hampshire to be too small to make up a Freight for a Vessel, I have directed, if that should be the Case, that they should be sent to your State, that they may come forward with your prisoners.

You will be pleased to forward the inclosed to Lieu^t. Col^o. Campbell of the 71^st Reg^t. I am not certain where he is stationed but think it is at Reading.

I have the Honor to be Gent^n.

Y^r. most ob^t. Serv^t.

G^o: WASHINGTON.

P. S. Be pleased also to make a Return of the prisoners belonging to the British Navy with the Names & Ranks of the Officers."—*Ibid.*, *vol.* 195, *p.* 286.

The omitted portion of the postscript related to the release of Capt. Campbell, of the 71st British regiment, who, for breaking his parole, had been removed from Lunenburg, and incarcerated in Concord jail, by order of the Council. He repeatedly petitioned the Council for release, without success, and then applied to Gen. Washington. After a while, he was restored to his parole, and ordered to Reading.

Washington's letter was referred to a joint committee, consisting of Messrs. Austin and Dana, of the Council, appointed October 10th, and Palmer, Bayley and Farley, of the House, appointed the day following." On the 17th, the committee reported,—

* "That the Council be desired to order the Sherriffs of the several Counties within this State, to make an immediate return to them of all prisoners belonging to the Land Service of Great Britain within their respective Counties, with the names of the Commissioned, & Staff Officers, and to what Corps belonging and the number of the Non Commissioned Officers, and privates, whether under their immediate care, or under the care of any Committees of Safety, or others; and that they make like returns of all prisoners belonging to the British Navy, and these Returns (of the Navy and Army) to be made in separate, & distinct Lists, And the Hon^ble. Board are desired to transmit such Returns to his Excellency General Washington — That said Prisoners remain in their present situations until advice is received from General Washington, that a Cartel is settled, and they Ordered to be exchanged. And that General Washington be immediately advis'd that the Prisoners shall be collected, and ready to Embark at any time, when his Excellency shall give Orders therefor, and signifies to this State that Vessels for their embarkation are to be provided.— all which is humbly submitted. BENJA. AUSTIN *p*^ order

In Council. Read, & Sent down. In the House of Representatives. Read, & Accepted.

In Council. Read, & Concurred — Consented to by 15 of the Council."— *Council Records, vol. XXXVI., p.* 36.

The memorial described in the following extract from the records, has not been found:—

"Oct. 25, 1776. Memorial of the Com^tees of Correspondance &c for the Town of Newbury port.—Setting forth, That there are now in that Town a number of the Subjects of the King of Great Britain, who were taken, & sent into this port in Vessels, either employ'd in his immediate Service, or by the Inhabitants of his Dominions.— As at present they have no Authority to Restrain those people, they have been down to our Fort Viewed the Entrance, & every other part of our Harbor, and daily Visiting our Wharves, Frigates, & Armed Vessels now laying there — By indulging them in these Liberties, the Com^tees conceive they will be able, when they return to England, to give the Enemy, some Interesting Intelligence — That by their taking Lodgings, in different parts of the Town, they have contracted an Acquaintance with many of the Inhabitants to whom they Represent our situation in the darkest Colors, and the Enemy as invincible — And praying the Court to Order, that those who are not Willing to Enter on board the Continental Frigates, or Privateers may be removed, to some Inland Town, till they are Exchanged, or otherwise released."—*Ibid., p.* 76.

This memorial was referred, October 25th, to a joint committee, consisting of Messrs. Hopkins of the Council, and Murray and Cooper, of the House. To the same committee was also referred the petition of Ellis Gray, chairman of the committees of safety, &c., of the town of Boston, which is set forth in the following entry in the records, although it is missing from the archives:—

"Oct. 25, 1776. Petition of Ellis Gray Chairman of the Com^tees of Boston — setting forth — That numbers of Persons of Sentiments the most unfriendly to these States taken by our Vessels of War are from Day to Day brought into this Port — that these Persons are not deemed prisoners of War — that no Provision is made for them as such — that they are subject to no particular Inspection, & are under no Restraint — By mixing with the People at large they receive every advantage of Intelligence, & they have every opportunity of associating of laying, & executing any Plan for the destruction of the Town — There are also a number of Highlanders who were taken, & brought into this Place who yet reside among us, & who by being able to converse with each other in the Erse, a language altogether unknown here are peculiarly qualified for the most secret, & dangerous Plots

Nor are these Persons who go at large the only ones by whom our safety is endangered — Prisoners confined in the public Goal have been discovered in their Attempts to give Information to Gen^l Howe of our present Weak, & defenceless State, & full Evidence of their Designs are now in our Possession.

Our situation calls to mind a Resolve of the honorable Con^l Congress recommending that no Prisoner of War be kept, in any sea port — which Resolve the Com^tees humbly & earnestly, pray the Hon^ble Court to put into immediate Execution &c." — *Ibid.*

The resolve of Congress referred to in the petition of the Boston committee, is as follows: —

"*Resolved*, That all prisoners taken in arms on board any prize, be deemed prisoners, to be taken care of by the supreme executive power in each colony to which they are brought, whether the prize be taken by vessels fitted out by the continent, or by others:

That such as are taken be treated as prisoners of war, but with humanity, and be allowed the same rations as the troops in the service of the United Colonies; but that such as are officers supply themselves and be allowed to draw bills to pay for their subsistence and cloathing:

That officers made prisoners in the land service be allowed the same indulgence:

That the officers be not permitted to reside in or near any sea port town, nor public post road, and that the officers and privates be not suffered to reside in the same places:

That in case the officers cannot draw or sell their bills, the Congress will allow for each of them Two Dollars a week, for board and lodgings, to be repaid by said officers before they are released from their captivity:

That no tavern keepers supply any officers who are prisoners, on the credit of the continent:

That the capitulations entered into with prisoners at the time of their surrender be punctually observed:

* Printed resolves, chapter XXX.

That such officers as surrender prisoners of war be put on their parole, unless Congress shall otherwise direct:

That the FORM of the PAROLE be as follows:

I —— being made a prisoner of war, by the army of the Thirteen United Colonies, in North-America, do promise and engage, on my word and honour, and on the faith of a gentleman, to depart from hence to —— in the province of —— being the place of my destination and residence, and there, or within six miles thereof, to remain during the present war between Great-Britain and the said United Colonies, or until the Congress of the said United Colonies, or the assembly, convention, or committee or council of safety of the said colony shall order otherwise; and that I will not directly or indirectly give any intelligence whatsoever to the enemies of the United Colonies, or do or say anything in opposition to, or in prejudice of the measures and proceedings of any Congress for the said colonies during the present troubles, or until I am duly exchanged or discharged.

Given under my hand, this day of A.D. 1776.

That the said parole be signed by the officers:

That such as refuse to subscribe the parole be committed to prison:

That David Franks, Esq; agent to the contractors for victualling the troops of the king of Great-Britain, be permitted to supply the prisoners with provisions and other necessaries, and to sell his bills for such sums of money as are necessary for that purpose:

And to enable him to do this to the satisfaction of his employers, that a commissioned officer be permitted once a month to visit the prisoners so victualled and supplied, in order to count their numbers and certify the rolls:

That such of the prisoners as are not supplied by Mr. Franks, be furnished with provisions not exceeding the rations allowed to privates in the service of the continent.

That the women and children belonging to prisoners be furnished with subsistance, and supplied with firing and other things absolutely necessary for their support

That no prisoners be enlisted in the continental army:

That the prisoners be permitted to exercise their trades and to labour in order to support themselves and families:

That the committees of inspection and observation, for the counties, districts or towns, assigned for the residence of prisoners, be impowered to superintend their conduct, and in cases of gross misbehaviour to confine them, and report to their respective assemblies, convention or committees or council of safety the proceedings had on such occasions:

That a list of the prisoners in each colony be made out by the committees of the counties, towns or districts where they reside, and transmitted to the assembly, convention, or council or committee of safety of such colony respectively, who shall send a copy thereof to Congress:

That the said assemblies, conventions, and committees or councils of safety be impowered to contract with proper persons for the most reasonable terms for supplying such of the prisoners, their wives and children, in their respective colony as are not supplied by Mr. Franks:

That the said assemblies, conventions, and committees or councils of safety, be authorized and requested to take the paroles of the officers, and to cause a strict observance of the terms on which they are enlarged, and also to take especial care that none of those confined by order of the Congress, be suffered to escape; also to advance the allowance of Two Dollars a week to each of the officers who cannot draw or sell their bills and to draw for the same on the president of the Congress:

That the said assemblies, conventions, committees or councils of of* safety of the colonies respectively in which prisoners are or shall chuse or be appointed to reside, be impowered to remove such prisoners from place to place within the same colonies, as often as to such assemblies, conventions, committees or councils of safety it shall seem proper, having regard to the former resolutions of Congress concerning prisoners."— *Journals of Congress: May* 21, 1776.

Nothing further appears to have been done relative to securing and supporting prisoners, until the introduction of the bill of this chapter, which was passed to be enacted, March 27, 1777.

Chap. 36. The letter from Gen. Washington referred to below has not been found in the archives: —

"Aug. 13, 1775, *Moses Gill*, Esq; brought down from the Board the Resolve of the Committee of both Houses, in Consequence of General *Washington's* Letter, respecting Desertion from the Army, *viz.*

Whereas it is made evident to this Court, that many Non-commission'd Officers and Soldiers belonging to the Continental Army, do absent themselves from their Duty; and that there is great Reason to believe divers of them are employed in their own private Business while they are drawing Pay from the Publick, and all the Measures hitherto used have been ineffectual to prevent such base and pernicious Practices: Therefore in order to reform this Mischief and Abuse,

It is *Resolved*, That the Committees of the several Towns in this Colony, and the Selectmen where such Committees are not chosen, be, and hereby are directed and enjoined to make careful and diligent Enquiry from Time to Time, whether there be any Non-commission'd Officers or Soldiers within their respective Towns, belong to the said Army, and if any such shall be found, that they bring them to a strict and impartial Examination upon what Account they left the Army, by whose Leave and for what Time; and to require all such as have no Furlow, or whose Furlows are out, and have no real Impediment of Sickness, to return to their Duty immediately: And in Case they neglect it, that such Committees or Selectmen do without Fail or Delay, send an Account of their Names,

* *Sic.*

the Company and Regiment to which they belong, and the Places where they are lurking, to his Excellency General *Washington*, that so such infamous Deserters and Defrauders of the Publick may not go unpunished. And it is strongly recommended to all the Inhabitants of this Colony, to be Aiding and Assisting to their said Committees and Selectmen in the Execution of this Resolve; and that they by no Means countenance, harbour or conceal, but on the other Hand, give Information of all such Delinquents to the said Committees and Selectmen, that they be Vigilant and Faithful in the Discharge of this Trust.

And his Excellency General *Washington* is hereby requested to give Orders, that the foregoing Resolve be posted up in such Publick Places in the Camps as to him shall seem proper, that the Soldiery of the Army may be excited to take into their serious Consideration, the Baseness, Fraud and Villainy of the abovemention'd Practice, that they may thereby be made sensible, that every one who shall be guilty thereof, will greatly disparage himself, become justly contemptible and deserving of severe Punishment, and wholly forfeit the respectable Character of an American Volunteer.

Ordered, That the foregoing Resolve be Printed in Hand Bills, and directed to the Committee of Correspondence or Selectmen in the several Towns in this Colony, and that Fifty Copies thereof be sent to General *Washington* Also,

That a Committee be appointed to procure the Printing the said Hand Bills, to direct the Printer as to Number, and to superscribe them to the several Towns, &c:

That the following Letter to General *Washington*, accompany the said Copy, *viz.*

Watertown, 13th *August*, 1775

General *Washington*, Sir,

The inclosed Hand Bills will sufficiently serve to satisfy your Excellency, that the General Court fully concur with you in your Opinion of the Importance and Necessity of the utmost Exertions for the Reformation of the infamous Practices mention'd in your Letter of the 7th inst. directed to the President of the honorable Board; and also, of the Readiness of the General Court to Co-operate with you in every Measure, tending to remedy the Mischief therein complained of. In Council, *August* 13th 1775

Read and accepted. Sent down for Concurrence. Read and concurred. Sent up.

Ordered, That Col. *Freeman*, Major *Hallet* and Col. *Thompson*, be a Committee to see to the Printing this Resolve in Hand Bills, and sending it to the several Towns in the Colony, and that fifty Copies thereof be sent to General *Washington*."—*House Journal p.* 70.

The next measure for preventing desertion was the following resolve* :—

"Sept. 10, 1776. In Council. Resolved that the several Returns of Colº Patterson, Colº. Bond, Colº. Greaton, & Colº. Porter's Regiments describing the several persons Deserters from each of said Regiments with this Resolve be printed, & sent to the Committees of Correspondance, Inspection, & safety of each Town in this State, and the said Committees are directed to make a strict search, & enquiry after such Deserters as describ'd in said Returns, and upon finding any of the said Deserters to take care, & secure them in the Common Jail of the County, in order that they may be forthwith returned to their several Regiments — And the Committee aforesaid are enjoined to take special care, & use their best endeavors to take up, & confine as aforesaid any other person, or persons who have inlisted into the public service that have, or may hereafter leave the Army, or the Regiments to which they belong before the time of their inlistment is out, unless they can shew a regular discharge, or furlo from his, or their superior Officer, and the said Committees are enjoined to make returns of their doings hereon as soon as may be to the Secretary of this State. And all necessary charges attending the securing such deserters, shall be paid out of the Treasury of this State, and shall be deducted out of the said Deserters Wages.

In Council, Read, & sent down. In the House of Representatives. Read, & accepted, & Order'd, that Mr. Appelton see that the foregoing Resolve be printed, & sent to the several Towns as is therein directed. In Council, Read, & Concurred. Consented to by the Major part of the Council."—*Council Records, vol. XXXV., p.* 221.

On the 21st of October a joint committee was appointed, consisting of Messrs. Nye and Lothrop, of the House, and Whetcomb, of the Council, to take the foregoing resolve into consideration, and report whether anything "further is necessary to be done in that affair." This committee reported the following resolve, which appears among the printed resolves as chapter LXIV., and bears date October 24th, though it appears not to have been finally passed until five days later:—

"The Committee of both Houses appointed to take under Consideration a Resolve of this Court of the 10th Sept. last relating to Deserters beg leave to report by way of Resolve. Viz In Council Octr. 24. 1776.—†Resolved That the Sheriffs and Deputy Sheriffs in the several Counties in this State A be and they hereby are required & directed to give their Aid & Assistance to the Committees of Correspondence Inspection & Safety of any of the Towns within their respective B *Counties* whenever call'd upon by them, for the purpose of apprehending & securing any Deserters from the Army that shall be found within their Limits—

Read & accepted sent down for Concurrence JOHN AVERY Dpy Secy

In the house of Representr. Octr. 26, 1776 Read & Concurred with the following Amendts. viz† at A insrt and the Constables of the Several Towns within the Same & at B dele Counties & insert precincts. Sent up for Concurrence J WARREN Spkr

In Council Octr. 29th. 1776 Read & Concurr'd JOHN AVERY Dpy Secy

Consented to"— [Signed by sixteen of the Council].— *Mass. Archives, vol.* 210, *p.* 437.

The bill of this chapter was passed, by the Council, in concurrence, to be engrossed, March 26, 1777, and, on April 4th, it was passed to be enacted.

The following order in Council explains itself, and seems proper to be inserted here:—

* Printed resolves of the August session, chapter LXI. † *Ibid.*, chapter LXIV.

"State of Massachusetts-Bay. Council Chamber, July 16th 1777.
Whereas it is reported that since the Evacuation of the Fort at Ticonderoga Some of the Continental Soldiers, belonging to this State have left the Nothern Army & are now on the road to their respective homes,
Therefore Ordered, That it be, & it hereby is earnestly recommended to the Officers in the Militia within this State, & to the Selectmen & Committees of Correspondence within their respective Towns & Plantations in the same, to take up every Such Soldier, & deliver them to the next Continental Officer belonging to the Army; & in case no Such Officer Should be near, then to deliver him or them to the Keeper of the common Jail of the County wherein Such Soldiers shall be taken, to be by him kept in close custody, until called for by some Such Continental Officer as aforesaid, or regularly released in Some other way: & the names of such Prisoners, shall be by such Keeper, immediately transmitted to Gen^l Heath; And the Keepers of the Several Jails within this State, are hereby directed to regulate their conduct conformable to this Order. And the said Militia Officers, Selectmen & Committees of Correspondence, are earnestly requested, as they regard the Cause of Liberty, & the Salvation of the Country to be very dilligent in carrying this order into full execution, without favor or affection Read & Accepted
JN^O. AVERY Dp^y Secy." — *Ibid.*, *vol.* 173, *p.* 283.

Chap. 37. The letter of John Hancock, dated Oct. 9, 1776, which is printed in the note to chapter 21, *ante*, contained the following postscript: —
"The printed Resolves herewith enclosed, relative to the establishing of Loan Offices in the respective States, for the Purpose of borrowing Money on Continental Security, and the Regulations with Regard to the same, I beg Leave to recommend to your immediate Notice & Attention, and that you will take the proper Steps to comply with them" — *Mass. Archives, vol.* 195, *p.* 297.
Hereunder are given the resolves referred to in the foregoing postscript: —
"Congress took into consideration the report of the board of treasury, on the ways and means for raising a farther sum of money; whereupon,
Resolved, That five millions of continental dollars be immediately borrowed for the use of the United States, at the annual interest of four per cent. per annum:
That the faith of the United States be pledged to the lenders for the payment of the sums to be borrowed, and the interest arising thereon, and that certificates be given to the lenders in the form following, viz.
'The United States of America acknowledge the receipt of ——— dollars from ——— ———— ——, which they promise to pay to the said ————————, or bearer, on the ———— day of ————————, with interest annually, at the rate of four per cent. per annum, agreeable to a resolution of the United States, passed the third day of October, 1776. Witness the hand of the treasurer, this ——— day of ————, A.D.
Countersigned' by the commissioners of one of the loan-offices hereafter mentioned.
That, for the convenience of the lenders, a loan-office be established in each of the United States, and a commissioner to superintend such office be appointed by the said states respectively, which are to be responsible for the faithful discharge of their duty in the said offices:
That the business of the said commissioners shall be to deliver certificates for all such sums of money, as shall be brought into their respective offices agreeable to these resolutions, which certificates shall be indented and the checks kept in the said office — to keep books, in which regular entries shall be made of the sums borrowed and the time when, and the names of the persons, by whom the said sums were lent — to transmit to the continental treasurer once a month an account of the cash in their respective offices, and to answer all draughts of the treasurer to the amount of the cash, which they shall at any time have in their hands, as aforesaid:
That the treasurer of the United States shall send to the respective loan offices such a number of certificates and of such denominations as shall be ordered by the commissioners of the treasury:
That no certificate be issued for a less sum than three hundred dollars:
That the several sums of money to be borrowed shall be repaid at the office, where the same was lent at the expiration of three years, and that — the annual interest shall likewise be paid at the said office:
That the said commissioners of the respective loan offices be intitled to receive of the United States, one eighth per cent. on all monies, which shall be brought into their respective loan offices in lieu of all claims and demands, that they may have for transacting the business of the said office." — *Journals of Congress: Oct.* 3, 1776.
"*Resolved*, That it be recommended to the assemblies and conventions of the United States respectively, to annex such penalties by law to the crime of counterfeiting the certificates or notes of the continental loan office, as are or shall be annexed to the crime of counterfeiting the continental currency.
Ordered, That the resolutions for borrowing five millions of dollars, together with the above resolve be published, and copies thereof sent to each of the United States, and that the respective states be desired to send to the committee of the continental treasury the names of the commissioners by them appointed in consequence of the said resolutions." — *Ibid.*, *Oct.* 7, 1776.
The joint committee to which Hancock's letter and the accompanying paper were referred, concluded their report as follows: —
"Your Committee further report as their Opinion that it will be expedient for this State agreeable to the resolutions of Congress of the 3^d of October last to Establish a loan Office and to appoint a Commissioner to superintend said Office, for the Convenience of such

Persons as may be disposed to lend their Mony to the Continent at the rate the Congress have prescribed. — All which is submitted." — *Mass. Archives, vol.* 210, *p* 480.

On the first of November, Congress passed the following resolves providing for carrying into execution the above resolve relating to the loan offices, and looking to the establishment of a lottery: —

"Congress took into consideration the report of the committee on the ways and means of supplying the treasury; whereupon,

Resolved, That a sum of money be raised by way of lottery, for defraying the expences of the next campaign, the lottery to be drawn in Philadelphia."—*Journals of Congress: Nov.* 1, 1776.

The following precautions were afterwards taken to prevent counterfeiting the tickets of this lottery: —

"Congress took into consideration a report from the board of treasury for carrying into execution the resolutions of Congress relative to the loan-offices; whereupon,

Resolved, That the certificates be of the following denominations —

737	of 1000	737,000
1470	of 600	882,000
2205	of 500	1,102,500
2940	of 400	1,176,000
3675	of 300	1,102,500
11027		5,000,000

That the value or denomination of the certificates, be in different parts thereof in print and writing:

That each denomination have a check letter, corresponding with a letter in the margin to be left in the book:

That the several denominations be further distinguished from each other by having the border at the end of the certificate varied or altered from the rest:

That the engraved ornaments between the margin, or part left in the book and the certificate, be cut indentwise, first having occasional dashes made with a pen across it, of the colour with which the treasurer signs his name:

That the impressions of the rolling press with the signature of the treasurer in certificates of the highest denomination be made with yellow ink, of the second with blue, of the third with red, of the fourth with green, and of the fifth or lowest denomination with purple." — (*Ibid., Nov.* 15, 1776.)

— and, twelve days later, they passed the following resolve to prevent further the counterfeiting or forging of the tickets: —

"*Resolved*, That it be recommended to the legislatures of the United States respectively, to pass such laws as will most effectually tend to prevent the counterfeiting or forging of the tickets of the public lottery."— *Ibid., Nov.* 27, 1776.

On the 6th of February, the House concurred in the following resolve* passed by the Council the day before: —

"Whereas The Hon'ble Congress did by a Resolve pass'd the 3rd of October last direct that a loan Office should be Establish'd in each of the United States, & that a Commissioner to superintend such Office should be appointed by the said States Respectively, who are to be responsible for the faithfull Discharge of their Duty in said Office — And this Court in Pursuance of said Resolve have appointed a Commissioner for that Purpose.—

It is therefore Resolved That the Person appointed to said Office shall before he proceeds upon the Execution of said Trust give Bond with two Sureties to the Treasurer of this state in the penal Sum of Ten Thousand pounds that he will faithfully execute said Trust, & Strictly adhere & Conform to the directions he has or may Receive from the Congress Relative to the discharge of his Duty as a Commissioner of the Loan Office Aforesaid."— *Mass. Archives, vol.* 212, *p.* 311.

The following is a part of a report presented by Tristram Dalton; the rest of the report related to the forging of bills of public credit, &c., and appears in the notes to chapter 44, of this year, and chap. 39, of 1778–79, *post*: —

"The Committee appointed to consider of several Resolves of the Hon^ble^ Congress — dated Octo 7^th^. Nov. 27^th^. 1776 and Jan^y^ 14^th^ 1777 — and to report what is proper to be done thereon — have attended that Service — and beg Leave to report —

That an Act be passed by this State to prevent the counterfeiting the Bills or Notes of the Continental Loan Office — agreeable to the Resolve of Octo 7^th^ —

and also to prevent the counterfeiting or forging the Ticketts of the public Lottery — agreeable to the Resolve of Nov 27^th^."— *Ibid., vol.* 137, *p* 126.

The bill of this chapter was passed, by both houses, to be engrossed, April 4th, and on the next day it was passed to be enacted.

Chap. 38. The subject of providing for the preservation and sequestration of the estates abandoned by refugees, early engaged the attention of the committee of safety, and, on May 3, 1775, they directed the quarter-master-general "to pay the strictest attention that the household furniture of those persons who have taken refuge in the town of Boston may be properly secured, and disposed of in places of safety;" and, on the 22d of May, all persons in the province were forbidden to take any deed, lease or conveyance of the real estate of the refugees. Complaints still coming in, of waste and destruction of the property of certain refugees, this committee resolved, June 13, 1775, "that it be recommended to the honorable Congress now sitting at Watertown, that they take the above into their consideration, and act thereon, as to them in their wisdom shall seem meet."

The provincial congress, upon the recommendation of the committee of safety, had already appointed "a committee to consider and report what is proper to be done with the

* Printed resolves of the December session, chapter CXLVII.

grass growing on the estates of the refugees at Cambridge, Charlestown, Roxbury and Milton," and, upon the report of this committee, they had recommended the committee of safety to appoint some person or persons, in those towns, to cut the grass, and secure the hay, growing on the said estates, "in some convenient place, for the benefit of the colony."

They also appointed a committee to take care of the estates of the refugees, and another committee "to take into consideration the property of some persons, who have left their habitations in sundry towns in this colony, and also have discovered themselves to be enemies to the rights of this colony, and the continent."

The report of this last named committee was, on the 21st of June, put into the form of a resolve, which was accepted, and ordered to be printed in the Cambridge, Watertown and Worcester papers. It ran as follows: —

"Whereas, the property of some persons who have left their habitations in sundry towns in this colony, and have discovered themselves to be enemies to the rights of this colony, and the continent of America, in general, and have taken refuge in Boston, and other places, under the protection of the enemies to said colony and continent: therefore, *Resolved*, that it be recommended to the selectmen and committees of correspondence of the several towns and districts of this colony, where any property is to be found belonging to any of the aforesaid persons, that they take the same into their care, and make the best improvement thereof in their power; and also, that it be recommended to the said committees or selectmen, to use their endeavor, that no strip or waste be made on such property, and to keep an account of all the rents and profits arising from the same, and to be accountable for the same, to this, or some other Congress or assembly of this colony, when thereto required; they having a reasonable allowance made for their trouble." — *Printed Journals of the Provincial Congress, p.* 368.

On the 3d of July, the committee of safety, passed resolves with regard to asking the coöperation of the provincial congress, in securing the property of Gov. Hutchinson, at Milton; but the congress ordered the matter to "subside;" it "being before provided for by this congress."

Three days later, Messrs. Hawley, Sullivan and Taylor, were appointed a committee, to bring in a resolve explanatory of the resolve of June 21st. On the 8th of July, Capt. Stone was appointed to this committee, in the place of Mr. Sullivan, and, on the same day, the report of the committee was made and accepted, and the following resolve was passed: —

"Whereas, a certain resolve was made and passed, on the 21st day of June last, respecting the improvement of the estates of several persons who have fled to General Gage, in manner as is expressed in the said resolve, and it being made to appear to this Congress that the said resolve is taken in such a sense, in divers parts of this colony, as to make it necessary, that some explanation of the said resolve should be made by this Congress, it is therefore, *Resolved*, that henceforward the said resolve ought not to be construed to extend to any estates of such persons, excepting such estates as are left unimproved and void of any occupant, or possessor, and that no other estate of such person ought to be treated in the manner prescribed in the said resolve, until they shall be regularly indicted and tried for their supposed offences.

Ordered to be printed in the several papers." — *Ibid., p.* 475.

The following appears to have been the final action upon the subject, by the provincial congress: —

"July 11, 1775. *Resolved*, That the persons employed in cutting the grass on the land of the refugees, be allowed half a pint of rum, each, per day. — *Ibid., p.* 486.

On the 15th of August, 1775, the House of Representatives appointed Capt. Thatcher, Mr. Putnam and Deacon Rawson, a committee to examine and report upon the resolves of the provincial congress, respecting the estates of the refugees. This was followed by the appointment of another committee, consisting of Messrs. Nye, Kingsbury, Hovey, Allen and Low — changed some days later by the substitution of Mr. Bent, for Mr. Nye, who was absent. On the 9th of November the committee last named reported the following resolve: —

"Whereas there are a Number or Persons in y^e^ Several towns In this Colony that have Left Estates Both Reial & Personal and [A] Have taken Refuge in Boston & Else-where & joined themselves to Our inveterate & unatural Enemies & thereby Render^d^ themselves justly Odius to all true freinds of this Country

Therefor Resolv^d^ that y^e^ Select men and Commitys of Corespondence In the Several towns where Such Estates may be found. Be and they Hereby are Impower^d^ to take into their Care all Such Personal Estate and Suffer no waste to be made thereof and to Sell or Dispose of all Such Stock as Cannot Be kept on Such Estates By Reason of y^e^ Scarcity of fodder. And to take Care of all the Produce and Dispose of y^e^ Same to y^e^ Best advantage wherever it may be found on Such farms or Estates Except Such as are Improv^d^ for y^e^ Imediate use of this Colony or Continent and that the s^d^ Select men & Commity^s^ Continue their Care of all Such Personal Estate & Produce as they shall not dispose off & keep an aco^t^ of their Doings thereon until the further Order of this Court and Lay their Aco^ts^ [B] Before them when Requir^d^ [C] and that M^r^. Watson procure this to be printed in the several News Papers of this Colony — Sent up for Concurrence

J. WARREN Spk^r^." — *Mass. Archives, vol.* 207, *p.* 270.

The House, having, on the 11th of December, sent a message to the Council, to inquire if the Board had passed upon the resolve, as reported, the Council took the matter into consideration, on the 13th, and finally concurred in the resolve, with the following amendments; viz., "at [A], insert '*have left no person to occupy the same and;*' at [B], insert '*on oath;*' at [C], insert '*that justice may hereafter be done to the public, as also to those individuals, when due inquiry can be made into their conduct.*'" Of the amendments proposed, the first and last did not receive the concurrence of the House. The resolve was

sent for, by the Council, on the 18th, and, on the 27th, not having been reported upon by the Council, it was again sent down to the House, by request. By the minutes upon the original draught, in the archives, as well as by the recorded doings of the Council and House, upon this resolve, on the 18th and 27th, it does not appear to have been passed, notwithstanding an entry to that effect in the so-called records of the General Court.

On the 5th of January, 1776, a committee of the House, consisting of Messrs. Hawley, Sullivan and Rice was appointed to bring in a resolve empowering the selectmen, and committee of correspondence, of the several towns where there are estates of any refugees, to dispose of them as they may judge most just and prudent. This committee, on the 8th, reported certain resolves, which, with the amendments proposed by the Council, are given below:—

"Jan. 8, 1776. The Committee appointed to bring in a Resolve for disposing of the Estates of the Refugees, reported. Read and accepted.

Whereas several Persons belonging to this Colony have joined the ministerial Troops, and others who are in an hostile Manner endeavouring to further the Measures of the British Administration for enslaving the uniting American Colonies, and several others belonging to this Colony have absconded and removed themselves out of this Colony with intent either to promote and further the said Measures of Administration, or to escape the Trouble and Expence of a necessary Opposition to such wicked and Arbitrary Measures, and divers of both Sorts have left Estate either Real or Personal within this Colony: And whereas much Estate so left has been already wasted, and more thereof is liable to be wasted and perish: And whereas some of the said absconding Persons have by various Arts procured the Rents of their deserted real Estates, and their Personal Estate itself or the Proceeds thereof to be remitted to them.

Therefore *Resolved*, That the Selectmen and the Committee of Correspondence of any Town in this Colony, where the Estate either Real or Personal, or both, belonging to any such Person or Persons above described, shall be found, be and hereby are impowered and directed according to their best Discretion and Judgment so to Manage, Order, and Lease such Real Estate, as that waste may be prevented as much as possible for the future, and also to take Possession of, order and dispose such Personal Estate as (A.) *above described*, in such Manner as that the same may not be embezzled or suffered to perish, and also in such Manner as neither the Rents of such Real Estate or the Personal Estate itself or the Proceeds thereof should get to the Hands or Use of any of (B) *the above described Persons or any of them*, in no Case wherein such Selectmen and Committee shall judge it inexpedient and against the Public good of the Colony, any former Orders or Resolves of Congress or General Court to the contrary notwithstanding.

And that such Selectmen and Committee of Correspondence keep such fair and full Accounts of all their Proceedings and Doings in the Premises as that they may be able to inform the General Court thereof (C.) whenever they shall be thereto required. Sent up for Concurrence."— *House Journal, p.* 127.

"Jan. 11, 1776. *Caleb Cushing*, Esq; brought down the Resolve which passed this House the 8th Instant, relative to the Estates of Refugees, with the following Vote of Council thereon, *viz.* In Council, *January 11th*, 1776. Read and concurr'd with the Amendments specified in the annexed Paper. Sent down for Concurrence.

The Amendments proposed by the Hon. Board are as follow, *viz.* at A dele '*above described*,' and insert,' *who have joined the ministerial Troops and others, or who have absconded this Colony as aforesaid.*' At B dele '*the above described Persons or any of them*,' and insert,'*those who have joined the Ministerial Troops and others, or who have absconded the Colony as aforesaid.*' At C add, '*to whom they are to be accountable, provided always, that nothing in the foregoing Resolve shall extend to such Estates Real or Personal, as are now improved by Persons late Inhabitants of the Town of* Boston, *who have given up their Estates in said Town to the Owners of the Estates on which they now dwell.*'

Read and non-concurr'd, and the House propose the following Amendments, viz. At A dele '*above described*,' and insert '*who have joined the Ministerial Troops and others, or who have absconded this Colony as aforesaid.*' At B dele '*the above described Persons or any of them*' and insert '*those who have joined the Ministerial Troops and others, or who have absconded this Colony as aforesaid.*' Sent up for Concurrence."— *Ibid., p.* 141.

Nothing appears, on the records or in the archives, to show that the foregoing resolves were adopted.

The House Journal contains the record of another set of resolves, which appear to have been the foundation of the resolves which were finally passed, April 23d, and which are hereinafter printed in full. The resolves in the Journal are as follows:—

"Feb. 14, 1776. Whereas sundry Persons of this Colony have joined our unnatural Enemies, who are in a hostile Manner endeavouring to inslave the united Colonies; and others have absconded, and removed themselves out of this Colony, with intent either to aid the despotic Measures of our Enemies, or to escape the Trouble and Expence of a manly Opposition to our wicked Adversaries: And divers of both sorts, have left Estates either Real or Personal, much of which has been already wasted, and more is liable to Waste. And as some of said Persons have, by various Arts, obtained the Rents of such deserted Estates, and such Personal Estates also, or the Proceeds thereof:

Therefore *Resolved*, That the Selectmen, and the Committee of Correspondence (if any such) of any Town in this Colony, where in their Opinion there is any such Real or Personal Estate as aforesaid, shall, and they hereby are impowered and directed until the further Order of this Court, according to their best Discretion and judgment, to take Possession of, and so to Order and Lease such Real Estate, as that Waste may be prevented as much as possible for the future: and also to take Possession of, and so to Order and dispose of such Personal Estate as that the same may not be embezzled, or wasted; and also, in such Manner as that no Part of such Estates, or of the Profits arising therefrom,

should get into the Hands, or any way Benefit such Persons, who have (or shall have joined our Enemies, or absconded as aforesaid; any former Order or Resolve of the Congress of this Colony, or of our General Court to the contrary notwithstanding. And such Selectmen and Committees of Correspondence (if any such) shall keep fair and full Accounts of all their Proceedings and Doings in the Premises, and shall render such Accounts to this Court, when thereunto required, and unto whom they shall be accountable.

Provided always, That nothing in the foregoing Resolve shall be construed to extend to such Estates as aforesaid, whether Real or Personal, as are now held and possessed by any Person friendly to this Colony, by virtue of any written Conveyance, or Agreement, bearing date, and actually executed on or before the 22d Day of *May*, 1775. Sent up for Concurrence."— *Ibid.*, *p.* 293.

Pending the passage of the resolves providing for a regular system of management of the estates of refugees, the Assembly made the following temporary provisions for preserving the estates of refugees from the town of Boston, which, upon the evacuation of that town by the royal forces, had come under the control of the Legislature: —

"In the House of Representatives 23d march 1776

Whereas the Mandamus Counsellors, Commissioners of the Custom & others the open & avowed Enemys to the Rights of their Country & the Cause of Liberty have been compelld by the Terror of the American Arms & an apprehension of the Resentment of a justly incensd People to depart the Town of Boston (at any time since 19th April 1775 & before 20 march instant) abandoning not only their Houses & Real Estates but also in their hasty & precipitate Flight their Personal & other moveable Effects to a very considerable value. Resolved That Mr *Brown*, Mr Spr *Cooper* Deacn *Rawson* Mr *Pitts* & Coln *Sartel* be a Committe to repair to the Town of Boston & there take or cause to be taken just & true accounts of said Houses & Real Estates, Personal & other moveable Effects, the property of the beforementioned mandamus Counsellors & others, To committ the charge & care of sd Estates & Effects to such suitable Persons as they may Judge proper, & to make Report of their proceedings hereon as soon as may be, that this Court may take such further order thereon as may be necessary & fitting —

Sent up for Concurrence WILLIAM COOPER Spr Pro Tem

In Council March 25th 1776 Read & concurred as taken into a new Draught* sent down for Concurrence PEREZ MORTON D Secry

In House of Representatives March 25th 1776 Read & concurred. Sent up

WILLIAM COOPER Spr Pro Tem

Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives*, *vol.* 208, *p.* 227.

"April 3, 1776. On a Motion, *Ordered*, That Major *Cross*, Mr. *Turner* and Mr. *Davis*, be a Committee to consider what further Power is necessary to be given to the Committee lately appointed by this Court to take Care of certain Estates in *Boston*, and report. * *

The Committee appointed to consider what further Power is necessary to be given to the Committee appointed to take Care of certain Estates in *Boston*, reported."—*House Journal*, *pp.* 74 *and* 75.

"In the House of Representatives April 3d 1776.—

Whereas this Court have received information, that considerable parts of the Real & Personal Estates of the Mandamus Councillers, Commissioners of the Customs & other open & avowed Enemies to the Rights & Liberties of America who have departed this Colony since April 19'. 1775 are now in the occupation & possession of Persons who have clandestinely taken the same; & others under pretence of Gift, Sale or Attachment, claim a Right to hold & enjoy such Estate & Effects, by which practises the Publick or Individuals may be greatly injured; for prevention whereof— *Resolved*, that the Committee appointed, to take Inventories of, & to secure till the further order of this Court, the Estate & Effects of said Absconders, in the Town of Boston be & hereby are impowered to cause every such Person or Person† as they know or have good cause to suspect have in their occupation or possession any Estate late the Property of the aforesd Mandamus Councillers &c and them to examine thereon, & if need be to require answers upon Oath respecting the concealment or conveyance of said Effects as the Law allows in similar cases cases † with respect to the Effects of Intestates; and said Commee are also authorised & directed to take into their possession and secure such Estate & Effects; (as also the Estate & Effects of any Persons in Great Britain which by vertue of powers of Attorney were under the care & direction of said Mandamus Councillers &c untill the further Orders of this Court, any Attachment or Civil Process made or commenced since the 19', of April last notwithstanding — Sent up for Concurrence

WILLIAM COOPER Spr Pro Tem

In Council April 3d 1776 Read & concurred PEREZ MORTON D Secry

Consented to"—[Signed by fifteen of the Council]. — *Mass. Archives*, *vol.* 208, *p.* 328.

On the fifth of April, a committee previously appointed "to consider what is proper to be done with those persons, in Boston, who have appeared to be inimical to the colonies," was directed "to consider what is proper to be done with the effects of such as may be confined by order of court, and report" This action was taken in order to justify that committee in reporting a clause respecting the estates of refugees which they seem to have prepared without special authority and which was struck out of their report before it was adopted by the House. (See 1778-79, ch. 48, note, *post.*) On the 8th, the House resumed the consideration of the resolves which "passed the House at the close of the last session" (Feb. 14), and, for that purpose, the resolves were sent down from the Council, upon a message therefor from the House. On the 9th, these resolves were committed to Messrs. Sullivan, Dwight, Story, Rice and Freeman. This committee was changed, on the 12th,

* See the new draught of this resolve in the supplementary note to 1778–79, chap. 48, p. 1064, *post.*
† *Sic.*

by the substitution of Messrs. Stickney, Stone and Brooks, for Messrs. Sullivan and Freeman, excused, and Dwight, who was absent. Col. Davis was added to the committee, on the 15th, and, on the 17th, Major Ely was substituted for Col. Brooks. On the 19th of April the following resolves were passed: —

"Whereas sundry persons of this Colony have joined our unnatural Enemies who have in a hostile manner been endeavouring to enslave the United Colonies; and others have absconded & removed out of this Colony with intent to aid the despotick measures of our enemies and divers of both Sorts have left Estates both Real & personal much of which have been already wasted and more is liable to waste therefore

Resolved That the Committee of Correspondence Safety & Inspection in each and every Town & plantation in this Colony where there is any real or personal Estate in their respective Towns belonging to any person or persons that in their opinion have fled to Boston in the late time of distress to secure themselves or that have joined the unnatural Enemies of the United Colonies or that have withdrawn themselves out of this Colony to aid the despotick measures of our Enemies — That they immediately take possession of all such Estates and according to their best discretion and Judgment for the use of this Colony order and Lease out such Real Estate to such person or persons and for such sum and sums of money as they shall think proper for the space of one Year and that they return to this Court a true Inventory of such personal Estate as they shall receive into their possession belonging to each such person and also an Account to whom they shall let the said Estate and the Amount of the Rent they shall agree to be paid for the same any former order or Resolve of the Congress of this Colony or of the General Court to the contrary notwithstanding provided always that nothing in the foregoing resolve shall be construed to extend to such Estates as aforesaid whether real or personal as are now held & possesed by persons friendly to this Colony by Virtue of any written conveyance bearing date and Actually executed on or before the 22d day of May 1775 —

And whereas sundry persons in this Colony did not actually join our unnatural Enemies nor remove out of this Colony but have discovered a strong attachment to them and been aiding & assisting them in their wicked designs all in their power and have approvd of their measures —

It is therefore further Resolved That the Committee aforesaid be directed to make return to this Court at or before the second Tuesday of their next Session of the names of all persons who have in any manner acted against or opposed the Rights and Liberties of this Country, or who have signed or Voted any address to General Gage approving his Errand to this Colony or his Administration since the dissolution of the General Court at Salem in 1774 or to Governor Hutchinson after the arrival of General Gage or to General How, or who have signed and promoted any Association for joining or assisting the Enemies of this Continenent and of such as have fled from this Colony to or with the British Army fleet or elsewhere together with their respective crimes and Evidences or depositions which may be procured to prove the same unless such person or persons shall have given ample Satisfaction to the public of their sincere contrition thorough reformation and firm attachment to the Rights and Interest of this and the other united Colonies of America — And it is recommended to the Justices of the peace in the several Counties to aid & assist such Committees in taking such Depositions as may be procured in the premisses:

Sent up for Concurrence J WARREN Spkr

In Council Apl 23 1776 Read & concurred — PEREZ MORTON Dpy Secy

Consented to."— [Signed by fifteen of the Council]. — *Ibid., vol.* 154, *p* 49 *

Hereunder are given the principal proceedings that took place in respect to the estates of refugees, after the passage of the foregoing resolve: —

"In the house of Representatives May 2d. 1776

Whereas by a resolve of this Court in March last a Committee was appointed after the enemy fled from Boston to repair to the Town of Boston and there take possession of Houses and real Estates personal and other moveable Effects belonging to mandamus Councellors and others that were left in the said Town by any person who went off with the Fleet and Army and to keep the same in their possession till the further order of the General Court And whereas afterwards viz^t. on the 19th. day of April last a resolve passed this Court impowring the Com^tees. of Correspondence &c^a. to lease out the Real Estates of Certain persons therein particularly mentioned and to return an Inventory of all personal Estate belonging to such persons as they should receive into their possession as by the same resolve will fully appear —

And whereas it is Apprehended by some persons that the resolve last mentioned may interfere with the resolve for appointing the Com^tee. aforesaid to take possession of the personal Estates of those who went off from Boston with the Fleet and Army therefore

Resolved That the Com^tee. Appointed by the house of Representatives for the purpose first mentioned be and they hereby are fully Authorized and impowred to retain in their possession all such Real and personal Estate as they have already taken or hereafter may in pursuance of their first Appointment take into their possession & lease out said real Estates as the Com^tee of Corrispondence &c are authorized to do till the further order of the Great and general Court of this Colony the resolve of the 19th. of April notwithstanding — Provided always that, untill the further Order of the General Court, there be allowed to the wives and Children of such Obnoxious persons as are above described so much out of their respective Estates or the improvement thereof as is necessary, in the Judgement of the Committee, for their Support, they being unable otherways to support themselves.

And whereas Sundry Articles of the Estates above mentioned may be liable to perish, it is therefore further resolved that the Com^tee. first aforesaid be & they hereby are directed & impowered to dispose of such perishable articles & such only, by public sale and render an Account of the proceeds to the General Court as soon as may be."— *Ibid., vol.* 209, *p* 107.

* From a copy: the original r ives, subsequently found, are in Mass. Archives, vol. 208, p. 163.

On the 4th of May, the foregoing resolve was read, in the Council, and referred to a joint committee, consisting of Benjamin Greenleaf and Thomas Cushing, of the Council, and Messrs. Freeman, Partridge and Stone, of the House, who immediately reported, as an amendment, the proviso in the first resolve; and it was adopted.

"May 7, 1776. *Ordered*, That Mr. *Partridge* bring in a Resolve, directing the Committee for taking Care of certain Estates in *Boston*, to put the Books, &c. left by *Harrison Gray*, into the Hands of *Henry Gardner*, Esq; who reported the following, which was read and passed, *viz.*

Resolved, That the Committee appointed to take into their Possession the Effects of *absconding Tories*, be, and they are hereby directed to take an Inventory of the Books, Bonds, valuable Papers of all kinds, and all other Articles which have been, or may be found, which were in the Possession of *Harrison Gray*, Esq; as Treasurer of this Colony, and that they delivered said Books, Papers, &c. into the Hands of our present Colony Treasurer, and take his Receipt for said Articles, and lodge it in the Secretary's Office.

Sent up for Concurrence. * * * *

Moses Gill, Esq; brought down * * the Resolve of the House for delivering the Treasurer the Books, Papers, &c. left by *Harrison Gray;* with the following Vote of Council thereon, *viz.* In Council, *May* 7, 1776. Read and concurred, with the Amendment at A, *viz.* At A, dele 'absconding Tories,' and insert 'such obnoxious Persons who have left *Boston*, with the Fleet and Army.' Sent down for Concurrence. Read and concurred."— *House Journal, pp.* 256 *and* 258.

"June 25, 1776. On Motion, *Ordered*, That Col. *Coffin*, Capt. *Brown*, of *Abington*, and Col. *Sartell*, be a Committee to inspect the Returns of the Committees of Correspondence, &c. of several Towns in the Colony, with respect to the Estates of Refugees, &c. and report, if any thing is proper for this Court to do thereon."— *Ibid., p.* 127.

"June 25, 1776. In the House of Representatives. *Whereas a Resolve passed this Court dated the 19th of April 1776. directing the Committees of Correspondance &c. in this Colony to lease out the real Estates of Tories who have fled to the British Fleet, or Army for protection, and take an Inventory of their Personal Estate &c wherein no provision is made for their families which are left on those Estates whereby great expences may accrue to the towns to which they respectively belong — It is therefore Resolved, that the Committees of Correspondance, Inspection, and Safety in those towns in this Colony wherein there are Estates, which in pursuance of said Resolve come under their Cognizance, be, and they hereby are directed to allow to the families of those enemies to their Country describ'd in said Resolve so much of the improvement of said Estates as in their opinion is necessary, together with the Industry of said families for their comfortable support, and account with this Court as by said Resolve is provided and the selectmen (or Overseers of the poor where such are appointed) are hereby empowered to bind out the Children of such Tories in like manner as they are by Law empowered to bind out the poor of their Towns — and it is further

Resolved, That the Committees aforesaid, be, and they are hereby empowered to dispose of any perishable goods belonging to said Estates and which are otherwise in danger of being lost, for the most they will sell for.

In Council. Read, & nonconcurred."— *Council Records, vol. XXXV., p.* 77.

"July 4, 1776. In the House of Representatives. †Resolved, That John Brown, William Cooper, John Pitts, Josiah Sartel, & Edward Rawson Esqrs being a Committee for taking Inventorys &c of the Estates within the Town of Boston, which have been left, or deserted by sundry Persons supposed to be inimical to the rights, & Liberties of America, be, & they hereby are directed to make Sale of all Chaises & other Carriages belonging to such Estates, they first having the same appraised by the most suitable persons, & then advertizeing the same for Sale at such Appraizements, & all that may remain unsold at a day that said Comtee may appoint, shall then be advertiz'd to be Sold at public Vendue — all wch shall be carried into effect by said Comtee as soon as conveniently may be, they to be accountable to the General Court for the proceeds of such Sales. In Council. Read, & Concurred. Consented to by the Major part of the Council." — *Ibid., p.* 149. ‡ — See supplementary note, p. 725, *post*.

The bill of this chapter was passed, in concurrence, to be engrossed, Mar. 29, 1777, with between twenty and thirty amendments annexed. On the 31st, the House concurred in all but three of these amendments. On the first of April, the Council appointed Messrs. Sever and Dana upon a committee of conference, in which the House concurred, the next day, and joined Messrs. Cooper and Cushing. On the 9th, after an amendment proposed by the House had been agreed to, the bill was enacted.

The following resolves seem entitled to a place here: —

"State of Massachusetts-Bay In the House of Representatives Jan. 31. 1777

§ Resolved, That the Committee for securing the Estates of the absconding Enemies to the Rights of America be and they are hereby directed to cause to be deliverd to the Board of War for this State, all such Articles being part of the Effects of the Absconders aforesaid, as said Board may order or have occasion for for the Use & Defence of this and the other United States. The said Board of War to be accountable to the General Court for the same — Sent up for Concurrence J, WARREN Spkr

In Council Jay 31. 1777 Read & Concurred JOHN AVERY Dpy Secy

Consented to" — [Signed by fifteen of the Council].— *Mass. Archives, vol.* 212, *p.* 213.

"In the House of Representatives May 5th 1777

¶ Whereas in pursuance of a Resolve passed this Court ye 25th of March 1776 the Committee therein appointed to take into their Custody the Estates left by the 'Mandamus Councellors, Commissioners of the Customs, & others open & avowed Enemies to the Rights & Liberties of America who have departed the Town of Boston thro' fear of the American Arms & the just Resentment of their injured Countrymen since the 19th of April 1775' — the said Committee have taken into their hands a large Quantity of Hous-

* Printed resolves, chapter CIX. † *Ibid.*, chapter CCXVIII.
‡ The original resolve is in Mass. Archives, vol. 210, p. 10.
§ *Ibid.*, December session, chapter CXXXI. ¶ *Ibid.*, March session, chapter CXCV.

hold Furniture & other personal Estate as appears by an Inventory thereof now exhibited to this Court — And whereas said Committee have represented to this Court the great Danger Damage and Difficulty likely to attend the keeping said Goods any longer — It is therefore

Resolved, that the said Committee be & they hereby are impowred to make Sale by public Auction of all such Goods in their hands as abovementioned, advertising the same Fourteen days at least before such Sale in two of the Boston news papers, & that they make a Return of their proceedings to the next sitting of the Genl Court — Sent up for Concurrence J WARREN Spkr

In Council May 5. 1777 Read & Concurred JNO AVERY Dpy Secy

Consented to" — [Signed by fifteen of the Council]. — *Ibid., vol.* 213, *p.* 478.

"To the honorable Council and House of Representatives of the State of Massachusetts Bay in general Court assembled,

The Petition of Martin Brimmer of Boston in the County of Suffolk Merchant humbly sheweth that an Act of the great & general Court in sd State passed the fourteenth Day of April in the Year of our Lord one thousand, seven hundred, and seventy seven impowered the several Judges of Probate in their respective Counties in the State aforesd to nominate and appoint Agents for such Persons as have abscouded themselves from this State and are supposed to have gone over to the Enemies of the united States of America, and that such Agents were thereby authorised and impowered to demand & receive, enter into, and take Possession of all the Goods & Estate of every kind left by the Persons to whose Estates they were appointed Agents, and to prosecute and sue for the same in as full a manner as if the absent Persons were naturally dead, and the Agents were appointed Administrators of their Estates — that the honble Thomas Cushing Esqr Judge of Probate for the County of Suffolk hath nominated and appointed your Petitioner Agent for Thomas Apthorp Esqr late of Boston who hath absented himself from this State and is supposed to have gone over to the Enemies of the united States of America — that your Petitioner as Agent qualified & impowered as the Law directs hath applyed to the Committee of Sequestration of the Town of Boston for the Goods and Estate of the sd Apthorp which are in the their Possession and which they are willing to deliver to him when ever this Court shall direct them so to do; but as there is a late Resolve of the Court which directs them to sell the sd Goods they are at a loss to know how to proceed, and pray that this honble Court would give them further Directions in the Premises, and your Petitioner humbly prays that he may be permitted as Agent aforesd to receive the sd Goods and Estate and to administer upon them as the Law directs, and as in Duty bound will ever pray M. BRIMMER." — *Ibid., vol.* 214, *p.* 190.

The above petition was referred to a joint committee, June 16, 1777, who reported the following resolve,* which was adopted on the day following: —

"Resolved that the Committee of Sequestration of the Town of Boston be, & are hereby directed to deliver to Martin Brimmer, who has been duly appointed by the Judge of Probate for the County of Suffolk, Agent on the Estate of Thomas Apthorp all the Goods & Effects of the sd Thomas which are now in their hands or under their care — any Resolve of the General Assembly to the contrary notwithstanding." — *Ibid., p.* 189.

"Dec. 15, 1777. In the House of Representatives. † It being made to appear to this Court that great Strip and Waste has been made on some of the Real Estates of Persons or the Heirs of Persons who have fled to our Enemies for protection, which Estates lie in this Government, but no Agents have yet been appointed to take care of the same. Therefore

Resolved, That the Judges of Probate in the several Counties in this State be, and they are hereby Authorized and Directed, to appoint some person or persons of prudence and ability (where Agents are not already appointed) for the special purpose of prosecuting any Person or Persons who have been or may hereafter be guilty of such Offences. And the Person or Persons so appointed shall have as full and ample power and authority to prosecute and pursue all such wrong Doers to final Judgment and Execution as any Agent could have had, if appointed by the Judge of Probate in pursuance of an Act entitled, 'An Act to prevent the waste, Destruction and Embezzlement of the Goods or Estates of such Persons who have left the same and have fled to our Enemies for Protection, &c,' and the Person or Persons so appointed shall be accountable to the Judge of Probate who appointed them. In Council Read and Concurred. Consented to by Fifteen of the Council." — *Council Records, vol. XXXVIII., p.* 208.

"State of Massachusetts Bay In the House of Representatives Aprl 28th 1778

Whereas there are now under the Care of many of the Commees of Correspondence &c in this State, sundry Goods and effects which were the property of such Absentees who have Joined the Enemy since *the 19th of Apr. 1775* and whereas it is represented to this Court that considerable Quantyties of goods & Effects of such Absentees are in the Hands of Divers Persons who conceal the same or Refuse to deliver them up to the Commees aforesd & to the Commee of Sequestration in the Town of Boston agreeable to the Resolves of the Genl Court Therefore Resolvd That the several Judges of Probate within their Respective Counties (upon Application made to them by any such Committees) be & they are hereby fully Authorized and impowered to convene before them & interrogate upon Oath or Affirmation as the Case may be any Person or Persons which either of sd Commees may know or have Reason to suspect to be possessed of or to have concealed embezzled or conveyed away any such goods wares or Effects of such Absentees; & in Case such Person or persons known or suspected as aforesd shall Refuse to acquit him or herself on Oath before sd Judge he is hereby Authorized to commit such person or Persons so refusing to swear or Affirm to the Goal of the County wherein such Refusal shall be, there to remain untill he or she shall comply to discharge him or herself by Oath or Affirmation as aforesd or be released by Consent of such Commee And the several

* Printed resolves, chapter IV. † *Ibid.*, November session, chapter LXIX

Commᵉᵉˢ afores^{d} upon discovering by Oath or otherwise any such goods wares or Effects to be in possession of any person who, upon Demand made, shall Refuse to deliver the same, the s^{d} Committees are hereby severally impowered & directed to bring Actions for the Recovery of the same, and also to Recover by Action all Rents due for the Occupation or improvement of any Estate of such Absentees which have been lett or hired out by such Commᵉᵉˢ Respectively and s^{d} Committes are hereby further directed to sell by Publick Auction upon suitable previous Notice all such Goods wares & effects as soon as may be provided nevertheless that in Case such Absent person has left a Wife Children or other dependents for whom he was obliged to provide s^{d} Commᵉᵉˢ shall Reserve & allow to them so much of the Houshold furniture & Utensils as they may Judge necessary for their use & improvement and Render Accounts of all their Doings herein to the Secretarys office & s^{d}, Commᵉᵉˢ, shall pay the monies which they may receive for the sale of such personal Estate with the Rents of the Real Estates to yᵉ Treasurer of this State taking duplicate Receipts one of which they shall lodge in the Secretarys Office Provided further that nothing in this Resolve shall be construed to extend to those Estates which are under the care of Agents appointed by any of the Judges of Probate in persuance of a Law of this State ^{B}." — *Mass. Archives, vol.* 218, *p.* 357.

"In Council April 29th, 1778 Read & Concurred with amendments at A & B Sent down for Concurrence JOHN AVERY Dʳ Secʸ

At A. dele the 19th. of April 1775 and insert *Jnuary 1774* — at ^{B}, Insert *or any Goods now in the Hands of any Person by Order of the General Court* —

In the House of Representatives April 29. 1778 Read & concurrd J PITTS Spkr Ꝑ Tem

Consented to" — [Signed by seven of the Council].— *Ibid., p.* 354.

This resolve although recorded in the Council Records and preserved in the archives, has not been found among the printed resolves.— See 1778-79, ch. 49, and note, *post.*

Chap. 39. On the 28th of October, in the House of Representatives, a committee, consisting of Messrs. Pynchon, Perry and Mayhew, was appointed to "report what may be further necessary to be done relating to the inoculating hospitals" erected by permission of the General Court; but no report of this committee has been discovered. On the 2d of November, another committee of the House, consisting of Messrs. Appleton, Fiske, Whitney, Shiverick, and Nye of Sandwich, appointed upon the petition of Aaron Fuller and others, of Dedham, submitted the following report, which was accepted, and the committee were directed to bring in a bill accordingly :—

"Nov. 7, 1776. The committee appointed to take into consideration, what measures shall be taken to prevent the spreading of the small pox, reported as their opinion, That an act of this State, made and passed *July* last, impowering the justices of the court of general sessions of the peace, in the several counties, to establish hospitals for inoculating with the small pox, should be repealed. Accepted, and the committee who brought in the same are directed to bring in a bill for that purpose."— *House Journal, p.* 147.

The petition of Fuller and others, which related to a hospital that had been erected at Dedham, and prayed the General Court to take some steps to prevent the spread of the small-pox, has not been found in the archives. Neither has there been discovered any bill reported by the committee appointed as above.

On the 11th of March, 1777, the following petition from the town of Dedham was read in the Council, and referred to a committee, consisting of Messrs. William Phillips and Benjamin Austin, to which, on the next day, were joined Messrs. Kimball, Wood and Codding of the House :—

"To the Honourᵇˡᵉ Council & Honourᵇˡᵉ House of Representatives of the State of Massachusetts Bay in General Court assembled.

The petition of the Committe appointed by the Town of Dedham in Town Meeting assembled to petition the General Court that the Inoculating Hospitals in Said Town may be Discontinued Humbly Shew that there has been many Persons died of the Smal Pox among us having taken it in a Natural way oweing as we apprehend to the Carelessness of Some whoo have had the Conducting of yᵉ Same the Inhabitants are much alarmed being in Constant danger of loosing their Lives also Several of the Neighbours Cannot improue their Lands as the Summer Season is advancing their Lands lying near Said Hospitals youre Petitioners think it a great Hardship that their Town Should be thus afflicted when a great part of the Number Inoculated belong to other Towns & other States we are Humbly of opinion that if it Should be thought Necessary that Hospitals Should be kept up that other Towns may take their Turn therefore pray those Hospitals in the Town of Dedham may be discontinued — As in duty Bound Shall Ever Pray

Dedham March 11th. 1777 ABIATHAR RICHARDS, SAMᵘᴸ DAGGETT, Wᵐ ELLIS, NATHAN ELLIS, JOSEPH DEAN } Committᵉᵉ."— *Mass. Archives, vol.* 182, *p.* 219.

The committee to whom the above petition was referred, reported, on the 21st, that "a bill be brought in for amending the act for permitting inoculating hospitals" This report was accepted, and on the 3d of April, a joint committee was appointed to bring in a bill. A bill was accordingly reported, which, on the 5th, had been read twice, in the Council, and was passed to be engrossed, and sent down for concurrence On the 7th, the House passed it, in concurrence, to be engrossed, with sundry amendments, to which the Council agreed, except a provision, proposed to be inserted in the second clause of the fourth section, for the destruction of cats and dogs found within the hospital limits, which was finally rejected. The most important amendments adopted were the provision, in the last-named section, forbidding the bringing of paper money into the hospital, and another

clause, stricken out from the third section, as first reported, limiting the number of inoculating hospitals, and still another clause, inserted in the same section, beginning after "month," in the second line, and ending with "situated," in the fourth line.

The House concurred in these amendments, on the 8th, and, on the 11th, sent a message proposing two further amendments, one of which is the sixth clause of the fourth section. To these, the Council immediately agreed, and the bill was passed to be enacted the same day.

The first of the following resolves was passed while the bill of the present chapter was pending, and was intended to dispense with the necessity, in the case mentioned, of an application to the court of sessions, as required by the act. It is preceded by the petition upon which it was founded:—

"To the Honb^le, the Council & House of Representatives of the State of Massachusetts Bay, in General Court Assembled at Boston April 7^th. 1777

The Petition of the select men & Committee of Correspondance &c for the Town of Lincoln Humbly sheweth—that many of the inhabitants of said Town are aunxiously Desirous to obtain Liberty to take the infetion of the small pox by inoculation within the said town for the following Reasons (viz^t)

1^st Because many of said inhabitants are often call^d out for the Defenc of there Country into such places where their Lives are greatly Endangered by the said infection

2^ly Because many persons in the vicinity of this town are Daily inoculating not under any Legal Regulations which may be attended with Dangerous consequences

3^ly Because we under stand no persons can be received into any hospital for the purpose afores^d, within any reasonable Distance on account of their being taken up for the use of the continental soldiers

4^ly Because when application was some time past made to the court of general sessions for the peace in the county of Middlesex the s^d, court Declin,d at that time to grant any Licence for any hospital in said county; and the proper time for inoculation will be past Before another session of the said Court

Therefore Your Petitioners ever Desirous to conform to the Laws of this state humbly pray that a hospital may be appointed in the town of Lincoln aforesaid under such regulations as your Hon^rs, shall think proper and your Petitioners as in Duty Bound shall ever Pray

SAM^LL FARRAR, ELEAZ^R BROOKS, ABIJAH PEIRCE, JOHN ADAMS, JAMES ADAMS } select men & Committee for Lincoln

State of Massachusetts Bay The Committee on the within Petition beg Leave to report the following Resolve

In the House of Representatives April 11 1777

* Resolved That, for the Reasons given in the Petition of the Select Men & Committee of the Town of Lincoln, the said Select Men & Committee be & they are hereby allowed & impowered with y^e consent of y^e Town in Town Meeting Assembled to erect or procure an Hospital for Inoculating for the small Pox in said Town subject to the Restrictions & Regulations of the late Act intitled an Act in Addition to & Amendment of an Act impowering the Justices of the Court of General Sessions of the Peace in the several Counties in this State to permit one or more inoculating Hospitals to be erected in each of the said Counties. Sent up for Concurrence SAM^LL FREEMAN Speak^r P T

In Council April 11^th. 1777 Read & Concurred JN^O AVERY Dp^y Sec^y

Consented to"—[Signed by sixteen of the Council].—*Ibid., vol.* 213, *p.* 185.

"State of massachusetts Bay In the House of Representatives May 7^th 1777

† Whereas divers persons other than those belonging to the Continental Army are daily inoculated for the Small Pox & admitted into those Barracks on & about Prospect Hill which were lately assignd for an Inoculating Hospital for the Army — And whereas it is necessary for the Safety of this State, that those Barracks should be cleansed from all Infection as soon as possible — it is therefore

Resolved, That no person whatever other than such as belong to the Continental Army shall hereafter be inoculated in any of the Barracks within this State, A nor shall be allowed to continue or enter therein during his or her Infection with the Small Pox, without the express permission of the Gen^l. Court, or of the Council of this State (during the Recess of said Court) on penalty of the Sum of Thirty pounds to be paid by every person so offending, & the like penalty for every Physician or Surgeon who shall inoculate such Offender, or shall attend him or her as a physician there, during such Infection: said Fines to be recovered in any Court proper to try the same on Conviction by Action Bill plaint or Information: One moiety thereof so recovered shall be paid to the Treasurer of this State for the use of this State, and the other moiety thereof shall go to the Prosecutor Sent up for Concurrence J WARREN Spk^r

In Council May 8^th. 1777 Read & Concurred with an Amendment at A Viz^t. at A insert excepting the Hospital at Sewalls Point — Sent down for Concurrence

JN^O. AVERY Dp^y Sec^y

In the house of Represente. May 9, 1777 Read and Concurred J WARREN Spk^r

Consented to"—[Signed by fifteen of the Council].—*Ibid., vol.* 214, *p.* 45.

This was the last action of the Legislature of this year, upon the subject of inoculation; but the next Assembly early renewed the consideration of the matter. A committee, appointed June 2, 1777, "to inquire into the state of inoculation in Boston and the adjacent towns, and report what is proper to be done," reported on the 6th; and, though their report has not been discovered, the following resolve ‡ which was brought in the 6th and passed the 7th, is probably all of the report that was submitted in writing: —

* Printed resolves of the March session, chapter CII.
† *Ibid.*, chapter CCXII. ‡ *Ibid.*, chapter XXII.

"State of Massachusetts Bay In the House of Representatives 7th June 1777.

Whereas the Practice of Innoculating for the Small pox is & has been very prevalent in the Towns neighbouring & adjacent to the Town of Boston, & should the Enemy make a sudden and powerfull Invasion into this State, as Boston & the Vicinity of it is most likely to be their Object, Therefore

Resolved That from & after the 10th day of this Instant June no Person shall presume to innoculate or be innoculated with the Small pox, in either of the Towns herein after mentioned under the Penalty of Fifty pounds as in an Act already made & provided, it is enacted vizt in Boston, Roxbury, Dorchester, Milton, Braintree, Weymouth, Hingham, Dedham, Brookline, Chelsea, & Hull in the County of Suffolk — Cambridge, Charlestown, Watertown, Malden Medford Waltham & Newtown in the County of Middlesex — Any License or Permit for Innoculation granted by proper Authority notwithstanding —

Resolved also that the Selectmen & Committees of Correspondcs &c of the several Towns before mentioned do without delay see that this Order is fully complied with—& that they advertise those Persons whose proper Business it is with all convenient Speed to have the Innoculating Hospitals, Barracks, & all other Buildings within the said Towns cleared of all Infection, so that should there be any Necessity to call in the Militia, they may safely pass in & towards the Town of Boston, & that the several Barracks now infected may if wanted be used for the Quartering of Soldiers —

And for the more full Execution of this Order it is further

Resolved that Doct Dunsmore Coll Sartell & Coll Lovell be a Committee to go into the several Towns aforementioned, & in Conjunction with the Selectmen & Committees in each, see that a strict Obedience be paid to the foregoing Resolves — Sent up for Concurrence J WARREN Spkr

In Council June 7th 1777 Read & Concurred JOHN AVERY Dpy Secy

Consented to" —[Signed by fifteen of the Council].— *Ibid.*, *p.* 117.

The following are all the remaining resolves upon the subject of inoculation, out of the army, that have been discovered down to the time of the adoption of the Constitution.

"State of Massachusets Bay In the House of Representatives Mar 12th 1778

*Upon the Petition of John Warren praying for Leave to innoculate for the Small Pox at Sewell's Point

Resolved that Leave be & it hereby is given to the sd. Dr. Warren to innoculate at Sewells Point such Persons as apply & can be accommodated — taking due Care by posting Guards & cleansing his Patients to prevent the Infection from spreading. Sent up for Concurrence J WARREN Spkr

In Council March 12'. 1778 Read & Concurred JNO AVERY Dy Secy

Consented to" —[Signed by fifteen of the Council].— *Ibid.*, *vol.* 217, *p.* 361.

"State of Massachusetts Bay In the House of Representatives April 11, 1778

†Whereas by a Resolve of this Court pass'd in June 1777 inoculation was prohibited in several Towns in the County of Suffolk and Middlesex, for the reasons set forth in said Resolve which Reasons do not now subsist —

Therefore Resolved That the aforesaid Resolve be repealed, and that every part & paragraph thereof be and hereby is declared null and void —

Sent up for Concurrence J PITTS Spkr P Temp

In Council April 11'. 1778 Read & Concurred JNO. AVERY Dy Secy

Consented to" —[Signed by fifteen of the Council].— *Ibid*, *vol.* 218, *p.* 6.

"State of Massachusetts Bay

To the Honorable Councill & House of Representatives of said State in general Court assembled

The Petition of the Town of Brookline Humbly sheweth —

That by an Act made in the year 1777, no Licence shall be given for erecting or improving any Hospital or House for innocculating the small Pox in any Town within this State, untill the Consent and Approbation of such Town, at a regular Town meeting, be had and obtained, and every Hospital after being licenced should be subject to certain Rules and Regulations in said Act contained; under which Act this Town thought themselves secure from the Danger and Inconvenience arising from any Hospital that might be employed for that purpose without or against their Consent.

That by two Resolves of the General Assembly of the 2nd and 6th of February last General Heath was impowered to improve the Barracks at Sewall's Point for innoculating the Continental Troops

That by another Resolve of Feby 28th Col Crafts was impowered and directed to send his Soldiers to that place to be innoculated

That those Resolves were passed and executed without consent required or even Notice given to the Town

That this Town silently submitted to the Execution of those Resolves, because they were unwilling to obstruct any measure that appeared to be calculated for the public Good tho' inconvenient to themselves and repugnant to the aforesaid Law

That this Town relied, as they ought, on the Security of the Laws, and imagined they could depend upon the Honour and Dignity of the Legislature as well as their Care that the Rights and privileges of no part of the Community should be abridged, unless apparently and indispensably necessary for the public Utility

Nevertheless they find that on the 12th of March, upon the Petition of Doctor John Warren, a Resolve passed the Assembly, giving him Leave to innoculate at Sewall's Point (which is within this Town) *such persons as apply and can be accommodated*, without Notice given or Consent required of the Town

That in consequence of the last Resolve your petitioners find an Advertisement dated 21st of April current, published in last Monday's Paper, purporting that the Hospital is already opened for general Innoculation, under the Conduct of Doctors Warren, Rand

* Printed resolves of the January session, chapter CCLXVII.
† *Ibid.*, chapter XXXVI.

and Hayward, at the Barracks in this Town, which being capable of accommodating three hundred Patients at one Time, will if employed for that purpose to it's full extent, be highly inconvenient, and prejudicial to the Interest of the Town, and dangerous to several aged and respectable Inhabitants who live near the Barracks and will be exposed to Infection as well as others

That this last proceeding is also entirely without the Consent of the Town either asked or obtained, and without even the Consent of the Possessor of the Farm whereon the Hospitals are built, and thrō which as well as other Farms it is necessary to pass and repass to the Hospital, which if permitted will greatly disturb and aggrieve the Owners of said Farms and the Inhabitants in general

Wherefore your Petitioners in Town-meeting assembled this day, having considered this matter, have chosen and appointed Elhanan Winchester their Representative with Edward Kitchen Wolcot and Samuel Croft to be a Committee on their Behalf, humbly to remonstrate against this measure and to petition this honorable Court that they would in their great Wisdom and Justice interpose their Authority to prevent it's being carried into Effect, for the Reasons above mentioned, and because it will sacrifice the Quiet and Interest of this Town, only to promote the Emolument and Advantage of private Individuals who are not Inhabitants thereof, and can, consistently with the Laws, be accommodated within the Towns whereto they belong; and they further pray that the said Hospital may be immediately and totally discontinued and suppressed

April 27th 1778 — ELKANAN WINCHESTER, EDWARD K WOLCOTT, SAMLL CROFT } Committee."— *Ibid.*, *p.* 432.

"State of Massachusetts Bay In the House of Representatives. May 1st 1778

*Whereas the Town of Brookline has represented to this Court that the continuance of the Hospital at Sewalls Point in said Town will be highly inconvenient & prejudicial to the Interest thereof and dangerous to the Inhabitants who live near the same, as well as to others who will be exposed to the Infection — and that an advertisement was published in the last Mondays Paper purporting that the Hospital is open'd for general Inoculation under the Conduct of Doctors Warren, Rand & Hayward at the Barracks in said Town — which is beyond the intention & design of this Court express'd in the Resolve that pass'd the 12th of March last on the Petition of sd Doct Warren —

Therefore Resolved — That the said Hospital be discontinued — & the Resolve aforesaid is hereby declared null & void — And the Doctors aforesaid are forbidden to inoculate or or receive any Persons therein after they shall have notice of this Resolve

And the Secretary is directed to furnish the Petitioners with a Copy of this Resolve

Sent up for Concurrence J PITTS Spkr P Tem

In Council May 1'. 1778 Read & Concurred JNO. AVERY Dy Secy

Consented to"—[Signed by seven of the Council].— *Ibid.*, *p.* 431.

Chap. 40. The following is the language of the original grant of the territory incorporated by this chapter. In Holland's "History of Western Massachusetts" (vol. 2, p. 602) these boundaries are given as taken from "the petition to the General Court," but no such petition has been discovered in the archives, or elsewhere. The date of the grant as there given, is one year earlier than it appears to be by the records:—

"Feb. 9, 1763. A Petition of Nathaniel Hooker and John Townley of Hartford merchants and Isaac Sheldon of said Hartford in the Colony of Connecticutt yeoman for themselves and fifty seven others known among themselves by the name of the Proprietors of Greenock viz[t]; John Keith, Niel M[c]Lean, William Tiley, George Sloan, Robert Sloan, Thomas Sloan, Elijah Clapp, Thomas Clap, John Walker, Joseph Barrett, Barnabas Chadwick, Hezekiah Collyer Jun[r]; John Watson, Andrew Mumford, Samuel Watson, Ebenezer Mix, Evander Moorison, Samuel Curtis, Charles Caldwell, James Caldwell George Caldwell, Timothy Seymour, Edward Merry, David Bull, Jon[a]. Bull, John Thomas, William Knox, Sylvanus Andruss, John Benton William Woodbridge, Benjamin Paine, Stephen Turner, Hezekiah Turner Obedience Trumble, Dudley Kent, Jedediah Norton, Abijah Pecke Timothy Cole, the heirs of Doctor Normond Morrison, for two Rights Samuel Chapman, Samuel Lee, James Sexton, Alexander Gordon Samuel Bridge, James Blacke, William Jepson, Daniel M[c]. Aulay, Edward Selfridge, John Blacke, Joseph Craige, William Henry, Isaac Savage, Abraham Savage, Ephraim Hubbard Nathan Davis and Ebenezer Foster jun[r]. purchased as they then lawfully might a Township of Land under an Indian Title viz[t]. beginning on the East side of Housatonnoc River in the South line of Pittsfield thence running East 19[d]: South nine miles and a half, thence South 19° West Seven hundred and twenty rods to the North line of N°. 4 Township, thence West on said line four miles and three quarters to the North west corner of said Township, thence on the West line of said Township South 9°. 25[m] west two miles and three quarters to the North line of the Township of Number one, thence on said Line West 2°. 30[m] South three miles to the Northeasterly line of Great Barrington, thence North 48°. 40 East one mile and three quarters to the North East corner of Great Barrington, thence bounding on the North line of said Great Barrington West 7°. 30 North Six hundred Rods to the South east corner of the Glass works Grant (so called) thence on the East side of said Grant and East side of Housatonuck River first mentioned, thence bounding Westerly on said River to the bounds first mentioned, And Praying that the same may be confirmed to them upon such terms and Conditions as this Court shall judge reasonable —

In the House of Representatives, Whereas Nathaniel Hooker and his Associates have been at great expence and charge in purchasing the Townships mentioned in their Petition and procuring the pretended Indian title thereto,— Therefore Resolved That the Township mentioned and described in said Petition (a Pitch of five hundred Acres made to Andrew Belcher Esq[r]; and former Grants excepted be granted unto the said Nathaniel Hook-

* Printed resolves of the April session, chapter CXLVIII.

er, John Townley and Isaac Sheldon & their Associates their heirs and Assigns, whose names are annexed to said Petition, upon condition that Security be given to the Province Treasurer to pay him for the use of this Province the sum of Eight hundred pounds in one year without interest, That there be reserved for the first settled Minister one sixty third part of said Township; for the use of the ministry one sixty third part, and the like quantity for the use and support of a School: That within the space of five years from this time there be sixty Settlers residing in said Township, who shall each have a Dwelling house of the following dimensions viz^{t}. twenty four feet long, eighteen feet wide and Seven feet Stud, and have Seven Acres of Land well cleared & fenced and brought to English Grass or ploughed; also settle a learned Protestant Minister of the Gospel in said Township within the term aforesaid.—

And Whereas M^{r}. John Walker one of the said Associates; Attorney to the said Nathaniel Hooker, John Townley and Isaac Sheldon hath informed this Court that he stands ready to give the Security aforesaid for the said Eight hundred pounds. Therefore Resolved That upon his so doing, the Grant aforesaid be made to said Associate in manner aforesaid upon their paying to said Walker their proportionable part of said Eight hundred pounds in one year and upon failure of their so doing the Rights in said Township of those so failing to belong to said Walker; and he shall have full Power to sell & dispose of the same to any person that shall perform the Conditions aforesaid.

In Council Read and Concurred Consented to by the Governor."— *Council Records, vol. XXIV., p.* 561.

The proprietors of Great Barrington having passed the following vote:—

"At a Meeting of the Freeholders, & other Inhabitants of the town of Great Barrington, Legualy qualified to vote in Town affairs, regularly assembled at the Court-house in said Town, on the 29th. of Decr. 1773 —

To see if the Town will agree, that that part of this Town called the Hoplands, be set off into a seperate Town, or District,

Thereupon voted, that this Town have not any objection against that part of this Town called the Hoplands, being set off into a seperate Town, or District whenever the Great & General Court or assembly of this province, shall see fit —

A True Copy of Records Att W: King, Town Clerk."— (*Mass. Archives, vol.* 118, *p.* 745.)—

— the following petition was presented to the House on the 28th of January, 1774, and referred to Capt. White, Capt. Brown of Abington and Col. Whetcomb:—

"To his Excellency, Thomas Hutchinson, Esq; Captain General, & Governor, & Commander in Chief, the honorable his Majesty's Council, and the honorable, the House of Representatives, of the Province of the Massachusetts Bay, in New England —

We the Subscribers, humbly Shew that we Living on & owning Lands, in that part of Great Barrington, in the County of Berkshire, called the Hoplands — and a Grant, called the Glassworks grant, joining to said Hoplands, & in no Town, And also part of Hartwood in said County, & also part of a Grant made to Coll^{o} Ephraim Williams Deceased, which same land is not in any Town all which several Tracts of Land are Contained in the Annexed plan — And your Petitioners beg leave to observe, that the Situation of the Lands is such, that the Inhabitants thereof, could be well accommodated, by being made into a seperate Town or District, & that whilst the Inhabitants of said Lands are in their present Situation they cannot enjoy those priviliges, which people ought to enjoy in those Towns, where they are Obliged to do duty — And your Petitioners beg leave further to observe, that those of us, who belong to said Great Barrington, Live from Eight Miles & an half, to fourteen Miles Distant from the Meeting House in said Great Barrington, & about a Mile & an half further, from the Church in the same Town — That those of us, who Live in said Hartwood, are seperated from said Town of Hartwood by a Mountain, over which, a road for Carriages, can never be made to said Hartwood — And those of us, who Live on the said Glassworks grant, & on the said Grant made to Coll^{o} Ephraim Williams, cannot be be * better Situated, by joining with any other Towns —

Your Petitioners therefore pray, that the above Lands, described in the annexed plan, with the Inha* Inhabitants, may be made into a seperate Town, or District — and as in Duty bound, shall ever pray

Jan^{y} 6: 1774:

W^{m} INGERSOLL	ELISHA FREEMAN	AARON INGERSOLL
ISAAC DAVIS	LEVI NYE	ELISHA GRANT
ISAAC DAVIS JUR	ABNER WEST	JONATHAN FOOT
PELETIAH WEST	DAVID KELLOGG	JONATHAN FOOT JUN^{R}
AMOS STANTTON	OZIAS STRONG	SIMON CALKIN
ELDAD KEBBE	SETH BACKOS	JOSEPH HANDAY
JONATHAN WEST	JOSHUA BACKOUS	JOHN WINEGER
PETER WILLCOKS	BENJAMIN BACKOUS	THEOPHILUS MANSFIELD
SAMUEL WRIGHT	THOMAS EWER	GEORGE BENNET
ELISHA WEST	HOPE DAVIS	NATHAN BENNET
ELIJAH WEST	EBENEZER SWIFT	EPHRAIM HOLLISTER
DANIEL WEST	ASAHELL DODGE	MATTHEW VANDUSEN
DANIEL CHURCH	ELIJAH DODGE	JAREMIAH WORMER
OLIVER WEST	SAM^{LL} HATCH	MOSES INGERSOLL
ELEAZER WEST	JOHN NYE	MALATIAH HATCH "— *Ibid., p.* 742.

On the 16th of February, this committee reported leave to William Ingersoll to bring in a bill. Meanwhile, the proprietors of Hartwood presented their petition for incorporation, which was read, in the House, on the first of February, 1774, and referred to Mr. Gardner

* *Sic.*

of Stow, Mr. Fisher, and Mr. Ellis of Dedham. The original of this petition has not been discovered, but the substance of it, and the action of the Legislature thereon, appear in the following entry:—

"Feb. 17, 1774. A Petition of Moses Ashley and others a number of the Proprietors and Inhabitants of the plantation of Hartwood in the County of Berkshire and of the Inhabitants of the adjacent Grants — Setting forth, That they labour under many disadvantages by reason of their not being invested with Town privileges. And praying that the said plantation, together with Hills & Jones's Grants and the Westerly part of Prescots Grant so far to the East as Partridgefield South corner, may be Incorporated into a Town.

In the House of Representatives. Resolved that the further consideration of this Petition be referred to the next Session of the General Court and that the Petitioners notify the proprietors or owners of Hills Grant, Jones's Grant and Prescot's Grant within referred to of the contents of the within Petition and this Order by serving them with a Copy thereof that they shew cause, if any they have, on the second Wednesday of the next Session of the General Court why the prayer of the within mentioned (so far as it respects their interest therein) should not be granted. In Council, Read and Concurred."—*Council Records, vol. XXX., p.* 190.

The consideration of the Ingersoll petition was likewise put off to the same time, with similar notice to the proprietors of Hartwood.

The next Legislature, again took these petitions into consideration, together with the following new petition from the inhabitants of Hartwood:—

"To His Exellency Thomas Hutchenson Esq^r Cap^tn General and Commander in Chiaf in and over his Majestys Province of the Massachusets Bay, to the Hon^ble his Majestys Council and House of Representatives in General Court Assembled May the 25th 1774

The patition of the Inhabitants of the Township of Hartwood So Colled in the County of Berkshire Humbly Sheweth—

That they Labour under Great Inconvenieney in their Preasent Scituation Having No Power to Call and Settle a Minister Lay out and Establish Roads & Build Bridges in s^d Township and Many Other Deficultys your Petitioners Labour under By Reason of their Not Being Incorperated Wee therefore Most Humbly Pray your Exellency and Hon^rs to Incorperate S^d Township into a Town, Invested with all the Powers Priviledges and Immunitys that Towns in this Province by Law Injoy, and Whereas the Proprietors of S^d Township at Several Meetings from the year 1771 Including to the year 1774 Voted Texes at Diferant times the Amount of which is £5:7:0 Lawfull money on Each Origenal Right in S^d Township to Defray the Expence of Preaching and Other Expences in S^d Township, But finds they have No Power to Inforce the payment of the Same Wherefore your Said Petitioners Humbly prays your Exellancy and Hon^rs to Inable them to Collect S^d Texes in Such a Way and Manner as your Exellancy and Hon^rs Shall See Meet, and your Humble Petitioners as in Duty Bound Shall Ever pray

AMOS BEARD	GIDEON MESSENGER	ANDROW MOMPHORD
ELIPHORY SPENCER	MOSES ASHLEY JUN	GEORGE SLOAN
SIMS LEWIS	AZARIAH ASHLEY	JAMES MKNIGHT
THO^S LEWIS	JOHN M^CKNIGHT	MOSES ASHLEY
JOHN LEWIS JUN	JEAMES M^CKNIGHT JR	GEORGE SLOAN JR
JOSEPH CHAPELL	WILLIAM SLOAN	WILLIAM MILLIKIN
W^M CHAPELL	WILLIAM BILL	JOHN PHELPS
BENJ^H SLACK	NORMAND SLOAN	DAN^LL FOOT
WILLIAM SLACK	ZENAS NOBLE	ELIJAH CRANE
BENJAMIN KILBORN	W^M SCOTT	GIDEON BUSH." —

Mass. Archives, vol. 118, *p.* 747.

The Council now passed an order that "the petitioners" have leave to bring in a bill, &c. This was June 10, 1774; and, on the same day, the House, upon consideration of the following answer to Ingersoll's petition, nonconcurred with the Council, and referred the same to a joint committee, of which Messrs. Jones, Bridges and Denny were appointed members on the part of the House:—

"To His Exelancy Thomas Hutchenson Esq^r Cap^tn General and Commander in Chief, in and Over his Majestyes province of the Massachusets Bay, to the Hon^ble his Majestyes Counsel and House of Representatives, in the General Court —

Gentlemen, as we have Patitioned to your Honours, at two of your Last Sessions, to be Incorporated into a Town, and be Indowed with Town Previlidges, (but have Been prevented by a petition. Sent in by William Ingersoll and Others; to be set of into a Town or Destrick which Petition was Not Made Known to The Proprietors nor Inhabitants, of the Town, and as the Town is New and the Inhabitants few in number, wee Desire your Exelancy and Honours, would Incorperate Said Town or Plantation, as the Grant of Said plantation was Granted by your Exelancy and Honours as follows, Viz Bigining at Housotonack River on the South Line of Pitsfield, thence runing East 19^grs South Nine Miles and a half, thence South 19^ds west Seven Hundred and Twenty Rods^ds to the North Line of Number four Township; Thence West on Said Line, Four Miles and three Quartors, to the North West Corner of Said township; thence on the West Line of Said township, South 9^dg 25^m West two Miles, and three Quarters, to the North Line, of the township of Number one; thence on Said Line West 2^dg 30^m South three Miles, to the North Easterly Line of Great Barington; Thence North 40^dg 40^m East one Mile, and three Quarters to the North East Cornor of s^d Great Barington, thence Bounding on the North Line of Said Great Barington, West 7^dg 30^m North Six hundred Rods, to the South East Corner of the Glass works Grant; (so Called) thence on the East Side of Said Grant* five Hundred and fifty two rods to the North Est Corner of Said Grant and East Side of Housotonack

* "barington," interlined.

River first Mentioned, thence Bounding Westerly on Said River to the Bounds first Mentioned; and Furthermore we Do Signify our Objection, of that Part of the Town Being Set of or Incorperated, untill we are Incorperated, and Lay out our undevided Land; and Can agree how far the Deviding Line, Shall Come in Said Town. —

Testd GEORGE SLOAN JUNR Proprietors Clerk." — *Ibid.*, *p.* 748.

No further progress appears to have been made until the present year, when the bill of this chapter, the first action respecting which appears to have been on the fifth of April, was passed to be enacted on the twelfth.

The incorporation of the town of Lee, the consideration of which began while the foregoing proceedings were pending, seems to have met the wishes of the petitioners who were not satisfied with the provisions of this chapter. — See 1777–78, chapter 11, and note, *post*, and 1769–70, chapter 11, *ante*.

Chap. 41. The following petition, presented at the third session, was referred, together with the resolve that follows it, and which appears to have been reported by a committee, to the next session. During the fourth session, the bill of this chapter was brought in, and, after two amendments proposed by the Council, had been adopted, it was passed, April 26th, to be enacted.

"To the Honble the Council & house of Representatives of the State of the Massachusetts Bay, in Genl Court assembled —

The Petition of the Town of Newbury, by their Committe legally chosen, humbly Sheweth — That your Petitionors, the Inhabitants of this Town, thô heartily engaged in the cause of their Countrey, and ever ready to concur & join with their Brethren, in defence of our common Rights and Priveledges, by prosecuting the present just & necessary war, yet have in time past, and do Still, meet with great Diffeculty in raising their Quota of men for military Service; owing not to want of Courage or zeal for the common cause, but to the mode of raising, & the Encouragement offer'd by the State, for inlisting Solders: it being the opinion of most, and of such in particular as are best disposed and qualified to go into the war, that it is highly unreasonable & unjust, that the Burden Should lie wholly upon them & Some others; — that they must fight both for themselves, and for many of their neighbours, who, thô they have large Estates, & their Interest is equally at Stake, yet, not being able bodied, or fit for actual Service, are exempted from charge.

This Town therefore, at a meeting on the 9th instant, have voted to raise, by a general Tax on the Polls & Estates of its Inhabitants (to be levied or assess'd in the same proportion with other public Taxes) such monies as they judg'd necessary to do justice among themselves for past, & for encouragement to present Services in the war.

This measure being agreeable to the Town in general (even our Brethren of the Denomination call'd Quakers, appearing ready to pay their proportion, thô averse to bearing Arms) we beg to be indulg'd in it.

But not being satisfied that any Law of this State, now in being, will fully Support us in our present Plan, we pray your Honors will, by a Special Act, or Acts of the Genl Court, with Such Restrictions & limitations, respecting Quakers, Tenants or others, as you in your wisdom Shall See fit, authenticate our votes above refer'd to and enable the Town of Newbury to raise money for the future, for the Services of the present war, by the Same mode of Taxation.

And your Petitioners, as in Duty bound, Shall ever pray

EDMD BAYLEY } Committee for the
JOHN ADAMS } Town of Newbury."

Dated Newbury December ye 23–1776 — *Mass. Archives*, *vol.* 181, *p.* 392.

"State of Massachusetts Bay In the House of Representatives January 31 1777

Whereas several towns & Precincts in this state have granted money for the Purpose of encouraging soldiers belonging to the melitia in such towns & Precincts to march for the purpose of Reinforcing the Continental army pursuant to the orders of the general assembly of this state. And whereas Doubts have arisen Whether such grants can by Law be assessed & recovered with out the interposition of this Court

Therefore Resolved that all Grants of money made by any town or Precinct in this state for the purpose of encouraging soldiers belonging to the melitia of such town or Precinct to march for the Purpose of Reinforcing the Continental army Pursuant to any Resolve or act of the general assembly of this state shall be and hereby are so far Ratified and Confirmed as that the Assessors of such towns and Precincts & all other officers Shall After the Day of have the same Power to Assess and Collect any sum or sums of money granted as aforesaid as they by Law have to assess & Collect money granted by towns in any other Case whatever in Case such grant or grants shall not be Disanulled by order of this Court before the Day of

And it is further Resolved that this Resolve be forthwith Published in three of the Boston news papers that any person or persons who may Look upon themselves to be injured by any grant or grants made as aforesaid may have opertunity if they think proper to shew Cause to this Court if any they have why such grant or grants ought to be Disanulled before the Day of aforesaid." — *Ibid.*, *p.* 393.

Sundry inhabitants of Charlestown, living within the bounds of the first parish of Cambridge, presented a petition, on the 8th of June, to be exempted from double taxation under this act; and a resolve for their relief, still remaining in the archives, was prepared but does not appear to have been passed. See also, note to 1777–78, chap. 16, *post*.

Chap. 43. "The Committee appointed to consider in what manner Treasurer's notes shall be printed in future, in order to prevent their being counterfeited, have attended that service, & beg leave to report the following Resolves,* viz

* Printed resolves of the March session, chapter CLXXXIX.

In the House of Representatives May 2. 1777
Resolved, That it is expedient to contract with some ingenious Paper-Maker for a sufficient Quantity of Paper to be made for the Purpose aforesaid of a peculiar sort, and that the word *State*, or some other word be stamp'd or wrought by the Manufacturer in the Body of the Paper of each Note and that said Paper-maker shall oblige himself by Oath never to make any more of such Paper without the special leave of this Court
Resolved, That the best Engraver that can be procured in this State be employed in engraving the form of said Treasurer's Notes on a good Copper-plate, which Copper plate shall be kept in said Treasurer's hands, or in the Custody of some other Person to be sworn for that purpose — And whenever a number of Blank Notes shall hereafter be orderd to be printed, a Committee shall then be chosen to receive said Plate & to attend the press during the printing said Blank Notes & after the number so orderd shall be printed said Committee shall return said Copperplate into the hands of the Keeper aforesaid —
Resolved that Thos Crane John Brown & Oliver Wendal Esqr be, & they hereby are appointed a Committee to contract with a Paper-Manufacturer & an Engraver for the purpose aforesaid — Sent up for Concurrence J WARREN Spkr
In Council May 3d 1777 Read & Concurred — JNO AVERY Dpy Secy
Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 213, *p.* 451.
"State of Massechusetts Bay In the House of Representatives June 30th 1777
* Resolved that Mr Ebenezer Wales & Majr Jacob Davis be & hereby are appointed a Committee to attend at Mr Hurds while he is striking off or making the impression for borders round the notes last ordered by the General Court to be emitted and that said Committee take possession of the plate and keep the same in some safe place while not in immediate Use — and deliver the plate when a sufficient number of sheets are struck off to the Treasurer of this State or such other person or Persons as this Court shall order — And that they diliver no sheets when impressed or struck off to any other person except one of the Committee hereafter appointed to inspect the printing said Notes and that they take a Receipt for all they may so diliver
Also Resolved that Nehemiah Thomas Esqr & Nathl Reynolds Esqr be and hereby are appointed a Committee to receive of the Committee first mentioned all the sheets which may be impressed or struck off by Mr Hurd and Cause the same to be printed, that they carefully inspect the printing press, and diliver to the Committee appointed by the Act for making & emitting said Notes to Countersign the same all the sheets which shall be so printed and take receipts therefor Sent up for Concurrence
R T PAINE Spkr pr temp
In Council June 30'. 1777 Read & Concurred JNO AVERY Dpy Secy
Consented to" — [Signed by sixteen of the Council]. — *Ibid., vol.* 214, *p.* 321.
"State of Massachusetts Bay In the House of Representatives July 3- 1777
† Orderd- That, Capt Joseph Hosmer & Mr William Henry Prentice be a Committee to attend *at Mr Hurds* while he is striking off the Notes *at Mr Hurds* last orderd to be emitted by the General Court, in the room of M Wales and Maj Davis excused —
Also Orderd, That Coll Israel Hutchinson be added to the Committee appointed to attend the Printing Press Sent up for Concurrence R T PAINE Spkr pr- temp
In Council July 4.' 1777 Concurred with the Amendment at A. viz'. Dele the Words *at Mr Hurds*, Sent down for Concurrence JNO AVERY Dpy Secy
In the House of Representatives July 4. 1777 Read & concurrd
R T PAINE Spkr pr temp
Consented to" — [Signed by sixteen of the Council]. — *Ibid., p.* 383.

Chap. 44. The following are the resolves of the provincial congress repealed by the fourth section of this chapter: —
"June 28, 1775. The report of the committee relative to making the notes and bills of credit of this and the other colonies, a tender, being amended, was accepted, and ordered to be authenticated and printed in the Cambridge, Watertown, and Worcester papers, and is as follows: Whereas, a former Congress of this colony, ordered their receiver general to issue notes and bills upon the credit of this colony, for the payment and supply of their army, and other necessary expenses of this colony; and whereas, divers others of the sister colonies have issued notes or bills, for the payment of their respective forces; and it is necessary, that the notes and bills of this and the sister colonies should have free currency; therefore, *Resolved*, that the notes and bills of the colony of Rhode Island, at and after the rate of six shillings and nine pence an ounce for silver, and the bills and notes of this and all the other colonies, excepting Nova Scotia and Canada, at and after the rate of six shillings and eight pence an ounce for silver, shall be taken and received, and accounted a good and sufficient tender for the payment of all debts, and the damages that may arise upon the non-performance of any promises, and also be received into the public treasury of this colony, without any discount or allowance whatever. And if any person whatever, shall refuse to take any of the notes or bills of the colonies aforementioned, at the rates before expressed, for any debt, or in satisfaction for the damages sustained by reason of the non-performance of any promise, or shall ask, demand, or receive, any discount, gratuity, or premium, for receiving any of the bills or notes aforementioned, he or she so offending, shall be deemed an enemy to the country. And the several committees of correspondence, inspection, and safety in their respective towns, are required to return the names of all persons who shall contravene this resolve, to this or some future Congress, or House of Representatives, that they may take order thereon as to them shall seem meet." — *Printed Journals of the Provincial Congress*, 1774–5, *p.* 415.
While this bill was pending the following resolve ‡ was passed: —
"State of Massachusetts Bay In the House of Representatives April 28. 1777
Resolved That Joseph Palmer Esqr Coll Eleazer Brooks & Coll Josiah Sartell with such

* Printed resolves, chapter CXVIII. † *Ibid.*, chapter CLVI. ‡ *Ibid.*, chapter CXCI.

as the Honorable Board shall join be a Committee of Secresy and the Hon. Council are desired to commissionate the Members of such Committee as Justices through the State— And the said Justices or any two of them are authorized to direct their Warrants to any Persons, Inhabitants of this State for the purpose of arresting & convening any Persons, who are liable by Law to be arrested for transgressing the Laws against counterfeiting the Bills of Credit of this State or of the United States of America or any of them, [A] *the Act against Monopoly & Oppression* [B], the Act against Treason and Offences less than Treason and any Acts for punishing Persons inimical to the American States — A Resolve that pass'd the General Court Jan 31.* 1777 relative to the buying up Pork or other Provisions — And that said Justices proceed thereon agreeable to the Laws of this State, and to enable said Committee to execute this Commission that a Warrant issue to the Treasurer to pay into their hands a sum not exceeding four hundred pounds for which they shall not be accountable untill the Expiration of the time for which they are Chosen which shall be the Term of Six months and the said Com^tee. are authorized to Correspond with any Com^tees. of Safety or Secret Com^tees. of any of the United States of America

Sent up for Concurrence SAM^L FREEMAN Speak P T

In Council May 3^d. 1777 Read and Concurred with an Amendment at A to B and John Taylor & Joseph Cushing are joined on the Part of the Board Sent down for Concurrence JN^O AVERY Dp^y Secy

dele from A to B —

In the House of Representatives May 3. 1777 Read & Concurrd J WARREN Spk^r

Consented to"—[Signed by fifteen of the Council] — *Mass. Archives*, *vol.* 213. *p.* 469.

The bill of this chapter, amended by the substitution of section three for a briefer clause, was passed, in the House, to be engrossed, May 2d, and on the same day it was read a first time in the Council. The Council proposed two amendments, on the 5th, which were rejected by the House, and, on the 6th, the bill was passed to be enacted and was signed by fifteen of the Council.

The following measures were subsequently taken for the more effectual enforcement of this act:—

"State of Massachusetts Bay In the House of Representatives May 7^th 1777

†Whereas the Enemies of that Freedom for which the good People of America are Earnestly Contending, among other wicked devices to Subvert and destroy the happiness of this Country, have made and passed sundry false and forged Bills, in imitation of the true Bills Emitted by the Congress and Assemblies in America, which Wickedness if not soon suppressed will be very injurious to Individuals, and ruinous to the Publick. And that a Speedy, and an Effectual Stop may be put thereto, the Great and General Court though they tenderly regard the Subjects priviledge of holding his House intire, have thought it necessary to come into the following Resolution to wit.—

Resolved that when any Justice of the Peace within this State at any Time hereafter untill the further Order of the General Court shall either from his own observation, or from any Evidence laid before him, have cause to suspect, that any such false and forged Bills are concealed in the possession of any person within the County whereof he is a Justice, such Justice shall immediately make out his Warrant directed to some Sherriff Deputy Sherriff or constable Commanding him forthwith in the day time between the rising and the Setting of the Sun in the presence of two or more Substantial Freeholders of the Town or place where such Bills are suspected to be concealed to open the House, place or appartment suspected, and there to Search for the same & Examine strictly all suspected places or things, and such Sherriff Deputy Sherriff or Constable to whom such Warrant shall be directed and delivered shall after demanding of the Owner of such House place or appartment if present or in his or her absence of some person found therein admittance, and if the owner of the same, or the person in his absence found therein shall not open the same immediately or if no person is therein, such officer shall have power in the presence of two Freeholders as aforesaid Instantly to break open the same and Search therein, and if upon such Search any such false and forged Bills, shall be there found the officer so Searching shall bring the same and the person in whose possession they shall be found before the Justice who shall have granted such Warrant or some other Justice of the Peace within the same County to be examined touching the matter and such Justice shall if he shall be convinced that such person in whose possession such Bills shall be found knew them to be false and forged and that he was intending to presume to pass them shall commit such person to Prison untill the next Superior Court of Judicature Court of Assize & General Goal Delivery to be held for and within such County, And in case such Justice shall be convinced that such person shall have received such Bills by mistake and that he hath no design of passing the same, he may order him to become bound for his appearance at said Court or discharge him at the discretion of the Justice.— Sent up for Concurrence J WARREN Spk^r

In Council May 7^th. 1777 Read & Concurred JN^O AVERY Dp^y Secy

Consented to"—[Signed by fifteen of the Council].— *Ibid.*, *vol.* 214, *p.* 25.

"Mass^ts. Bay. In Council July 5^th. 1777

‡Resolved that no person who stands committed to any Gaol within this State for counterfeiting any Notes Certificates Bills of Credit Lottery Tickets or any Coin current within this State, or advising thereto, or passing or uttering the same knowing them to be counerfeit, contrary to the Laws of this State in such Cases made; or that hereafter shall stand charged and comitted for any of the Offences aforementioned shall be lett to Bail

* In this resolve as printed from the Council Records in the note on p. 673, *ante*, this date appears as Jan. 30, which corresponds with the date of the printed resolve. Both however are wrong, as the concurrence of both houses was on the thirty-first.

† Printed resolves of the March session, chapter CCIII.

‡ *Ibid.*, May session, chapter CLXXI.

without the consent of the General Assembly or in the recess thereof of the Council first had and obtained Any Law Usage or Custom to the Contrary notwithstanding —
Sent down for Concurrence JNO. AVERY Dpy Secy
In the House of Representatives July 5, 1777 Read & Concurr'd
R T PAINE Spkr pr tem
Consented to"—[Signed by fifteen of the Council].— *Ibid.*, *p.* 412.

The following order was passed to secure a more strict enforcement of the fourth and fifth sections of the act to which the present chapter was in addition :—

"State of Massachusetts Bay Council Chamber Novr. 19. 1777

Whereas this Board have lately been informed that some persons within* State have been so regardless of the Publick Interest, as to pass the bills of Publick Credit of the United States for a less sum than their real Value And to sell Goods &c at a less price for Gold or Silver than for paper Currency Therefore

Ordered that all persons within this State that have any reguard to the Rights and liberties of the United States be and they hereby are Called upon to Give Information to lawful Authority of all breaches of an act for Preventing the depretiation of the bills of Publick Credit of this and the Other United States; that all Violaters of the act aforesd. may be brought to Condign Punishment read & accepted JNO AVERY Dy Secy."— *Ibid.*, *vol.* 168, *p.* 29.

John Hancock wrote to the Assembly of Massachusetts, under date of Jan. 15, 1777 enclosing certain resolves passed by the Continental Congress the day before, recommending the state legislatures to enact laws inflicting penalties on all who should discriminate against the Continental currency either in paying for, or receiving the value of, goods, and also recommending the passage of acts making Continental bills a legal tender, in all cases, at the rate of four shillings and sixpence sterling, to a dollar. This letter and the resolves, were referred to a committee, which reported, through Tristram Dalton, "That the recommendations in the resolutions of January 14th, so far as they respect the supporting the credit of the Continental money, are already adopted by this state, and provided for by the several laws lately passed." The date of this report is not given, and it may have been after the passage of the present chapter.

See notes to chap. 37, *ante*; and 1777–78, chap. 7, § 8, and 1778–79 chaps. 5 and 25, *post*.

Chap. 45. Before its evacuation by the British forces, Boston had been a place of refuge for a considerable number of adherents to the royal party, from all parts of the province, but chiefly from that town and its immediate neighborhood. Many of these refugees left the country, with the departure of the troops; but others remained, who, being objects of suspicion to the popular party, required the prompt attention of the Legislature. Accordingly, as early as March 19, 1776, two days after the evacuation, a joint committee was appointed to procure from the selectmen and committees of the town, a list of such persons, "with the facts by them committed," and to report the same to the General Court.

This committee, some change in which had been made in the mean time, reported, on the 29th, and another joint committee was thereupon appointed, which was completed on the first of April, to take into consideration the report and accompanying papers, and "to report what may be proper to be done with the person named in said papers." The result of this committee's action was the establishment of a "Court of Enquiry," by a resolve in accordance with their report.

The court consisted of seven justices of the peace, of Suffolk County, who, or either of them, were directed to issue warrants, immediately, to the sheriff of Suffolk, his deputies, or to the constables of any town in the county, requiring them to apprehend and bring before them, or the major part of them, in such place in the county as the justices should appoint, the bodies of all the persons named in the aforesaid list, together with any other residents of Boston "which are or may be complained of as having designs to act, or having acted, against the rights of this or the other United Colonies, or of having in any manner aided, abetted or assisted the enemies of the United Colonies, or either of them," and thereupon to examine them forthwith and secure the persons of such as "they may judge have acted, or are acting, as enemies, spies or traitors to this or the other colonies," by taking bonds, to the colony treasurer, for their good behavior, or for their appearance to answer, at some court proper to try the same, the charges made against them, or to commit them to close custody, without bail, as the case required.

The court thus established, proceeded cautiously and considerately, until the sixth of June, when a committee was appointed to examine into, and report upon, its doings. The report of this committee was made July 2d. It approved of the doings of the court (which it found had committed only five persons, and bound over five others to the ensuing term of the Superior Court), but proposed the adoption of a resolve reconstructing the court, by limiting the number of justices to five, of whom three should constitute a quorum for business. This new court was invested with all the powers and charged with all the duties of the former tribunal, except that of taking recognizances for appearance at the Superior Court. The recognizances of those who were already bound over to appear, they were authorized to cancel, and to release from imprisonment those who had been committed, upon their giving bonds for good behavior: and these and all other suspected persons they were empowered to send into the inland towns, instead of incarcerating them, as before. They were further empowered to disarm suspected persons. All bonds taken by them were to run to the treasurer of the colony; and they were required to sit from day to day, or as often as possible, "until they have discharged the trust reposed in them," and, finally, to make a report of their proceedings, on or before the first of August, and to receive proper compensation for their services.

* *Sic*: "this," omitted.

† A more particular account of this court will be given in the Appendix.

The jurisdiction of this court, throughout, was limited to the county of Suffolk. The act of May 1, 1776, however (1775-76, chap. 21), for disarming, disqualifying, restraining and punishing disaffected and inimical persons, extended to the whole province; and this was the only standing law upon the subject, that was of universal application, until the enactment of the present chapter, which supplied a deficiency in the provisions of that act relative to the arrest and imprisonment of suspected persons — those provisions applying only to such as failed to recognize for good behavior and for appearance at court. The bold step was now taken of investing the supreme executive with the absolute power of arresting and incarcerating any person that it "should deem the safety of the Commonwealth requires should be restrained of his personal liberty, or whose enlargement within this state is dangerous thereto." The preamble to the act shows that it was, professedly, a war measure.

Chap. 46. The resolves passed by the House, February 5th, and concurred by the Council, on the 7th (chapter CLVII. of the printed resolves), by which the exportation of certain articles therein enumerated was prohibited, were objected to by Governor Cooke of Rhode Island, in the letters of Feb. 12th and Feb. 26th. On the 10th of March, a joint committee, consisting of Messrs. Sumner, Goodman and Hill, of the House, and Thomas Cushing and John Taylor, of the Council, was appointed to take into consideration the objections of Governor Cooke, and to revise the act against monopoly (chap. 14) "and report as soon as may be." On the 17th of March the same committee was "directed to take into consideration the price of flour and other articles recommended by the convention of the New-England states at Providence, to be affixed and ascertained by the several legislative bodies within their respective states, and to report, if any and what alterations had best be made in the prices thereof."

On the 26th of March, this committee reported to the Council, by way of resolve, that chapter 14 be "repealed so far as it relates to the prices Affixed to the Article of Flour, Tanned Hides, Hay, Horse Keeping, Teaming Work, Turkeys, Dunghill Fowls, Duck, Geese Mutton, Veal, & Chocolate And that for the future The selectmen of several sea Port Towns within this State shall affix the Price at which all Flour Imported by Water from the other United States into the several Towns within this State shall be sold at, and for their Government in the affixing the price of the article of Flour aforesaid they shall allow the Importer the first Cost & Charges of the Flour with the addition of Five ℔ Cent profit, taking Care not to allow the five ℔ Cent profit on the Cost of the Insurance — And be it further Resolved that for the Future the following Articles shall not be sold for a higher price than hereafter is settled and affixed to them respectively Viz^{t} — Tanned hides at one shilling and Eight pence ℔ pound English Hay at six shillings ℔ hundred Horse keeping at Boston for a night or Twenty four hours with English Hay at Two Shillings & Eight pence and in other Places in proportion & for keeping a yoke of oxen for the same time Three Shillings Teaming work Two Shillings for every Ton weight a mile Mutton & Veal for a fore quarter four pence ℔ pound & for a hind quarter four pence half penny ℔ pound American manufactured Chocolate Two shillings ℔ single pound." — *Mass. Archives, vol.* 213, *p.* 98.

This report was rejected by both branches.

The subject of revising chapter 14 was referred, March 29th, to a new committee, consisting of Messrs. Phillips, Brooks, Story and Wendell, of the House, and Ward, Spooner and Thomas Cushing, of the Council. This committee was changed, April 2d, by the substitution of Messrs. White and Lewis, for Messrs. Wendell and Brooks, of the House, who were absent. On the 4th this committee, by Artemas Ward, made the following report which was read and accepted by the Council, and sent down for concurrence, but no further proceedings thereupon have been discovered: —

"The Committee of Both Houses Appointed to revise the Act for preventing Monopoly and Oppression and to report what Alterations are necessary to be made therein &c beg leave to report

That the said Act, so far as it respects the Article of Flour, be repealed—That it is highly necessary there should be a revision of said Act & some alterations made therein but that it will not be expedient for this Court to make a revision or an alteration in said Act, so far as it relates to those Articles to which prices were affixed by the late Convention of Committees at Providence, without first Consulting the other New England states and therefore your Committee report that a Committee of this Court be appointed to meet Committees from the states of Connecticut, Rhode Island and Newhampshire at Providence on the Twenty ninth Day of April Instant for this Special purpose and that Letters be wrote to the Governments aforesaid proposing the Same all which is Submitted." — *Ibid., p.* 97.

No record of the passage of the following resolve has been discovered: —

"State of Massachusetts-Bay. In the House of Representatives, April 1777.

Resolved, That the late Act intituled an Act to prevent Monopoly & Oppression be, & hereby is altered & amended, so far only as it relates to the prices affixed to the Articles of Flour & Bloomery-Iron; And That for the future, the Selectmen & Com^{tees} of Correspondence &^{c} of the Several Towns within this State, or the major part of them, shall, monthly or as often as they judge necessary, affix the Price at which Flour shall be Sold within their respective Towns, & post up such price in the most public places in their Towns; And for their Government in the affixing the price of the Article of Flour, they shall allow the Importer the first Cost & Charges of the Flour, with the addition of five ℔ Cent profit, taking care not to allow the five ℔ Cent profit on the Cost of the Insurance, & also taking care to prevent, as far as possible, any imposition which may arise from Bartering. And also

Resolved, That the price of Bloomery-Iron for the future, shall not exceed, or be sold at a higher price than thirty-six Pounds ℔ Ton in any part of this State." — *Ibid., p.* 101.

These ineffectual attempts to remove the objections to existing regulations respecting the prices of labor, goods and provisions, which were constantly rising with the depreciation of the currency, were followed by the bringing in of a bill with the title of the present chapter. After various amendments the bill, which had been discussed in both branches, and by committees, from the latter part of April, was finally passed to be enacted in its present form, on the tenth of May, and was printed and distributed in pamphlet form.

In the bill as originally reported and approved by the House, the duration of the act was the same as in this chapter. The Council concurred in the bill,as taken into a new draught in which the continuance of the act was limited to one year. Thereupon the House sent a message to the Council, on the 9th of May, "to acquaint the Board with the reasons of their Nonconcurrence of the Vote of the Board respecting the Continuance of the Act to prevent Monopoly & Oppression for three Years — one Reason was the Government had plighted their Faith to the Soldiery — and another reason was, if it had been continued but for one Year, the people would withhold the Articles for Sale." — *Council Records, vol. XXXVII., p.* 288.

The following letter from the governor of Rhode Island, shows the futility of acts of the nature of this chapter: —

"Providence May 14th 1777.

Sir The Consequences arising from the not carrying into Execution the late Acts passed by the several Legislative Bodies of the New-England States affixing Prices of Labor and Goods enumerated, are too obvious to need commenting upon

This little State hath exerted itself in some measure by prosecuting Persons who have transgressed that Law: but in vain can she alone, put in Execution a matter upon which so much depends — The Consequence hath been an almost intire stop of vending the necessary Articles of Life. —

The undoubted intelligence we have received that those Laws are not adhered too, in our Two neighboring States that are powerful, the Avarice of others, & the many designing Men who endeavor to render abortive all Laws that are made by the States tend to obstruct the Salutary effects proposed thereby.

The absolute necessity that said Laws should be strictly adhered too, is a matter of the greatest concern. — We appointed a Committee at the last Session of Assembly to prepare a Bill for the more effectual carrying the s[d] Laws into Execution, but unless they are enforced in Our Neighboring States nothing can be expected from Us. —

We have passed an Act that Soldiers inlisting into the Continental Battalions should be supplied with necessaries as they are stipulated in said Acts, & appointed Committees in each Town to supply their Families upon their Lodging the money, & also to supply the Poor Inhabitants of the State. — We should be very happy in seeing those Laws effectually carried into Execution, & wait with anxiety to know what further Steps the State of the Massachusetts-Bay takes to enforce them. — As the General Assembly sits next Monday at South Kingston should be obliged to you to inform us by the Continental Post, who sits out from Boston on Monday, what you have done, & inclose the Copy of any Acts that may pass respecting thereto * * * * I am Sir in behalf of the Council

Your most Obed. & very hble Servt. NICH[S] COOKE." — *Mass. Archives, vol.* 197, *p.* 50.

And the following proceedings (the resolve being chapter LVII. of the printed resolves of 1777–78) still further illustrate some of the difficulties attending such legislation: —

"To the whole Court

The Petition of Benj[a] Garfield & Malachi Marble humbly sheweth

That your Petitioners on or about the first Day of Jan[y] last past did enter into a Contract with the hon[le] Board of War for this State & engaged to supply them by the 1st of Ap[l] with 1500 bbs Pork & Beef the former at 5[d] ℔ lb & the latter at 2[s] ℔ C[t] — & that your Petitioners were going on to fulfill their Contract with considerable Success — But the Bill for preventing Monopoly & Oppression taking Place prevented your Petitioners from completing their Contract & s[d] Act having fixed the Price of Beef above it, what your Petitioners have been able to do has been at the Loss of about £150 L M[y]. besides all their Trouble & Expence —

Your Petitioners have represented their hard Lot to the Board of War — but the Board do not apprehend that they have Power to alter the Contract & have therefore refer'd your Petitioners to this honourable Court — We therefore intreat your Honors to take our pitiable Case into Consideration & to afford us such Relief as to your Wisdom & Humanity shall seem meet & your Petitioners as in Duty bound will ever pray —

BENJA GARFIELD
MALACHI MARBLE." — *Ibid., vol.* 214, *p.* 188.

"State of Massachusetts Bay in house of Representativs June 17th 1777

On the Petition of Benjamin Garfield and Malachi Marble representing that they have been obliged to give a greater price for Beef to supply the Hon[e] Board of War than was agreed upon in their Contract, and praying for relief —

Resolved that the Board of War be and hereby are impowered to make the said Benjamin Garfield and Malachi Marble such allowance as to them shall appear just and reasonable Sent up for Concurrence J WARREN Spk[r]

In Council June 17[h]. 1777 Read & Concurred JN[O] AVERY Dp[y] Sec[y]

Consented to" — [Signed by sixteen of the Council]. — *Ibid., p.* 187.

Chap. 48. This act was apparently intended to supplement, rather than to supersede, the provisions of chapter 45. Up to the date of the passage of this act, the only tribunal for the purposes contemplated in this chapter, was the Court of Inquiry, the jurisdiction of which, as has been seen, was confined to Suffolk County: — see note to chapter 45, *ante.* As early as the 20th of March, a joint committee had been appointed by the House, to procure from the selectmen of the several towns, lists of all suspected persons therein;

and various measures, of temporary and special application, had been adopted, from time to time, to effect the purposes which were more completely accomplished by this act. Upon the expiration of this act, on the first of January, 1778, the persons who had been confined on board the guard-ships in pursuance of its provisions, were liberated; there being no law for their further detention. An unsuccessful effort was thereupon made, in the third session of the Legislature of 1778–79, to enact a bill for reviving this act, with sundry additions. This was passed to be engrossed, in the House, by a vote of 55 members out of 74, and was sent up for concurrence. Another bill was proposed during the same session (which also failed to pass) for the appointment of a court of oyer and terminer, to proceed against suspected persons, to outlawry and confiscation.

"State of Massachusetts Bay In the House of Representatives June 6th 1777.*

Whereas difficulties have arisen with respect to the Power which the Court of special Sessions for the Trial of Persons inimical to this State, have for the convening Witnesses before them —

Therefore Resolved — That the Justices of said Court have full Power to appoint a Clerk for said Court, and have full Power to order said Clerk to issue Summonses for the Attendance of Witnesses necessary at any Trial, though such Witnesses may live in any other County than that where such Court is held, and to issue any Process for the compelling Witnesses to attend, as amply as is by Law given to the Superior Court and Court of General Goal Delivery of this State Sent up for Concurrence J WARREN Spkr

In Council June 6th 1777 Read & Concurred JNO AVERY Dpy Secy

Consented to" — [Signed by sixteen of the Council]. — *Mass. Archives, vol.* 214, *p.* 107.

See, further, 1777–78, chapter 18; and 1778–79, chapters 9, 10 and 24, and notes, *post.*

Supplementary notes to chapters 37 *and* 44. Of the resolves passed by the Continental Congress, Jan. 14, 1777, and referred to in the notes to these chapters, *ante*, the following is the part relating to the depreciation of the bills of public credit: —

"Whereas the continental money ought to be supported at the full value expressed in the respective bills by the inhabitants of these states, for whose benefit they were issued and who stand bound to redeem the same according to the like value; and the pernicious artifices of the enemies of american liberty to impair the credit of the said bills by raising the nominal value of gold and silver, or any other species of money whatsoever, ought to be guarded against and prevented:

Resolved, That all bills of credit emitted by authority of Congress ought to pass current in all payments, trade and dealings in these states, and be deemed in value equal to the same nominal sums in spanish milled dollars; and that whosoever shall offer, ask or receive more in the said bills for any gold or silver coins, bullion, or any other species of money whatsoever than the nominal sum or amount thereof in spanish milled dollars, or more in the said bills for any lands, houses, goods or commodities whatsoever than the same could be purchased at of the same person or persons in gold, silver, or any other species of money whatsoever; or shall offer to sell any goods or commodities for gold or silver coins, or any other species of money whatsoever, and refuse to sell the same for the said continental bills; every such person ought to be deemed an enemy to the liberties of these United States, and to forfeit the value of the money so exchanged, or house, land or commodity so sold or offered to sale. And it is recommended to the legislatures of the respective states to enact laws inflicting such forfeitures and other penalties on offenders as aforesaid as will prevent such pernicious practices:

That it be recommended to the legislatures of the United States to pass laws to make the bills of credit issued by the Congress a lawful tender in payments of public and private debts; and a refusal thereof an extinguishment of such debts: that debts payable in sterling money be discharged with continental dollars at the rate of 4/6 sterling per dollar; and that in discharge of all other debts and contracts, continental dollars pass at the rate fixed by the respective states for the value of spanish milled dollars." — *Journals of Congress.*

Supplementary note to chapter 38. The discovery, in the House files, since the preparation of the note to this chapter, of a package of papers relating to this act in its earlier stages, throws further light upon its history. The bill, as first drawn, was read a first time, in the Council, October 24, 1776, when a day was assigned for the second reading. This bill appears to have been dropped, at this stage, and a new draught was read a first time on the eighteenth of November, and passed to be engrossed and sent to the House, for concurrence, on the day following. This new draught embraced, in substance, all the provisions of the act, except sections 3, 4, 9, 10 and 11. It also contained a section, omitted in the act, providing that, before judgement should be rendered in any action against an absentee the agent of his estate should be duly served with the writ and declaration, and be allowed to appear and defend the suit; or if there were no agent, that the court in which the suit was pending should appoint a disinterested attorney for that purpose.

The title of the bills in both these draughts ended with the word "protection;" and in section two of the latter, the provision for the sale of the personal estate, and for the payment of the creditors, of absentees, were more loose and general than in the act; and the bill contained a clause directing the state treasurer to hold the balance remaining in his hands, of money received by him from agents of absentees' estates, "for the use and benefit of such person *as may be entitled thereto*." An amendment, also, which had been offered in the Council, extending the provisions of this bill to the case of any person who had aided and assisted the enemy against the state, had been rejected, and now the clause of section two above referred to, and another provision in the seventh section (section 8, of the act) for the support of the family and domestic servants of absentees, out of their es-

* Printed resolves of the May session, chapter XVIII.

tates, appear to have defeated the bill. It was read a first time, in the House, Nov. 20, in the forenoon, and a second time, in the afternoon, when it was committed to Messrs. Palmer, Stone, Lithgow, Cushing and Turner. No record of further proceedings upon the bill has been discovered until Jan. 28, 1777, when the House ordered "That Judge Sullivan, Brigadier Palmer, and Mr. Hill be a committee to revise the bill, and report what is necessary to be done thereon." Here the matter rested until the next session, when (March 11), it was voted that the committee last mentioned be called upon to report; and an order was passed directing the speaker to inform Judge Sullivan of this vote.

A letter from Judge Sullivan is on file, with the second draught and its amendments, accompanied with a new draught of a bill, written by Sullivan, and a letter, dated Biddeford, March 24, 1777, directed to Mr. Speaker Warren, and containing the following passages: —

"I Inclose you an Act relating to Torys Estates which was Committed to me. I have many objections to the plan of it I see no provision that the Rents and profits of such Estates shall be to the use of the public and the whole seems rather a provision to take care of the Estates for other persons and not for the Government

I also Enclose you a paper containing a Rough plan that I apprehend to be in some sort better if the House upon Considering it should adopt a plan of that kind it may do some service

I have made no provision for Families left and am at a loss to know why the personal Estate should be more Exempt from paying the Debts now than if the Absconders were at home. however a provision of that Kind may be drawn in" —

In brief, Sullivan's draught, besides omitting the provision for the support of families, &c., extended to the case of the absentees the operation of chapter 10 of the acts of 1758–59, for enabling creditors to receive their just debts out of the effects of their absent or absconding debtors, and of chapter 8 of the acts of 1696, for the equal distribution of insolvent estates. This draught appears to have arrived too late; for, on the 24th, the day of its date, the original bill, read first in Council five months before, was brought forward in the House, read a first time, and, on the 26th, passed to be engrossed, and sent up for concurrence. It had its first and second readings in the Council on the 26th and 29th, respectively, and was passed to be engrossed, with the amendments mentioned in the note on p. 711, *ante*. In three of the proposed amendments; viz., one inserting "since the 19th of April A.D. 1775," after "has," in the fifth line of section 1; the others substituting the words "such absentee," for "in this or any other of the United States aforesaid," in the sixth line, and "twelve or eighteen," for "three," and "or nine," in the tenth line of section 4; the House refused to concur, and voted to adhere to their own vote, whereupon a committee of conference was appointed, April 1, consisting of William Sever and Francis Dana, of the Council, and Mr. Cooper and Judge Cushing of the House. The result of this conference was a vote, by the House, receding from their vote of nonconcurrence in the last two amendments, and adhering to their vote on the first, and proposing the substitution of "tenth," for "twentieth," in the sixth line of section 8. These changes were agreed to by the Council, April 5, and the bill was passed to be enacted on the day stated in the note, *ante*.

Further proceedings relative to the sequestration of the estates of absentees, will appear in the later resolves, to be printed in the Appendix.

ACTS,

PASSED 1777–78.

AN ACT

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE TWENTY-EIGHTH DAY OF MAY, A. D. 1777.

CHAPTER 1.

AN ACT EXEMPTING PERSONS CONCERNED IN CONDUCTING THE BUSINESS OF THE CONTINENTAL POST-OFFICE FROM ALL MILITARY DUTIES.

Preamble

WHEREAS the Continental Congress, by their resolutions of the twelfth day of May last, have recommended to the several legislatures of the different states, to exempt all postmasters, post riders and persons immediately concerned in conducting the business of the post-office from all military duties, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That all postmasters and post riders of the post-office established by the Continental Congress and residing within this state, be, and they hereby are, declared to be exempted from all personal military duties within this state. [*Passed July* 5.

AN ACT

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE FIFTH DAY OF AUGUST, A. D. 1777.

CHAPTER 2.

AN ACT TO PREVENT THE SELLING OF GOODS AT PUBLIC VENDUE.

Preamble.

WHEREAS, by the practice of selling goods at public vendue in a time of scarcity, it often happens that one person bidding upon another has a tendency to enhance the prices of such goods much beyond their real value, to the great damage of the public; and some people having been wicked enough to bid upon their own goods for the purposes of raising the price, —

It is therefore enacted by the Council and House of Representatives in Gen[era]l Court assembled, and by the authority of the same,

Repeal of former laws.

[SECT. 1.] That the several laws, and parag[*raphs**] in the laws, of this state, relative to selling goods at public vendue, be and [*hereby**] are repealed and declared null and void, excepting those laws that impo[*wer and**] direct sheriffs, deputy sheriffs and constables to make sale of goods taken by [*executions**] or otherwise, and assets in the hands of executors and administrators for payment of debts.

And be it further enacted by the authority aforesaid,

Forfeiture for disposing of goods.

[SECT. 2.] That if any person or persons shall, from and after the twenty-fifth day of August, instant, sell at public vendue, auction or outcry, any goods, chatt[a]l[e]s, wares, merchandize or effects whatsoever (excepting as before excepted, and excepting such Continental stores as may be sold at public vendue by the commissary-gen[*era*]l or his order, in consequence of resolutions of Congress), shall forfeit and pay such sum as the goods so sold shall amount unto, to be recovered by indictment or presentm[*en*]t of the grand jury, or by a special action of the case, in any court proper to try the same; one moiety thereof to him or them that shall sue for the same, and the other moiety to the use of the town or plantation where the offence is committed. And where any forfeiture shall be recovered in consequence of a presentment or indictment of the grand jury, one moiety thereof shall be to the use of the county where the offence is committed, and to be paid to the county treasurer, accordingly, and the other moiety to the town or place where the offence is committed.

Limitation.

[SECT. 3.] This act to continue and be in force untill the first day of November, and no longer. [*Passed August* 16.

* Engrossment mutilated.

ACTS

Passed at the Session begun and held at Boston, on the Tenth day of September, A. D. 1777.

CHAPTER 3.

AN ACT TO PREVENT THE PERNICIOUS PRACTICE OF DISTILLING, INTO ANY KIND OF SPIRIT WHATEVER, CYDER, WHEAT, INDIAN CORN, RYE, BARLEY AND OATS, OR EITHER OF THEM.

Whereas it is of great importance that cyder, as well as all kinds of grain, whether imported into this state, or the growth and produce thereof, should be preserved for the use and subsistance of the army and inhabitants; *and whereas* a scarcity of the necessaries of life, and other alarming consequences, may take place by suffering spirits of any kind whatever to be extracted or distilled from cyder, wheat, Indian corn, rye, barley and oats, or either of them; for prevention whereof, — Preamble.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That any person or persons whatsoever who shall, within this state, from and after the 25th day of September, in this present year, upon any pretence whatever, extract or distill spirits of any kind whatever from cyder, wheat, Indian corn, rye, barley and oats, or either of them, or shall, directly or indirectly, procure or cause spirits and strong liquors to be extracted or distilled therefrom, or shall put or turn any of the before-mentioned articles into hogsheads, vatts or cisterns for such purpose, contrary to the true intent and meaning of this act, shall forfeit and pay the sum of ten pounds for each and every barrel of cyder, and six pounds for each and every bushel of grain so made use of, to be sued for and recovered, in any court of record proper to try the same, by bill, plaint or information; one moiety thereof to the informer or prosecutor, and the other moiety to the use of the town where the offence may be committed. Prohibitory clause. Penalty.

[Sect. 2.] This act to remain in force for the term of one year and no longer. [*Passed September* 17. Continuance.

CHAPTER 4.

AN ACT FOR REVIVING AND CONT[*I*]NUING SUNDRY LAWS THAT ARE EXPIRED.

Preamble.
Recital of laws now revived.
1773-74, chap. 29.
1773-74, chap. 30.
1773-74, chap. 32.
1774, chap. 6.

WHEREAS the several acts hereinafter mentioned, which are now expired, have been found useful and beneficial; viz[t]., four acts made in the year of our Lord 1774; one, intitled "An Act making further provision for regulating the alewive fishery in the town of Bridgewater, and for repealing an act made in the year of our Lord 1770, intitled 'An Act for regulating the alewive fishery in the town of Bridg[*e*]water;'" another, intitled "An Act to prevent neat cattle, horses, sheep, goats and swine from going at large upon the island of Chabequidick at certain seasons of the year; and for preventing other trespasses being done on any of the Indian lands on said island, for the future;" another, intitled "An Act in addition to, and for rendering more effectual, an act passed in the year of our Lord 1767, intitled 'An Act in addition to several acts to prevent the destruction of salmon and other fish in Merrimack River, within this province;'" the other, intitled "An Act to exempt the people called Quakers, and Antipedobaptists, from paying taxes for the support of ministers settled by the laws of this province, and for the building and repairing meeting-houses or places of public worship",—

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

The time of their continuance.

That all the before-mentioned acts now expired be revived and continued, with all and every clause, matter and thing therein respectively contained, and shall be in force until[1] the first day of November, one thousand seven hundred and seventy-nine, and from thence to the end of the then next session of the general court, and no longer. [*Passed September* 24.

CHAPTER 5.

AN ACT TO OBLIGE PERSONS TO ATTEND AND GIVE EVIDENCE, IN CERTAIN CASES, IN THE NEIGHBOURING STATES.

Preamble.

WHEREAS some persons are or may be apprehended in the neighbouring states, next adjoining, for the crimes of forging, counterf[ie][*ei*]ting, altering or uttering the bills or notes of public credit of the United States, or either of them, and some persons who now stand indicted or may be indicted for the same crime or crimes may escape indictment and the punishment due to their crimes, by means that the material witnesses reside within this state, and refuse to give their attend[e][*a*]nce at any court within such states, not being compellable thereto by law; *and whereas* some persons may refuse or neglect to attend and give evidence, in like cases, in behalf of the accused, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Certificate of any supposed material witness, to be made to any justice of the peace.

[Sect. 1.] That when a certificate shall be sent under the hand of the attorney-general, or clerk of the superior court, in any neighbouring state, signifying that any person residing within this state is supposed to be a material witness in any such matter as aforesaid, pending in any court as aforesaid, and praying for process to compel such persons to appear there and give evidence, any justice of the peace in the county where such person is resident, is hereby required, upon being served with such certificate, to issue process or summons, under his hand, directed to the sheriff of the same county, his undersheriff or deputy, and to either of the constables of the town in which such supposed witness resides, commanding them to summon such person or persons to appear and testify what they know relative to any such matter, and before such court as is in said certificate set forth; and all sheriffs, their undersheriffs or deputies, and all constables to whom such process or summons may be directed, are hereby required to serve the same, and make return of their doings therein to the justice issuing the same; and if any such witness or witnesses, summoned to appear and give evidence as aforesaid, who shall have tendered to him, her or them, such reasonable sum or sums of money for his, her or their costs and charges, as, having due regard to the distance, the said justice shall judge necessary, shall wilfully, and without reasonable hindrance, neglect to appear and give evidence, according to the tenor of such process or summons served on them as aforesaid, such person or persons so making default shall forfeit and pay a sum not exceeding two thousand pounds, nor less than one hundred pounds, to be recovered by presentment or indictment in the superior court of judicature, court of assize, and general goal delivery; one moiety thereof to the prosecutor, and the other half to the use of the county where such person is an inhabitant, and may also be imprisoned for a term not exceeding twelve months, nor less than six months.

— who is to summon them to appear.

Penalties for neglecting to appear.

And be it further enacted by the authority aforesaid,

Persons charged with crimes may compel witnesses.

[Sect. 2.] That all persons apprehended for the crimes aforesaid may have the same means to compel witnesses, residing in this state, to appear and give evidence in the[*ir**] behalf, as is herein provided to compel witnesses to appear and give evidence in behalf of the state.

Limitation.

[Sect. 3.] This act to continue and be in force for the space of six months from the first day of October, one thousand seven hundred and seventy-seven, and no longer. [*Passed October* 4.

*Effaced in the engrossment.

CHAPTER 6.

AN ACT FOR THE REPEALING TWO ACTS OF THE GENERAL COURT MADE THE PRESENT YEAR TO PREVENT MONOPOLY AND OPPRESSION.

Preamble.

Whereas the several acts to prevent monopoly and oppression made the present year have been very far from answering the salutary purposes for which they were intended, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That the aforesaid acts; viz., one act, intitled "An Act to prevent 1776-77, chap. 14

1776-77, chap. 46. monopoly and oppression," and another act, intitled "An Act in addition to, and for amending and more effectually carrying into execution, an act intitled 'An Act to prevent monopoly and oppression,' made in the present year," be, and they are hereby, repealed, and every part and paragraph of each of the acts aforesaid declared null and void. [*Passed October* 13.

CHAPTER 7.

AN ACT FOR DRAWING IN THE BILLS OF CREDIT OF THE SEVERAL DENOMINATIONS, NOT ON INTEREST, WHICH HAVE AT ANY TIME BEEN ISSUED BY THIS GOVERNMENT AND ARE STILL OUTSTANDING, AND FOR PROHIBITING THE CURRENCY OF SAID BILLS AND THE BILLS OF ANY ONE OF THE UNITED STATES, AFTER A CERTAIN TIME

Preamble. WHEREAS many inconveniences have arisen from the frequent and large sums of money, and the various kinds, emitted for carrying on the present war, and it has become necessary for the welfare of this state that the whole sum, not on interest, now outstanding, in bills of credit emitted by this state, small change [*of*] less than a dollar only excepted, should be called in and sunk by exchanging them for treasurer's notes for sums not less than ten pounds, on interest, to be paid annually, at the rate of six per cent per annum, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Treasurer authorized to receive the bills. [SECT. 1.] That the treasurer of the state be and hereby is authorised and [i][*e*]mpowered to receive into the public treasury the whole and every part and parcel of the bills of public credit emitted by this state not on interest (small change less than a dollar only excepted), and, in lieu thereof, to give to the possessor or possessors his note or obligation for any sum not less than ten pounds, until[l] he shall have exchanged or redeemed the sum of two hundred and fifty thousand pounds, in the form following: —

Form of receipts. State of Massachusetts Bay, the first day of December, A.D. 1777. Received of , the sum of , for the use and service of the state of Massachusetts Bay; and, in behalf of said state, I do hereby promise and oblige myself and successors in the office of treasurer, to repay to the said , or bearer, by the first day of March, A.D. 1781, the aforesaid sum of , with interest annually, at six per cent per ann[*um*].

Witness my hand, H. G., Treasurer.

A. B.,
C. D., } Committee.
E. F.,

— and for the remaining sum now outstanding, as aforesaid, his note or obligation in the form following: —

The first day of December, A.D. 1777.

Received of , the sum of , for the use and service of the state of Massachusetts Bay; and, in behalf of said state, I do hereby promise and oblige myself and successors in the office of

treasurer, to repay to the said , or bearer, by the first day of March, A.D. 1782, the aforesaid sum of , with interest annually, at six per cent per annum.

Witness my hand, H. G., Treasurer.

A. B.,
C. D., } Committee.
E. F.,

— which forms shall be printed on good paper, to be procured by the treasurer, with suitable borders round the same; and the words "State of Massachusetts Bay," the word "Committee," and the words "Witness my hand," shall be struck off from a copperplate, which the treasurer is likewise [i][e]mpowered and directed to procure; and each blank, before it is filled up, shall be stamped in some convenient part of it with a stamp to be procured by the treasurer for that purpose.

And be it further enacted by the authority aforesaid,

[Sect. 2.] That John Scollay, Esq[r], Mr. Peter Boyer, and Mr. Ezekiel Price, be a committee who shall sign all the blanks, at the left hand, as in the forms aforesaid is prescribed, before the treasurer fill them up; and the said committee and all persons to be employed in printing, engraving, or stamping of said blank[s], shall be under oath to the faithful[l] discharge of their respective trusts. Committee to sign the blanks: —to be under oath.

And whereas it is necessary in order to support the faith and credit of this government, that there should be effectual provision made for the payment of the notes aforesaid; therefore, —

Be it enacted by the authority aforesaid,

[Sect. 3.] That there be and hereby is granted a tax of four hundred thousand pounds, to be levied on polls, and estates both real and personal, within this state, in manner following; that is to say, two hundred and fifty thousand pounds, part of the four hundred thousand pounds aforesaid, according to such rules, and such proportions on the several towns and other places within this state, as shall be agreed upon and ordered by the general court or assembly, at their session[s] in May, one thousand seven hundred and eighty, to be paid into the public treasury on or before the last day of January, one thousand seven hundred and eighty-one; and the further sum of one hundred and fifty thousand pounds, being the remaining part of the four hundred thousand pounds aforesaid, according to such rules and in such proportion on the several towns and other places aforesaid, as shall be agreed upon and ordered by the general court at their session[s] in May, one thousand seven hundred and eighty-one, and to be paid into the public treasury on or before the last day of January, then next after. Tax of £400,000 to be levied. Rules and proportions of the tax.

And be it further enacted by the authority aforesaid,

[Sect. 4.] That if the general court at their session in May, one thousand seven hundred and eighty, or, at their session in May, one thousand seven hundred and eighty-one, and some time before the twentieth day of August, in each year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be, in each of said years, assessed and levied, that then and in such case each town and other places in this state shall pay, by a tax, to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sums as the said towns and other places were taxed by the general court in the tax act then last preceeding.

Treasurer to issue his warrants for assessments in case the general court shall not agree upon an act in May, 1780.

[SECT. 5.] And the treasurer of this state is hereby fully impowered and directed, some time in the month of August, in each of the years aforesaid, to issue and send forth his warrants, directed to the selectmen or assessors of each town within this state, or to some suitable person or persons in such place or places as are not incorporated, requiring them to assess the polls, and estates both real and personal, within their several towns and other places, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury at the aforementioned times; and the assessors, as also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act.

And be it further enacted by the authority aforesaid,

Possessors of the bills, called upon to bring the same to the treasurer.

[SECT. 6.] That the possessor and possessors of the bills of public credit of this state, are hereby called upon and directed to bring the same to the treasurer, on or before the first day of January, one thousand seven hundred and seventy-eight; from whom they shall be [i][*e*]ntitled to receive, in exchange for all such bills so delivered, in a treasurer's note as aforesaid, for any sum not less than ten pounds, upon interest, at the rate of six per cent per annum, which interest shall be paid annually.

And for the more speedy accomplishing the good intentions of this act, and preventing the evils arising from large emissions of various kinds of bills, —

Be it further enacted by the authority aforesaid,

Claim to cease upon neglect.

[SECT. 7.] That if the possessor or possessors of said bills shall neglect to offer the same to the treasurer, to be exchanged by the said first day of January, one thousand seven hundred and seventy-eight, all right or claim to the redemption or exchange of said bills shall cease and determine.

And be it further enacted by the authority aforesaid,

Penalty for offering the bills:

[SECT. 8.] That if any person or persons within this state, shall offer to pass, after the first day of December next, in any kind of payment whatsoever, any of the bills of public credit emitted by this or any of the United States, except bills on interest emitted by this state, and such as are under the denomination of one dollar, every person so offering or passing any such bill, shall forfeit and pay, for each offence, the sum of five pounds, one moiety thereof to the use of the prosecutor, the other moiety to the use of this state; to be recovered by bill, plaint or information, or by indictment of the grand jury, in any court proper to hear and determine the same. And if any person or persons shall presume to offer to the treasurer, to be exchanged, any false, forged or counterfeited bill or bills, knowing the same to be such, every person so offering any such false, forged or counterfeited bill, shall be liable to the same pains and penalties as persons are liable to who utter any forged or counterfeit[ed] bill or bills of public credit emitted by this state.

—and such as may be counterfeited.

Provided, nevertheless, —

Collectors of taxes have liberty to pay into the treasury, after Dec. 1st, provided.

[SECT. 9.] That all collectors and constables shall have liberty, after the said first day of December, to pay into the treasury all such bills as they shall have received for taxes before that time, they making oath or producing a certificate from some justice of the peace, (or of the clerk of the town where such constable resides, and no justice dwells, who is hereby impowered to administer the same), of their having made oath that the same was received for that purpose, before the said first day of December, aforesaid.

Provided, also, —

[Sect. 10.] That nothing in this act shall be construed to deprive the possessor or possessors, of the benefit of any of the bills aforesaid, who may be in the American army, or otherw[i][*ay*]s[e] necessarily prevented from offering the same: *provided*, the possessor or possessors, in every such case, offer the same to the treasurer in one year from and after the first day of January, one thousand seven hundred and seventy-eight, and make oath, before some justice of the peace within said state, that he or they were so necessarily prevented from offering the same, and produce a certificate from said justice, of his having taken said oath. [*Passed October* 13. Proviso for such possessors of bills as are in the American army.

CHAPTER 8.

AN ACT TO INCORPORATE JAMES HUDSON, AND OTHERS THEREIN NAMED, INTO A SOCIETY BY THE NAME OF THE MARINE SOCIETY AT NEWBURYPORT, IN THE COUNTY OF ESSEX, IN THE STATE OF MASSACHUSETTS [*BAY*], IN NEW ENGLAND.

Whereas a considerable number of persons who are or have been masters of ships, or other vessels, have for several years past associated themselves in the town of Newburyport; and the princip[*a*]l[e] end of said society being to improve the knowledge of this coast, by the several members, upon their arrival from sea, communicating their observations, inwards and outwards, of the variation of the needle, soundings, courses, distances, and all other remarkable things about it, in writing, to be lodged with the society, for making the navigation more safe; and also to relieve one another and their families, in poverty, or other adverse accidents of life, which they are more particularly liable to; and have for this end raised a considerable common stock; and the said persons associated, as aforesaid, finding themselves under difficulties and discouragements in carrying on the said designs without an incorporation; and James Hudson, and others of them, having petitioned the great and general court of this state, in their present session, to be incorporated for the purposes aforesaid; and their intention appearing laudable, and deserving encouragement, — Preamble.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That James Hudson, Thomas Jones, Jonathan Parsons, William Fr[ei][*ie*]nd, Samuel Newhall, Michael Hodge, David Coats, William Stickney, William Noyes cseph Stanwood, Moses Hale, William P. Johnson, Nath[*anie*]l Novell,* Joseph Noyes Henry Freind, Joseph Newman, Nicholas Johnson, Moses Brown, James Johnson, William Wyer, and William Nichols, the members of said society, be incorporated and made a body politic for the purposes aforesaid, by the name of the Marine Society at Newburyport, in New England; and that they, their associates and successors, have perpetual succession by said name, and have a power of making by-laws, for the preservation and advancement of said body, not repugnant to the laws of the government, with penalty — either of disfranchi[z][*s*]ement from said society, or of a mulct not exceeding twenty Clause of incorporation. Privileges of the body incorporated.

* Nowell.

shillings — or without penalties, as it shall seem most meet; and have leave likewise to make and appoint their common seal; and be liable to be sued, and enable to sue, and make purchases, and take donations of real and personal estate for the purposes aforesaid: *provided*, the rents of the real estate, together with the interest of the personal estate, shall not exceed the sum of eight hundred pounds per annum; and to manage and dispose said estate as shall seem fit: and said society shall have a master, deputy-master, treasurer and clerk, and other officers they shall think proper.

And be it therefore further enacted by the authority aforesaid,

[SECT. 2.] That the said Marine Society shall, on the first Thursday in November next, assemble to appoint their first master, deputy-master, treasurer and clerk, and other officers as they shall think proper, and their seal, and make by-laws; and said officers shall continue until[1] the last Thursday in November, one thousand seven hundred and seventy-eight, on which day and ever after on the last Thursday of November, annually, said Marine Society shall meet at Newburyport aforesaid, to ch[u][*oo*]se a master, deputy-master, treasurer and clerk, and other officers, as they shall think proper; and for the admission of new members, which shall be done by a major vote of the members present at said annual meeting; and to make, alter and annul their by-laws: and if, by reason of any emergency, the business of said annual meeting cannot be compleated on said day, they may adjourn, once, to a short day, to finish it, and no more; and said society shall meet at Newburyport, on the last Thursday of every month, for all other business. And whenever any of the officers of said society shall die, or be disabled, or remove out of the government, others shall be appointed or elected in their room, at the next monthly meeting, by a major part of the members present. And all instruments which said society shall lawfully make, shall, when in the name of said society, and pursuant to the votes thereof, and signed and delivered by the master, and seal'd with their common seal, bind said society, and be valid in law. [*Passed October* 13.

CHAPTER 9.

AN ACT FOR CONTINUING AN ACT, INTITLED "AN ACT TO PREVENT THE SELLING OF GOODS AT PUBLIC VENDUE."

Preamble. 1777-78, chap. 2.

WHEREAS an act made in the present year, intitled "An Act to prevent the selling of goods at public vendue," is near expiring, and it being expedient that the same should be continued, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That the said act, intitled "An Act to prevent the selling of goods at public vendue," and every clause thereof, shall be and hereby is continued in full force until[1] the first day of March, which will be in the year of our Lord, one thousand seven hundred and seventy-eight. [*Passed October* 14.

CHAPTER 10.

AN ACT FOR REPEALING AND MAKING VOID PART OF TWO CLAUSES IN AN ACT INTITLED "AN ACT FOR SECURING AND MAKING PROVISION FOR THE SUPPORT OF PRISONERS WHO MAY BE TAKEN BY ANY AMERICAN ARMED VESSEL AND BROUGHT OR SENT INTO ANY PORT IN THIS STATE."

Whereas, in and by one clause in said act it is required that four pounds should be paid to the commissary of prisoners taken at sea, for each prisoner so taken by any private vessel of war, and brought or sent into this state, on the delivery of such prisoner to the said commissary; and it appearing necessary that every discouragement relating to the bringing or sending in such prisoners should be removed, — Preamble. 1776-77, chap. 35.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That so much of the said clause in said act as relates to the paying the aforesaid sum of four pounds for each prisoner so delivered, be repealed, and it is hereby repealed, and shall in future be null and void.

And whereas, by one other clause of said act, it is enacted that the charges of sending all prisoners taken on board any arm'd vessel in the service of this state, or of the United States, to Boston, or to such other place as the council shall direct, and supporting them, at twelve shillings a week, during their continuance there, be paid to said commissary, by the agents for such vessels and crews, or the commander thereof, as may be concerned in taking such prisoners, respectively, or the master of any prize-vessel brought into this state, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 2] That so much of the said act as relates to the paying the aforesaid sum of twelve shillings a week for the prisoners so delivered, be repealed, and it is hereby repealed, and shall in future be null and void. [*Passed October* 14.

CHAPTER 11.

AN ACT TO INCORPORATE THE SOUTH-WESTERLY PART OF WASHINGTON, THE NORTH-EASTERLY PART OF GREAT BARRINGTON, OR HOPLANDS, SO CALLED, THE GLASSWORKS GRANT, AND PART OF WILLIAM[S]'S GRANT, IN THE COUNTY OF BERKSHIRE, INTO A TOWN BY THE NAME OF LEE.

Whereas it has been made to appear to this court that the incorporating the south-[west]erly part of Washington, the north-easterly part of Great Barrington, or Hoplands, so called, the Glassworks Grant, and part of William[s]'s Grant, into a town, will greatly contribute to the benefit of the inhabitants of the said lands,— Preamble.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the said south-westerly part of Washington, the north-easterly part of Great Barrington, or Hoplands, so called, the Glassworks Grant, and part of William[s]'s Grant,— beginning at the south-east corner of Stockbridge, thence, running east, seven degrees south, six hundred and thirty-two rods; thence, running north, thirty-seven degrees east, six hundred and seventeen rods; thence, running east, one thousand two hundred and four rods, on Tyringham line; thence, running north, seven degrees east, three hundred and seventy-nine rods; thence, running north, thirty degrees west, five hundred and forty rods; thence, running south, thirty degrees west, two hundred rods; thence, running north, thirty degrees west, twelve hundred and thirty-six rods, to Lenox line; thence, running south, seven degrees east, eight hundred and eight rods; thence, running west, seven degrees north, six hundred and eighty-six rods, to Stockbridge line; thence, running south, seven degrees west, on Stockbridge line, one thousand four hundred and fifty rods, to the first-mentioned bounds; containing, in the whole, fourteen thousand two hundred and thirty-seven acres,— be, and they hereby are, incorporated into a town by the name of Lee; and that the inhabitants be and hereby are invested with all the powers, privileges and immunities which the inhabitants of other towns within this state do enjoy.

Privilege of other towns.

And be it further enacted,

[SECT. 2.] That Charles Goodrich, Esq[r]., be, and he hereby is, impowered and directed to issue his warrant, directed to some principal inhabitant within the said town, requiring him to warn the inhabitants of the said town, having a freehold therein to the value of forty shillings per annum, or other estate of the value of forty pounds, to meet at such time and place in the said town as shall be therein directed, to choose all such officers as are required by law to manage the affairs of the said town; and the officers that may be chosen in consequence thereof, shall have, hold and exercise the power[s] to their respective offices belonging, until[l] the time that shall be appointed for the said town's annual meeting in March next.

Manner of calling the first meeting.

And be it further enacted,

[SECT. 3.] That the inhabitants of the said lands be, and they hereby are held and enjoined to pay a proportionable part of the state and county taxes of each of the towns to which they have hitherto been annexed, belonged, or by which they have been taxed, till further order of this court. [*Passed October* 21.

CHAPTER 12.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF FIFTY THOUSAND POUNDS.

Preamble.

WHEREAS it is necessary, in order to support the public credit of this state, that the treasurer thereof should be impowered to borrow a sum of money not exceeding fifty thousand pounds, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Treasurer to borrow money.

[SECT. 1.] That the treasurer of this state be, and he is hereby, im-

powered and directed to borrow, on the credit of this state, of such persons as shall be willing to lend the same, a sum not exceeding fifty thousand pounds, in Continental bills of credit; for which sum the said treasurer is hereby impowered to give his receipts or obligations in form following; viz[t]., —

Form of receipt he is to give.

State of Massachusetts Bay, the day of , 177 .
Received of , the sum of , for the use and service of the state of Massachusetts Bay; and, in behalf of said state, I do hereby promise and oblige myself and successors in the office of treasurer, to repay to the said , or bearer, by the first day of March, A.D. 1782, the aforesaid sum of , with interest annually, at six per cent per annum.
Witness my hand, H. G., Treasurer.
A.B., C.D., E.F., } Committee.

— which forms shall be printed on good paper, to be procured by the treasurer, with suitable borders round the [the] same; and the words "State of Massachusetts Bay," [and] the word "Committee" and the words "Witness my hand," shall be struck off from a copperplate, which the treasurer is likewise directed to procure; and each blank shall be stamped in some convenient part of it with a stamp to be procured by the treasurer for that purpose.

And be it further enacted,

Committee to sign the blanks

[Sect. 2.] That John Scollay, Esq[r]., Mr. Peter Boyer and Mr. Ezekiel Price, be a committee to sign the blanks, at the left hand, as in the form aforesaid is prescribed, before the treasurer fills them up.

And be it further enacted by the authority aforesaid,

[Sect. 3.] That there be and hereby is granted a tax of fifty thousand pounds, to be levied on polls, and estates both real and personal, within this state, according to such rules, and in such proportions on the several towns and other places in this state, as shall be agreed upon and ordered by the general court or assembly, at their session in May, one thousand seven hundred and eighty-one, to be paid into the public treasury on or before the last day of January then next after.

And be it further enacted by the authority aforesaid,

Tax to be levied.

[Sect. 4.] That if the general court or assembly, at their session in May, one thousand seven hundred and eighty-one, and some time before the twentieth day of August in that year, shall not agree and conclude upon an act apportioning the sum which by this act is engaged to be, in that year, assessed and levied, that then and in such case each town and other place in this state shall pay, by a tax, to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sum as such town or other place was taxed by the general court in the tax act then last preceeding.

Treasurer to issue his warrants for assessments.

[Sect. 5.] And the treasurer of this state is hereby fully impowered and directed, some time in the month of August in the same year, to issue and send forth his warrants, directed to the selectmen or assessors of each town within this state, or to some suitable person or persons in such place or places as are not incorporated, requiring him or them to assess the polls, and estates both real and personal, within their several towns and other places, for their respective parts and proportions of the sum before directed and [i][e]ngaged to be assessed, to be paid into the treasury at the aforementioned time;

and the assessors shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last pre[e]ce[e]ding tax act.

And be it further enacted,

Appropriation of the money borrowed.

[SECT. 6.] That the said sum of fifty thousand pounds, and each part thereof, when so borrowed, shall be appropriated to the payment of all such warrants as shall be drawn on said treasurer, according to law, for defr[a][e]ying the charges of this government, agreeable to the acts and grants of the general assembly. [*Passed October 22.**

CHAPTER 13.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF THREE HUNDRED AND FIVE THOUSAND SIX HUNDRED AND SIXTY-TWO POUNDS FOURTEEN SHILLINGS AND THREEPENCE, UPÓN THE SEVERAL TOWNS AND OTHER PLACES IN THIS STATE HEREINAFTER NAMED, FOR DEFRAYING THE PUBLIC CHARGE; AND ALSO FOR ASSESSING A TAX OF [OF] EIGHT THOUSAND EIGHT HUNDRED AND EIGHTY-THREE POUNDS SEVEN SHILLINGS AND SIXPENCE, PAID THE REPRESENTATIVES FOR THEIR TRAVEL AND ATTEND[E][A]NCE IN THE GENERAL COURT IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SEVENTY-SIX.

WHEREAS it is necessary that the aforesaid sums of three hundred fourteen thousand five hundred and forty-six pounds one shilling and ninepence, shou[l]'d be raised and paid into the public treasury of this state as soon as may be, to defray such public charges as have arisen, or may arise, for the support of government; therefore, for the ordering, directing and effectually drawing into the treasury the said sum of three hundred fourteen thousand five hundred and forty-six pounds one shilling and ninepence, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That each town and other place within this state be assess[e]'d and pay, as such town and other place's proportion of the sum of three hundred fourteen thousand five hundred and forty-six pounds one shilling and ninepence, the following sum set against them, respectively; that is to say, —

* Signed October 25, according to the record.

IN THE COUNTY OF SUFFOLK.

	Representatives' Pay.	State Tax.	Sum Total.
Boston,	£350 17s. 6d.	£23,905 0s. 0d.	Twenty-four thousand two hundred fifty-five pounds seventeen shillings and sixpence, £24,255 17s. 6d.
Roxbury,	89 15 0	2,677 16 9	Two thousand seven hundred sixty-seven pounds eleven shillings and ninepence, 2,767 11 9
Dorchester,	60 0 0	1,922 10 7	One thousand nine hundred eighty-two pounds ten shillings and sevenpence, 1,982 10 7
Milton,	65 10 0	1,184 7 10	One thousand two hundred forty-nine pounds seventeen shillings and tenpence, 1,249 17 10
Braintree,	101 7 6	2,564 9 1	Two thousand six hundred sixty-five pounds sixteen shillings and sevenpence, 2,665 16 7
Weymouth,	41 12 6	1,390 15 0	One thousand four hundred thirty-two pounds seven shillings and sixpence, 1,432 7 6
Hingham,	84 17 6	1,876 7 4	One thousand nine hundred sixty-one pounds four shillings and tenpence, 1,961 4 10
Cohasset,	31 5 0	633 6 9	Six hundred sixty-four pounds eleven shillings and ninepence, 664 11 9
Dedham,	82 12 6	2,229 3 1	Two thousand three hundred [and] eleven pounds fifteen shillings and sevenpence, 2,311 15 7
Medfield,	47 7 6	897 7 3	Nine hundred forty-four pounds fourteen shillings and ninepence, 944 14 9
Wrentham,	71 15 0*	2,256 13 10	Two thousand three hundred twenty-eight pounds eight shillings and tenpence, 2,328 8 10
Brookline,	30 0 0	862 1 1	Eight hundred ninety-two pounds one shilling and a penny, 892 1 1
Needham,	30 2 6	910 6 5	Nine hundred forty pounds eight shillings and elevenpence, 940 8 11
Stoughton,	73 2 6	1,764 5 6	One thousand eight hundred thirty-seven pounds eight shillings, 1,837 8 0
Stoughtonham,	38 5 0	807 19 0	Eight hundred forty-six pounds four shillings, 846 4 0
Medway,	32 0 0	911 5 11	Nine hundred forty-three pounds five shillings and elevenpence, 943 5 11
Bellingham,	15 17 6	590 18 0	Six hundred [and] six pounds fifteen shillings and sixpence, 606 15 6
Hull,	0 0 0	207 13 2	Two hundred [and] seven pounds fourteen shillings and twopence, 207 13 2
Walpole,	39 15 0	744 2 8	Seven hundred eighty-three pounds seventeen shillings and eightpence, 783 17 8
Chelsea,	51 0 0	597 1 1	Six hundred forty-eight pounds one shilling and a penny, 648 1 1
	£1,337 2s. 6d.	£48,933 10s. 4d.	Fifty thousand two hundred [and] seventy pounds twelve shillings and tenpence, £50,270 12s. 10d.

* "6d." in the printed act.

IN THE COUNTY OF ESSEX.

	REPRESENTATIVES' PAY.			STATE TAX.			SUM TOTAL.			
Salem,	£130	2*s.*	6*d.*	£8,261	11*s.*	8*d.*	Eight thousand three hundred ninety-one pounds fourteen shillings and twopence,	£8,391	14*s.*	2*d.*
Danvers,	39	17	6	2,591	0	4	Two thousand six hundred [and] thirty pounds seventeen shillings and tenpence,	2,630	17	10
Ipswich,	121	17	6	4,422	0	7	Four thousand five hundred forty-three pounds eighteen shillings and a penny,	4,543	18	1
Newbury,	139	15	0	4,103	5	1	Four thousand two hundred forty-three pounds and a penny,	4,243	0	1
Newburyport,	109	10	0	4,221	16	6	Four thousand three hundred thirty-one pounds six shillings and sixpence,	4,331	6	6
Marblehead,	39	10	0	4,225	7	9	Four thousand two hundred sixty-four pounds seventeen shillings and ninepence,	4,264	17	9
Lynn,	55	17	6	2,010	9	8	Two thousand [and] sixty-six pounds seven shillings and twopence,	2,066	7	2
Andover,	100	7	6	3,383	14	11	Three thousand four hundred eighty-four pounds two shillings and fivepence,	3,484	2	5
Beverly,	57	5	0	2,373	12	10	Two thousand four hundred [and] thirty pounds seventeen shillings and tenpence,	2,430	17	10
Rowley,	41	12	0	1,925	12	2	One thousand nine hundred sixty-seven pounds four shillings and twopence,	1,967	4	2
Salisbury,	16	0	0	1,681	13	4	One thousand six hundred ninety-seven pounds thirteen shillings and fourpence,	1,697	13	4
Haverhill,	55	10	0	2,420	18	10	Two thousand four hundred seventy-six pounds eight shillings and tenpence,	2,476	8	10
Gloucester,	99	0	0	2,602	13	7	Two thousand seven hundred [and] one pound[s] thirteen shillings and sevenpence,	2,701	13	7
Topsfield,	51	10	0	902	10	11	Nine hundred fifty-four pounds and elevenpence,	954	0	11
Almsbury,	48	0	0	1,510	5	10	One thousand five hundred fifty-eight pounds five shillings and tenpence,	1,558	5	10
Bradford,	32	15	0	1,361	18	5	One thousand three hundred ninety-four pounds thirteen shillings and fivepence,	1,394	13	5
Methuen,	42	10	0	1,138	7	9	One thousand one hundred [and] eighty pounds seventeen shillings and ninepence,	1,180	17	9
Boxford,	32	15	0	1,140	19	7	One thousand one hundred seventy-three pounds fourteen shillings and sevenpence,	1,173	14	7
Whenham,	0	0	0	547	9	9	Five hundred forty-seven pounds nine shillings and ninepence,	547	9	9
Manchester,	0	0	0	632	7	4	Six hundred thirty-two pounds seven shillings and fourpence,	632	7	4
Middleton,	0	0	0	744	9	1	Seven hundred forty-four pounds nine shillings and a penny,	744	9	1
	£1,213	14*s.*	6*d.*	£52,202	5*s.*	11*d.*	Fifty-three thousand four hundred [and] sixteen pounds and fivepence,	£53,416	0*s.*	5*d.*

Cambridge,	£106	0*s.*	0*d.*	£2,508	8*s.*	2*d.*	Two thousand six hundred [and] fourteen pounds eight shillings and twopence,	£2,614	8*s.*	2*d.*
Charlestown,	82	6	0	355	7	8	Four hundred thirty-seven pounds thirteen shillings and eightpence,	437	13	8
Watertown,	86	12	6	1,046	14	2	One thousand one hundred thirty-three pounds six shillings and eightpence,	1,133	6	8
Woburn,	55	17	6	1,716	13	1	One thousand seven hundred seventy-two pounds ten shillings and sevenpence,	1,772	10	7
Concord,	74	5	0	1,568	12	1	One thousand six hundred forty-two pounds seventeen shillings and a penny,	1,642	17	1
Newton,	50	10	0	1,461	7	6	One thousand five hundred [and] eleven pounds seventeen shillings and sixpence,	1,511	17	6
Reading,	66	15	0	1,669	0	8	One thousand seven hundred thirty-five pounds fifteen shillings and eightpence,	1,735	15	8
Marlborough,	31	5	0	1,921	1	5	One thousand nine hundred fifty-two pounds six shillings and fivepence,	1,952	6	5
Billerica,	59	10	0	1,306	4	0	One thousand three hundred sixty-five pounds fourteen shillings,	1,365	14	0
Framingham,	39	17	6	1,517	8	5	One thousand five hundred fifty-seven pounds five shillings and elevenpence,	1,557	5	11
Lexington,	48	7	6	1,047	13	7	One thousand [and] ninety-six pounds one shilling and a penny,	1,096	1	1
Chelmsford,	51	5	0	1,172	14	7	One thousand two hundred twenty-three pounds nineteen shillings and sevenpence,	1,223	19	7
Sherburn[e],	39	17	6	746	8	0	Seven hundred eighty-six pounds five shillings and sixpence,	786	5	6
Sudbury,	49	0	0	2,040	12	3	Two thousand [and] eighty-nine pounds twelve shillings and threepence,	2,089	12	3
Malden,	55	5	0	972	4	0	One thousand [and] twenty-seven pounds nine shillings,	1,027	9	0
Weston,	48	12	6	975	8	9	One thousand [and] twenty-four pounds one shilling and threepence,	1,024	1	3
Medford,	61	10	0	1,244	0	0	One thousand three hundred [and] five pounds ten shillings,	1,305	10	0
Hopkinton,	34	17	6	994	11	0	One thousand twenty-nine pounds eight shillings and sixpence,	1,029	8	6
Westford,	35	2	6	1,075	17	4	One thousand one hundred [and] ten pounds nineteen shillings and tenpence,	1,110	19	10
Waltham,	48	7	6	938	10	2	Nine hundred eighty-six pounds seventeen shillings and eightpence,	986	17	8
Stow,	0	0	0	862	14	0	Eight hundred sixty-two pounds fourteen shillings,	862	14	0
Groton,	35	0	0	1,479	10	4	One thousand five hundred fourteen pounds ten shillings and fourpence,	1,514	10	4
Shirley,	31	15	0	526	15	1	Five hundred fifty-eight pounds ten shillings and a penny,	558	10	1
Pepperell,	40	5	0	821	11	2	Eight hundred sixty-one pounds sixteen shillings and twopence,	861	16	2
Townsend,	46	2	6	632	7	4	Six hundred seventy-eight pounds nine shillings and tenpence,	678	9	10
Dracut,	37	15	0	852	0	2	Eight hundred eighty-nine pounds fifteen shillings and twopence,	889	15	2
Bedford,	20	12	6	682	5	1	Seven hundred [and] two pounds seventeen shillings and sevenpence,	702	17	7
Holiston,	35	0	0	818	6	4	Eight hundred fifty-three pounds six shillings and fourpence,	853	6	4
Acton,	44	0	0	770	7	5	Eight hundred fourteen pounds seven shillings and fivepence,	814	7	5

IN THE COUNTY OF MIDDLESEX — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	SUM TOTAL.	
Dunstable,	£0 0*s.* 0*d.*	£712 1*s.* 2*d.*	Seven hundred twelve pounds one shilling and twopence,	£712 1*s.* 2*d*
Lincoln,	28 7 6	701 7 5	Seven hundred twenty-nine pounds fourteen shillings and elevenpence,	729 14 11
Wilmington,	30 7 6	596 1 8	Six hundred twenty-six pounds nine shillings and twopence,	626 9 2
Tewksbury,	17 10 0	654 1 5	Six hundred seventy-one pounds eleven shillings and fivepence,	671 11 5
Littleton,	33 7 6	955 13 6	Nine hundred eighty-nine pounds one shilling,	989 1 0
Ashby,	0 0 0	274 14 4	Two hundred seventy-four pounds fourteen shillings and fourpence,	274 14 4
Natick,	0 0 0	488 17 1	Four hundred eighty-eight pounds seventeen shillings and a penny,	488 17 1
Stoneham,	0 0 0	368 13 3	Three hundred sixty-eight pounds thirteen shillings and threepence,	368 13 3
	£1,525 6*s.* 0*d.*	£38,476 3*s.* 7*d.*	Forty thousand [and] one pound[s] nine shillings and sevenpence,	£40,001 9*s.* 7*d.*

IN THE COUNTY OF HAMPSHIRE.

Springfield,	£69* 5*s.* 0*d.*	£1,633 1*s.* 6*d.*	One thousand seven hundred [and] two pounds six shillings and sixpence,	£1,702 6*s.* 6*d.*
West Springfield,	39 7 6	1,706 5 9	One thousand seven hundred [and] forty-five pounds thirteen shillings and threepence,	1,745 13 3
Wilbraham,	30 5 0	756 15 4	Seven hundred [and] eighty-seven pounds and fourpence,	787 0 4
North [h]ampton,	74 2 6	1,700 15 7	One thousand seven hundred [and] seventy-four pounds eighteen shillings and one penny,	1,774 18 1
South [h]ampton,	18 10 0	605 9 7	Six hundred twenty-three pounds nineteen shillings and sevenpence,	623 19 7
Hadley,	35 5 0	715 6 0	Seven hundred [and] fifty pounds eleven shillings,	750 11 0
South Hadley,	24 10 0	556 17 8	Five hundred [and] eighty-one pounds seven shillings and eightpence,	581 7 8
Amherst,	29 15 0	803 14 10	Eight hundred [and] thirty-three pounds nine shillings and tenpence,	833 9 10
Granby,	15 5 0	383 11 4	Three hundred [and] ninety-eight pounds sixteen shillings and fourpence,	398 16 4
Hatfield,	17 15 0	852 6 8	Eight hundred [and] seventy pounds one shilling and eightpence,	870 1 8
Whately,	13 0 0	300 12 8	Three hundred [and] thirteen pounds twelve shillings and eightpence,	313 12 8
Williamsburgh,	0 0 0	216 1 7	Two hundred [and] sixteen pounds one shilling and sevenpence,	216 1 7
Westfield,	22 5 0	1,214 3 11	One thousand two hundred [and] thirty-six pounds eight shillings and elevenpence,	1,236 8 11
Deerfield,	25 15 0	882 2 9	Nine hundred [and] seven pounds seventeen shillings and ninepence,	907 17 9
Greenfield,	39 0 0	564 19 8	Six hundred [and] three pounds nineteen shillings and eightpence,	603 19 8
Shelburne,	17 0 0	336 18 4	Three hundred [and] fifty-three pounds eighteen shillings and fourpence,	353 18 4

Conway,	23	7	6	383	4	10	Four hundred [and] six pounds twelve shillings and fourpence,	406	12	4
Sunderland,	23	10	0	373	10	6	Three hundred [and] ninety-seven pounds and sixpence,	397	0	6
Montague,	23	12	6	462	18	9	Four hundred [and] eighty-six pounds eleven shillings and threepence,	486	11	3
Northfield,	0	0	0	627	16	7	Six hundred [and] twenty-seven pounds sixteen shillings and sevenpence,	627	16	7
Brimfield,	44	7	6	1,044	15	4	One thousand [and] eighty-nine pounds two shillings and tenpence,	1,089	2	10
South Brimfield,	0	0	0	625	17	9	Six hundred [and] twenty-five pounds seventeen shillings and ninepence,	625	17	9
Monson,	19	5	0	541	13	2	Five hundred [and] sixty pounds eighteen shillings and twopence,	560	18	2
Pelham,	0	0	0	588	6	2	Five hundred [and] eighty-eight pounds six shillings and twopence,	588	6	2
Greenwich,	17	0	0	586	13	9†	Six hundred [and] three pounds thirteen shillings and ninepence,	603	13	9
Blanford,	0	0	0	430	4	4	Four hundred [and] thirty pounds four shillings and fourpence,	430	4	4
Leverett,	0	0	0	143	3	9	One hundred [and] forty-three pounds three shillings and ninepence,	143	3	9
Palmer,	24	15	0	598	13	6	Six hundred [and] twenty-three pounds eight shillings and sixpence,	623	8	6
Granville,	46	17	6	1,043	9	5	One thousand [and] ninety pounds six shillings and elevenpence,	1,090	6	11
New Salem,	21	0	0	525	2	9	Five hundred [and] forty-six pounds two shillings and ninepence,	546	2	9
Belchertown,	17	5	0	664	15	3	Six hundred [and] eighty-two pounds and threepence,	682	0	3
Colrain,	12	10	0	385	10	2	Three hundred [and] ninety-eight pounds and twopence,	398	0	2
Ware,	0	0	0	311	0	0	Three hundred and eleven pounds,	311	0	0
Warwick,	23	17	6	248	16	0	Two hundred [and] seventy-two pounds thirteen shillings and sixpence,	272	13	6
Bernardstown,	6	7	6	339	10	2	Three hundred [and] forty-five pounds seventeen shillings and eightpence,	345	17	8
Murrayfield	0	0	0	288	0	0	Two hundred [and] eighty-eight pounds,	288	0	0
Charlemont,	16	10	0	276	6	6	Two hundred [and] ninety-two pounds sixteen shillings and sixpence,	292	16	6
Ashfield,	34	0	0	315	4	3	Three hundred [and] forty-nine pounds four shillings and threepence,	349	4	3
Worthington,	41	7	6	157	8	10	One hundred [and] ninety-eight pounds sixteen shillings and fourpence,	198	16	4
Shutesbury,	0	0	0	338	4	3	Three hundred [and] thirty-eight pounds four shillings and threepence,	338	4	3
Chesterfield,	34	5	0	509	18	2	Five hundred [and] forty-four pounds three shillings and twopence,	544	3	2
Southwick,	30	10	0	451	5	6	Four hundred [and] eighty-one pounds fifteen shillings and sixpence,	481	15	6
Suffield,	0	0	0	1,951	10	6	One thousand nine hundred [and] fifty-one pounds ten shillings and sixpence,	1,951	10	6
Enfield,	0	0	0	1,192	3	4	One thousand one hundred [and] ninety-two pounds three shillings and fourpence,	1,192	3	4
Somers,	0	0	0	939	9	7	Nine hundred [and] thirty-nine pounds nine shillings and sevenpence,	939	9	7
Ludlow,	0	0	0	230	13	2	Two hundred [and] thirty pounds thirteen shillings and twopence,	230	13	2
Norwich,	14	10	0	96	3	10	One hundred [and] ten pounds thirteen shillings and tenpence,	110	13	10
	£945	17*s.*	6*d.*	£29,900	13*s.*	3*d.*	Thirty thousand eight hundred forty-six pounds [nine] [*ten*] shillings and ninepence,	£30,846	10*s.*	9*d.*

* "£65," in the printed act.

† Omitted from the printed act.

IN THE COUNTY OF PLYMOUTH.

	REPRESENTATIVES' PAY.	STATE TAX.	SUM TOTAL.	
Plymouth,	£53 12*s.* 6*d.*	£1,917 3*s.* 8*d.*	One thousand nine hundred [and] seventy pounds sixteen shillings and twopence,	£1,970 16*s.* 2*d.*
Scituate,	35 17 6	2,688 17 1	Two thousand seven hundred [and] twenty-four pounds fourteen shillings and sevenpence,	2,724 14 7
Duxbury,	38 2 6	978 0 7	One thousand [and] sixteen pounds three shillings and a penny,	1,016 3 1
Marshfield,	34 10 0	1,140 13 2	One thousand one hundred [and] seventy-five pounds three shillings and twopence,	1,175 3 2
Bridg[e]water,	80 7 6	3,927 19 11	Four thousand [and] eight pounds seven shillings and fivepence,	4,008 7 5
Middleborough,	52 10 0	3,356 17 1	Three thousand four hundred [and] nine pounds seven shillings and a penny,	3,409 7 1
Rochester,	37 5 0	1,629 10 2	One thousand six hundred [and] sixty-six pounds fifteen shillings and twopence,	1,666 15 2
Plym[*p*]ton,	26 7 6	1,246 11 10	One thousand two hundred [and] seventy-two pounds nineteen shillings and fourpence	1,272 19 4
Pembroke,	43 5 0	1,427 0 9	One thousand four hundred [and] seventy pounds five shillings and ninepence,	1,470 5 9
Kingston,	36 2 6	834 16 10	Eight hundred [and] seventy pounds nineteen shillings and fourpence,	870 19 4
Hanover,	34 7 6	776 17 1	Eight hundred [and] eleven pounds four shillings and sevenpence,	811 4 7
Abington,	40 10 0	998 15 3	One thousand [and] thirty-nine pounds five shillings and threepence,	1,039 5 3
Halifax,	0 0 0	510 17 8	Five hundred [and] ten pounds seventeen shillings and eightpence,	510 17 8
Wareham,	0 0 0	488 4 1	Four hundred [and] eighty-eight[*y*] pounds four shillings and a penny,	488 4 1
	£512 17*s.* 6*d.*	£21,922 5*s.* 2*d.**	Twenty-two thousand four hundred thirty-five pounds two shillings and eightpence,	£22,435 2*s.* 8*d.*

IN THE COUNTY OF BARNSTABLE.

Barnstable,	£15 0*s.* 0*d.*	£2,003 14*s.* 6*d.*	Two thousand [and] eighteen pounds fourteen shillings and sixpence,	£2,018 14*s.* 6*d.*
Sandwich,	37 12 6	1,567 6 2	One thousand six hundred [and] four pounds eighteen shillings and eightpence,	1,604 18 8
Yarmouth,	30 7 6	1,414 14 6	One thousand four hundred [and] forty-five pounds two shillings,	1,445 2 0
Eastham,	38 7 6	1,045 14 9	One thousand [and] eighty-four pounds two shillings and threepence,	1,084 2 3

Harwich,	18	12	6	1,263	8	9	One thousand two hundred [and] eighty-two pounds one shilling[s] and threepence,	1,282	1	3
Welfleet,	23	10	0	827	7	9	Eight hundred [and] fifty pounds seventeen shillings and ninepence,	850	17	9
Chatham,	12	7	6	547	3	4	Five hundred [and] fifty-nine pounds ten shillings and tenpence,	559	10	10
Truro,	37	10	0	689	14	2	Seven hundred [and] twenty-seven pounds four shillings and twopence,	727	4	2
Falmouth,	41	7	6	1,150	14	0	One thousand one hundred [and] ninety-two pounds one shilling and sixpence,	1,192	1	6
	£254	15*s.*	0*d.*	£10,509	17*s.*	11*d.*	Ten thousand seven hundred sixty-four pounds twelve shillings and elevenpence,	£10,764	12*s.*	11*d.*

IN THE COUNTY OF BRISTOL.

Taunton,	£60	0*s.*	0*d.*	£2,471	9*s.*	7*d.*	Two thousand five hundred thirty-one pounds nine shillings and sevenpence,	£2,531	9*s.*	7*d.*
Rehoboth,	52	17	6	3,098	13	3	Three thousand one hundred fifty-one pounds ten shillings and ninepence,	3,151	10	9
Swan[s] [z]ey with Shawamet,	21	10	0	1,431	4	11	One thousand four hundred fifty-two pounds fourteen shillings and elevenpence,	1,452	14	11
Dartmouth,	63	12	6	5,343	7	4	Five thousand four hundred [and] six pounds nineteen shillings and tenpence,	5,406	19	10
Norton,	43	10	0	1,121	17	4	One thousand one hundred sixty-five pounds seven shillings and fourpence,	1,165	7	4
Mansfield,	40	2	6	730	4	0	Seven hundred [and] seventy pounds six shillings and sixpence,	770	6	6
Attleborough,	28	15	0	1,820	12	11	One thousand eight hundred forty-nine pounds seven shillings and elevenpence,	1,849	7	11
Dighton,	40	2	6	1,042	16	5	One thousand [and] eighty-two pounds eighteen shillings and elevenpence,	1,082	18	11
Freetown,	24	17	6	1,216	2	9	One thousand two hundred forty-one pounds and threepence,	1,241	0	3
Raynham,	24	10	0	763	11	5	Seven hundred eighty-eight pounds one shilling[s] and fivepence,	788	1	5
Easton,	25	0	0	852	19	8	Eight hundred seventy-seven pounds nineteen shillings and eightpence,	877	19	8
Berkley,	21	15	0	594	2	9	Six hundred [and] fifteen pounds seventeen shillings and ninepence,	615	17	9
	£446	12*s.*	6*d.*	£20,487	2*s.*	4*d.*	Twenty thousand nine hundred thirty-three pounds fourteen shillings and tenpence,	£20,933	14*s.*	10*d.*

* "13*s.*, 3*d.*" in the printed act.

IN THE COUNTY OF YORK.

	REPRESENTATIVES' PAY.	STATE TAX.	SUM TOTAL.	
York,	£63 7*s.* 6*d.*	£2,428 14*s.* 4*d.*	Two thousand four hundred ninety-two pounds one shilling and tenpence,	£2,492 1*s.* 10*d.*
Kittery,	44 2 6	2,665 17 1	Two thousand seven hundred [and] nine pounds nineteen shillings and sevenpence,	2,709 19 7
Wells,	52 12 6	1,895 16 1	One thousand nine hundred forty-eight pounds eight shillings and sevenpence,	1,948 8 7
Berwick,	36 17 6	2,875 9 1	Two thousand nine hundred [and] twelve pounds six shillings and sevenpence,	2,912 6 7
Arundel[*l*],	25 10 0	864 6 5	Eight hundred eighty-nine pounds sixteen shillings and fivepence,	889 16 5
Biddeford,	18 0 0	1,000 1 2	One thousand [and] eighteen pounds one shilling and twopence,	1,018 1 2
Pepper[*r*]elbor.o'[ugh,]	12 17 6	728 11 8	Seven hundred [and] forty-one pounds nine shillings and twopence,	741 9 2
Lebanon,	0 0 0	269 17 2	Two hundred sixty-nine pounds seventeen shillings and twopence,	269 17 2
San[*d*]ford,	0 0 0	260 15 9	Two hundred sixty pounds fifteen shillings and ninepence,	260 15 9
Buxton,	0 0 0	231 19 1	Two hundred thirty-one pounds nineteen shillings and one penny,	231 19 1
Fryeburg[e] [*h*,]	0 0 0	102 0 0	One hundred [and] two pounds,	102 0 0
	£253 7*s.* 6*d.*	£13,323 7*s.* 10*d.*	Thirteen thousand five hundred seventy-six pounds fifteen shillings and fourpence,	£13,576 15*s.* 4*d.*

IN THE COUNTY OF DUKES COUNTY.

Edgarto[*w*]n,	£25 10*s.* 0*d.*	£758 1*s.* 3*d.*	Seven hundred eighty-three pounds eleven shillings and threepence,	£783 11*s.* 3*d.*
Chilmark,	54 0 0	936 11 3	Nine hundred [and] ninety pounds eleven shillings and threepence,	990 11 3
Tisbury,	27 1 0	687 15 3	Seven hundred [and] fourteen pounds sixteen shillings and threepence,	714 16 3
	£106 11*s.* 0*d.*	£2,382 7*s.* 9*d.*	Twenty-four hundred eighty-eight pounds eighteen shillings and ninepence,	£2,488 18*s.* 9*d.*

IN THE COUNTY OF NANTUCKET.

Sherburne,	£0 0*s.* 0*d.*	£3,669 16*s.* 0*d.*	Three thousand six hundred sixty-nine pounds sixteen shillings,	£3,669 16*s.* 0*d.*

Worcester,	£36	15*s.*	0*d.**	£1,986	3*s.*	9*d.*	Two thousand twenty-two pounds eighteen shillings and ninepence,	£2,022	18*s.*	9*d.*
Lancaster,	46	10	0	2,475.	7†	4	Two thousand five hundred twenty-one pounds seventeen shillings and fourpence,	2,521	17	4
Mendon,	24	15	0	1,837	3	4	One thousand eight hundred sixty-one pounds eighteen shillings and fourpence,	1,861	18	4
Brookfield,	41	5	0	2,381	8	4	Two thousand four hundred twenty-two pounds thirteen shillings and fourpence,	2,422	13	4
Oxford,	22	5	0	858	9	9	Eight hundred [and] eighty pounds fourteen shillings and ninepence,	880	14	9
Charlton,	25	7	6	863	19	11	Eight hundred eighty-nine pounds seven shillings and fivepence,	889	7	5
Sutton,	54	0	0	2,365	17	4	Two thousand four hundred [and] nineteen pounds seventeen shillings and fourpence,	2,419	17	4
L[ie] [*ei*]cester,	37	7	6	874	0	9	Nine hundred [and] eleven pounds eight shillings and threepence,	911	8	3
Spencer,	43	15	0	759	13	8	Eight hundred [and] three pounds eight shillings and eightpence,	803	8	8
Rutland,	41	7	6	1,145	3	10	One thousand one hundred eighty-six pounds eleven shillings and fourpence,	1,186	11	4
Paxton,	11	17	6	501	3	4	Five hundred [and] thirteen pounds and tenpence,	513	0	10
Oakham,	29	17	6	345	19	9	Three hundred seventy-five pounds seventeen shillings and threepence,	375	17	3
Barre,	53	15	0	1,005	4	10	One thousand [and] fifty-eight pounds nineteen shillings and tenpence,	1,058	19	10
Hubbardstown,	12	0	0	199	4	8	Two hundred [and] eleven pounds four shillings and eightpence,	211	4	8
New Braintree,	41	5	0	789	9	9	Eight hundred [and] thirty pounds fourteen shillings and ninepence,	830	14	9
Southborough,	31	5	0	885	1	1	Nine hundred [and] sixteen pounds six shillings and a penny,	916	6	1
Westborough,	39	10	0	903	10	5	Nine hundred forty-three pounds and fivepence,	943	0	5
Northborough,	39	15	0	610	6	9	Six hundred [and] fifty pounds one shilling and ninepence,	650	1	9
Shrewsbury,	39	10	0	1,677	2.	8	One thousand seven hundred sixteen pounds twelve shillings and eightpence,	1,716	12	8
Lunenburg[*h*],	50	15	0	1,225	10	8	One thousand two hundred seventy-six pounds five shillings and eightpence,	1,276	5	8
Fitchburgh,	0	0	0	418	4	7	Four hundred [and] eighteen pounds four shillings and sevenpence,	418	4	7
Uxbridge,	47	10	0	869	5	0	Nine hundred [and] sixteen pounds fifteen shillings,	916	15	0
Harvard,	45	2	6	1,202	17	2	One thousand two hundred forty-seven pounds nineteen shillings and eightpence,	1,247	19	8
Dudley,	39	7	6	773	5	9	Eight hundred [and] twelve pounds thirteen shillings and threepence,	812	13	3
Bolton,	22	15	0	1,153	5	10	One thousand one hundred seventy-six pounds and tenpence,	1,176	0	10
Upton,	27	0	0	472	19	7	Four hundred ninety-nine pounds nineteen shillings and sevenpence,	499	19	7
Sturbridge,	40	5	0	1,079	2	1	One thousand one hundred [and] nineteen pounds seven shillings and a penny,	1,119	7‡	1

* "6*d.*," in the printed act.

† "3*s.*," in the printed act.

‡ "17*s.*," in the printed act.

IN THE COUNTY OF WORCESTER — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	SUM TOTAL.	
Leominster,	£0 0*s.* 0*d.*	£905 15*s.* 9*d.*	Nine hundred [and] five pounds fifteen shillings and ninepence,	£905 15*s.* 9*d.*
Hardwick,	42 5 0	1,323 7 5	One thousand three hundred sixty-five pounds twelve shillings and five-pence,	[1]365 12 5
Holden,	22 17 6	631 1 5	Six hundred fifty-three pounds eighteen shillings and elevenpence,	653 18 11
Western,	37 0 0	835 9 9	Eight hundred seventy-two pounds nine shillings and ninepence,	872 9 9
Douglass,	0 0 0	520 12 0	Five hundred [and] twenty pounds twelve shillings,	520 12 0
Grafton,	39 10 0	890 4 9	Nine hundred twenty-nine pounds fourteen shillings and ninepence,	929 14 9
Petersham,	29 10 0	898 6 9	Nine hundred twenty-seven pounds sixteen shillings and ninepence,	927 16 9
Royalston,	29 10 0	192 15 1	Two hundred twenty-two pounds five shillings and a penny,	222 5 1
Westminster,	32 12 6	762 11 11	Seven hundred ninety-five pounds four shillings and fivepence,	795 4 5
Athol,	30 17 6	492 14 10	Five hundred [and] twenty-three pounds twelve shillings and fourpence,	523 12 4
Templeton,	35 7 6	602 11 3	Six hundred thirty-seven pounds eighteen shillings and ninepence,	637 18 9
Princeton,	31 7 6	564 19 8	Five hundred ninety-six pounds seven shillings and twopence,	596 7 2
Ashburnham,	0 0 0	271 9 6	Two hundred [and] seventy-one pounds nine shillings and sixpence.	271 9 6
Winchendon,	31 10 0	223 4 2	Two hundred fifty-four pounds fourteen shillings and twopence,	254 14 2
Woodstock,	0 0 0	2,297 10 3	Two thousand two hundred ninety-seven pounds ten shillings and three-pence.	2,297 10 3
Northbridge,	20 0 0	321 5 11	Three hundred forty-one pounds five shillings and elevenpence,	341 5 11
	£1,327 5*s.* 0*d.*	£41,393 2*s.* 4*d.*	Forty-two thousand seven hundred twenty pounds seven shillings and fourpence,	£42.720 7*s.* 4*d.*

IN THE COUNTY OF CUMBERLAND.

Falmouth,	£190 15*s.* 0*d.*	£1,589 19*s.* 9*d.*	One thousand seven hundred [and] eighty pounds fourteen shillings and ninepence,	£1,780 14*s.* 9*d.*
North Yarmouth,	44 15 0	1,184 14 4	One thousand two hundred twenty-nine pounds nine shillings and four-pence,	1,229 9 4
Cape Elizabeth,	40 0 0	1,176 5 10	One thousand two hundred [and] sixteen pounds five shillings and ten-pence,	1,216 5 10
Gorham,	44 10 0	630 14 11	Six hundred seventy-five pounds four shillings and elevenpence,	675 4 11
Brunswick,	26 5 0	637 11 0	Six hundred sixty-three pounds sixteen shillings,	663 16 0
Harpswell,	37 0 0	546 1 8	Five hundred eighty-three pounds one shilling and eightpence,	583 1 8
Windham,	0 0 0	275 0 10	Two hundred seventy-five pounds and tenpence,	275 0 10
New Glocester,	0 0 0	231 19 1	Two hundred thirty-one pounds nineteen shillings and a penny,	231 19 1

Scarborough,	36	15	0	1,209	13	2	One thousand two hundred forty-six pounds eight shillings and twopence,	1,246	8	2
Pearsontown,	0	0	0	139	19	0	One hundred [and] thirty-nine pounds nineteen shillings,	139	19	0
New Boston,	0	0	0	92	0	1	Ninety-two pounds and a penny,	92	0	1
	£420	0*s.*	0*d.*	£7,713	19*s.*	8*d.*	Eight thousand one hundred thirty-three pounds nineteen shillings and eightpence,	£8,133	19*s.*	8*d.*

IN THE COUNTY OF LINCOLN.

Pownalborough,	£34	11*s.*	0*d.*	£866	18*s.*	3*d.*	Nine hundred [and] one pound nine shillings and threepence,	£901	9*s.*	3*d.*
Georgetown,	27	10	0	1,144	4	5	One thousand one hundred [and] seventy-one pounds fourteen shillings and fivepence,	1,171	14	5
Newcastle,	0	0	0	347	11	4	Three hundred [and] forty-seven pounds eleven shillings and fourpence,	347	11	4
Woolwich,	0	0	0	371	18	1	Three hundred [and] seventy-one pound[*s*] eighteen shillings and a penny,	371	18	1
Topsham,	0	0	0	369	19	2	Three hundred [and] sixty-nine pounds nineteen shillings and twopence,	369	19	2
Bowdoinham,	0	0	0	137	11	11	One hundred [and] thirty-seven pounds eleven shillings and elevenpence,	137	11	11
Boothbay,	34	7	6	432	0	2	Four hundred [and] sixty-six pounds seven shillings and eightpence,	466	7	8
Bristol,	0	0	0	455	16	3	Four hundred [and] fifty-five pounds sixteen shillings and threepence,	455	16	3
Vassalborough,	7	15	0	135	8	3	One hundred [and] forty-three pounds three shillings and threepence,	143	3	3
Winthrop,	6	0	0	103	6	10	One hundred [and] nine pounds six shillings and tenpence,	109	6	10
Winslow,	0	0	0	106	5	2	One hundred [and] six pounds five shillings and twopence,	106	5	2
Waldoborough,	0	0	0	300	0	2	Three hundred pounds and twopence,	300	0	2
Edgecomb,	0	0	0	80	0	4	Eighty pounds and fourpence,	80	0	4
Hallowell,	0	0	0	149	6	11	One hundred [and] forty-nine pounds six shillings and elevenpence,	149	6	11
Belfast,	0	0	0	45	0	0	Forty-five pounds,	45	0	0
Warren,	0	0	0	174	18	7	One hundred [and] seventy-four pounds eighteen shillings and sevenpence,	174	18	7
Thomastown,	0	0	0	148	6	8	One hundred [and] forty-eight pounds six shillings and eightpence,	148	6	8
The lower town of St. George,	0	0	0	148	6	8	One hundred [and] forty-eight pounds six shillings and eightpence,	148	6	8
Gardnerstown,	0	0	0	188	4	5	One hundred [and] eighty-eight pounds four shillings and fivepence,	188	4	5
Medumcook,	0	0	0	121	3	2	One hundred [and] twenty-one pounds three shillings and twopence,	121	3	2
	£110	3*s.*	6*d.*	£5,826	6*s.*	9*d.*	Five thousand nine hundred thirty-six pounds ten shillings and threepence,	£5,936	10*s.*	3*d.*

IN THE COUNTY OF BERKSHIRE.

	REPRESENTATIVES' PAY.	STATE TAX.	SUM TOTAL.	
Sheffield,	£49 2*s.* 6*d.*	£1,303 12*s.* 2*d.*	One thousand three hundred [and] fifty-two pounds fourteen shillings and eightpence,	£1,352 14*s.* 8*d.*
Great Barrington,	5 15 0	544 5 0	Five hundred and fifty pounds,	550 0 0
Partridgefield,	24 15 0	169 2 1	One hundred [and] ninety-three pounds seventeen shillings and a penny,	193 17 1
Williamstown,	46 10 0	480 2 1	Five hundred [and] twenty-six pounds twelve shillings and a penny,	526 12 1
New Marlborough,	30 10 0	734 14 9	Seven hundred sixty-five pounds four shillings and ninepence,	765 4 9
Lanesborough,	17 15 0	772 6 4	Seven hundred [and] ninety pounds one shilling and fourpence,	790 1 4
Pittsfield,	39 10 0	764 10 10	Eight hundred [and] four pounds and tenpence,	804 0 10
Lenox,	30 15 0	348 11 7	Three hundred [and] seventy-nine pounds six shillings and sevenpence,	379 6 7
Stockbridge,	19 10 0	415 19 8	Four hundred [and] thirty-five pounds nine shillings and eightpence,	435 9 8
Egremont,	18 0 0	301 5 7	Three hundred [and] nineteen pounds five shillings and sevenpence,	319 5 7
Tyringham,	19 15 0	311 12 11	Three hundred [and] thirty-one pounds seven shillings and elevenpence,	331 7 11
Sandisfield,	26 12 6	543 12 0	Five hundred [and] seventy pounds four shillings and sixpence,	570 4 6
Becket,	20 15 0	217 14 0	Two hundred [and] thirty-eight pounds nine shillings,	238 9 0
Gageborough,	10 0 0	253 0 3	Two hundred [and] sixty-three pounds and threepence,	263 0 3
Hancock,	24 15 0	108 17 0	One hundred [and] thirty-three pounds twelve shillings,	133 12 0
Richmond,	45 15 0	541 13 2	Five hundred [and] eighty-seven pounds eight shillings and twopence,	587 8 2
Loudon,	0 0 0	58 6 3	Fifty-eight pounds six shillings and threepence,	58 6 3
Washington,	0 0 0	69 13 0	Sixty-nine pounds thirteen shillings,	69 13 0
West Stockbridge,	0 0 0	207 19 7	Two hundred [and] seven pounds nineteen shillings and sevenpence,	207 19 7
Alford,	0 0 0	217 14 0	Two hundred [and] seventeen pounds fourteen shillings,	217 14 0
East Hoosuck,	0 0 0	246 4 2	Two hundred [and] forty-six pounds four shillings and twopence,	246 4 2
Plantation No. 5,	0 0 0	155 10 0	One hundred [and] fifty-five pounds ten shillings,	155 10 0
Plantation No. 7,	0 0 0	155 10 0	One hundred [and] fifty-five pounds ten shillings,	155 10 0
	£429 15*s.* 0*d.*	£8,921 16*s.* 5*d.*	Nine thousand three hundred fifty-one pounds eleven shillings and fivepence,	£9,351 11*s.* 5*d.*

	Representatives' pay.	State tax.	Sums total.	Total amount.
Suffolk,	£1,337 2*s.* 6*d.*	£48,933 10*s.* 4*d.*	Fifty thousand two hundred [and] seventy pounds twelve shillings and tenpence,	£50,270 12*s.* 10*d.*
Essex,	1,213 14 6	52,202 5 11	Fifty-three thousand four hundred [and] sixteen pounds and fivepence,	53,416 0 5
Middlesex,	1,525 6 0	38,476 3 7	Forty thousand [and] one pounds nine shillings and sevenpence,	40,001 9 7
Hampshire,	945 17 6	29,900 13 3	Thirty thousand eight hundred [and] forty-six pounds ten shillings and ninepence,	30,846 10 9
Plymouth,	512 17 6	21,922 5 2	Twenty-two thousand four hundred [and] thirty-five pounds two shillings and eightpence,	22,435 2 8
Barnstable,	254 15 0	10,509 17 11	Ten thousand seven hundred [and] sixty-four pounds twelve shillings and elevenpence,	10,764 12 11
Bristol,	446 12 6	20,448* 2 4	Twenty thousand nine hundred [and] thirty-three pounds fourteen shillings and tenpence,	20,993 14 10
York,	253 7 6	13,323 7 10	Thirteen thousand five hundred [and] seventy-six pounds fifteen shillings and fourpence,	13,576 15 4
Dukes County,	106 11 0	2,382 7 9	Two thousand four hundred [and] eighty-eight pounds eighteen shillings and ninepence,	2,488 18 9
Nantucket,	0 0 0	3,669 16 0	Three thousand six hundred [and] sixty-nine pounds sixteen shillings,	3,669 16 0
Worcester,	1,327 5 0	41,393 2 4	Forty-two thousand seven hundred [and] twenty pounds seven shillings and fourpence,	42,720 7 4
Cumberland,	420 0 0	7,713 19 8	Eight thousand one hundred [and] thirty-three pounds nineteen shillings and [8] [*eight*]pence,	8,133 19 8
Lincoln,	110 0 0	5,826 6 9	Five thousand nine hundred thirty-six pounds ten shillings and threepence,	5,936 10 3
Berkshire,	429 15 0	8,921 16 5	Nine thousand three hundred [and] fifty-one pounds eleven shillings and fivepence,	9,351 11 5
	£8,883 7*s.* 6*d.*	£305,662 14*s.* 3*d.*	Three hundred fourteen thousand five hundred forty-six pounds one shilling and ninepence,	£314,546 1*s.* 9*d.*

* "£2,448," in the printed act.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That the treasurer do forthwith send his warrant, directed to the selectmen or assessors of each town or other place, within this state, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town or other place, in manner following; that is to say, to assess all male polls above the age of sixteen years, within their respective towns or other places next adjoining to them, belonging to no other town or place, including negroes and molattoes (and such of them as are under the government of a master or mistress, to be taxed to the said master or mistress, respectively, in the same manner as minors and apprentices are taxed), at twenty shillings; and to assess the remainder of the sum set to each town (after deducting the amount of the sums assessed to the polls as aforesaid) on the inhabitants of said town or place as aforesaid, according to the proportion of the just value of the whole real estate by each inhabitant[s] of such town or place, respectively, possessed in his own right, or in the right of others, lying within said town or place, improved or not improved; and on the non-resident possessors of real estate, laying within said town or place, in their own right, or in [*the*] right of others, improved or not improved: *saving* all agreements between landlords and ten[e][a]nts, and where no agreement is, the landlord to reimburse one-half of the tax; and also on the inhabitants of such town or place, according to the proportion of the amount and just value of their whole personal estate, including money at interest more than they pay interest for, debts due to them, not on interest, more than they are indebted, monies of all kinds in hand, and also the amount of the just value of all goods, wares and merchandize, stock in trade, vessels of all sorts, with their stores, appurtenances and appendages, plate, horses, oxen, and cattle of all sorts and ages, sheep, swine, grain of all sorts, and all kinds of produce of the land, and of all other property whatsoever (excepting household furniture, wearing apparel, farming utensils and the tools of mechanicks), more than what they are indebted on the first day of November next, according to the price of such real and personal estate, on the said first day of November; and on the amount of their income from any profession, faculty, handicraft, trade or employment; and also on the amount of all incomes and profits gained by trading by sea and on shore, and by means of advantages arising from the war, and the necessities of the community: likewise requiring the assessors to make a fair list of said assessments, setting fo[u]rth, in distinct columns, against each person's name, how much he or she is assessed at for polls, and how much for real estate, and how much for personal estate as aforesaid; and if as guardian, or for any estate in his or her improvement, in trust, to be distinctly expressed; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collector or collectors, constable or constables, of any such town or place, and to return a certificate of the name or names of such collector or collectors, constable or constables, with the sum total to each of them committed, unto himself, some time before the first day of December next.

[SECT. 3.] And the treasurer for the time being, on receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector or collectors, constable or constables, of such town or place, requiring him or them, respectively, to collect the whole of each respective sums assessed on each particular person, and to pay in their collections, and to issue their accounts of the whole, at or

before the first day of January next: *provided*, that the owners of unimproved land shall pay the tax that may be assessed thereon, tho[*ugh*] the same may not be in their immediate possession, any agreement between landlord and ten[e][*a*]nt, previous to the knowledge of this act made, notwithstanding.

Provided, *nevertheless*, —

[Sect. 4.] That the following persons; viz[t]., the president, fellows, professors, tutors, librarian and students of Harvard Colle[d]ge, who have their usual residence there, and settled ministers of the gospel, and gramm[a][*e*]r-school masters, are not to be assessed for their polls or their estates, unless their real estate be not under their actual management and improvement, or not in the parishes where they are settled; and also all persons who have the management and improvement of the estate belonging to Harvard Colle[d]ge, are not to be assessed for the same; and other persons, if such there be, who, through age, infirmity or extre[e]me poverty, in the judgment of the assessors, are not able to pay towards the public charges, they may exempt their polls or estates, or abate part of what they are set at, as they on their oath shall think just and equitable.

[Sect. 5.] And the justices in their sessions, in their respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns and other places in such county, in proportion to this tax; and the assessors in each town in this state, are also directed, in making a town or county tax or assessment, to govern themselves by the same rule. And where no person appears, to discharge the taxes on non-resident proprietors' unimproved land, to the collector, he shall publish, in all the Boston newspapers, three weeks successively, the names of all such proprietors, where they are known, with the sum of the taxes assessed on their lands, respectively, and where they are not known, the sum of the taxes on the several rights or divisions, and post the same in the town where the said land lays, for the term of one month; and if no person shall appear thereupon to discharge said taxes, in such case the constable or collector shall proceed to sell so much only of said unimproved land as will be sufficient to discharge said taxes and intervening charges; and, having given notice of the intended sale thereof, and the time and place where it will be made, in the same manner as is herein, above, directed, for giving notice to the proprietors of their taxes, shall sell the same, at public sale, to the highest bidder: *saving* to the original proprietor the right of redemption of any lands so sold, at any time within three years from the time of sale; and the same shall be reconveyed to him or them on paying, within three years, the sum such land[s] [were] sold for, and twelve per cent interest on said sum.

Provided, *nevertheless*, —

And be it further enacted,

[Sect. 6.] That the several officers and soldiers now in the army, shall be consider[*e*]'d as resident in the several towns and other places to which they belonged at the time of their engaging in the army, their absence notwithstanding; and the assessors of the several towns and other places in this state, shall consider such officers and soldiers as resident in such town or place, and tax them accordingly: *provided*, that such as are engaged in the Continental Army for the term of three years, or during the war, be and hereby are exempted from their poll tax.

And be it further enacted,

[SECT. 7.] That the assessors of each town or other place, respectively, in convenient time before the making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some public place or places in such town or other place, or notify the inhabitants some other way, to give and bring in to the assessors true and perfect lists of their polls, and of all the real and personal estate they are possessed of on the first day of November next,— viz., houses, lands, and all real estate, whether improv[*e*]'d or not improv[*e*]'d, and the just value of the same,— to the assessors of the town or place where such houses, lands and other real estate lay; distinguishing those in the management and possession of some other persons, as also the amount of all their personal estate, including money [on] [*at*] interest more than they pay interest for, debts due, not on interest, more than they are indebted for, and of monies of all kinds in hand; and also the amount of the just value of all goods, wares and merchandize, stock in trade, plate, horses, oxen, cattle of all sorts and ages, sheep, swine, grain of all sorts, and all kinds of produce of the land, and of all other property whatsoever (excepting hous[e]hold furniture, wearing apparel, farming ut[i][*e*]n[t][*s*]i[a]ls, and the tools of mechanicks), more than they are indebted on the said first day of November, according to the current price of such real and personal estate on the said first day of November; and of the amount of their income from any profession, faculty, handicraft, trade or employment; and also of the amount of all incomes and profits gained by trading by sea and on shore, and by means of advantages arising from the war and the necessities of the community; which they are to render to the assessors, on oath, if required. And if any person or persons shall, upon such notice given, neglect or refuse to give in to the assessors the list of their polls and rateable estate, according to the description thereof before given, which they were possess[*e*]'d of on the said first day of November, or shall bring in a false list and shall be convicted thereof before the said assessors, it shall be lawful to and for the assessors, and they are hereby directed, to assess such person or persons, according to the best judgment and estimation they can form of the real and personal estate of the said person, according to the d[i][*e*]scription before given. And if any person or persons shall not bring in a list of their estates as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

[SECT. 8.] And if the person be not convicted of any fals[*e*]hood in the list, by him presented, of the polls, real and personal estate, such list shall be a rule for such person's proportions to the tax which the assessors may not exceed.

Provided, *nevertheless*, —

[SECT. 9.] That nothing in this act shall be constru[c][*e*]'d to extend so as to require any assessors to assess any person, for any estate real or personal, in his possession, that is the property of the United States, or any of them. [*Passed October* 24.

ACTS

Passed at the Session begun and held at Boston, on the Twenty-sixth day of November, A. D. 1777.

CHAPTER 14.

AN ACT FOR PROLONGING THE TIME FOR CALLING IN THE BILLS OF CREDIT OF THIS STATE, NOT ON INTEREST.

Preamble. 1777-78, chap. 7.

Whereas it appears to this court that the time limitted by a late act for calling in the bills of credit of this state, and issuing treasury notes therefor, is not sufficient for that purpose, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That the time for calling in said bills, and exchanging them for treasurer's notes, be prolonged to the first day of April next, and that the treasurer be, and he is hereby, directed to exchange said bills accordingly, any law to the contrary notwithstanding. [*Passed December* 13.

CHAPTER 15.

AN ACT TO SET OFF SAMUEL TAYLOR OF DUNSTABLE, WITH HIS ESTATE, FROM THE FIRST PARISH IN DUNSTABLE, TO THE SECOND PARISH IN SAID TOWN.

Preamble.

Whereas it appears to this court that Samuel Taylor of Dunstable, in the county of Middlesex, labours under many difficulties and inconvenienc[*i*]es by being held to pay taxes and do duty in the first parish in said town, which will be remedied by annexing him and his estate to the second parish in said town, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Person, with his estate, set off, etc.

That said Samuel Taylor, with the estate now in his possession, be and hereby is set[t] off from the first parish in the town of Dunstable, to the second parish in said town; and that he in future be held to pay taxes and do duty in the said second parish of said Dun-

stable, and be intitled to receive priv[e][*i*]l[id][*e*]ges therein as one of the said second parish: *provided*, *always*, that the said Samuel and his estate aforesaid, shall be liable for all such rates and taxes that are or may be assess[*e*]'d thereon by the assessors of the said first parish, on or before the first day of Jan[*uar*]y, 1778, in the same way and manner as if this act had never been made. [*Passed December* 15.

CHAPTER 16.

AN ACT TO ENABLE TOWNS TO RAISE SUCH SUMS OF MONEY AS THEY INCLINE TO DO, FOR THE PURPOSE OF LESS[*E*]NING THEIR PROPORTION OF THE PUBLIC DEBT.

Preamble. 1776-77, chap. 41. 1777-78, chap. 7.

WHEREAS divers towns within this state have, by their petitions to the general court, set forth their reluctance to have the bills of credit of this state called in by loan, and manifested their desire to have the same sunk by a tax; and this court being apprehensive that a tax so large as to supply the treasury, and at the same time to sink the bills of credit issued by this state, might exceed the abilities of many towns to pay, and also desirous that those towns who are of sufficient ability, and willing, to do the same, might be impowered to raise taxes for the purposes aforesaid; therefore, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Towns empowered to raise money.

That the majority of voters present at any town meeting legally warned for that purpose, may and hereby are impowered to vote any sum of money they may think proper, to be raised on the polls and estates within such towns; and the assessors of such town are hereby impowered to assess the same, on the polls and estates within such

To the constable or collectors within such towns who are empowered to collect.

town, in the same manner as is directed by the last tax act, and to commit the same, together with their warrant for collecting thereof, unto the constable[s] or collectors within such towns, who are hereby authori[z][s]ed and directed to collect the tax in the same manner as other town taxes; which said taxes may be paid in Continental bills, or bills of credit issued by this state; which sums, when raised, the said towns are hereby impowered to put into the public treasury of this state; and the treasurer thereof is hereby directed to receive the same, and to give his note therefor, on interest, in behalf of this state, payable at the same time, and in the same manner, as the notes which are ordered to be issued for loaning the bills of credit of this state; which said notes, and interest due thereon, shall, at any time hereafter, be received by the treasurer of this state for any tax or demand he may have against said town, after the said notes shall become due and payable, so far as the same shall go: *provided*, *nevertheless*, that all bills of credit that may be received by virtue of any tax made agreeable to the foregoing act, shall be paid to the treasurer of this state on or before the first day of April next. [*Passed December* 15.

To be paid in Continental bills, or bills of credit, emitted by this state, etc., to be put into the treasury,

—on or before the 1st day of April next.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE SEVENTH DAY OF JANUARY, A. D. 1778.

CHAPTER 17.

AN ACT FOR THE REPEALING ONE PART OF A LAW OF THIS STATE, MADE AND PASSED IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND SEVENTY-SIX, INTITLED "AN ACT FOR THE REPEALING ONE LAW OF THIS COLONY, MADE AND PASSED IN THE FOURTH YEAR OF THE REIGN OF WILLIAM AND MARY, KING AND QUEEN, INTITLED AN ACT FOR REGULATING THE FEES AND ALLOWANCES OF THE SEVERAL OFFICERS AND PERSONS, WITHIN THIS COLONY, HEREINAFTER MENTIONED." *

Preamble. 1775-76, chap. 23.

WHEREAS the fees and allowances stated in said act made and passed in the year of our Lord one thousand seven hundred and seventy-six, are, in many instances, inadequate to the services whereto they are annexed, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Fees established;

[SECT. 1.] That all and every part of said act which relates to the establishment of fees and allowances to the several officers and persons within this state, be and hereby is repealed, and be hereafter held and taken to be null and void, and of no effect whatsoever; and that the fees and allowances to the several officers and persons within this state, for the services hereinafter mentioned, shall be as follows: —

FEES TO JUSTICES OF THE PEACE, AND FOR SERVICES IN MATTERS COGNIZABLE BY THEM SINGLY.

—justices of the peace;

or every writ of attachment, or original summons, in the form that is or shall be prescribed by the law of thi[*s state*†], two shillings and sixpence.

or the summons, upon a *capias* or attachment, one shilling.

Subpena for one or more witnesses in civil causes, one shilling.

Entering an action or complaint in civil causes, two shillings.

* This is not a correct quotation of the titles of the acts referred to. — See 1692-93, chap. 37 and 1775-76, chap. 23.

† Engrossment mutilated.

For trial of an issue, three shillings.
Writ of execution, three shillings.
Filing papers, each, one penny halfpenny.
Taxing a bill of cost, sixpence.
Entering judgment in civil or criminal causes, one shilling.
Copy of every evidence, original papers, or records, at the rate of one shilling[s] per page, accounting twenty-eight lines to a page, and eight words in a line.
A recognizance, or bond of appeal, including principal and sureties, one shilling and sixpence.
Taking affidavits out of his own court in order for the trial of any cause, one shilling; and, for his travel, three shillings, for every ten miles out, and the same for returning, and in proportion for a greater or less distance: his travel to be certified on the aff[a][*i*]davit[*s*].
For taking aff[a][*i*]davits in *perpetuam:* to each justice, one shilling; and for travel, the same as in the last preceeding article.
For every oath administred to one or more witnesses, at the same time, before referees or arbitrators, one shilling.
For travel, the same as on taking affidavits.
For swearing persons appointed to appraise estates, or to appraise or divide real estates, together with the certificate, one shilling and sixpence.
Taking an acknowledg[e]ment of a deed with one or more seals, and a certificate thereof, provided it be at one and the same time, one shilling.
For a warrant in criminal cases, three shillings.
For the entry of a complaint, trial of a cause, making up judgment and filing papers, in criminal causes, the same as above specified in civil causes for the like service.
For granting a warrant, swearing appraisers relating to strays, and entering the same, two shillings.
For administ[e]ring an oath in all other cases where a justice is by law thereto impowered, and for the certificates thereof, one shilling.
For a citation of the adverse party to appear at the caption of an affidavit, eightpence.
To a witness, for his travel out and home, at the rate of three shillings for every ten miles.
For attendance, one day, two shillings and sixpence.

FEES OF THE JUSTICES OF THE INFERIOR COURT OF COMMON PLEAS.

—of the inferior court; To be paid, at the entry of each action, for all their services touching the same, exclusive of the attendance on the trial of the issue, four shillings.
To be paid them, on each action, for their attendance on the trial of the issue in law or fact, over and above the sum paid at the entry, twelve shillings.
For a recognizance on appeals, including principals and sureties, one shilling.
For taking a proof of a deed, in court, one shilling.
For awarding a writ of protection, one shilling and fourpence.
For a petition for the sale of real estates, and the order thereon, five shillings.

FEES IN THE COURT OF GENERAL SESSIONS OF THE PEACE.

—of the general sessions;

To each justice, for every day's attendance in court, six shillings per day, and for his travel out, eightpence per mile, to be paid out of the county treasury; and any clerk of the court of sessions who may be a justice of the peace, shall not be allowed for any attendance as a justice of the peace.

For granting licence to retailers and in[*n*]holders, exclusive of the fee to the clerk for the recognizance, six shillings and fourpence, to be paid into the treasury of the county in which the licen[c][*s*]ed person dwells.

CLERK-OF-THE-INFERIOR-COURT'S FEES.

—clerk of the inferior court;

For the entry of every action, one shilling and fourpence.

Writ of *capias*, or attachment, in the form prescribed by law, one shilling.

Summons upon a *capias*, eightpence.

Original summons, in form prescribed by law, one shilling.

Every appearance, fourpence.

Receiving and recording a verdict, one shilling.

Recording a judgment, one shilling and fourpence

Copies of records, at the rate of one shilling per page, twenty-eight lines to a page, and eight words to a line.

Every action withdrawn, [or][*on*] nonsuit, eightpence.

Every execution, three shillings.

Entry of a confession of judgment, or of a default, eightpence.

For acknowledg[e]ment of satisfaction of judgment, on record, eightpence.

Entry of the continuance of each action, eightpence.

Each recognizance, including principal and sureties, one shilling.

Examining each bill of cost, sixpence.

Each *venire*, to be paid out of the county treasury by order of the court, one shilling.

Writ of *habere facias*, &c., four shillings.

Filing each paper, one penny halfpenny.

Writ of protection, one shilling.

On the entry of a petition for the sale of real estates, and for the order thereon, two shillings and sixpence.

CLERK-OF-THE-SESSIONS' FEES.

—clerk of the sessions;

For entering a complaint, indictment or presentment, one shilling and fourpence.

Entering the discharge of a recognizance, eightpence.

Each warrant for criminals, whether the same be against one or more persons, two shillings and sixpence.

Each subp[o]ena for witness, whether to one or more persons named therein, eightpence.

Every recognizance, including principal and sureties, one shilling.

Receiving and recording verdict, one shilling.

Entering judgment, on record, one shilling and sixpence.

Entering satisfaction of judgment, on record, threepence.

Warrant for county tax, two shillings.

Minuting the receipts of each petition, and the order thereon, one shilling.

Recording the order, at the rate of one shilling per page, of twenty-eight lines, and eight words to a line.

For examining and casting the grand jur[y'][*ie*]s accounts for the year, and the order thereon to the county treasurer, which the court are impowered to give, one shilling and sixpence.

Examining all other accounts, sixpence each.

Copies of all records or original papers, one shilling per page, of the quantity above specified.

Filing papers, one penny halfpenny each.

Transmitting to the selectmen of each town in the county, a certificate of the names of the persons licen[c][*s*]ed for the last year, one shilling for each certificate, be the names more or less, to be paid out of the county treasury.

SHERIFF'S OR CONSTABLE'S FEES.

Sheriff's fees.

For the service of an original summons, or *scire facias*, either by reading or by copy, and for the service of a *capias*, or attachment, on one defendant only, one shilling and fourpence: if on more than one defendant, then one shilling and fourpence for the service on each.

For a bail bond, including principal and sureties, to be paid by the person or persons admitted to bail, one shilling and fourpence.

For serving a writ of *habere facias*, &c., exclusive of poundage on the costs, six shillings: if of more than one piece of land, four shillings and sixpence each: and the same poundage on the costs as is hereafter allowed on executions on personal actions.

For serving a warrant, one shilling and fourpence.

For the sheriff's aid or assistance, on writs or warrants in civil or criminal causes, four shillings for a day, and in proportion for a longer or shorter time.

For summoning witnesses in civil and criminal causes, eightpence for each witness; and for travel as on writs in civil causes.

For levying monies, upon writs of execution or warrants of distress, for the first twenty pounds or under, ninepence per pound; above that, not exceeding forty pounds, fourpence per pound; above that, not exceeding one hundred pounds, twopence; all above one hundred pounds, one penny.

For travel, for the service of an original writ, a warrant, and execution, threepence per mile; the travel to be computed from the dwelling-house of the person who shall do the service, to the place where the writ or warrant shall be served, and from thence to the court where the writ is made returnable; and for the service of the execution on a judgment, on personal actions, one shilling and sixpence: and that the number of miles' travel, and the fees therefor, and for the service, be endors'd by the sheriff or his deputy, on each mean process or execution, otherwise they shall not be allowed.

For serving an execution upon a judgment for partition of real estate, five shillings per day; and travel, threepence per mile, out and to return the writ: and to each juror, three shillings and sixpence per day; and for his travel, threepence per mile, out and home.

For the sheriff's attendance at the superior court, at the court of [*the*] general sessions of the peace, and inferior court of common pleas, or either of them, to be paid out of the county treasury, five shillings per day: *provided*, *always*, that when the court

of general sessions of the peace and inferior court are sitting at the same time and place, he shall be allowed but five shillings per day in the whole.

For dispersing *venires* from the clerk of the superior court, state treasurer's warrants, and government proclamations, fourpence each.

For making out every precept for the choice of representatives, sending the same to the several towns, and returning it to the secretary's office, eightpence; to be paid out of the county treasuries, respectively.

For the encouragement to the sheriff to take and use all possible care and dil[l]igence for the safe-keeping the prisoners that shall be committed to his custody, he shall have such salary allowed him for the same, as the justices of the court of general sessions of the peace, within the same county shall think fit to order; not exceeding fifteen pounds per annum for the county of Suffolk, and not exceeding seven pounds ten shillings per annum, apiece, for the counties of Essex and Middlesex, and not exceeding four pounds ten shillings per annum, apiece, in each of the other counties within the state: to be paid out of the treasury of such county.

To the officer attending the grand jury, to be paid by the county, three shillings and sixpence per day.

To the officer keeping the jury of trials, one shilling and sixpence for each cause.

For appraising real estates for satisfaction of executions, four shillings per day to each appraiser, and in proportion thereto for a longer or shorter time.

And be it enacted,

[SECT. 2.] That the justices of the courts of general sessions of the peace in the counties of Suffolk, Middlesex and Essex, shall have full power to appoint two constables, and the justices of each of the other counties in the state, one constable, to attend their courts, respectively; who shall be allowed three shillings per day, to be paid out of the county treasury.

CORONER'S FEES.

Coroner's fees.

For serving original and judicial writs, the same fees as before provided for the sheriff, and threepence per mile for travel; and for a bail bond, one shilling.

For keeping the petit jury, on the trial of each cause, one shilling and sixpence, where the sheriff is concerned.

For his time and expences in and about the taking inquisitions, at the rate of six shillings per day, and for his travel, out and to return the inquisition, threepence per mile.

To each juror, at the rate of four shil[*lin*]gs per day, for time and expence, and for travel, out and home, twopence per mile.

To the constable, for his expence, summoning the jury, and attendance, four shillings per day; and all charges of the inquisition[*s*] shall be paid out of the county treasury, except upon such as are cast away at sea, and in such case, the expence shall be paid out of the state treasury: such account of expence being first examined and allowed by the court of general sessions of the peace in the county in which inquisition shall be taken.

CRYER'S FEES.

Crier's fees.

On default or nonsuit, eightpence; to be paid to the clerk, for the cryer, at the entry of the action.

For calling the jury, on the committing the issue to them, to be paid when the jury's fees are paid, one shilling and fourpence.

For calling the recognizor or recogniz[e][o]rs, on a recognizance, one shilling.

For his attendance, opening and adjourning the court, two shillings and sixpence per day; to be paid out of the county treasuries, respectively.

GOALER'S FEES.

Jailer's fees.

For turning the key on each prisoner committed, three shillings; viz[t]., one shilling and sixpence in, and one shilling and sixpence out.

For dieting and lodging each person, ten shillings per week.

THE ALLOWANCE TO PARTIES AND WITNESSES.

Allowance to parties and witnesses.

For the declaration in a writ of attachment or original summons, six shillings.

Declaration in the summons on an attachment, one shilling.

For attorney's fees; viz[t]., in the superior court, in every case where an issue in law or fact is joined, and argued to the court or jury, twenty shillings; and in the inferior court, and court of general sessions of the peace, where such issue is joined and argued, ten shillings; and the said attorney's fees shall not be taxed for the party prevailing, in any cause whatsoever, where the cause was not in fact argued to the court or jury, by an attorney.

To the attorney who may be appointed by the court of general sessions of the peace to act in behalf of the state and attend grand jurors, etc., for drawing each bill of indictment, three shillings, including his attendance on the grand jury.

To witnesses in civil and criminal causes, whether in the superior or inferior courts, or court of general sessions of the peace, for each day's attendance, two shillings and sixpence; and for travel, twopence per mile, out and home.

To the party prevailing in the action, or his attorney, the distance which he travel[l]ed from and to his usual place of abode, threepence per mile, and for every day's attendance at court, three shillings: *provided, nevertheless*, that no pla[i]ntiff shall be allowed more than four days' attendance, where the defendant is defaulted, unless the defendant appears in court, and makes answer to the plantiff's suit. And in every case where the party or his attorney shall make a false certificate of his travel, or attendance, or both, the adverse party, his executors or administrators, shall have his actions to recover of the party guilty of such fraud, his executors or administrators, treble the sum which such fals[e]hood and fraud shall have been the occasion of his paying more than his actual travel or attendance amounted to, at the rate above mentioned, with full costs of suit.

JUDGE OF PROBATE, ETC., AND REGISTER'S, FEES.

Judge of probate, etc., and register's, fees.

For granting administration, —
to the judge, three shillings:
to the register, for letter and bond of administration, two shillings each.
For appointing or allowing guardians to minors: to the judge, two shillings; for the bond, letter of guardianship: to the register, five shillings.
For approving or disallowing a will or codicil: to the judge, three shillings and sixpence; to the register, two shillings.
For examining and allowing an inventory, and swearing an executor or executors, administrator or administrators: to the judge, one shilling and sixpence; —
to the register, for writing the allowance, eightpence.
For recording a will, letter of administration, and every other matter and thing which ought to be recorded: for every page, one shilling; and at the same rate for a greater and less quantity, accounting twenty-eight lines to a page, and eight words to a line.
For copies of all records and papers, one shilling per page, of the quantity above stated:
Examining and allowing, or disallowing, accounts, at the rate of one shilling and sixpence per page, to the judge; —
to the register, for writing the allowance, eightpence.
For the decree for settling an intestate estate, three shillings to the judge.
A citation, one shilling.
A *quietus:* to the judge, one shilling; to the register, one shilling.
Warrant for the appraising or dividing estates; two shillings to the judge, and one shilling to the register.
For the commission to receive and examine the claims of creditors to an insolvent estate, one shilling to the judge, and one shilling to the register.
For a warrant to the administrators for the distribution of the estate: two shillings to the judge; and, to the register, at the rate of one shilling and fourpence per page, for writing the said warrant.
For proportioning an insolvent estate among the creditors, agreeable to the commissioners' return, five shillings for every ten creditors, and in proportion, for a greater or less number.

And be it further enacted,

[SECT. 3.] That whenever any fees shall be paid in the probate office, for the probate of a will and letters testamentary, or for granting letters of administration or letters of guardianship, or for any matter or thing from time to time arising in consequence of such letters testamentary or letters of administration or letters of guardianship, and until the estate upon which they are respectively granted shall be fully settled, a particular account of such fees, before payment, shall, if demanded, be, by the register or judge, set down in writing, and given to the person paying the same; and any such fees, received without being thus ascertained in writing, shall be deemed illegal fees, and the person receiving the same shall forfeit and suffer accordingly.

CLERK-OF-THE-SUPERIO[U]R-COURT'S, FEES.

Clerk-of-the-superior-court's, fees;

Writ of review, six shillings.
Writ of *scire facias*, three shillings.

Writ of execution, on the judgment in personal actions, three shillings.
Writ of *habere facias*, &c., four shillings.
Writ of *habeas corpus*, two shillings.
Copies of all records, at the rate of one shilling per page, of twenty-eight lines, and eight words in a line.
Entering each action for trial, four shillings and sixpence.
Entering each complaint, two shillings and eightpence.
Receiving and recording a verdict, one shilling and sixpence.
Entering a rule of court, two shillings.
Recording a confession of judgment, default, retraxit, or nonsuit, two shillings.
Recording an appearance, one shilling.
Entering an acknowledg[e]ment of satisfaction of judgment, one shilling and sixpence.
Examining each bill of cost, one shilling and fourpence.
Entering of the continuance of each cause, one shilling and sixpence.
Filing each paper in a cause, twopence.
Taking the proof of a deed in court, and certifying the proof thereon, two shillings and sixpence.
Entering and recording the judgment at large, three shillings.
For each *venire*, to be paid out of the county treasury, respectively, for* the certificate of the justices, one shilling and fourpence.
Every writ and seal other than the above-mentioned, three shillings.
For every subpœna for one or more witnesses, one shilling and sixpence.
Each recognizance, including principal and sureties, two shillings.
Writ of protection, one shilling and eightpence.
Recording a judgment in every criminal cause, four shillings and six pence, to be paid out of the county treasury when the defend ant is acquitted.
On a petition for the sale of real estate, and the warrant thereon three shillings and sixpence.
Entering the discharge of a recognizance, one shilling and eightpence.

GRAND JUROR'S FEES AT THE SUPERIOR COURT AND COURT OF SESSIONS.

Grand juror's fees.

To each juror, for his service, per day, six shillings; — for travel out and home, twopence per mile; but one travel at each court: to be paid out of the county treasury.

PETIT JURORS' FEES.

Petit jurors' fees.

To every foreman, in every cause at the superior and inferior courts, and courts of general sessions of the peace, four shillings.
To every other juror, three shillings and fourpence; their allowance for travel to be the same as to the grand jurors, and to be paid out of the county treasury.

FEES IN THE SECRETARY'S OFFICE.

Fees in the secretary's office.

For copies of all records taken out of the office by private persons, at the rate of one shilling per page, accounting twenty-eight lines to a page, and eight words to a line.

FEES FOR MARRIAGES, ETC.

Fees for marriages.

For each marriage, to the justice or minister propounding the covenant, eight shillings.

* *Sic:* "on"? See this item in 1764–65, chap. 26.

For recording the same: to the town clerk, to be paid by the justice or minister certifying it, one shilling; and to the clerk of the general sessions, to be paid by the town clerk, threepence.
To the town clerk, for every publishment of the intention of marriage, one shilling and sixpence.
For every certificate of such publishment, one shilling and fourpence.
Recording births and deaths, each, twopence.
For certificate of the birth and death of any person, threepence.

COUNTY REGISTER'S FEES.

For recording or copying any deed, conveyance or mortgage, at the rate of one shilling per page, accounting twenty-eight lines for a page, and eight words for a line; and sixpence for his attestation on the original, of the time, book and folio where it is recorded: the fees to be paid at the offering of the instrument; — and for the discharge of a mortgage, eightpence. County register's fees.

And whereas the fees allowed to naval officers are, in divers instances, disproportionate to the services to which they are annexed; therefore, —

Be it enacted by the authority aforesaid,

[Sect. 4.] That the clause in an act made and passed in the year of our Lord one thousand seven hundred and seventy-six, [i][e]ntitled "An Act for establishing a naval office, and for the as[s][e]ertaining the fees," which relates to the establishment of fees for naval officers, be and hereby is repealed and declared null and void; and that their fees and allowances in future shall be as follows: — 1776-77, chap. 22.

NAVAL OFFICER'S FEES.

For entering every ship and vessel from any part of this state, or from the state of New Hampshire, five shillings. Naval officer's fees.
For clearing every ship and vessel to any part of this state, or to the state of New Hampshire, five shillings.
For entering every ship and vessel from any other of the United States, thirteen shillings and fourpence.
For clearing every ship and vessel to any other of the United States, thirteen shillings and fourpence.
For entering every ship or vessel from a for[ie][ei]gn voyage, eighteen shillings.
For clearing every ship or vessel for a foreign voyage, eighteen shillings.
For every register, eight shillings.
For indorsing every register, three shillings.
For recording the same, two shillings.
For every bond, four shillings.
For a certificate to cancel bond, three shillings.
For a bill of health, twelve shillings.
For every permit to unload, two shillings.
For every permit to load, two shillings.
For every cocket, four shillings.
For every let-pass, two shillings.
For every bond and certificate for vessels employed by the year, coastwise, and the entry thereof, fifteen shillings.

And be it further enacted,

[Sect. 5.] That if any person or persons shall demand and wittingly take any greater fee or fees, for any of the services aforesaid, Penalty for taking unlawful fees.

than are by this law provided, he or they shall forfeit and pay to the person or persons injured, the sum of ten pounds for every offence, to be recovered in any court proper to hear and determine the same.

And be it further enacted,

Costs of courts on criminal prosecutions to be taxed, etc.

[SECT. 6.] That all criminal prosecutions in the superior court of judicature, court of assize and general goal delivery, and in the courts of general sessions of the peace, when the party or parties prosecuted shall be ordered to go without day, or when, being convict, shall not have sufficient goods or estates to pay costs of prosecution, in every such case it shall be in the power of the court before whom such acquittal or conviction shall be, to tax such costs for court charges as the case shall appear to require, not exceeding the fees or costs stated by this act; and such costs so taxed by the courts of general sessions of the peace, shall be paid out of the respective county treasuries; and such costs so taxed by the superior court of judicature, court of assize and general goal delivery shall be paid by the sheriffs of the respective counties, out of such fines and forfeitures as may have arisen and been incurred by force of any judgment or sentence of such court; and allowance shall be made by the state treasurer to the several sheriffs for any sums paid as aforesaid: and when and so often as it shall happen that any sheriff shall not have in his hands any monies received for fines and forfeitures as aforesaid, such costs shall be paid out of the treasury of this state.

Limitation.

[SECT. 7.] This act to continue and be in force until the last day of June, which will be in the year of our Lord one thousand seven hundred and seventy-nine. [*Passed January* 24, 1778.

CHAPTER 18.

AN ACT FOR PRESCRIBING AND ESTABLISHING AN OATH OF FIDELITY AND ALLE[I]G[*I*]ANCE.

Preamble.

WHEREAS the king of Great Britain hath abdicated the government of this and the other United States of Ame[*ri**]ca, b[*y p**]utting them out of his protec[*tion**] and u[*ujustly levying**] w[*ar against**] them, and the said United States, by their representatives, in General Congress assembled, by a declaration bearing date the fourth day of July, A.D. 1776, for the reasons therein mentioned, solemnly declared that the United Colon[y'][*ie*]s of North America "are,† and of right ought to be free and independ[a][*e*]nt states; that they are absolved from all alle[i]g[*i*]ance to the British crown, and that all political union‡ between them and the state of Great Britain, is and ought to be totally dissolved;" which declaration has been solemnly ratified and adopted by this state; *and whereas*, in all states, protection and alle[i]g[*i*]ance are and ought to be reciprocal, and those who will not bear the latter, are not entitled to the benefit[s] of the former, —

* Engrossment mutilated.

† The quotation marks are placed before "solemnly," in the original impression of the above paragraph; but are here placed at the beginning of the first continuous line quoted. They are wholly omitted in the engrossment.

‡ *Sic*: connection?

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Power of any justice of the peace to cause suspected persons to be brought before him.

[Sect. 1.] That any justice of the peace in any county in this state shall have full power and authority, and he is hereby required, upon representation made to him, in writing, signed by any member of the council or house of representatives, civil or military officer of any town or county, or of a selectman, or member of any committee of correspondence, inspection and safety, or of any two substantial freeholders, within any town or plantation of this state, that there is, in his or their opinion, just and sufficient reason to suspect that any particular person, so named, residing in any town or plantation in this state, is inimical to the United States, such justice is hereby impowered and required to cause any person, so suspected, to be brought before him, and to administer an oath or affirmation to such person so represented: *excepting*, to such persons as were appointed councellors within this state, by *mandamus* from the king of Great Britain, accepted of such appointment, acted in consequence of it, and have since joined the enemy; and to such other persons as have left this state since the nineteenth of April, 1775, and have joined the enemy; such as have taken up arms against the United States (unless they can make it appear they were compelled thereto), as have inlisted men for the enemy, or accepted a warrant or commission for that purpose, or conveyed intelligence to them since the Declaration of Independency; in the form following: —

Form of the oath.

I, A. B., do swear (or affirm as the case may be) that I will bear true faith and alle[i]g[*i*]ance to the state of Massachusetts Bay, and will faithfully support and maintain and defend the same against George the Third, king of Great Britain, his abettors and all other enemies and opposers whatsoever, and will discover all plots and conspirac[*i*]es, that shall come to my knowledge, against said state or any other of the United States of America. So help me God.

And be it further enacted by the authority aforesaid,

Power of the justice of the peace in case of refusal to take the oath,

[Sect. 2.] That if any person or persons to whom the said oath shall be tendered, by virtue of this act, shall refuse to take the same, the said justice shall commit[t] the person or persons so refusing to the goal of the county where the oath was tendered, and certify the same to the council, as soon as may be, with the costs that have aris[o][*e*]n on the process, which, with the goaler's fees, shall be paid out of the personal estate of the person so refusing, in all cases where he is of sufficient ability, and in all other cases, out of the treasury of this state; and the person or persons so refusing, shall, within forty days after such refusal, be sent off, by order of the council of this state, to some port in the dominions of the king of Great Britain, at their own expence, in all cases where, in the judgment of the council, they have estate sufficient to support it, and in all other cases at the public expence; and the council are hereby impowered to cause passages to be procured for all such persons, or to hire a vessel or vessels for that purpose; and all and every such person or persons so refusing, shall be at liberty to sell and dispose of his or their personal estate, and, after satisfying all just and equitable claims and demands which shall be brought against him or them, to carry away the residue thereof, and also to nominate and appoint an attorney or attorn[*i*]e[y]s, to be approved by the council, to sell and dispose of his or their personal estate; and, in like manner as the subjects of this state, to demand, sue for and recover, in his or their name or names, all such debts and

—and of the council.

sums of money as are or shall be due, owing or payable to him or them respectively, in such way and manner as they shall think fit: *provided*, it be not repugnant to the resolutions of Congress, or the laws of this state.

And be it further enacted by the authority aforesaid,

Persons returning without leave, to suffer.

[SECT. 3.] That if any person or persons so sent off from this state, as aforesaid, shall voluntarily return into the same again, unless leave be obtained from the general court for that purpose, he or they, being duly convicted thereof in the superior court of judicature, court of assize and general goal delivery, shall suffer the pains of death, without benefit of clergy.

And be it further enacted by the authority aforesaid,

Persons described, who are to be sent out of the states as if they had refused to take the oath.

[SECT. 4.] That if any persons who were appointed councellors within this state, by *mandamus* from the king of Great Britain, accepted of such appointment, acted in consequence of it, and have since joined the enemy; or any such other person or persons as have left the state since the nineteenth of April, 1775, and have joined the enemy; or any such persons as have taken up arms against the United States, unless they can make it appear they were compelled thereto; or have inlisted men for the enemy, or accepted a warrant or commission for that purpose, or conveyed intelligence to them since the Declaration of Independency; and such as have supplied the enemy with provisions; all and every person so offending, who shall hereafter voluntarily return to this state, shall, by order of council, be sent off, as if he or they had refused to take the oath or affirmation prescribed by this act, excepting, in such case, they shall not be entitled to any advantage from their personal estate; and if he or they shall voluntarily return to this state after being so sent off, unless leave be obtained from the general court for that purpose, he or they shall, upon conviction thereof in the superior court of judicature, court of assize and general goal delivery, suffer death, without benefit of clergy.

And be it enacted by the authority aforesaid,

Particular persons required to take the oath.

[SECT. 5.] That all members of the general assembly, and all officers, civil and military, and all attorn[*i*]e[y]s-at-law, shall take the oath or affirmation before mentioned; and no person shall have authority to execute any of the offices or trusts aforesaid, or shall be admitted to appear and act as attorney or coun[ci][*se*]l in any court of justice in this state, after the [twentie][*20*]th day of March next, unless he shall have taken said oath or affirmation; and all and every person or persons who shall hereafter be appointed to any of the aforesaid offices and places of trust or emolument, shall, before he enter upon the execution of such office, or place of trust, take the oath or affirmation before prescribed; and the said oath or affirmation shall be administ[e]red to the members of the general court, by any three of the council; and to all others, appointed to any of the offices and places of trust aforesaid, by any two of the council, or such others as shall be by the said council or the major part of them thereunto appointed.

And be it further enacted by the authority aforesaid,

Alterations of words, accommodated to the people called Quakers.

[SECT. 6.] That such persons as are of the denomination of Christians called Quakers, to whom the said affirmation may be tendered, the words, "and defend," shall be omitted; and instead of the words, "so help me God," shall be used the words, "and this I affirm upon the pains and penalties of perjury." [*Passed February* 3, 1778.

CHAPTER 19.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF SEVENTY-FIVE THOUSAND POUNDS.

Preamble.

WHEREAS it is necessary, immediately, to make provision to enable the treasurer of this state to answer the draught[s] made on him in favour of the Board of War.—

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Treasurer directed to issue his notes.

[SECT. 1.] That the treasurer of this state be, and he hereby is, directed, on the credit thereof, to issue his notes, payable by the first of March, one thousand seven hundred eighty-three, to draw interest of six per cent per annum, to be paid annually; the amount of said notes not to exceed the sum of seventy-five thousand pounds; and that no note be issued for a less sum than ten pounds; and that said notes be of the tenor and form following; viz[t]., —

Form of notes.

State of Massachusetts Bay, the day of , 1778. For value received, for the use of the state of the Massachusetts Bay, I do, in behalf of said state, hereby promise and oblige myself and successors in the office of treasurer, to pay to the possessor of this note, the sum of , by the first day of March, 1783, with interest at six per cent per annum; the interest to be paid annually.

Witness my hand, Treasurer.

A. B.,
C. D., } Committee.
E. F.,

— which form shall be printed on good paper, and a suitable border round the same; and when said notes are issued, a counterpart, indented, of each note, shall be kept by the treasurer.

And be it further enacted,

Committee to countersign.

[SECT. 2.] That Ezekiel Lewis, Jonathan Hastings and John Mascar[e]en[e]e, be a committee to sign blank notes, at the left hand, as by the form prescribed, before the same are filled up by the treasurer.

And be it further enacted,

Tax to be levied.

[SECT. 3.] That there be and hereby is granted a tax of seventy-five thousand pounds, to be levied on the pol[e][l]s and estates within this state, according to such rules, and in such proportions on the several towns and other places therein, as shall be agreed upon and ordered by the general court or assembly at their sessions in June, one thousand seven hundred and eighty-two, and to be paid into the treasury on or before the twentieth day of February then next after, and to be apply[e]'d for the redemption of the notes which may be issued by virtue of this act.

And be it further enacted,

Treasurer to issue his warrants to the towns, in case the general assembly shall not agree upon an act.

[SECT. 4.] That if the general court shall not, some time before the first day of September, in the year one thousand seven hundred and eighty-two, agree and conclude upon an act [o][a]pportioning the sums which by this act are agreed to be paid in said year, then and in such case each town and other place in this state shall pay, by a tax to be levied on the pol[e][l]s and estates within their limits, respectively, the same proportion of the said sum as such town or other

place was taxed by the general court in the tax act then last proceeding.*

[SECT. 5.] And the treasurer of this state is hereby impowered and directed, some time in the said month of September in said year, to issue and send forth his warrants, directed to the selectmen or assessors of each town or other inco[*r*]porated place within this state, or to some suitable person or persons in such place or places therein as are not incorporated, requiring them to assess the pol[e][*l*]s and estates within their several towns and other places, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury on or before said twentieth day of February, one thousand seven hundred and eighty-three; and the assessors as also all persons thereby assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last proceeding* tax act.

And be it further enacted by the authority aforesaid,

Notes to be delivered to the Board of War, as directed by the council.

[SECT. 6.] That the notes that may be issued by the treasurer by virtue of and in conformity to this act, shall, by him, upon his receiving a warrant from the council for the aforesaid sum, be delivered to the Board of War, or their order, from time to time, and in such proportions and sums as said board may draw for.

Provided, nevertheless, —

[SECT. 7.] That if the general court shall make provision for the redemption of the notes which may be issued in consequence of this act, before the year on which the tax granted hereby is ordered to be laid, then the clause granting said tax, together with the other clauses grounded thereon, to be void, otherwise to remain in force. [*Passed February* 20, 1778.

CHAPTER 20.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT FOR ENABLING TOWNS TO RAISE MONEY FOR CARRYING ON THE PRESENT WAR."

Preamble. 1776-77, chap. 41. 1777-78, chap. 16.

WHEREAS, by said act, among other things, it is enacted that the collectors of the several towns, plantations, districts and parishes within this state are directed and required to execute all warrants for collecting monies raised for this purpose, in the same manner they are, by law, obliged to execute warrants for collecting other town's rates or assessments; *and whereas* it is represented to this court, that some towns, plantations, districts or parishes have chosen a special collector or collectors, to collect such sums of money as they have voted for the above purposes, altho'[*ugh*] not authori[z][*s*]ed thereto by said act, and that the obliging the standing collectors to collect said monies would be considered as an additional bur[th][*d*]en, and, in many instances, contrary to express stipulation with the collectors when chosen,—

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Collectors authorized.

[SECT. 1.] That where any town, plantation, district or parish has or hereafter shall choose, at a lĕgal meeting, a collector or collectors, for collecting such sum or sums of money which they have or

* *Sic.*

hereafter may vote to be assessed on their town, plantation, district or parish, for carrying on the present war, the said collector or collectors so chosen, or that may hereafter be chosen, are hereby authori[z][*s*]ed and required to collect all such sum or sums of money as they may have a warrant for, agreeable to said act, they paying in all such sums of money that they shall so collect, according to the directions of their warrant; and any person, chosen to serve collector as above, refusing to take the oath required, by law, to be taken by collectors of taxes, shall be liable to the same penalties as by law collectors of town taxes are subject to that refuse to serve; any law to the contrary notwithstanding.

And whereas doubts have arisen as to the power of towns to provide for their poor, and the families of soldiers who are in the army, in any other manner than by raising money only for that purpose,—

Be it further enacted,

[SECT. 2.] That any town in this state may provide for the necessities of their poor, and for the supply of the families of the soldiers, in such manner as shall appear most elig[a][*i*]ble and convenient to the majority of voters present at any town meeting legally warned for that purpose; the expences thereof to be assessed and collected in the same manner as aforesaid. [*Passed February* 8, 1778.

CHAPTER 21.

AN ACT FOR INCORPORATING THE WESTERLY PART OF THE TOWN OF WRENTHAM, IN THE COUNTY OF SUFFOLK, INTO A TOWN BY THE NAME OF FRANKLIN.

WHEREAS the inhabitants of the westerly part of the town of Wrentham, in the county of Suffolk, have represented to this court the difficulties they labour under in their present situation, and, apprehending themselves of sufficient numbers and ability, request that they may be incorporated into a sep[e][*a*]rate town,— Preamble.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the westerly part of said town of Wrentham, sep[e]r[*a*]ted by a line as follows; viz[t]., begin[*n*]ing at Charles River, where Medfield line comes to said river; thence, running south, seventeen degrees and an-half west, until[l] it comes to one rod east of the dwelling-house of William Mann; thence, a strait line, to the eastwardly corner of Asa Whiting's barn; thence, a strait line, to sixty rods due south of the old cellar, where the dwelling-house of Ebenezer Healy formerly stood; thence, a due west course by the needle, to Bellingham line; said Bellingham line to be the west bounds, and Charles River the northerly bounds,— be and hereby is incorporated into a distinct and seperate town, by the name of Franklin, and invested with all the powers, privil[i][*e*]dges and immunities that towns in this state do or may enjoy. Boundary lines.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That the inhabitants of said town of Franklin shall pay their proportion of all state, county, and town, charges already granted to be raised in the town of Wrentham, and also their propor- Proportion of charges now granted to be raised, to be paid, etc.

tion of the pay of the representative for the present year. And the said towns of Wrentham and town of Franklin shall severally be held punctu[a]lly to stand by, and perform to, each other the terms and proposals contained and expressed in a vote* of the town of Wrentham, passed at a public town meeting, the sixteenth day of February, 1778, according to the plain and obvious meaning thereof.

And be it also enacted by the authority aforesaid,

First town meeting, by whom to be called.

[SECT. 3.] That Jabez Fisher, Esq[r]., be, and he hereby is, authorized and required to issue his warrant to one of the principal inhabitants of said town of Franklin, authorising and requiring him to notif[ie][y] and warn the freeholders and other inhabitants of said town, to meet together at such time and place as shall be expressed in said warrant, to choose such officers as towns are authori[z][s]ed by law to choose, and transact other such lawful[l] matters as shall be expressed in said warrant.

And be it further enacted,

Qualification of voters at the said meeting.

[SECT. 4.] That the inhabitants, living within the bounds aforesaid who in the late tax in the town of Wrentham, were rated one half part so much for their estates and faculties as for one single poll shall be taken and holden to be qual[l]ified and to be allowed to vote in their first meeting for the choice of officers, and such other meetings as may be called in said town of Franklin, until a valuation of estates shall be made by assessors there. [*Passed March* 2, 1778.

* The vote here referred to is as follows: —

"Wrentham February 16. 1778 — At a General town meeting of the freeholders and other inhabitants of this town, being warned Qualified and Assembled as the law directs, at the publick meeting house in the first Precinct in this town by adjournment —

The Com[tee] chosen to take under Consideration the articles of Consideration, having attended that service, beg leave to report that the Representative of this town be instructed to give his Vote for said Consideration, except the eighth Article, which is humly Submitted to the wisdom of the General Court JOSEPH HAWS p[r] order

the aboue report of the Com[tee] being read, & Considered by the town was Voted & accepted —

The Committee appointed by this town to Consider of the petition of the of the Com[tee] of the inhabitants of the west Precinct in this town Praying to be set of as a Seperate township by certain bounds as menshoned in said petition — beg leave to report as follows —

That said Com[tee] were Unamously of opinion that said inhabitants be set of as a Seperate township by themselves by the following bounds, Viz. Begining at Charles River where medfield line comes to Said river, thence runing South Seventeen degrees & half west, untill it comes to one rod East of the dwelling house of M[r] William Man, thence a Strait line to the Easterly Corner of M[r] Asa Whitings barn thence a Strait line to Sixty rods Due South of the old Seller where the Dwelling house of M[r] Ebenezer Healy formerly Stood, thence a Due west course by the Needle to Bellingham line Said Bellingham line to be the west bounds and Charles River the Northerly bounds; said Com[tee] further agree that the poor of the town be divided in the following manner, viz the Widow Man Daniel Hall & wife & Ame Hall remain to the town of Wrentham, & that the Widow Willson & Jemima Mccany be maintained by the petitioners, and that all the poor that Shall arise to the town hereafter from any Settlement heretofore gained by coming into this town, shall be maintained by each precinct where they gained their Settlement, and that each Precinct maintain all their inhabitants for the future that Shall be on either side at the time of Division, said Com[tee] also agree that the fire arms belonging to the town be divided according to the pools & estates of the inhabitants, and the powder ball flints and other Stores of that kind be divided by the number of the training band & alarm list, & that the money Arising from the Sale of the lands between the two ponds be divided According to the Vote of the town as it Stands on book, and that the School money remain to the town of Wrentham, said Com[tee] likwise agree that the men that were hired or inlisted into the Continental Army for three years or during the War be divided in the following manner Viz the west Precinct to take thirty seven of said men and to pay into the town treasury all the money their men Cost the town for hire or Bounty with interest, & allso to pay M[r] Peter Adams his charge as one of the towns Com[tee] for hiring said men that were hired by the town, and if the Petitioners Should want one of the men said Adams hired they are to have one paying what said men cost on an Everage, the petitioners are allso to pay to those men who inlisted on their Ground all the bounty that the town promised that has not been already paid, and that the petitioners be held to maintain the families of all those Soldiers that inlisted or were hired on their side agreable to the act of the Court for that purpose

Said Com[tee] further Vnanimously agree, thall all the money heretofore Granted by the town or have Arisen to the town any other way, be spent in the town and Among the Petitioners (after a full Settlement with the treasury) in the usual manner, or be divided according to the pool and estates according to the last tax bill, and that all arrearages that has or Shall arise to the town upon any Consideration what ever heretofore, Shall be paid as has been Usual by the town, and petitioners, or when Divided into two towns, each town to take its proportion, Agreable to the aboue said tax bill

Wrentham February 16, 1778 THOMAS MAN JEREMIAH DAY LEMUEL KOLLOCK JOHN EVERET DAVID FISHER JABEZ FISHER to the whole of the report Except the bounds to which he does not Agree JOHN METCALF JUN[r] SAMUEL LETHBRIDGE ASA WHITING

The aboue report being Several times read before the town after Consideration and some debate was Voted & Accepted"

CHAPTER 22.

AT ACT FOR REVIVING AN ACT INTITLED "AN ACT TO PREVENT THE SELLING OF GOODS AT PUBLIC VENDUE."

Preamble. 1777-78, chap. 2.

WHEREAS many advantages have arisen from an act made in the year of our Lord one thousand seven hundred and seventy-seven, intitled "An Act to prevent the selling of goods at public vendue," —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the before-mentioned act, now expired, be revived and continued, with all and every clause, matter and thing therein respectively contained; and shall, from and after the fourteenth day of March, one thousand seven hundred and seventy-eight, be in force until[1] the fourteenth day of September next, excepting that clause which permits the sale of Continental stores, at vendues, by the commissary-general or his order, in consequence of resolutions of Congress.

Provided, nevertheless, —

[SECT. 2.] That this act shall not extend to prohibit the public sale of goods, in the hands of the committee of sequestration, already ordered by this court. [*Passed March* 12, 1778.

CHAPTER 23.

AN ACT FOR INCORPORATING THE PLANTATION CALLED COXHALL, IN THE COUNTY OF YORK, INTO A TOWN BY THE NAME OF COXHALL.

Preamble.

WHEREAS the inhabitants of the plantation called Coxhall, in the county of York, have represented to this court, that the erecting said plantation into a town will greatly contribute to its settlement, and remedy many difficulties and inconveniences they now labour under; therefore, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Boundary lines.

[SECT. 1.] That the said plantation, bounded as follows; viz., beginning on the west of Mousom River, a little below the great falls there, at a pitch-pine stump; from thence, crossing said river, on a north-easterly point of compass, and running, by the towns of Wells and Arundel[1], six miles (viz., until it comes within four miles of Saco River), to an Oak Island, so called; thence, from said Arundel line, on a north-westerly course, continuing at the distance of four miles from said Saco River and par[e][a]llel thereto, back into the country, six miles and an hundred and twenty rods, to a hemlock-tree marked on four sides, about forty rods to the northward of a pond called Swan Pond; from thence, across said pond, excluding about

two-thirds thereof, on a south-west course, six miles to a red-oak tree mark'd on four sides; and thence, on a south-east course, to the bounds and pine stump, by said Mousom River, first mentioned; including therein about twenty-three thousand and forty acres, — be and hereby is erected into a town by the name of Coxhall; and the inhabitants are hereby invested with all the powers, privileges and immunities which the inhabitants of other towns within this state enjoy.

And be it further enacted,

First town meeting to be called.

[SECT. 2.] That the Hon[*ora*]ble Benjamin Chadbourne, Esq[r]., be, and he hereby is, impowered to issue a warrant to some principal inhabitant of said plantation, requiring him to call a meeting of said inhabitants, qualified as the inhabitants of other towns ought to be to vote in town affairs, in order to choose such officers as, by law, towns are impowered to choose in the month of March, annually. [*Passed March* 11, 1778.

CHAPTER 24.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT FOR FORMING AND REGULATING THE MILITIA WITHIN THE COLONY OF THE MASSACHUSETTS BAY, IN NEW ENGLAND, AND FOR REPEALING ALL THE LAWS HERETOFORE MADE FOR THAT PURPOSE."

Preamble. 1775-76, chap. 10. 1 Mass. 458.

WHEREAS the provision made in said act for drawing out the militia of this state, on an alarm, or to reinforce the Continental Army, does not fully answer the good purposes intended, no provision being therein made for detaching from the militia aforesaid proper guards for the state, Continental stores and other purposes, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Penalty for refusing to obey orders when detached.

[SECT. 1.] That when it shall so happen that, in consequence of an order of the general assembly of this state, or the council thereof, any number of officers or soldiers belonging to the training-band, or to the alarm list, shall be detached for any purpose, the person or persons so detach[*e*]d by his or their commanding officer, who shall have due notice of his or their being so detached and being ordered by his or their commanding officer to march to the place of his or their destination, shall neglect or refuse to obey such order, or shall not pay a fine of ten pounds, or procure some able-bodied man in his stead, within twenty-four hours after he shall have had notice of his being so detached, shall be considered as a soldier in such detachment, and treated accordingly; and in all cases where the aforesaid fine shall be paid, the same shall be appropriated by said officer to hire men for that or any future service his company shall be called to perform; and in case of the neglect or refusal aforementioned, the officer shall proceed to detach others, till he shall have compleated the full number so ordered to be detached: *provided*, *nevertheless*, if the officer making the detachment in any company shall himself be detached and

Appropriation of fines.

marched to any post out of his county, the next inferior officer in said company, that may be within the county, shall be holden to do the duty enjoined by this act upon the officer making the detachment.

And be it further enacted by the authority aforesaid,

Penalty in case any soldier refusing or neglecting to equip himself.

[Sect. 2.] If any soldier on the training-band or alarm list, within this state, shall neglect or refuse to equip himself, according to the seventh section of said act, for the space of sixty days after the publication of this act, shall pay a fine of [three] [*six*] pounds [and for every sixty days afterward, he shall neglect or refuse to equip himself as aforesaid, shall pay a fine of six pounds]; said fines to be recovered by action of debt, to be brought by the clerk of the company to which such delinquent person belongs, before the court of common pleas of the county where he resides, one third part of these and all other fines recovered at the suit of the clerk, to be to the use of the clerk of the company, the other two thirds to be laid out at the direction of the captain of the company, to furnish the same with drums, fifes and colours, where such are needed, or, by the selectmen, to purchase arms for such in the same town as are unable to supply themselves.

And be it further enacted by the authority aforesaid,

Aid-de-camp and brigade-major to be nominated and appointed.

[Sect. 3.] That each major-general belonging to the militia of this state, shall nominate to the council of this state two aid-de-camps; and said council are hereby impowered to appoint them accordingly, with the rank of major; and each brigadier-general of said militia shall nominate one brigade-major; and the council are also impowered to commission one for each brigade in said state: and each aid-de-camp and brigade[-major] so appointed and commissioned, shall keep an exact account, with the proper vouchers, of all the services they may, respectively, perform in the execution of their duty by virtue of general orders, and exhibit the same to the general court, from time to time, for allowance and payment, with a certificate from the respective generals by whose order the same has been done, that said service has been so done by them respectively.

And whereas it is essentially necessary to every good purpose of this act that regular returns of the number of men which compose the several brigades and regiments of militia within this state, and their respective posts or stations, together with the number and condition of their arms and various equipments should, from time to time, be exhibited to the council, and their orders duly transmitted to the commanding officers of corps, and returns made of the same, —

Be it enacted by the authority aforesaid,

The council empowered to appoint an adjutant-general;

[Sect. 4.] That the council of this state be, and they hereby are, impowered to appoint a person of adequate accomplishments to the office of adjutant-general, and that he be directed to make just and true returns of the state of the militia, as aforesaid, to the council, and to the first major-general, or, in his absence, to the next commanding officer of the militia within this state, on the first Monday of July, each year, successively, and at all other times when he shall be thereunto ordered; and that he, annually, prefer his account for services done, with proper vouchers and certificates, to the general court, for allowance and payment.

— who is to make returns of the state of the militia.

And whereas the movements of the militia of this state may be such as to render barracks, tents, cooking-utensils, beds and other camp-equipage, waggons, cattle, forage, &c., necessary, —

Be it enacted by the authority aforesaid,

A quartermaster to be appointed by the council, and his duty.

[SECT. 5.] That the council of this state be and are hereby impowered to appoint a proper person to the office of quartermaster-general; who shall make seasonable and suitable provis[s]ion of such quantities of the articles before specified, with such others as they shall order, and that he make regular and true returns of the same, with their respective dispositions, to the council and to the first major-general of this state, or, in his absence, to the next commanding officer within the same, on the first Monday of April, July, October and January, each year successively: and shall procure, or cause to be procured, a sufficient number of waggons for removing stores belonging to this state, on the order of the commanding officer (where stores may be deposited), when an order of council cannot seasonably be obtained for that purpose; and that he annually prefer his account for services done, with proper vouchers and certificates, to the general assembly for allowance and payment.

And be it enacted by the authority aforesaid,

Rank of a captain of matrosses, and the first lieutenant in each company.

[SECT. 6.] That each captain commanding a company of matrosses in any brigade of militia in this state, shall have the rank of major; and the first lieutenant in each company, respectively, shall have the rank of captain; any law, usage or custom to the contrary notwithstanding.

And be it further enacted,

Penalty for neglect of non-commissioned officers or privates, to appear when notified.

[SECT. 7.] That if any non-commissioned officer or private soldier, being duly notified of the time and place appointed for the company, to which he belongs, to meet on a training-, or muster-day, shall unnecessarily neglect to appear, with such arms, accoutrements and equipments, as he shall be possessed of, being ordered by his officer to bring the same, shall pay a fine of thirty shillings; and if he shall be disobedient or disorderly on a training-, or muster-day, he shall pay a fine of twenty shillings: and all fines and forfeitures of money arising by breach of this act, for disobedience or failure of appearance on a training-day, shall be recovered by action of debt, to be brought before a justice of the peace, by the clerk of the company to which the delinquent belongs; an appeal being allowed to either party, to the inferior court of common pleas, as in other actions: and if on such trial, judgment shall be given in favour of such clerk, he shall have his legal c[a][o]st allowed him. And this shall be the mode of recovering fines and forfeitures arising by breach of this act or the act to which this is in addition; any clause therein notwithstanding. And no company shall be obliged to muster to train more than four times a year, nor any regiment more than once a year. [*Passed March* 13, 1778.

Appropriation of fines.

Appeal allowed.

CHAPTER 25.

AN ACT IN ADDITION TO, AND EXPLANATION OF, AN ACT PASSED THIS PRESENT SESSION, INTITLED "AN ACT FOR PRESCRIBING AND ESTABLISHING AN OATH OF FIDELITY AND ALLEGIANCE."

Preamble. 1777-78, chap. 18, § 5

WHEREAS, in and by the said act it is provided "That all members of the general assembly, and all officers, civil and military, and all at-

tornies-at-law, shall take the oath or affirmation" therein mentioned, and that "the said oath or affirmation shall be administered to the members of the general court, by any three of the council; and to all others appointed to any of the offices and places of trust aforesaid, by any two of the council, or such others as shall be, by the said council, or the major part of them, thereunto appointed," and as it will be in many respects inconvenient and attended with great and unnecessary expence for the council to appoint, by *dedimus*, a sufficient number of persons for that purpose, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Oath to be administered to commissioned officers, etc., by any justice.

[SECT. 1.] That the oath or affirmation mentioned in the said act, may and shall be administered to all commissioned officers, both civil and military, and attorn[*i*]e[y]s-at-law, in this state, by any justice of the peace within this state, in the county, wherein he is a justice, whenever he shall be thereunto requested; and such justice shall make record and give certificate thereof, and return a list into the secretary's office, of all officers to whom he shall administer the said oath, as soon as may be; anything in the said act to the contrary notwithstanding.

Persons disqualified who do not take the oath.

And whereas, in and by s[*ai*]d act, it is enacted that no person shall have authority to act as a member of the general assembly, to execute any office, civil or military, or "be admitted to appear and act as attorn[*e*]y or coun[se][*ci*]l in any court of justice in this state, after the twentieth day of March next, unless he shall have taken said oath o[r][*f*] affirmation"; *and whereas*, no persons have been appointed before the making this act to administer the same in different parts of th[e][*is*] state, and said time is near expiring, —

Be it therefore further enacted by the authority aforesaid,

[SECT. 2.] That no person shall be considered as disqualified to act in either of said offices or places, for not having taken said oath or affirmation, before the twentieth day of June next; anything in said act to the contrary notwithstanding.

And whereas, in many instances, it may be impracticable to remove out of this state, within the term of forty days set and limited by the said act, such persons as shall refuse to take the said oath or affirmation, —

Be it therefore further enacted by the authority aforesaid,

Persons refusing to take the oath, to be removed by the council as soon as conveniently may be.

[SECT. 3.] That the council be and hereby are authori[z][*s*]ed and impowered to cause the persons refusing to take the said oath, to be transported as in the said act is directed, as soon as conveniently may be, after they shall receive information of such refusal, and imprisonment in consequence thereof, notwithstanding the said term of forty days may have expired; anything in the said act to the contrary notwithstanding.

And whereas doubts have arisen and may arise upon the construction of the said act respecting the power of a justice of the peace to admit a person to take the said oath of allegiance and fidelity, after his having been committed to goal for refusing the same; therefore, —

Be it enacted by the authority aforesaid,

Persons refusing to take the oath within two hours, to be proceeded against.

[SECT. 4.] That no person who shall refuse or neglect to take said oath or affirmation within two hours after the same shall be legally tendered to him, shall be admitted to take said oath or affirmation, but shall be proceeded against as is prescribed by said act. [*Passed March* 13, 1778.

CHAPTER 26.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF TWO HUNDRED AND FIFTY-FOUR THOUSAND SEVEN HUNDRED AND EIGHTEEN POUNDS SIXTEEN SHILLINGS AND ELEVENPENCE, UPON THE SEVERAL TOWNS AND OTHER PLACES IN THIS STATE, FOR DEFRAYING THE PUBLIC CHARGE.

WHEREAS it is necessary that the aforesaid sum of two hundred and fifty-four thousand seven hundred and eighteen pounds sixteen shillings and elevenpence,should be raised and paid into the public treasury of this state,as soon as may be, to defray such public charges as have arisen, or may arise, for the support of government,—

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That each town and other place within this state be assessed and pay, as such town and other place's proportion of the sum of two hundred and fifty-four thousand seven hundred and eighteen pounds sixteen shillings and elevenpence, the following sum[s] s[i][*e*]t against them, respectively; that is to say,—

IN THE COUNTY OF SUFFOLK.

Boston,	Nineteen thousand nine hundred [and] twenty pounds sixteen shillings and eightpence,	£19,920	16*s.*	8*d.*
Roxbury,	Two thousand two hundred [and] thirty-one pounds ten shillings and eightpence,	2,231	10	8
Dorchester,	One thousand six hundred [and] two pounds two shillings and twopence,	1,602	2	2
Milton,	Nine hundred [and] eighty-six pounds nineteen shillings and tenpence,	986	19	10
Braintree,	Two thousand one hundred [and] thirty-seven pounds and sixpence,	2,137	0	6
Weymouth,	One thousand one hundred [and] fifty-eight pounds nineteen shillings and twopence,	1,158	19	2
Hingham,	One thousand five hundred [and] sixty-three pounds twelve shillings and tenpence,	1,563	12	10
Cohas[*s*]et,	Five hundred twenty-seven pounds fifteen shillings and eightpence,	527	15	8
Dedham,	One thousand eight hundred [and] fifty-seven pounds twelve shillings and eightpence,	1,857	12	8
Medfield,	Seven hundred [and] forty-seven pounds sixteen shillings,	747	16	0
Wrentham,	One thousand one hundred [and] twelve pounds five shillings and [9*d*] [*nine*]pence,	1,112	5	9
Franklin,	Seven hundred [and] sixty-eight pounds five shillings and ninepence,	768	5	9
Brookline,	Seven hundred [and] eighteen pounds seven shillings and eightpence,	718	7	8
Needham,	Seven hundred [and] fifty-eight pounds twelve shillings,	758	12	0
Stoughton,	One thousand four hundred [and] seventy pounds four shillings and eightpence,	1,470	4	8
Stoughtonham,	Six hundred [and] seventy-three pounds seven shillings and sixpence,	673	7	6
Medway,	Seven hundred [and] fifty-nine pounds eight shillings and twopence,	759	8	2
Bellingham,	Four hundred [and] ninety-two pounds eight shillings and fourpence,	492	8	4
Hull,	One hundred [and] seventy-three pounds one shilling,	173	1	0
Walpole,	Six hundred [and] twenty pounds two shillings,	620	2	0

SUFFOLK COUNTY — *Concluded.*

Chelsea, . . .	Four hundred [and] ninety-seven pounds eleven shillings, ...	£497	11*s.*	0*d.*
	Forty thousand seven hundred [and] seventy-eight pounds, ...	£40,778	0*s.*	0*d.*

IN THE COUNTY OF ESSEX.

Salem, . . .	Six thousand eight hundred [and] eighty-four pounds thirteen shillings, ...	£6,884	13*s.*	0*d.*
Danvers, . . .	Two thousand one hundred [and] fifty-nine pounds five shillings and eightpence, . .	2,159	5	8
Ipswich, . . .	Three thousand six hundred [and] eighty-five pounds and sixpence, ...	3,685	0	6
Newbury, . .	Three thousand four hundred [and] nineteen pounds seven shillings and sixpence, . .	3,419	7	6
Newburyport, .	Three thousand five hundred [and] eighteen pounds three shillings and fourpence, . .	3,518	3	4
Marblehead, . .	Three thousand five hundred [and] twenty-one pounds five shillings and twopence, . .	3,521	5	2
Lynn, . . .	One thousand six hundred [and] seventy-five pounds eight shillings and twopence, . .	1,675	8	2
Andover, . . .	Two thousand eight hundred [and] nineteen pounds fifteen shillings and eightpence, .	2,819	15	8
Beverly, . . .	One thousand nine hundred [and] seventy-eight pounds and eightpence, ...	1,978	0	8
Rowley, . . .	One thousand six hundred [and] four pounds thirteen shillings and sixpence, ...	1,604	13	6
Salisbury, . .	One thousand four hundred [and] one pounds seven shillings and eightpence, ...	1,401	7	8
Haverhill, . .	Two thousand [and] seventeen pounds nine shillings, ...	2,017	9	0
Glo[*u*]cester, . .	Two thousand one hundred [and] sixty-eight pounds eighteen shillings, ...	2,168	18	0
Topsfield, . .	Seven hundred [and] fifty-two pounds two shillings and sixpence, ...	752	2	6
Almsbury, . .	One thousand two hundred [and] fifty-eight pounds eleven shillings and sixpence, . .	1,258	11	6
Bradford, . .	One thousand one hundred [and] thirty-four pounds eighteen shillings and eightpence, .	1,134	18	8
Meth[ew][*u]*en, .	Nine hundred [and] forty-eight pounds thirteen shillings and twopence, ...	948	13	2
Boxford, . . .	Nine hundred [and] fifty pounds sixteen shillings and fourpence, ...	950	16	4
Wenham, . .	Four hundred [and] fifty-six pounds four shillings and tenpence, ...	456	4	10
Manchester, . .	Five hundred [and] twenty-six pounds nineteen shillings and fourpence, ...	526	19	4
Middleton, . .	Six hundred [and] twenty pounds seven shillings and sixpence, ...	620	7	6
	Forty-three thousand five hundred [and] two pounds one shilling and eightpence, . .	£43,502	1*s.*	8*d.*

IN THE COUNTY OF MIDDLESEX.

Cambridge, . .	Two thousand [and] ninety pounds six shillings and tenpence, ...	£2,090	6*s.*	10*d.*
Charlestown, . .	Two hundred [and] ninety-six pounds three shillings, ...	296	3	0
Watertown, . .	Eight hundred [and] seventy-two pounds five shillings and twopence, ...	872	5	2
Woburn, . . .	One thousand four hundred [and] thirty pounds ten shillings and tenpence, . .	1,430	10	10
Concord, . . .	One thousand three hundred [and] seven pounds three shillings and fourpence, . .	1,307	3	4

MIDDLESEX COUNTY — *Concluded.*

		£	s.	d.
Newton,	One thousand two hundred [and] seventeen pounds sixteen shillings and twopence,	1,217	16	2
Reading,	One thousand three hundred [and] ninety pounds seventeen shillings and twopence,	1,390	17	2
Marlborough,	One thousand six hundred pounds seventeen shillings and tenpence,	1,600	17	10
Billerica,	One thousand [and] eighty-eight pounds ten shillings,	1,088	10	0
Framingham,	One thousand two hundred [and] sixty-four pounds ten shillings and fourpence,	1,264	10	4
Lexington,	Eight hundred [and] seventy-three pounds one shilling and fourpence,	873	1	4
Chelmsford,	Nine hundred [and] seventy-seven pounds five shillings and sixpence,	977	5	6
Sherburne,	Six hundred [and] twenty-two pounds,	622	0	0
Sudbury,	One thousand seven hundred pounds ten shillings and twopence,	1,700	10	2
Malden,	Eight hundred [and] ten pounds three shillings and fourpence,	810	3	4
Weston,	Eight hundred [and] twelve pounds sixteen shillings and tenpence,	812	16	10
Medford,	One thousand [and] thirty-six pounds thirteen shillings and fourpence,	1,036	13	4
Hopkinton,	Eight hundred [and] twenty-eight pounds fifteen shillings and tenpence,	828	15	10
Westford,	Eight hundred [and] ninety-six pounds eleven shillings and twopence,	896	11	2
Waltham,	Seven hundred [and] eighty-two pounds one shilling and tenpence,	782	1	10
Stow,	Seven hundred [and] eighteen pounds eighteen shillings and fourpence,	718	18	4
Groton,	One thousand two hundred [and] thirty-two pounds eighteen shillings and sixpence,	1,232	18	6
Shirley,	Four hundred [and] thirty-eight pounds nineteen shillings and twopence,	438	19	2
Pepperell,	Six hundred [and] eighty-four pounds twelve shillings and eightpence,	684	12	8
Townsend,	Five hundred [and] twenty-six pounds nineteen shillings and fourpence,	526	19	4
Dracut,	Seven hundred [and] ten pounds and twopence,	710	0	2
Bedford,	Five hundred [and] sixty-eight pounds ten shillings and tenpence,	568	10	10
Holiston,	Six hundred [and] eighty-one pounds eighteen shillings and sixpence,	681	18	6
Acton,	Six hundred [and] forty-one pounds nineteen shillings and sixpence,	641	19	6
Dunstable,	Five hundred [and] ninety-three pounds seven shillings and eightpence,	593	7	8
Lincoln,	Five hundred [and] eighty-four pounds nine shillings and sixpence,	584	9	6
Wilmington,	Four hundred [and] ninety-six pounds fourteen shillings and eightpence,	496	14	8
T[u][*ew*]k[e]sbury,	Seven hundred [and] forty five pounds one shilling and twopence,	745	1	2
Littleton,	Seven hundred [and] ninety-six pounds seven shillings and tenpence,	796	7	10
Ashby,	Two hundred [and] twenty-eight pounds eighteen shillings and sixpence,	228	18	6
Natick,	Four hundred [and] seven pounds seven shillings and sixpence,	407	7	6
Stoneham,	Three hundred [and] seven pounds four shillings and fourpence,	307	4	4
	Thirty-two thousand [and] sixty-three pounds eight shillings and twopence,	£32,063	8*s.*	2*d.*

IN THE COUNTY OF HAMPSHIRE.

Springfield,	One thousand three hundred [and] sixty pounds seventeen shillings and tenpence,	£1,360	17*s.*	10*d.*
West Springfield,	One thousand four hundred [and] twenty-one pounds eighteen shillings and twopence,	1,421	18	2
Wilbraham,	Six hundred [and] thirty pounds twelve shillings and eightpence,	630	12	8
Northampton,	One thousand four hundred [and] seventeen pounds six shillings and fourpence,	1,417	6	4
Southampton,	Five hundred [and] four pounds eleven shillings and fourpence,	504	11	4
Hadley,	Five hundred [and] ninety-six pounds one shilling and eightpence,	596	1	8
South Hadley,	Four hundred [and] sixty-four pounds one shilling and fourpence,	464	1	4
Amherst,	Six hundred [and] sixty-nine pounds fifteen shillings and eightpence,	669	15	8
Granby,	Three hundred [and] nineteen pounds twelve shillings and eightpence,	319	12	8
Hatfield,	Seven hundred [and] ten pounds five shillings and sixpence,	710	5	6
Whateley,	Two hundred [and] fifty pounds ten shillings and sixpence,	250	10	6
Williamsburg[h],	One hundred [and] eighty pounds one shilling and fourpence,	180	1	4
Westfield,	One thousand [and] eleven pounds sixteen shillings and sixpence,	1,011	16	6
Deerfield,	Seven hundred [and] thirty-five pounds two shillings and fourpence,	735	2	4
Greenfield,	Four hundred [and] seventy pounds sixteen shillings and fourpence,	470	16	4
Shelburne,	Two hundred [and] eighty pounds fifteen shillings and twopence,	280	15	2
Conway,	Three hundred [and] nineteen pounds seven shillings and fourpence,	319	7	4
Sunderland,	Three hundred [and] eleven pounds five shillings and fourpence,	311	5	4
Montague,	Three hundred [and] eighty-five pounds fifteen shillings and eightpence,	385	15	8
Northfield,	Five hundred [and] twenty-three pounds three shillings and tenpence,	523	3	10
Brimfield,	Eight hundred [and] seventy pounds twelve shillings and eightpence,	870	12	8
South Brimfield,	Five hundred [and] twenty-one pounds one shilling and sixpence,	521	1	6
Monson,	Four hundred [and] fifty-one pounds seven shillings and eightpence,	451	7	8
Pelham,	Four hundred [and] ninety pounds five shillings and twopence,	490	5	2
Greenwich,	Four hundred [and] eighty-eight pounds seventeen shillings and sixpence,	488	17	6
Blanford,	Three hundred [and] fifty-eight pounds ten shillings and fourpence,	358	10	4
Leverett,	One hundred [and] nineteen pounds six shillings and sixpence,	119	6	6
Palmer,	Four hundred [and] ninety-eight pounds seventeen shillings and tenpence,	498	17	10
Granville,	Eight hundred [and] sixty-nine pounds eleven shillings and twopence,	869	11	2
New Salem,	Four hundred [and] thirty-seven pounds twelve shillings and fourpence,	437	12	4
Belchertown,	Five hundred [and] fifty-three pounds nineteen shillings and fourpence,	553	19	4
Colrain,	Three hundred [and] twenty-one pounds five shillings and twopence,	321	5	2
Ware,	Two hundred [and] fifty-nine pounds three shillings and fourpence,	259	3	4
Warwick,	Two hundred [and] seven pounds six shillings and eightpence.	207	6	8
B[a][e]rnardstown,	Two hundred [and] eighty-two pounds eighteen shillings and sixpence,	282	18	6
Murrayfield,	Two hundred [and] forty pounds,	240	0	0
Charlemont,	Two hundred [and] thirty pounds five shillings and fourpence,	230	5	4

HAMPSHIRE COUNTY — *Concluded.*

Ashfield,	Two hundred [and] sixty two pounds thirteen shillings and sixpence,	£262	13*s.*	6*d.*
Worthington,	One hundred [and] thirty-one pounds four shillings,	131	4	0
Shutesbury,	Two hundred [and] eighty-one pounds sixteen shillings and tenpence,	281	16	10
Chesterfield,	Four hundred [and] twenty-four pounds ei[i]ghteen shillings and sixpence,	424	18	6
Southwick,	Three hundred [and] seventy-six pounds one shilling and twopence,	376	1	2
Suffield,	One thousand six hundred [and] twenty-six pounds five shillings and fourpence,	1,626	5	4
Enfield,	Nine hundred [and] ninety-three pounds nine shillings and fourpence,	993	9	4
Somers,	Seven hundred [and] eighty-two pounds eighteen shillings,	782	18	0
Ludlow,	One hundred [and] ninety-two pounds, four shillings and fourpence,	192	4	4
Norwich,	Eighty pounds three shillings and twopence,	80	3	2
	Twenty-four thousand nine hundred [and] seventeen pounds two shillings and eightpence,	£24,917	2*s.*	8*d.*

IN THE COUNTY OF PLYMOUTH.

Plymouth,	One thousand five hundred ninety-seven pounds thirteen shillings,	£1,597	13*s.*	0*d.*
Scituate,	Two thousand two hundred forty pounds fourteen shillings and fourpence,	2,240	14	4
Duxbury,	Eight hundred fifteen pounds and twopence,	815	0	2
Marshfield,	Nine hundred fifty pounds eleven shillings and twopence,	950	11	2
Bridg[e]water,	Three thousand two hundred seventy-three pounds six shillings and sixpence,	3,273	6	6
Middleboro[*ugh*],	Two thousand seven hundred ninety-seven pounds seven shillings and eightpence,	2,797	7	8
Rochester,	One thousand three hundred fifty-seven pounds eighteen shillings and sixpence,	1,357	18	6
Plympton,	One thousand [and] thirty-eight pounds fifteen shillings and sixpence,	1,038	15	6
Pembroke,	One thousand one hundred eighty-nine pounds four shillings,	1,189	4	0
Kingston,	Six hundred ninety-five pounds fourteen shillings and twopence,	695	14	2
Hanover,	Six hundred forty-seven pounds seven shillings and eightpence,	647	7	8
Abington,	Eight hundred thirty-two pounds six shillings,	832	6	0
Halifax,	Four hundred twenty-five pounds fourteen shillings and tenpence,	425	14	10
Wareham,	Four hundred [and] six pounds sixteen shillings and tenpence,	406	16	10
	Eighteen thousand two hundred sixty-eight pounds ten shillings and fourpence,	£18,268	10*s.*	4*d.*

IN THE COUNTY OF BARNSTABLE.

Barnstable,	One thousand six hundred sixty nine pounds fifteen shillings and fourpence,	£1,669	15*s.*	4*d.*
Sandwich,	One thousand three hundred [and] six pounds one shilling and tenpence,	1,306	1	10
Yarmouth,	One thousand one hundred [and] seventy-eight pounds eighteen shillings and tenpence,	1,178	18	10
Eastham,	Eight hundred seventy-one pounds nine shillings,	871	9	0

BARNSTABLE COUNTY — *Concluded.*

Harwich,	One thousand [and] fifty-two pounds seventeen shillings and fourpence,	£1,052	17*s.*	4*d.*
Wellfleet,	Six hundred eighty-nine pounds nine shillings and tenpence,	689	9	10
Chatham,	Four hundred fifty-five pounds nineteen shillings and tenpence,	455	19	10
Truro,	Five hundred seventy-four pounds fifteen shillings and twopence,	574	15	2
Falmouth,	Nine hundred fifty-eight pounds eighteen shillings and fourpence,	958	18	4
	Eight thousand seven hundred [and] fifty-eight pounds five shillings and sixpence,	£8,758	5*s.*	6*d.*

IN THE COUNTY OF BRISTOL.

Taunton,	Two thousand [and] fifty-nine pounds eleven shillings and fourpence,	£2,059	11*s.*	4*d.*
Rehoboth,	Two thousand five hundred eighty-two pounds four shillings and fourpence,	2,582	4	4
Swan[s][z]ey,	One thousand one hundred ninety-two pounds fourteen shillings and twopence,	1,192	14	2
Dartmouth,	Four thousand four hundred fifty-two pounds sixteen shillings and twopence,	4,452	16	2
Norton,	Nine hundred thirty-four pounds seventeen shillings and tenpence,	934	17	10
Mansfield,	Six hundred [and] eight pounds ten shillings,	608	10	0
Attleborough,	One thousand five hundred [and] seventeen pounds four shillings and twopence,	1,517	4	2
Dighton,	Eight hundred sixty-nine pounds and fourpence,	869	0	4
Freetown,	One thousand [and] thirteen pounds nine shillings,	1,013	9	0
Raynham,	Six hundred thirty-six pounds six shillings and twopence,	636	6	2
Easton,	Seven hundred [and] ten pounds sixteen shillings and sixpence,	710	16	6
Berkley,	Four hundred ninety-five pounds two shillings and fourpence,	495	2	4
	Seventeen thousand [and] seventy-two pounds twelve shillings and fourpence,	£17,072	12*s.*	4*d.*

IN THE COUNTY OF YORK.

York,	Two thousand [and] twenty-three pounds eighteen shillings and sixpence,	£2,023	18*s.*	6*d.*
Kittery,	Two thousand two hundred twenty-one pounds eleven shillings,	2,221	11	0
Wells,	One thousand five hundred seventy-nine pounds sixteen shillings and eightpence,	1,579	16	8
Berwick,	Two thousand three hundred ninety-six pounds four shillings and fourpence,	2,396	4	4
Arundell,	Seven hundred [and] twenty pounds five shillings and fourpence,	720	5	4
Biddeford,	Eight hundred thirty-three pounds seven shillings and eightpence,	833	7	8
Pepper[i][e]borough[*ugh*],	Six hundred [and] seven pounds three shillings,	607	3	0
Lebanon,	Two hundred twenty-four pounds seventeen shillings and tenpence,	224	17	10
Sandford,	Two hundred seventeen pounds six shillings and sixpence,	217	6	6
Buxton,	One hundred ninety-three pounds five shillings and tenpence,	193	5	10
Fryeburgh,	Eighty-five pounds,	85	0	0
	Eleven thousand one hundred [and] two pounds sixteen shillings and eightpence,	£11,102	16*s.*	8*d.*

IN THE COUNTY OF DUKES COUNTY.

Edgarto[w]n,	Six hundred thirty-one pounds fourteen shillings and sixpence,	£631	14*s.*	6*d.*
Chilmark,	Seven hundred eighty pounds nine shillings and sixpence,	780	9	6
Tisbury,	Five hundred seventy-three pounds two shillings and tenpence,	573	2	10
	One thousand nine hundred eighty-five pounds six shillings and tenpence,	£1,985	6*s.*	10*d.*

IN THE COUNTY OF NANTUCKET.

Sherburne,	Three thousand [and] fifty-eight pounds three shillings and fourpence,	£3,058	3*s.*	4*d.*

IN THE COUNTY OF WORCESTER.

Worcester,	One thousand six hundred [and] fifty-five pounds three shillings and twopence,	£1,655	3*s.*	2*d.*
Lancaster,	Two thousand [and] sixty-two pounds twelve shillings and tenpence,	2,062	12	10
Mendon,	One thousand five hundred thirty pounds nineteen shillings and sixpence.	1,530	19	6
Brookfield,	One thousand nine hundred eighty-four pounds ten shillings and twopence,	1,984	10	2
Oxford,	Seven hundred fifteen pounds eight shillings and twopence,	715	8	2
Charlton,	Seven hundred twenty pounds,	720	0	0
Sutton,	One thousand nine hundred seventy-one pounds eleven shillings and twopence,	1,971	11	2
Leicester,	Seven hundred twenty-eight pounds seven shillings and fourpence,	728	7	4
Spencer,	Six hundred thirty-three pounds one shilling and fourpence,	633	1	4
Rutland,	Nine hundred fifty-four pounds six shillings and eightpence,	954	6	8
Paxton,	Four hundred seventeen pounds twelve shillings and tenpence,	417	12	10
Oakham,	Two hundred eighty-eight pounds six shillings and sixpence,	288	6	6
Barre,	Eight hundred thirty-seven pounds fourteen shillings,	837	14	0
Hubbardston,	One hundred sixty-six pounds and twopence,	166	0	2
New Braintree,	Six hundred fifty-seven pounds eighteen shillings and twopence,	657	18	2
Southborough,	Seven hundred thirty-seven pounds ten shillings and tenpence,	737	10	10
Westborough,	Seven hundred fifty-two pounds eighteen shillings and tenpence,	752	18	10
Northborough,	Five hundred [and] eight pounds twelve shillings and fourpence,	508	12	4
Shrewsbury,	One thousand three hundred ninety-seven pounds twelve shillings and fourpence,	1,397	12	4
Lunenburgh,	One thousand [and] twenty-one pounds five shillings and sixpence,	1,021	5	6
Fitchburgh,	Three hundred forty-eight pounds ten shillings and fourpence,	348	10	4
Uxbridge,	Seven hundred twenty-four pounds seven shillings and sixpence,	724	7	6
Harvard,	One thousand [and] two pounds seven shillings and eightpence,	1,002	7	8
Dudley,	Six hundred forty-four pounds eight shillings and twopence,	644	8	2

WORCESTER COUNTY — *Concluded.*

Bolton,	Nine hundred sixty-one pounds one shilling and sixpence,	£961	1*s.*	6*d.*
Upton,	Three hundred ninety-four pounds three shillings,	394	3	0
Sturbridge,	Eight hundred ninety-nine pounds four shillings and twopence,	899	4	2
Leominster,	Seven hundred fifty-four pounds sixteen shillings and sixpence,	754	16	6
Hardwick,	One thousand one hundred [and] two pounds sixteen shillings and twopence,	1,102	16	2
Hold[i][e]n,	Five hundred twenty-five pounds seventeen shillings and tenpence,	525	17	10
Western,	Six hundred ninety-six pounds four shillings and tenpence,	696	4	10
Douglass,	Four hundred thirty-three pounds sixteen shillings and eightpence,	433	16	8
Grafton,	Seven hundred forty-one pounds seventeen shillings and fourpence,	741	17	4
Petersham,	Seven hundred forty-eight pounds twelve shillings and fourpence,	748	12	4
Royalston,	One hundred sixty pounds twelve shillings and sixpence,	160	12	6
Westminster,	Six hundred thirty-five pounds ten shillings,	635	10	0
Athol,	Four hundred ten pounds twelve shillings and fourpence,	410	12	4
Templeton,	Five hundred [and] two pounds two shillings and eightpence,	502	2	8
Princeton	Four hundred seventy pounds sixteen shillings and fourpence,	470	16	4
Ashburnham,	Two hundred twenty-six pounds four shillings and sixpence,	226	4	6
Winchendon,	One hundred eighty-six pounds and twopence,	186	0	2
Woodstock,	One thousand nine hundred fourteen pounds eleven shillings and tenpence,	1,914	11	10
Northbridge,	Two hundred sixty-seven pounds fifteen shillings,	267	15	0
	Thirty-four thousand four hundred [and] ninety-four pounds one shilling and twopence,	£34,494	1*s.*	2*d.*

IN THE COUNTY OF CUMBERLAND.

Falmouth,	One thousand three hundred twenty-four pounds nineteen shillings and tenpence,	£1,324	19*s.*	10*d.*
North Yarmouth,	Nine hundred eighty-seven pounds five shillings and fourpence,	987	5	4
Cape Elizabeth,	Nine hundred eighty pounds four shillings and tenpence,	980	4	10
Gorham,	Five hundred twenty-five pounds twelve shillings and fourpence,	525	12	4
Brunswick,	Five hundred thirty-one pounds five shillings and tenpence,	531	5	10
Harpswell,	Four hundred fifty-five pounds one shilling and fourpence,	455	1	4
Windham,	Two hundred twenty-nine pounds four shillings,	229	4	0
New Glocester,	One hundred ninety-three pounds five shillings and tenpence,	193	5	10
Scarborough,	One thousand [and] eight pounds one shilling,	1,008	1	0
Pearsontown,	One hundred sixteen pounds twelve shillings and sixpence,	116	12	6
New Boston,	Seventy-six pounds thirteen shillings and fourpence,	76	13	4
	Six thousand four hundred [and] twenty-eight pounds six shillings and twopence,	£6,428	6*s.*	2*d.*

IN THE COUNTY OF LINCOLN.

		£	s.	d.
Pownalborough, .	Seven hundred twenty-two pounds eight shillings and sixpence, ...	722	8	6
Georgetown, . .	Nine hundred fifty-three pounds ten shillings and fourpence, ...	953	10	4
Newcastle, . .	Two hundred eighty-nine pounds twelve shillings and eightpence, ...	289	12	8
Woolwich, . .	Three hundred [and] nine pounds eighteen shillings and fourpence, ...	309	18	4
Topsham, . .	Three hundred [and] eight pounds six shillings, ...	308	6	0
Bowd[a][o]inham, .	One hundred fourteen pounds thirteen shillings and twopence, ...	114	13	2
Boothbay, . .	Three hundred sixty pounds and fourpence, .	360	0	4
Bristol, . . .	Three hundred seventy-nine pounds sixteen shillings and tenpence, ...	379	16	10
Vassalborough, .	One hundred [and] twelve pounds sixteen shillings and tenpence, ...	112	16	10
Winthrop, . .	Eighty-six pounds two shillings and fourpence, ...	86	2	4
Winslow, . .	Eighty-eight pounds eleven shillings, . . .	88	11	0
Waldoborough, .	Two hundred fifty pounds and fourpence, .	250	0	4
Edgecomb, . .	Sixty-six pounds thirteen shillings and eightpence, ...	66	13	8
Hallowell, . .	One hundred twenty-four pounds nine shillings and [two][*ten*]pence, ...	124	9	[2][*10*]
Belfast, . . .	Thirty-seven pounds ten shillings, ...	37	10	0
Warren, . . .	One hundred forty-five pounds fifteen shillings and sixpence, ...	145	15	6
Thomasto[*w*]n, .	One hundred twenty-three pounds twelve shillings and twopence, ...	123	12	2
The lower town of St. Georges	One hundred twenty-three pounds twelve shillings and twopence, ...	123	12	2
Gardnerstown, .	One hundred fifty-six pounds seventeen shillings, ...	156	17	0
Medumcook, . .	One hundred pounds nineteen shillings and fourpence, ...	100	19	4
	Four thousand eight hundred fifty-five pounds five shillings and eightpence, ...	£4,855	5*s.*	8*d.*

IN THE COUNTY OF BERKSHIRE.

		£	s.	d.
Sheffield, . . .	One thousand [and] eighty-six pounds six shillings and tenpence, ...	£1,086	6*s.*	10*d.*
Great Barrington, .	Four hundred fifty-three pounds ten shillings and tenpence, ...	453	10	10
Partridgefield, .	One hundred forty pounds eighteen [shillings] and fourpence, ...	140	18	4
Williamstown, .	Four hundred pounds one shilling and eightpence, ...	400	1	8
New Marlborough, .	Six hundred [and] twelve pounds five shillings and eightpence, ...	612	5	8
Lanesborough, .	Six hundred forty-three pounds twelve shillings, ...	643	12	0
Pittsfield, . .	Five hundred [and] nine pounds thirteen shillings and elevenpence, ...	509	13	1[*1**]
Lenox, . . .	Two hundred ninety pounds nine shillings and eightpence, ...	290	9	[*8**]
Stockbridge, . .	Three hundred forty-six pounds thirteen shillings, ...	346	13	0
Egremont, . .	Two hundred fifty-one pounds one shilling and fourpence, ...	251	1	4
Tyringham, . .	Two hundred fifty-nine pounds fourteen shillings and twopence, ...	259	14	2
Sandisfield, . .	Four hundred fifty-three pounds, ...	453	0	0
Becket, . . .	One hundred eighty-one pounds eight shillings and fourpence, ...	181	8	4

* Engrossment mutilated.

BERKSHIRE COUNTY — *Concluded.*

Gageborough, . .	Two hundred ten pounds seventeen shillings, .	£210	17*s.*	0*d.*
Hancock, . .	Two hundred eighteen pounds two shillings and eightpence, ...	218	2	8
Richmond, . .	Four hundred fifty-one pounds seven shillings and eightpence, ...	451	7	8
Loudon, . . .	Forty-eight pounds eleven shillings and tenpence, ...	48	11	10
Washington, . .	Fifty-eight pounds and tenpence, ...	58	0	10
West Stockbridge, .	One hundred seventy-three pounds six shillings and fourpence, ...	173	6	4
Alfred,* . . .	One hundred eighty-one pounds eight shillings and fourpence, ...	181	8	4
East Hoosuck, .	Two hundred [and] five pounds three shillings and sixpence, ...	205	3	6
Plantation No. 5, .	One hundred twenty-nine pounds eleven shillings and eightpence, ...	129	11	8
Plantation No. 7, .	One hundred twenty-nine pounds eleven shillings and eightpence, ...	129	11	8
	Seven thousand four hundred [and] thirty-four pounds seventeen shillings and threepence, .	£7,434	17*s.*	3*d.*

SUMS TOTAL.

Suffolk, . . .	Forty thousand seven hundred seventy-eight pounds, ...	£40,778	0*s.*	0*d.*
Essex, . . .	Forty-three thousand five hundred [and] two pounds one shilling and eightpence, . .	43,502	1	8
Middlesex, . .	Thirty-two thousand [and] sixty-three pounds eight shillings and twopence, . . .	32,063	8	2
Hampshire, . .	Twenty-four thousand nine hundred seventeen pounds two shillings and eightpence, . .	24,917	2	8
Plymouth, . .	Eighteen thousand two hundred sixty-eight pounds ten shillings and fourpence, . .	18,268	10	4
Barnstable, . .	Eight thousand seven hundred fifty-eight pounds five shillings and sixpence, ...	8,758	5	6
Bristol, . .	Seventeen thousand [and] seventy-two pounds twelve shillings and fourpence, . . .	17,072	12	4
York, . . .	Eleven thousand one hundred [and] two pounds sixteen shillings and eightpence, .	11,102	16	8
Dukes County, .	One thousand nine hundred eighty-five pounds six shillings and tenpence, ...	1,985	6	10
Nantucket, . .	Three thousand [and] fifty-eight pounds three shillings and fourpence, ...	3,058	3	4
Worcester, . .	Thirty-four thousand four hundred ninety-four pounds one shilling and twopence, . .	34,494	1	2
Cumberland, . .	Six thousand four hundred twenty-eight pounds six shillings and [two] [*four*] pence, . .	6,428	6	[2] [*4*]
Lincoln, . . .	Four thousand eight hundred fifty-five pounds five shillings and eightpence, ...	4,855	5	8
Berkshire, . .	Seven thousand four hundred thirty-four pounds seventeen shillings and threepence .	7,434	17	3
	Two hundred fifty-four thousand seven hundred [and] eighteen pounds sixteen shillings and elevenpence, ...	£254,718	16*s.*	11*d.*

And be it further enacted by the authority aforesaid,

[SECT. 2.] That the treasurer do forthwith send his warrant, directed to the selectmen or assessors of each town or other place, within this state, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town or other place, in manner following; that is to say, to assess all male polls above the age of six-

* *Sic:* Alford.

teen years, within their respective towns or other place[*s*] next adjoining to them, belonging to no other town or place, including negroes and molattoes (and such of them as are under the government of a master or mistress, to be taxed to the said master or mistress, respectively, in the same manner as minors and apprentices are taxed), at twenty shillings; and to assess the remainder of the sum set to each town (after deducting the amount of the sums assessed to the polls as aforesaid) on the inhabitants of said towns or places as aforesaid, according to the proportion of the just value of the whole real estate by each inhabitant of such town or place, respectively, possessed in his own right, or in the right of others, lying within said town or place, improved or not improved; and on the non-resident possessors of real estate, lying within said town or place, in their own right, or in the right of others, improved or not improved: *saving* all agreements between landlords and tenants, and where no agreement is, the landlord to reimburse one-half of the tax; and also on the inhabitants of such town or place, according to the proportion of the amount and just value of their whole personal estate, including money at interest more than they pay interest for, debts due to them, not on interest, monies of all kinds in hand more than they are indebted, and also the amount of the just value of all goods, wares and merchandize, stock in trade, vessels of all sorts, with their stores, appurt[u][*e*]nances and appendages, plate, horses, oxen, and cattle of all sorts and ages, sheep, swine, grain of all sorts, and all kinds of produce of the land, and of all other property whatsoever (excepting hous[e]hold furniture, wearing apparel, farming utensi[a]ls and the tools of mechanicks), of which they were possessed on the first day of November, one thousand seven hundred and seventy-seven, according to the price of such real and personal estate, on the said first day of November; and on the amount of their income from any profession, faculty, handicraft, trade or [i][*e*]mployment; and also on the amounts of all incomes and profits gained by trading by sea and [on] shore, and by means of advantages arising from the war, and the necessities of the community, according to the lists ordered to be taken for assessing the tax for which such lists were taken, — making such alterations therein as the present circumstances of any persons or the value of the several kinds of estate may require (or to take new lists if they shall think it necessary): likewise requiring the assessors to make a fair list of said assessments, setting forth, in distinct columns, against each person's name, how much he or she is assessed at for polls, and how much for real estate, and how much for personal estate as aforesaid; and if as guardian, or for any estate in his or her improvement, in trust, to be distinctly expressed; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collector or collectors, constable or constables, of any such town or place, and to return a certificate of the name or names of such collector or collectors, constable or constables, with the sum total to each of them committed, unto himself, some time before the thirtieth day of April next.

[SECT. 3.] And the treasurer for the time being, on receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector or collectors, constable or constables, of such town or place, requiring him or them, respectively, to collect the whole of each respective sum[*s*] assessed on each particular person, and to pay in their collections, and to issue their accounts of the whole, at or before the fifteenth day of June, in the year of our Lord one thousand seven

hundred and seventy-eight: *provided*, that the owners of unimproved land shall pay the tax that may be assessed thereon, though the same may not be in their immediate possession, any agreement between landlord and tenant, previous to the knowledge of this act made, notwithstanding.

Provided, nevertheless,—

[SECT. 4.] That the following persons; viz[t]., the president, fellows, professors, tutors, librarian and students of Har[w][*v*]ard College, who have their usual residence there, and settled ministers of the gospel, and grammer-school masters, are not to be assessed for their polls or their estates, unless their real estate be not under their actual management and improvement, or not in the parishes where they are settled; and also all persons who have the management and improvement of the estate belonging to Har[w][*v*]ard College, are not to be assessed for the same; and other persons, if such there be, who, through age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards the public charges, they may exempt their polls or estates, or abate part of what they are set at, as they on their oath shall think just and equitable. And where no person appears to discharge the taxes on non-resident proprietors' unimproved land, to the collector, he shall publish, in all the Boston newspapers, three weeks successively, the names of all such proprietors, where they are known, with the sum of the taxes assessed on their lands, respectively, and where they are not known, the sum of the taxes on the several rights or divisions, and post the same in the town where the said land lays, for the term of one month; and if no person shall appear thereupon to discharge said taxes, in such case the constable or collector shall proceed to sell so much only of said unimproved land as will be sufficient to discharge said taxes and intervening charges; and, having given notice of the intended sale thereof, and the time and place where it will be made, in the same manner as is herein above directed for giving notice to the proprietors of their taxes, shall sell the same, at public sale, to the highest bidder, and shall give and execute a deed thereof to the purchaser, expressing therein the cause of such sale: *saving* to the original proprietor the right of redemption of any lands so sold, at any time within three years from the time of sale; and the same shall be reconveyed to him or them on paying, within three years, the sum such land[*s*] sold for, and twelve p[*er*] c[*en*]t interest on said sum.

Provided, nevertheless,—

And be it further enacted,

[SECT. 5.] That the several officers and soldiers now in the army, shall be consider[*e*]d as resident in the several towns and other places to which they belonged at the time of their engaging in the army, their absence notwithstanding; and the assessors of the several towns and other places in this state, shall consider such officers and soldiers as resident in such town or place, and tax them accordingly: *provided*, that such as are engaged in the Continental Army, for the term of three years, or during the war, be, and they hereby are, exempted from their poll tax.

And be it further enacted,

[SECT. 6.] That the assessors of each town or other place, respectively, where new lists are to be taken, in convenient time before the making the assessment, shall give seasonable warning to the inhab-

itants, in a town meeting, or by posting up notifications in some public place or places in such town or other place, or notify the inhabitants some other way, to give and bring in to the assessors true and perfect lists of their polls, and of all the real and personal estate they were possessed of on the first day of November last, — viz[t]., houses, lands, and all real estate, whether improved or not improved, and the just value of the same, — to the assessors of the town or place where such houses, lands and other real estate lay; distinguishing those in the management and possession of some other persons, as also the amount of all their personal estate, including money at interest more than they pay interest for, debts due, not on interest, [*more than they are indebted for*]; and of monies of all kinds, in hand, [more than they are indebted for], and also the amount of the just value of all goods, wares [*and*] merchandize, stock in trade, horses, plate, oxen, cows, cattle of all sorts and ages, sheep, swine, grain of all sorts, and all kinds of produce of the land, and of all other property w[*ha*]tsoever (excepting houshold furniture, wearing apparel, farming utensils and the tools of mechanicks), more than they [are] [*were*] indebted on the said first day of November, according to the current price of such real and personal estate on the said first day of November; and of the amount of their income from any p[*r*]o[ss][*f*]ession, faculty, handicraft, trade or employment: and also of the amount of all incomes and profits gained by trading by sea and on shore, and by means of advantages arising from the war, and the necessities of the community; which they are to render to the assessors, on oath, if required; which oath either of said assessors are hereby impowered to administer. And if any person or persons shall, upon such notice given, neglect or refuse to give in to the assessors the list of the[*ir*] polls and rat[*e*]able estate, according to the d[i][*e*]scription thereof before given, which they were possessed of on the said first day of November, or shall bring in a false list and shall be convicted thereof before the said assessors, it shall [be allowed] [*be lawful*] to and for the assessors, and they are hereby directed, to assess such person or persons, according to the best judgment and estimation they can form of the real and personal estate of [the] said person, according to the d[i][*e*]scription before given. And if any person or persons shall not bring in a list of their estate[*s*] as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

[SECT. 7.] And if the person be not convicted of any falsehood in the list, by him presented, of the polls, real and personal estate, such list shall be a rule for such person's proportions to the tax which the assessors may not exceed.

Provided, nevertheless,—

[SECT. 8.] That nothing in this act shall be construed to extend so as to require any assessors to assess any person, for an[y] estate real or personal, in his possession, that is the property of the United States, or any of them.

Provided, also, —

And be it further enacted,

[SECT. 9.] That the particular sum assessed to each town or place, shall not be considered as the exact proportion of such town or place, but, being paid into the treasury, shall be placed to their respective credit until[l] the quotas shall be finally ascertained and adjusted

agreeable to the settlement upon the next valuation; and if it shall then appear that any town or place has been assessed more than its just proportion of this tax, the surplus shall be deducted out of the sum at which such town or place shall be assessed in the tax next after such surplus shall be made to appear; and if it shall appear that any town or place has been assessed at less than its just proportion, such deficiency shall be added to the tax at which such town or place shall be assessed in the next assessment after such deficiency shall appear: said surplus[s] or deficiency to be adjusted by the general court. [*Passed March* 9, 1778.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT ROXBURY,* ON THE FIRST DAY OF APRIL, A. D. 1778.

CHAPTER 27.

AN ACT FOR THE FURTHER PROLONGING THE TIME FOR CALLING IN THE BILLS OF CREDIT OF THIS STATE, NOT ON INTEREST.

Preamble. 1777-78, chapters 7 and 14.

WHEREAS it appears to this court that the time limit[t]ed by a late act for calling in the bills of credit of this state, and issuing treasury notes therefor, for several reasons, has not been sufficient for that purpose, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Prolonging the time for calling in the bills of credit, of this state.

[SECT. 1.] That the time for calling in said bills, and exchanging them for treasurer's notes, be prolonged to the first day of June next, and that the treasurer be, and he is hereby, directed to exchange said bills accordingly, any law to the contrary notwithstanding.

Provided, nevertheless, —

Notes to bear date after last day of April, instant, at the time the treasurer shall receive the same.

[SECT. 2.] That all notes which shall be issued by the treasur[er][y], for any sums of this state's money which he may receive by virtue of this act after the last day of April, instant, shall bear date at the time such sum shall be received by the treasurer. [*Passed April* 3, 1778.

CHAPTER 28.

AN ACT FOR ERECTING A PARISH LATELY SET OFF FROM THE TOWNS OF WORCESTER, SUTTON, OXFORD AND LEICESTER, IN THE COUNTY OF WORCESTER, INTO A TOWN BY THE NAME OF WARD.

Preamble.

WHEREAS the inhabitants of the parish lately set off from the towns of Worcester, Sutton, Oxford and Leicester, in the county of Worcester, have represented to this court the great difficulties and

* At the meeting-house, in the middle precinct.

inconvenienc[*i*]es they labour under in their present s[c]ituation, and have earnestly requested that they may be incorporated into a town by the name of Ward,—

Be it therefore enacted, and it hereby is enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the said parish, now to be incorporated into a town by the name of Ward, shall be bounded as follows; viz[t]., beginning at a heap of stones in the line between Sutton and Oxford, and from thence, running, north, thirty-five degrees east, upon the Sutton line, twelve hundred and forty-four rods, to a heap of stones; from thence, north, sixteen degrees west, upon Worcester line, two hundred and eighty-eight rods, to a heap of stones; from thence, north, thirty-two degrees west, upon Worcester line, eighty rods, to a heap of stones; from thence, north, eleven degrees west, upon Worcester line, one hundred and seventy-four rods, to a heap of stones; from thence, west, three degrees south, partly on Worcester, and partly on Leicester lines, nine hundred and twenty-four rods, to a heap of stones; from thence, south, forty-three degrees west, on Leicester line, three hundred and twenty rods, to a gr[a][*e*]y-oak tree; from thence, north, thirty-three degrees and thirty minutes west, upon Leicester line, five hundred and sixty rods, to a heap of stones; from thence, partly on a gore, and partly on the Oxf[*or**]d line, five hundred a[*nd**] sixty-seven rods, to a heap of stones; from thence, east, forty degrees south, on Oxford line, three hundred and fifty-eight rods, to a white-pine tree; and from thence, east, six degrees south, upon Oxford line, three hundred and seventy rods, to the first-mentioned heap of stones: which described plot of ground contains eight thousand three hundred and forty acres, and is hereby erected into a town by the name of Ward. Boundaries of the incorporated town called Ward. Number of acres.

Provided, nevertheless, —

[SECT. 2.] That Samuel Curtis, the widow Mary Biggelow, Daniel Biggelow, William Elder, John Elder, Jonathan Fisk, Benjamin Chapin, Eli Chapin, Joseph Clark, Moses Bancroft, John Savory, Lev[i][*y*] Stone, Abel Holman, Stephen Hol[e]man, Samuel Trask, Jabez Stockwell, Joseph Pratt, and the widow of the late Johnson Watson, [p]residents within the aforenamed town of Ward, as herein described, with their polls, lands and other estates now in their possession, although included within the aforesaid bounds of the said town of Ward, but not included within the said late parish, shall, nevertheless, be accounted as parts of the said towns of Worcester, Sutton, Oxford, or Leicester, to which they respectively belonged, before the enacting hereof, so long as they, severally, or their several heirs or assigns of the same lands, shall see cause so to lye and belong to the said towns of Worcester, Sutton, Oxford, or Leicester, to which they respectively belonged before the enacting hereof; and shall do duty and receive priviledge within their said respective towns, so long as they shall so remain, but no longer: *and provided*, the said Samuel Curtis, the widow Mary Biggelow, Daniel Biggelow, William Elder, John Elder, Jonathan Fisk, Benjamin Chapin, Eli Chapin, Joseph Clark, Moses Bancr[a][*o*]ft, John Savory, Levi Stone, Abel Hol[e]man, Stephen Holman, Samuel Trask, Jabez Stockwell, Joseph Pratt, and the widow of the late Johnson Watson, or their respective heirs or assigns of the same lands now in their possession as aforesaid, or any Proviso.

* Engrossment mutilated.

or either of them, shall, at any time hereafter, refuse to lay to the said several towns of Worcester, Sutton, Oxford or Leicester, to which they respectively belonged before the enacting hereof, and shall refuse to pay their proportionable part of the taxes, in any of said towns, for said lands and estate, and that if either or any of the persons aforesaid, their respective heirs or assigns, so refusing, shall signify their intention of joining with the said town of Ward, in all town affairs for the future, and shall by a writing under his or their hands, to the town clerk of any of the said towns of Worcester, Sutton, Oxford or Leicester, to which he or they shall then belong and signify the same, — such town clerk shall, and he hereby is directed immediately to, transmit an attested copy of the same to the town clerk of the said town of Ward, who shall record the same in said town's records; and which shall empower the inhabitants of said town of Ward, to tax such inhabitants' lands and estate, in all future taxes, as though he or they, his or their said lands and estate, had been set off with the other inhabitants, in this present act included; and shall be subjected to all duties, and invested with all the priviledges, of the said town of Ward, in common as the other inhabitants are subjected to or invested with, and shall be held to pay all such taxes as thereafter shall be so laid upon them; and they shall also be held to pay all such taxes as are or shall be laid upon them by the respective towns of Worcester, Sutton, Oxford or Leicester, to which they respectively belonged previous to the enacting hereof, at any time before such notification be given to the town clerk of said Worcester, Sutton, Oxford, or Leicester, in manner as aforesaid, or to any of them, and not otherwise.

The town clerk to be notified.

And provided, also, —

Proviso.

[SECT. 3.] That Paul Thurston, Elisha Livermore and Uriah Stone, jun[r]., with their several lands and estate[s] lying contigu[i]-ous to, but on the outside of, the said described line of the town of Ward, shall have right to join themselves and said estates to said town of Ward, they severally taking the same measures as are herein before laid down in the former proviso. And the said town of Ward shall be, and hereby is invested with all the rights, privile[d]ges, powers and immunities, belonging, in co[m̃][*mm*]on, to other towns within this state.

And provided, nevertheless, —

And it is hereby further enacted,

Proviso respecting taxes.

[SECT. 4.] That the said town of Ward shall pay their proportion of all town, county, and state, taxes already set on or granted to be raised by the [*said*] general assembly of this state, [in] the county of Worcester, or the said towns of Worcester, Sutton, Oxford, [and] [*or*] Leicester, or any of them, in like manner as if this act had not been made.

And be it further enacted,

Edward Davis, Esq., first empowered to call the meeting of the inhabitants.

[SECT. 5.] That Edward Davis, Esq[r]., be and hereby is directed and impowered to issue his warrant, directed to some principal inhabitant within said town of Ward, requiring him to warn the inhabitants of said town of Ward, qualified to vote in town affairs, to assemble at some suitable time and place, in said town, to choose all such officers as the law requires to manage the affairs of said town.

And it is hereby further enacted,

Town clerks of said towns to give lists to the persons empow-

[SECT. 6.] That the respective town clerks of said Worcester, Sutton, Oxford, and Leicester, before the first meeting of the said town of Ward, shall deliver to the person who shall be directed and

impowered, as aforesaid, to warn said inhabitants, a copy of the last list of valuation of the real and personal estate of the inhabitants of said town of Ward, in order to determine the qualification of voters at said meeting; and that the inhabitants who shall appear by said list to be voters, according to law, shall be allowed to vote. [*Passed April* 10, 1778.

ered to determine the qualification of voters.

CHAPTER 29.

AN ACT FOR ENQUIRING INTO THE RATEABLE PROPERTY OF THIS STATE.

Whereas the rateable estates of the several towns in this state are much altered since the last valuation,—

Preamble. 1771–72, chap. 3.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the assessors of each town within this state, chosen for the year one thousand seven hundred and seventy-eight, shall, on oath, take, and lodge in the secretary's office, by the twentieth day of June next, a true and perfect list, according to their best skill and judgment, agreeable to a list settled by the general court and recorded in the secretary's office (a printed copy of which list shall be, by the treasurer of this state, sent to the clerk of each town therein), containing an account of all male polls of sixteen years old and upwards, whether at home or abroad, negroes and molattoes not excepted, — distinguishing such as are by law exempt from rates; and of all real estate, improved or not improved, and the just value of the same, lying within their respective towns, by whom occupied or possessed, whether in his own right, or in the right of others; and of all personal estate, including money on interest more than they pay interest for, debts due to them, not on interest, more than they are indebted; all monies in hand, and also a true list of all goods, wares and merchandize, stock in trade, vessels of all sorts, with their stores, appurtenances and appendages, plate, horses, oxen, and cattle of all sorts and ages, sheep, goats and swine, grain of all sorts, and all kinds of produce of the land, and of all other property whatsoever (excepting hous[e]hold furniture, exclusive of plate, wearing apparel, farming utensils and the tools of mechanic[k]s), more than what they are indebted, on the first day of May, [1778] [*one thousand seven hundred and seventy-eight*], according to the price of such real and personal estate on the said first day of May; and on the amount of their income from any profession, faculty, handicraft, trade or employment; and also on the amount of all incomes and profits gained by trading by sea or on shore, and by means of advantages arising from the war, and the necessities of the community: all which real and personal estate the assessors of each town are hereby required to estimate according to the true worth of such estate on the said first day of May, [1778] [*one thousand seven hundred and seventy-eight*].

Assessors of each town to lodge in the secretary's office a true and perfect list of ratable property; copy of which to be sent by the treasurer to the clerk of each town in this state, — containing an account of the male polls, distinguishing such as are exempted; — of all personal estate; — list of all goods, wares and merchandise; — also on the amount of all incomes, etc., gained by trading. Assessors required to estimate.

Provided, nevertheless, —

[Sect. 2.] That the following persons; viz[t]., the president, fellows, professors, tutors, librarian and students of Harvard Colle[d]ge, [*and*] who have their usual residence there, and settled ministers

Exempting the president, fellows and students of Harvard College.

of the gospel, and gramm[e][a]r-school masters, shall be exempted out of this act, so far as relates to their polls, and their real and personal estate under their own actual improvement, and lying within the town whereof they are inhabitants: *provided*, *also*, that such officers and soldiers as are engaged in the Continental Army for three years, or during the war, are exempted from this act, so far as relates to their polls.

To exempt officers and soldiers in the Continental Army.

Provided, *further*,

To exclude the estate of Harvard College, and Indians' land.

[SECT. 3.] That all the estate of Harvard Colle[d]ge, and lands belonging to the Indians, are excluded from this act.

[SECT. 4.] And the said assessors shall cause all the col[l]umns of the several articles contained in their several lists, to be carefully cast up and footed; and before they enter on the business assigned them by this act, shall take the following oath; viz[t]., —

Oath to be taken by the assessors:

You, A. B., being chosen an assessor for the town of C., for the year [1778] [*one thousand seven hundred and seventy-eight*], do swear that you will faithfully and impartially, according to your best skill and judgment, do and perform the whole duty of an assessor, as directed and enjoined by an act of this state, made in the present year, entitled "An Act for [e][a]nquiring into the rateable property of this state," without favor or prejudice. So help you God.

—to be administered by the town clerk, when there is no justice.

— which oath, in such town where no justice of the peace dwells, shall be administ[e]red by the town clerk, who is hereby [i][e]mpowered and directed to administer the same, on penalty of ten pounds; and every assessor who shall have been chosen by any town in the year [1778] [*one thousand seven hundred and seventy-eight*] and accepted such office, that shall refuse to take such oath shall forfeit and pay the sum of forty pounds.

Penalty on such persons refusing.

[SECT. 5.] And every person not necessarily out of the state; viz[t]., on and from the first day of May next, to the tenth day of June next (in which cases they shall be doomed by the assessors as hereafter expressed), refusing or neglecting to give such assessor or assessors, in writing, and on oath if required (which the assessors are respectively directed to administer, if they have any suspicion of fraud in giving), a true account of his rateable estate and improvements, agreeable to the true intent of this act, shall be doomed by the assessors according to their best skill and judgment; and shall, for each offence, forfeit and pay the sum of fifty pounds: which oath shall be in the following form; viz[t]., —

Penalty.

Oath.

You, C. D., do swear that the account now exhibited by you is, to the best of your knowledge and judgment, a full account of all your rateables, agreeable to the list now exhibited to you. So help you God.

Allowance to assessors.

— and every assessor shall be allowed, out of the treasury of his respective town, the sum of ten shillings for every day he shall be necessarily employed in doing the duty enjoined by this act.

And be it further enacted,

Assessors, by 20th day of June, 1778, to transmit, on oath, a true copy of the valuation, to the secretary's office:

[SECT. 6.] That the assessors of each town in this state, for the year [1777] [*one thousand seven hundred and seventy-seven*], shall, by the aforesaid twentieth day of June, transmit to the secretary's office a true and perfect copy, on oath, of the valuation and state-bill, by which they made the taxes in their particular towns for that year; also a true copy of the state tax made by such list and valuation; on

—penalty on neglect.

penalty that each assessor neglecting his duty therein shall forfeit and pay twenty pounds.

And be it further enacted,

How assessors are to act in certain cases.

[SECT. 7.] That if, in any of the towns aforesaid, it shall so happen that any of the assessors for the years 1777 or 1778, be dead or removed, in that case the remaining part of said assessors shall be and are hereby [i][*e*]mpowered to act in all cases touching the valuation and state-bill, and copy of the state tax aforesaid, as fully as if there had been no such death or removal.

How fines are to be recovered.

[SECT. 8.] And all fines and forfeitures arising by this act may be recovered by action of debt, presentment or indictment, at any court of judicature, within this state, proper to try the same; and shall be applied, one moiety thereof to him or them who shall sue for the same, and the other moiety to the use of the state.

And whereas it may happen that some rateable estate, by shifting hands, may be liable to be given in, twice, to the assessors, or not given in at all, —

Be it further enacted,

Persons to give lists of ratable estates, to the assessors, they are possessed of, on the 1st day of May, 1778.

[SECT. 9.] That every person in each town within this state, shall give in to the assessors a list of such rateable estate, agreeable to this act, as he is possessed of on the first day of May, [1778] [*one thousand seven hundred and seventy-eight*].

And whereas the people called Quakers profess to be, in their consciences, scrup[i][*u*]lous of taking an oath in the form of law required, —

Be it therefore enacted,

Quakers allowed to make their solemn affirmation.

[SECT. 10.] That all such people who call and profess themselves Quakers, shall, instead of taking either of the oaths in form aforesaid, if required, be permitted to make his or her solemn affirmation or declaration, under the pains and penalties of perjury.

List of ratables.

		Polls rateable.
		Polls not rateable.
	No.	Dwelling-houses, barns, and other buildings not hereafter specially mentioned, with all yards, gardens and passage-ways to the same belonging.
l. s. d.		The just value of the same.
	No.	Acres, or parts of an acre, of upland, mowing, orcharding, and tillage land.
l. s. d.		The just value of the same.
	No.	Acres of salt and fresh meadow.
l. s. d.		The just value of the same.
	No.	Acres of pasture land.
l. s. d.		The just value of the same.

	No.	Acres of woodland and unimproved land.
l. s. d.		The just value of the same.
l. s. d.		Wharf[f]s of all sorts, and the just value of the same.
l. s. d.		Still-houses, furnaces, mills of all sorts, and iron-works.
		The just value of the same.
l. s. d.		Money at interest, and on hand, more than they are indebted.
l. s. d.		Debts due, not on interest, more than they are indebted.
l. s. d.		The amount of all goods, wares, merchandizes, and stock in trade.
l. s. d.		Vessels of all sorts, with their stores, and the true value thereof, whether at home or abroad.
		Ounces of plate.
	No.	Horses, of all ages.
l. s. d.		The just value.
	No.	Oxen, four years old and upwards.
l. s. d.		The just value.
	No.	Cows, three years old and upwards.
l. s. d.		The just value.
	No.	Ste[a][e]rs, three years old, and all other[s] horned cattle under that age.
l. s. d.		The value.
	No.	Sheep and goats, of all ages.
l. s. d.		Their value.
	No.	Swine, of all ages.
l. s. d.		Their value.

£ s. d.		
		Grain, of all sorts and kinds, and all other produce of the land, whatsoever, on hand, the just value of the same.
		Coaches, chaises, and all carriages of that kind, and all other property whatsoever, not before enumerated, except hous[e]hold furniture, wearing-apparel, farming uten[c][s]ils and the tools of mechanicks. The just value of the same.
		The amount of all the estate, both real and personal, of those persons that shall be doomed by the assessors.
		Tons of English hay, one year with another.
		Tons of salt and fresh meadow hay, one year with another.
		Bushels of corn and grain, of all sorts, one year with another.
		Number of cows the pasture will keep, one year with another.
		Barrels of [s][c]yder, one year with another.
		Amount of all other annual produce.
		The annual income arising from any profession, faculty, handicraft, trade or employment, and by trading by sea and on shore, and by means of advantages arising from the war, and the necessities of the community.

[*Passed April* 28, 1778.*

CHAPTER 30.

AN ACT FOR SETTING OFF A PART OF THE TOWN OF BOLTON, IN THE COUNTY OF WORCESTER, INTO A SEP[E][A]RATE PARISH.

WHEREAS, for the greater convenience of attending the public worship of God, it is found necessary to set off a part of the town of Bolton, in the county of Worcester, as a sep[e][a]rate parish, — Preamble.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That all the lands, with the inhabitants thereon, in the town of Bolton, to the southward of a line beginning three miles, one-half, and sixty-two rods, from the south-westerly corner of said Bolton, at a stake and stones on Lancaster line; thence, running east, Bounds of the south parish of Bolton.

* The above table is pasted on the engrossment, and was printed with the act, although it seems to have been a separate paper.

twenty-four degrees south, one mile, one-half, and forty rods, to a heap of stones near Amos Meriam's shop; thence, running east, thirty-seven degrees south, three miles and forty rods, to Marlborough town line, — be and hereby is set off as a sep[e][*a*]rate parish, by the name of the South Parish.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That the said South Parish shall be and hereby is invested with all the rights, privile[d]ges and immunities which, by law, other parishes are invested with.

And be it further enacted by the authority aforesaid,

To pay all former ministerial taxes.

[SECT. 3.] That all the inhabitants of said town shall pay all their former ministerial taxes in the same manner as if the town had not been divided, except that assessment made, January, one thousand seven hundred and seventy-eight; and that tax, with those that may hereafter be made, shall be paid according to said incorporation: any former votes of the town to the contrary notwithstanding.

And be it further enacted,

Inhabitants to pay where they worship, in case.

[SECT. 4.] That the inhabitants of each parish in said town have full liberty to attend public[k] worship in which parish they please, and to pay their ministerial taxes, for their pol[e][*l*]s and estates, where they attend: *provided*, they return their names, annually, some time in the month of September, to the assessors of the parish they propose to attend public worship in; and all that shall not thus return their names, to be taxed to the parish within the limits of which they shall live, in the month of September, annually.

And be it further enacted,

Samuel Baker, Esq., to call the first meeting.

[SECT. 5.] That Samuel Baker, Esq[r]., be and hereby is impowered to issue his warrant to some principal inhabitant of the said South Parish, requiring him to notify and warn the inhabitants to meet, at such time and place, in the said South Parish, as by such warrant shall be duly specified, and there ch[u][*oo*]se such officers as may be necessary to manage the affairs of said parish; and the inhabitants qualified by law to vote, being so assembled, shall be and hereby are impowered to ch[u][*oo*]se such officers, accordingly. [*Passed April* 13, 1778.

CHAPTER 31.

AN ACT FOR DIVIDING AND SETTING OFF THE WESTERLY PART OF THE TOWN OF NEEDHAM, IN THE COUNTY OF SUFFOLK, INTO A SEP[E][*A*]RATE PRECINCT BY THE NAME OF THE WEST PRECINCT.

Preamble.

WHEREAS, for the greater convenience of attending the public worship of God, and the more peaceable enjoyment of the Christian religion, it is found necessary to divide and set off the westerly part of the town of Needham into a sep[e][*a*]rate precinct, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Bounds of the parish.

[SECT. 1.] That the westerly part of the town of Needham shall be and hereby is set off into a sep[e][*a*]rate precinct, by the name of the West Precinct; and the said westerly part of the land in said town is, accordingly, hereby set off, by a line to begin at the middle of the Fordway, so called; from thence, to run, south, forty-nine degrees

west, to what is called the first centre of said town; and thence, on the same course, to a bend in the river called Charles's River, as the same bend is marked on the plan of said town.

Inhabitants may choose which parish they will belong unto, in case.

[Sect. 2.] And if any of the inhabitants of said town that shall fall on either side of the aforesaid line, shall choose to belong to and be a part of the precinct on the other side of said line, and shall, within twelve months from the date of this act, give their names into the secretary's office of this state, they, with their estates, shall be recorded as part of the parish they shall so choose, and shall do duty and receive privile[d]ges, accordingly; and that such persons as belong to said town, now in the army, shall, within twelve months after their return, enjoy the same priviledge.

And be it further enacted,

[Sect. 3.] That the said West Precinct shall be and hereby is invested with all the rights, privile[d]ges and immunities which, by law, other precincts are invested with.

And be it further enacted,

Taxes already assessed, to be paid.

[Sect. 4.] That all monies already assessed by said town be collected, and paid as appropriated by said town, in the same manner as if said town had not been divided.

And be it further enacted,

Jonathan Metcalf, Esq., to call the first meeting.

[Sect. 5.] That Jonathan Me[d][*t*]calf, Esq[r]., be and hereby is impowered to issue his warrant to some principal inhabitant of the said West Precinct, requiring him to notify and warn the inhabitants to meet at such time and place, in the said West Precinct, accordingly, as by such warrant shall be duly specified, and then and there choose such officers as may be necessary to manage the affairs of the said precinct; and the inhabitants qualified by law to vote, being so met, shall be and hereby are impowered to choose such precinct officers accordingly. [*Passed April* 28, 1778.

CHAPTER 32.

AN ACT IN ADDITION TO "AN ACT FOR REGULATING THE PROCEEDINGS ON BONDS OF ADMINISTRATORS ON INTESTATE ESTATES," MADE, *ANNO DOMINI*, 1734; AND FOR ENABLING THE SUCCESSORS OF TREASURERS AND OTHER PUBLIC OFFICERS TO PROSECUTE AND DEFEND CERTAIN ACTIONS ON BONDS GIVEN TO THEIR PREDECESSORS IN OFFICE.

Preamble. 1734-35, chap. 5.

Whereas doubts have arisen whether an action pending in court in the name of the judge of probate, upon his death, or removal from office, can be prosecuted or defended by his successor in office, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

The judge of probate may prosecute or defend any suit commenced by his predecessor in office, in case.

[Sect. 1.] That when and so often as any action shall be pending in any inferior court of common pleas in any county, or in the superior court of judicature, in this state, by continuance or appeal, in the name of any judge of probate, upon any bond taken to him or his predecessor in office, and the said judge of probate shall die, resign, or be removed from office, pending such suit, before final judg[e]ment thereon, his successor in office may prosecute or defend

the same, to every intent and purpose, as the said judge might, or could, in whose name the same was commenced; and the court in which such action may be pending may continue the same a reasonable time, for the successor to become a party to the suit.

And be it further enacted by the authority aforesaid,

Treasurer, or other public officer, may prosecute or defend a suit commenced by his predecessor in office.

[SECT. 2.] That if the treasurer of this state, or any other treasurer or public officer to whom bonds have or may be given, shall die, resign, or be removed from office, pending any suit by him brought on a bond given to him or his predecessor in office, and before final judg[e]ment, it shall and may be lawful[l] for the successor of such treasurer, or public officer, person[n]ally, or by his attorney, to prosecute or defend such suit or action, to every intent and purpose, as though such suit had been originally commenced by such successor.

And the court where such action is or may be pending, may continue the same a reasonable time, for the successor to become a party to the suit. [*Passed April* 28, 1778.

CHAPTER 33.

AN ACT FOR REGULATING TRIALS IN THE MARITIME COURTS, AND FOR MAKING SEVERAL MARITIME AND MERCANTILE MATTERS COGNIZABLE THEREIN.

Preamble. 1775–76, chaps. 7, 15, 17 and 27.

WHEREAS, in some instances, vessels and cargoes belonging to the subjects of the United States, or some of them, or to the subjects of other states in amity with them, under pretence of being lawful prize, may unreasonably be brought into port, and detained, to the great damage of the persons interested therein, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Libellants, and such as claim as captors, to give bond to the maritime judge.

[SECT. 1.] That such persons as shall hereafter prefer a libel for the condemnation of any vessel or cargo, or any part thereof, alledged to be taken and brought into this state, or shall claim any vessel and cargo, or part thereof, as captors, shall, at the time of filing the same libel or claim, give bond, with one or more suret[y][*ie*]s, to the judge of the maritime court, in said capacity, and his successors in office, in such penal sum as the said judge shall determine sufficient: the condition of which bond shall be, that if, upon the final trial of the justice of the capture, the jury shall acquit the vessel and cargo, and shall assess damages for the person or persons claiming restitution thereof, they will pay such damages and costs.

And be it further enacted by the authority aforesaid,

Jury may assess damages for the claimants of property.

[SECT. 2.] That upon a trial of the justice of any capture of a vessel or cargo, upon a libel or claim for the condemnation thereof hereafter filed, it shall appear that the same was unreasonably taken and detained, and without probable cause therefor, it shall and may be lawful for the jury, at the time of such determination, to assess such a sum, in damages, for the person or persons claiming property in the vessel or cargo, jointly or severally, as the case may require, as, to the same jury, upon hearing the evidence, may appear equitable; and the judge of the maritime court may order restitution of the

Court may order

vessel and cargo to the persons claiming property therein, and decree the payment of such damages, with reasonable costs; and also, in all cases where the vessel and cargo shall be acquitted of the charges alledged in the libel or claim of the captors, to decree a restitution thereof, with costs. Restitution, with costs.

And be it further enacted by the authority aforesaid,

[SECT. 3.] That the judges of the maritime courts, in their several districts, are hereby authori[z][s]ed and impowered to hear and determine complaints of mariners and seamen, for wages earned in ships or other trading vessels (belonging wholly, or in part, to the subjects of this state), while in port or on the high seas; and also to determine the quantum of salvage for vessels, tackle, apparel, goods, wares, or merchandize, belonging to the subjects of this, or other of the United States, or foreigners in amity with the United States, whether the same were found and preserved on the high seas, and brought into port, or between high-, and low-water mark, within this state (the quantum of salvage to be in proportion to the trouble and risque taken for the security and preservation of the vessel or goods for which salvage is claimed, in the estimation of the jury; who shall be at liberty to assess a sum in gross, or a certain proportion of the vessel or goods preserved); and also to hear and determine complaints between joint owners of trading ships or vessels, where one or more of the interested shall neglect or refuse to fit out, or send, or risque their parts at sea; and in such cases, and other maritime matters, where no special direction is given to the contrary by the laws of this state, to determine agreeable to the civil law; and to grant all such warrants, order, or process as shall be necessary that justice may be done. Maritime court to hear the complaints of mariners, for wages, salvage, etc.

Provided, always, —

[SECT. 4.] That where one or more material matter of fact are alledged by one party, and denied by the other party, interested therein, the same shall be determined by a jury. Civil law to be adopted, when special provision is not made by statute.

[SECT. 5.] And any person aggrieved at the determination of the maritime court, in any of the matters aforesaid, being a party to the suit, may appeal therefrom to the superior court of judicature, &c, then next to be held in the district, as in other maritime matters: *unless*, in such cases where the wages of marine[r]s are the subject matter of the libel or complaint; in which case the determination of the maritime court shall be final. And the said superior court are hereby authori[z][s]ed and impowered to hear and finally determine all such causes as may duly come before them by appeal as aforesaid. And when the appellant or appellants shall not enter, or, after entering, neglect to prosecute, the appeal, the said court is authori[z][s]ed, upon the complaint of the appellee or appellees, to affirm the judgment of the maritime court appealed from, with additional damages, and costs; and on affirming judgments of the maritime courts, in cases where damages are assessed by a jury for the claimants of property in an unlawful capture and detention, the court may increase the same, in proportion to the time elapsed from the appeal till the time of filing complaint for affirmation, at the rate the jury assessed from the time of capture till the trial in the maritime court. Aggrieved parties may appeal to the superior court, except when mariners' wages is the thing in question. Superior court to affirm the judgment of the maritime courts, with costs. Rule for additional damages.

And be it further enacted by the authority aforesaid,

[SECT. 6.] That all trading ships and vessels shall stand liable and chargeable for the wages of the seamen and mariners, earned therein, any transfer or alienation thereof notwithstanding, for the space of two years from the time such wages were earned therein; and the judges Trading ships to be liable to mariners, for wages, for two years. Court may order

sale by auction for marine wages.

of the maritime courts, may, by warrant, directed to the sheriff of the county, in the district where such vessel and appurtenances may be, his undersheriff or deputy, order sale of so much thereof, at auction, as may be necessary to pay such wages, with costs and charges arising on any suit hereafter to be brought by any seaman or mariner; in executing of which precept, the sheriff or deputy shall be intitled to such fees as, by law, he would have upon an execution to the like amount, from any court of common law within this state. And in all cases where the libellant or libellants for wages shall fail of recovering, he or they shall be subjected to pay reasonable cost to the master or owner[*s*] of the vessel, who may be cited to answer the suit. [*Passed April* 29, 1778.

Libellants for wages to pay costs, in case.

NOTES. — One or more acts were passed at each of the six "sittings" of the General Court this year; and at the close of each "sitting," the act or acts passed therein were signed as was usual at the end of a regular session. Although in the contemporaneous impression, the acts of the first and second sittings are included in one and the same session, in the journals of the House the heading of the record of each sitting contains the words "being the second," "third," etc., "sitting"; no difference being recognized, in this respect, between the earlier sittings and the sixth sitting, which was after a prorogation, and, therefore, undoubtedly, a new session. Indeed, these different "sittings" are frequently mentioned as separate sessions, in reports of committees, and in votes of the Assembly; and at the close of the fourth sitting it appears by the House Journals that General Hancock went up to the Council "to inform them that the House had passed upon all the business of the present *session*,"— as if it were understood that the next meeting of the Assembly, though after an adjournment, would be the opening of a new session. Therefore the rule of grouping the acts which has been observed heretofore in this edition, has been adhered to, notwithstanding the numerous divisions and the fact that in each of two successive sessions but one act was passed.

The General Court was adjourned from July 8th, to September 3d, but assembled again on the fifth of August, in accordance with a special summons from the major part of the Council. All the sittings were in the old State House in Boston, except the last, which was held, by prorogation, in the meeting-house in the middle precinct in Roxbury, on account of the small-pox in Boston.

The engrossments of all the acts of this year are preserved, but none of them are upon parchment. All the bills were signed by fifteen of the Council, except of chapter 4, which was signed by seventeen; chapter 8, by sixteen; chapter 30, by thirteen; chapters 15 and 33, by twelve; chapter 28, by eleven; chapters 16 and 29, by ten; chapter 31, by nine, and chapter 32, by seven.

The following preamble and resolve* explain the irregularity in the numbers of signers of bills during this and the previous year, when the same cause existed: —

"State of Massachusetts Bay In the House of Representatives. Apr[l]. 23, 1778 —
Whereas by the Prevaliance of the Small Pox in the Town of Boston & Several Towns Adjacent Several of the Members of the Hon[bl] Councill are prevented from attending the Board and from the necessary absence of others it is Extreamly Difficult to obtaine a Major Part of the Councill to Sign Warrants &c which Occations grate delay in the publick Busness and Much Expence to Such Persons who have Busness to Transact with the Gen[l] Court —
Therefore, Resolved that until the Twentyeighth day of May, next any Seven of the Councill be, and hereby are Impowered to issue & Sign warrants on the publick Treasury, and allso all Acts Resolves & orders, Passed by the Two Houses, and all Such warrants on the Treasury and any other thing, Transacted, by Seven of Said Councill be & hereby is declared to all Intents & Purposses, as Valid as if the Same had bin Signd by Fifteen of the Councill, until the Twentyeighth day of May afores[d] Sent up for Concurrence
J PITTS Spk[r] P Tem
In Council April 23.' 1778 Read & Concurred JOHN AVERY D[s] Sec[y]
Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 218, *p.* 205.

Chap. 1. "*Resolved*, That all post-masters, post-riders, and persons immediately concerned in conducting the business of the post-office, ought to be exempted from all military duties; and that it be recommended to the legislatures of the different states to exempt such persons accordingly." — *Journals of Congress: May* 12, 1777.

The bill of this chapter was read a first time in the Council, July 2d, and was brought down to the House, on the 3d, where, on the same day, it was passed to be engrossed, with amendments inserting "and" between "postmasters" and "post-riders," and striking out the words "and persons immediately concerned in conducting the business" in the bill as originally drafted. The Council concurred in these amendments, on the 3d, and on the 5th, they concurred in the vote of the House passing the bill to be enacted.

Chap. 2. On the 6th of August, a joint committee, consisting of Messrs. Niles, Boardman and Nichols, of the House, and Spooner and Fuller, of the Council, was appointed "to consider the expediency or inexpediency of permitting public vendues in this state" The report of this committee was brought down from the Council the next day, "That it

* Printed resolves, chapter XCV.

is not expedient to continue vendues any longer, unless for the payment of debts as is already established by law." This report was accepted, and the committee was thereupon ordered to "bring in a bill for the purpose aforesaid."

On the day this report was accepted, the following petition was received and referred to the same committee: —

"State of Massachusetts-Bay } To the Hon^ble the Council & the Hon^ble the House of Representatives of said State in General Court assembled —

The Petition of the Committee of Correspondence &c &c of the Town of Boston Humbly sheweth —

That your Petitioners have with the greatest concern beheld the Prices of every Article of Merchandize encreasing with a Rapidity which threatens the Poor with intolerable Distress, and the Currency of the united States of America with almost a total Discredit — And conceiving these calamities in a great Measure to be promoted, by the Sale of Goods at publick Vendue (as the Prices of almost every Article of Trade has been more than doubled by these Sales in the course of a few Weeks past) Your Petitioners humbly pray your Honors to take the Premises into your wise consideration and repeal that Part of a late Act, which directs Prizes & Prize Goods to be sold at Publick Vendue, directing in Lieu thereof the Agents of all Prizes, under certain Penalties, to sell the same at private Sale, and make up their accounts under Oath within a limited Time, and prohibit all Sales by publick Vendue in future, or take such other Measures, to prevent the encrease of the evils aforesd. as to your Honors may seem fit — And your Petitioners as in Duty bound shall ever pray EBENEZER DORR Charman pr Order." — *Mass. Archives, vol.* 183, *p.* 93.

After two messages from the House, requesting the Council to join with them in an order to the committee to sit immediately, if they had not already reported, and another, requesting that the bill be sent down, the bill was sent down, accordingly, on the 12th, and the Council having refused it a second reading, a committee of conference, consisting of Messrs. Paine, Pitts and Gray, of the House, and Thomas Cushing, Palmer and Sewall, of the Council, was appointed, who, on the 15th, reported that the bill "should be taken up and revived." On the same day the Council reconsidered its vote rejecting the bill, passed it to be engrossed, and sent it down for concurrence. In the House, it was immediately read twice, and was specially assigned to the next day, for further consideration. On the 16th, the House passed it to be engrossed, in concurrence, with seven amendments striking out the words "sundry sorts of," before "goods," in the title, and the final clause, in the original draught, of the first section, "and such Continental stores as may be sold at public vendue by the commissary-general or his order, in consequence of resolutions of Congress," and inserting those words in the parenthetical clause in the second section; also inserting the last clause in the preamble; and substituting, in the first line of the second section, "if any person or persons" for "no person or persons licensed by the selectmen of any town, or not licensed," and in the last line of the third section, "November" for "January."

The Council concurred in these amendments, on the same day, whereupon the bill was passed to be enacted, and signed by fifteen of the Council.

Chap. 3. "Providence August 25th. 1777

Sir, This State having usually imported a great Part of the Grain consumed in it by Water; and that Channel being now entirely shut up, we must be under the Necessity of procuring large Supplies from Massachusetts Bay and Connecticut. The General Assembly being informed that some Persons in this State are preparing to distil Spirits from Grain; and that large Quantities are purchased in some of the other States for the same Purpose have passed an Act to prevent so injurious a Practice in this State, and requested me to transmit to you a Copy of that Act, and to request that a similar Act may be passed in your State; which I now do, and am with great Esteem.

Sir Your most Obed^t Humble Servant

Hon^ble President of the Council of Massachusetts-Bay. NICH^S COOKE." — *Mass. Archives, vol.* 198, *p.* 102.

"Letters from Governor Cooke of the 25th of August acquaint us that the State of Rhode Island have passed an Act against distilling Spirits from Wheat and other Grain and Cyder, and has inclosed a Copy thereof. Whether an Act of a similar Nature may not be expedient, you will consider." — *Extract from the Council's message to the House, Sept.* 10, 1777: *House Journal, p.* 70.

The record of the appointment of Messrs. Pitts, Greenleaf and Davis, as a committee to bring in a bill to prevent the distilling of grain and cider, is entered before the record of the message of the Council; but the committee was probably appointed in consequence of the above letter from Governor Cooke.

On the 11th of September, a bill to prevent distillation of spirits and other strong liquors, was read a first time in the House, and, on the next day, was read again, "considered and committed, for amendment," to Mr. Sumner, Major Orne and Col. Orne. On the 15th, the bill was again considered by the House, "on a second reading," and assigned to the next day for a third reading; when it was read, passed to be engrossed, and sent up for concurrence. On the same day, in the Council, it was read twice, and passed, in concurrence, to be engrossed, with four amendments substituting the words "into any kind of spirit whatever" for "spirits and other strong liquors," in the title, and adding thereto the words, "or either of them"; and making similar changes in the preamble and the first section.

The House concurred in these amendments, on the 17th, and the bill was passed to be enacted.

Chap. 5. "Sept. 17, 1777. It being represented to the House that some Persons, apprehended in the neighbouring States for the Crimes of counterfeiting and altering the Bills and Notes of Public Credit of several of the United States, have escaped the Punishment due to their Crimes, by means that material Witnesses reside within this State and refuse to give their Attendance at any Court within such States, not being compellable thereto by Law: *Ordered*, That Mr. *Wetmore* bring in a Resolve for Remedy thereof. Who reported a Resolve accordingly. Read and pass'd, Sent up for Concurrence." — *House Journal*, *p.* 77.

The resolve reported by this committee has not been discovered.

On the 19th, a bill with the title of this act was brought down from the Council, and, on the 22d, it was passed by the House, in concurrence, to be engrossed. On the 2d of October, a new draught of the bill was brought down from the Council, as a substitute for the bill, which, in the mean time, had passed the House, to be enacted. This substitute was substantially the bill as finally passed to be enacted, and contained more explicit provisions as to the service of the process for summoning witnesses, and as to the manner of recovering the forfeiture for disobeying the summons, and for punishing defaulting witnesses.

The House agreed to the new draught, with two amendments; one, altering the phraseology of the first line of the preamble, and the other, proposing a change in the sixth line. On the 4th, the former of the amendments was adopted by the Council, and the bill was thereupon passed to be enacted by both branches.

Chap. 6. The House of Representatives assigned the afternoon of June 6th, 1777, for the consideration of "the expediency or inexpediency of repealing the acts of this state, for preventing monopoly and oppression." After a debate, continued the next day, a motion to refer the subject to a committee, was negatived, and the subject was postponed, for further consideration, to the 10th, when a motion for the appointment of "a committee to confer with committees from the other New-England states relative to this matter," and a motion that the said acts be repealed, having been successively defeated, a committee, consisting of Messrs. Gray, Wood, Sewall, Goodman, Mitchell, Greenough, Peck, Simpson, Stone, Preble and Bacon, was appointed "to revise the acts of this state, for preventing monopoly and oppression, and report what is proper to be done."

This committee, on the 14th, made the following report: —

"The Committee for revising the Bills against Monopoly & Oppression beg Leave to report

That in their Opinion the following Explanations are necessary

that it is understood that the Price of Beef fixed in the first Act is intended by the Quarter — & that it is to be sold in smaller Quantities in the usual Proportion according to the Quality of the Pieces & that best Salt pork clear of Bone by Retail be sold at nine pence ℔ lb.

The Committee also beg Leave further to report that Salt being as essential to the public Service as Warlike Stores should be subject to no Regulation that the Prices of Jamaica Spirits be fixed @ 10s & French Brandy 12s both full proof — that Flax be 1/4 ℔ lb — & that the Price of Teaming continue @ 2s ℔ mile ℔ Tun as fixed in the additional Act till the farther Ordr of this Court

And that for the further Support of these Acts it will be necessary — that heavy Penalties be laid upon all Adulterators of spirituous Liquors — that the Sum of be laid on such Towns as shall refuse or neglect to chuse Persons to prosecute the Breaches of these Acts agreeable to the Direction in the additional Act — & that all Civil Officers convicted of violating these Acts be disqualified —

And that a Committee be appointed to consider what Bounties are necessary for the Encouragemt of Commerce & Agriculture." — *Mass. Archives*, *vol.* 137, *p.* 133.

On the 19th, the House assigned the afternoon for the consideration of the above report, and, after debate, a committee of seven members, consisting of Messrs. Gray, Paine, Goodman, Singletary, Stone, Bliss and Porter, was chosen "to consider the whole matter (respecting the regulating act) at large, and report what is proper to be done."

On the 24th, this committee reported that it was expedient that a committee of the honorable Board be joined to them, to consider the same. Accordingly, the House ordered "that said committee, with such as the honorable Board shall join," be charged with the duty which had been exclusively assigned to the committee of the House, above named. The Council immediately joined Jeremiah Powell, Artemas Ward, Walter Spooner, Thomas Cushing, John Taylor and Oliver Prescott.

The report of this committee was brought down to the House, June 25th, and accepted by both branches, on the 27th, as follows: —

"The Committee of Both Houses Appointed to Consider the Whole Matter respecting the Acts for preventing Monopoly & Oppression at large & to report what is proper to be done; have attended that Service & beg leave to report by way of Resolve as follows —

JER: POWELL ℔ Order —

Resolved that the Hon. Robert Treat Paine & Azor Orne Esqr. with such as the Honble Board shall join be and hereby are appointed a Committee in behalf of this State to meet Committees from the General Assemblies of the States of Newhampshire, Rhode Island, Connecticut & New York, at the Town of Springfeild in ye County of Hampshire, within this State on ye thirtieth Day of July next, in case said Assemblies think fit to appoint such Committees then and there to hold a Conference respecting the state of the Paper Currency of ye Said Governments, of the expediency of calling in the same by Taxes or Otherwise, of the most Effectual, Expeditious and Equal method of doing it, and to Consult upon the best means for Preventing the Depreciation and Counterfeiting of the same, and also, to consider what is proper to be done with respect to the Acts lately made to prevent Monopoly & Oppression, and to Confer upon the late Acts for preventing

the Transportation by Land, of certain Articles from One State to another, And to Consider such other matters as particularly Concern the immediate Welfare of said States, and are not repugnant to or Interfering with the Powers and authorities of the Continental Congress and to report the result of their Conference, to yᵉ General Court, and the Secretary is hereby directed Immediately to Transmit authenticated Copies of this Resolve to the Genl Assemblies of the States aforementioned — and every Clause in an Act intitled 'an Act in addition to and for amending & more effectually carrying into Execution an Act intitled, 'An Act to prevent Monopoly and Oppression, made the present year' be & hereby are Suspended, Untill the further Order of this Court,— Excepting the two first Enacting Clauses, in the Act before mention'd, determining the prices Certain Articles therein Enumerated shall be Sold at —

In Council June 25ᵗʰ. 1777 Read & Sent down — JNº AVERY Dpʸ Secʸ

In the House of Representatives June 27. 1777 Read and accepted Sent up for Concurrence ROB T PAINE Spkr pr. temp

In Council June 27.' 1777 Read & Concurred and Thomas Cushing Esq is joined on the Part of the Board — JOHN AVERY Dpʸ Secʸ

Consented to" —[Signed by fifteen of the Council].—*Ibid.*, *vol.* 214, *p.* 300.

The above resolve constitutes chapter CVIII. of the printed resolves of the May session, 1777, and while it was pending; namely, on the 26th, another motion was made for the repeal of "the two acts against monopoly and oppression," and also for the repeal of the resolve "commonly called the land-embargo," * but was defeated.

Committees from the states enumerated in the above resolve, assembled at Springfield at the time fixed. They consisted of Josiah Bartlett and Nathaniel Peabody, of New Hampshire; Thomas Cushing and Robert Treat Paine, of Massachusetts; Roger Sherman, Samuel Huntington and Titus Hosmer, of Connecticut; William Bradford, Stephen Hopkins and Paul Mumford, of Rhode Island; and John Sloss Hobart of New York. After appointing Stephen Hopkins of Rhode Island, president, and William Pynchon, clerk, and causing their several commissions to be entered on their journal, they adjourned, and met again and proceeded to business on the first of August, continuing in session five days thereafter. The result of this conference was the passage of eight resolves: on the adoption of measures for preventing the depreciation of the currency; on raising money by taxation for carrying on the war; on the repeal of acts relating to monopoly and oppression — so far as they related to fixing prices and prescribing penalties — on making provision for supplying the troops with necessary articles; on measures for preventing engrossing or withholding necessaries; on measures for removing certain legal obstructions to free commercial intercourse between the states; on the transmission to Congress, of copies of their proceedings; closing with a recommendation to the states of Rhode Island, Massachusetts, Connecticut and New Hampshire speedily to fill up their quotas, and to raise and equip more men "to guard the shores round Rhode Island." A letter was also sent to Congress, in behalf of the committees, to accompany the copy of their proceedings.

The resolves of this body, which relate to the repeal of acts to prevent monopoly, &c., are as follows: —

"The Committe took into Consideration the acts against Monopoly and oppression and upon mature deliberation, are of opinion that they are attended with inconveniencies, and that the good ends proposed thereby may be better attained by the measures herein recommended — whereupon Resolved, That it be recommended to the several Legislatures to repeal all clauses in the aforesaid acts for preventing Monopoly and Oppression, so far as they relate to affixing the prices at which the articles therein enumerated shall be sold, and enacting penalties for not observing the same.—

And whereas it may be apprehended that the repeal of the monopoly Bill may operate to the prejudice of the non-commissoned officers & soldiers who may be employed in the Continental Army upon the expectation of being supplied with the necessaries of life at the prices affixed by said Bill, therefore more effectually to prevent such Evil RESOLVED that it be recommended to the several Legislatures aforesaid that provision be immediately made for supplying the troops belonging to the Continental Army, and raised in their respective States, who are in the feild, with such necessary articles as are not supplied by the Commissary General, upon the same terms as the several States have stipulated, always taking care that the prices affixed in the said Bill be considered as the prime cost— and also that provision be made at the expence of the respective st[ates†] that the families of the non commissioned officers and [sol†]diers of the Continental Army residing with them be supplied with provisions and cloathing at the prices sett in said bill to the amount of their wages, and that committees b[e†] appointed in all the towns and districts in said States, wh[ose†] business it shall be to see that the families of such officers and soldiers are duly supplied with such necessaries of li[fe†] as their circumstances may require to the amount of su[ch†] sum as shall be lodged by such officers and soldiers with said committees not exceeding their pay respectively — and also to provide suitable laws to procure the necessary articles stipulated to supply said Troops and their families by impressing those articles where necessity shall require, paying the owner a reasonable price therefor at the appraisement of indifferent judicious men.—

And whereas the Engrossing & withholding from sale the conveniences & necessaries of life, accumulating profits upon the same by repeated sales in large quantities from one engrosser to another, are highly prejudicial to the interest of any state, and, under the present circumstances of these States, are of the most fatal and dangerous tendency, RESOLVED that it be recommened to the Legislatures aforesaid to prohibit and prevent such

* Chapter CXLIV. of the printed resolves, April 1777. † Manuscript mutilated.

practices from time to time under severe penalties as the nature & circumstances of the case may require, and to make provisions for enforcing the sale of the commodities so engrossed or with-held in small quantities and at reasonable prices for the use of the inhabitants."—*Ibid., vol.* 144, *p.* 43.

On the 11th of August, Thomas Cushing submitted to the Council the entire journal of the conference at Springfield, as the report of the legislative committee of which he was chairman. This report was read, and sent down to the House, where, on the 13th, it was, first, decided not to postpone the consideration of the whole report to the next session, and then the clause relating to acts for preventing monopoly and oppression was so postponed.

In the September session, the subject came up again, in a new form. A joint committee, consisting of Mr. Wendell, Mr. Davis of Oxford and Mr. Nichols, of the House, and Thomas Cushing and John Taylor, of the Council, was appointed, September 15th, "to consider what is proper to be done to restrain monopolizers and forestallers. On the same day, a committee of the House previously appointed to prepare a new draught of an act relative to providing for the families of the soldiers, and consisting of Messrs. Partridge, Orne, Goodman, Hosmer and Greenleaf, was directed "to bring in a bill for repealing the act to prevent monopoly and oppression." To this committee, also, was recommitted, after debate, the report of a committee relative to providing for the families of soldiers — said report having been specially assigned for a hearing, in the orders of the day. The report of the committee last named, has not been discovered; but it appears to have embraced a resolve for supplying the families of the non-commissioned officers and soldiers of the army; since such a resolve appears to have been considered by the House, and in a committee of the whole House, who referred it back, on the 20th, for further consideration.

A petition of a number of women in the town of Gorham, whose husbands and sons were in the Continental Army, complaining of their suffering circumstances, notwithstanding the money remitted to them by their husbands, etc., was also referred to this committee

On the 20th, the House, by message, urged the Council to enjoin the members, belonging to that Board, of the joint committee appointed to bring in a bill against monopoly, &c., to sit, immediately. But before any report was made by this committee, the following resolves were passed, removing the principal objection to the repeal of the monopoly acts. These resolves passed in the House, in the original draught, on the 20th of September, and they constitute chapter CXVI. of the printed resolves of that session: —

"State of Massachusetts Bay. — In the House of Representatives Sept. 20th 1777.

Whereas the very exorbitant prices at which most of the necessaries of Life are sold at the present Day renders it fit and reasonable that effectual provision should be made for Supplying, at reasonable rates, the Families of such Noncommissioned Officers & private Soldiers as have ingaged in the Continental Army.— Therefore Resolved That the Selectmen of the several Towns in this State who have not already made sufficient provision for this purpose be, and they are hereby directed, immediately upon the Receipt of this resolve, to call meetings of the Freeholders and other qualifyed voters within their Towns, respectively, which Towns thus assembled are hereby empowered & directed to make effectual provision that the Families of such noncommissioned Officers & privates in their respective Towns as have ingaged in the Continental Service shall be Supply'd from and after y^e^ first day of Septer. last, with such Necessaries of Life as their Circumstances may require to the amount of such Sum as shall be lodg'd by such noncommission'd Officers and Private Soldier with such Committee as has been or shall be appointed by the several Towns for this purpose not exceeding the one half part of their Wages respectively (the other half doubtless the Soldier will be supply'd with in Camp by the State Commissary) they paying for the same at the rates set and limitted in an Act intitled 'an Act to prevent monopoly and Oppression or at the rates they have been sett at in each Town in pursuance of said act [A] *Provided nevertheless the said Committee shall refrain from supplying the Families of such Men as have received Bounties, (either from the Town for which they Enlisted, or from Individuals in consideration of their entering into the Continental Army) for so long a time as the said Committee shall judge the Bounties, they have respectively received, would have answered to defrey the extra Expence of Supplying their respective Families with necessaries*[B] And also resolved that in Case any Town shall refuse or neglect to make such provision, that in such Case the Selectmen in such Town or Towns & their successors in Office shall make such provision and exhibit to this Court an account of the Surplus of the Costs of the necessaries of Life by them so supply'd for payment, with a reasonable sum for their trouble and expences, and the monies paid on such accounts shall be annexed to the then next Taxes of those Towns for which such Soldiers are inlisted and returned as part of their Quota of the Continental Army; And those Towns which shall in pursuance of this Resolve make provision for the Families of any Soldiers within their Respective Towns who are returned as having inlisted for some other Town as part of their Quota of the Continental Army, that then the Selectmen of such Towns shall have a right to charge the extra expence of the necessaries with which such Families were by them supply'd [C] to this State and lay their Accounts before the General Court for examination and payment thereof and the several Towns for whom such Soldiers were Hired (after being notified) shall be Charged with the sums thus paid in the then next Tax Bill

And it is further Resolved that the Committees of the Several Plantations shall make the like Provission for the Families of any Soldiers within their Respective Plantations who are Returned as having inlisted for any Town as Part of their Quota of the Continental Army and that the Committee of such Plantation shall have a right to charge the Extra Expence of the Necessary's, with which such Families were by them Supplied [D] to

this State, and lay their Accounts before the General Court for Examination & payment thereof, and the Several Towns for which such Soldiers were hired (shall be charged with the Sums thus paid after being notified in the then next Tax Bill) and said Committees are directed to use their influence in their respective Plantations, that like Provissions may be made by their Plantation for the Families of such Non Commissioned Officers and Privates as are in the Continental Army as the Quota of that Plantation." — *Ibid.*, *vol.* 215, *p.* 363.

"In Council Octr 10.' 1777 Read & Concurred as taken into a New Draft — Sent down for Concurrence JNO AVERY Dy Secy

In the House of Representatives Octor 10. 1777 Read & concurrd with the following amendments viz Dele from A to B — At C insert 'with a reasonable Sum for their Trouble and expences — At D insert 'with a reasonable Sum for their Trouble and Expences' Sent up for Concurrence — J WARREN Spkr

In Council Octr 10th 1777 Read & Concurred with the Amendments at C & D & Non-concurred with the Amendment from A & B with respect to which the Board adhere to their own Vote. Sent down for Concurrence JNO AVERY Dy Secy —

In the House of Representatives Oct. 10th 1777 Read and concurrd

J WARREN [Spkr*]

Consented to" — [Signed by sixteen of the Council]. — *Ibid.*, *p.* 362.

Two days before the above resolves were finally passed, the bill of this act was read a first time, in the House. On the next day, it was read a second time, and, on the 10th, read a third time, passed to be engrossed, and sent up to the Council, for concurrence. On the 13th, it was passed to be enacted, by both branches.

Chap. 7. This is the first act passed for drawing in, and sinking, bills of credit emitted during the Revolution. The conference of committees of the New-England states, held at Providence, Dec. 25, 1776, an account of which is given in the note to 1776–77, chapter 14, *ante*, agreed to the following recommendation, among others, to the several legislatures represented by them: —

"This Committee taking into Consideration the Currency of Paper Bills emitted by the States of New-England in Lieu of Money for the Prosecution of the present War, and being fully convinced, That it is absolutely necessary to prevent their Depreciation, as it will be impossible for the States to establish and support an Army, upon which the safety of the Country under God depends without preserving the Credit of such Emissions do Resolve as follows.

As the Paper-Bills now circulating far exceed the Quantity necessary for a Medium of Exchange and of Course the Surpluss must greatly tend to depreciate the whole.

It is recommended to the above mentioned States that no further Emissions be made, but that the Several Treasuries be supplied by Taxes & by borrowing the necessary Sums to be repaid in Three Years or sooner from their Date with an Interest not exceeding Five ℔r Centum ℔r Annum; unless upon a Critical Contingency there may be an absolute Necessity of an immediate supply, and the Money cannot be procured upon Loan: in which Case it is recommended that Bills be emitted redeemable in Three Years or sooner with an Interest of Four ℔r Cent. per Annum: and that that the State emitting the same Notify the other States of such Emission.

The Committee are governed in fixing the Rates of Interest for Money borrowed at Five ℔r Cent. by this Consideration that the Notes given by the Continental Treasurer are a better Security than those issued by any particular State and will have a more general Credit, which will make a Difference of One per Cent. in the Premium for Money borrowed—

That it be recommended to the several States forthwith to levy such Taxes upon the Inhabitants as their Abilities will bear.

That it be recommended to the several States to call in the Bills of Credit at the expiration of the Periods for which they were severally emitted in the Best Manner they can devise, to give reasonable and just satisfaction to the Possessors of the Bills —

The Committee have great hopes that a strict adherence to these Measures will effectually establish the Credit of the Paper Bills." — *Mass. Archives*, *vol.* 144, *p.* 13.

These recommendations were reënforced by a resolve of the Continental Congress communicated in the following letter: —

"Baltimore Feby 20th 1777.

Gentlemen, In Consequence of the Proceedings of the several Committees from the States of Massachusetts Bay, Connecticut, New Hampshire, and Rhode Island being laid before Congress, they have come to the enclosed Resolves, which I am commanded to transmit to you.

Altho Congress approve the Measures adopted by that Body to prevent the Depreciation of their Currency (except striking Bills to bear Interest) yet they have referred to the Consideration of the other States, the Propriety of regulating the Prices of Goods, and at the same Time recommend to them to devise such Expedients as they may think will be most likely to remedy the Evils occasioned by the exorbitant Prices of Manufactures, and all other Articles of Trade.

As the emitting Bills with Interest thereon, will have a Tendency to depreciate the Continental and other Currencies, it is the Opinion of Congress such a Measure ought by no Means to be adopted.

I beg Leave to request your Attention to the whole of the enclosed Resolves, and have the Honour to be, Gentlemen, your most obed. & very hble Serv.

JOHN HANCOCK Presd

* Manuscript mutilated.

Your favrs of 30th Janv. & 1 Febry have been Just Rec'd–
I have Rec'd Directions from Congress on Tuesday next to Adjourn Congress to Philada & I shall set off for that place on Wednesday morng—
Honble Assembly of the State of Massachusetts Bay." — *Ibid., vol.* 196. *p.* 246.

The enclosed resolve referred to in the above letter, is as follows: —

"*Resolved*, That considering the situation of the new-england states, Congress approve of the measures adopted and recommended by the committees from the four new-england states, for the defence of the state of Rhode-Island; and also of the measures to be taken for preventing the depreciation of their currency, except that part which recommends the striking bills bearing interest, which being a measure tending to depreciate the continental and other currencies, ought not to be adopted, and it is so recommended by Congress to the said new-england states." — *Journals of Congress: Feb.* 15, 1777.

The next step preparatory to the sinking of the bills was the following provision for procuring paper to be used in striking off the treasurer's notes: —

"State of the } In the House of Representatives
Massachusetts Bay } May ye 10th 1777

Resolved* that John Brown Esqr. Oliver Wendal Esq & Mr Crane — be and they hereby are appointed a committe to Procure a Quontity of Paper for the Striking of a number of Blank Treasrs notes and to Provide a Plate therefor — also Paper for the Striking of Such Emetions of mony as may be needfull for the redemtion of such of our bill as may be thought proper by the next General Court to call in, on account of their being Counterfited or for any other reason and to agree with sume Proper person or persons to ingrave a Plate for striking of the the same Sent up for concurrence J WARREN Spkr
In Council May 10.' 1777 Read & Concurred JNO. AVERY Dpy Secy
Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 214, *p.* 59.

The conference of committees from the legislatures of the New-England states, and New York, which was held at Springfield in August, 1777 (see note to chapter 6, *ante*), next adopted resolves recommending measures nearly coinciding with the provisions enacted in this chapter. The record of the result of this conference, respecting the currency, is as follows: —

"The committees confered upon the state of the paper currency of the said governments; of the expediency of calling in the same by taxes or otherwise; of the most effectual, expeditious and equal method of doing it; and best means for preventing the depreciation and counterfeiting of the same and, upon full consideration are unanimously of opinion, that the quantity of paper currency emitted and circulating in said states greatly exceeds what is necessary for a medium of trade, and for support of the war, whence necessarily follows the depreciation of the currency, a stagnation of their circulation, fluctuation irregularity, and extravagance in prices & if not timely remedied the total destruction of their credit to the greatest injury of the states: they are also unanimously of opinion, that the great number of Bills circulating upon the credit of the united states, and the several particular states tend mutually to depreciate each other, not only by the too great quantity but also by multiplied frauds in counterfeiting, and the increased difficulty of detecting the same, which evils as far as is possible to remedy at present & prevent in future, Resolved that it be earnestly recommended to the Legislatures of the several states to make provision for drawing in and sinking the bills of credit which are not upon interest by them respectively emitted (small change less than a dollar only excepted) by the first day of November next, either by taxes or by exhanging them for Treasurers notes, for sums not less than ten pounds on interest at six ℔' Cent ℔' Annum, or for Continental Bills of Credit: and to prohibit the currency of their respective bills of Credit from and after the said first day of November, and not to emit any more bills of credit hereafter except for change not exceeding half a dollar

Resolved that it be recommended to the several Legislatures aforesaid, for the future to provide for the exigencies of their respective States, and the support of the war, as far as possible, by taxation. And in order to lighten the burden, and accommodate the taxes to the convenience of the people, and the more effectually to establish the credit of the Continental currency, that those taxes be levied and assessed, at the least, once in every quarter of the year; and to take effectual measures that the several assessments be duly collected and punctually paid into the respective Treasuries." — *Ibid., vol.* 144, *p.* 41.

The report of the committee sent from Massachusetts to the Springfield conference having been placed in the orders of the day, the House, on the 13th of August, proceeded to consider the former of the above recommendations, and referred the same to a committee, consising of Messrs. Wetmore, Sumner, Davis, Durfee and Nichols, to consider the same, and report thereon "at the next session."

The General Court was adjourned to September 10th, on which day the Council sent down a message, from which the following is an extract: —

"You have before you, for consideration, the proceedings, agreed upon, by the Committees from the N. England States & N. York at their late convention in the Town of Springfield, They have recommended certain measures to be immediately taken for the Support of the paper currency. We earnestly recommend this important matter to your immediate attention, as every day's experience furnishes fresh proofs of the absolute necessity of it — The calling in & sinking our Bills of credit and levying as large Taxes as the People can possibly bear to defray the charges of the War, will we are perswadd as effectually support the credit of our money as any other measure we can at present suggest." — *Ibid., vol.* 158, *p.* 94.

This message with the accompanying papers, was read and committed to Messrs. Pitts, Greenleaf, Perry, Davis and Sewall "to consider the same and report."

* Chapter CCXXIV. of the printed resolves, March session, 1776–77.

On the 12th, the committee appointed August 13th, made their report as follows: —

"In the House of Representatives September 1777 —

The Committee appointed to take into consideration, the first paragraph of the Report of the Committees from this & the neighbouring States, lately sitting at Springfield, and to provide for calling in and sinking the Bills of Credit, not upon Interest (small change less than a dollar excepted) emitted by this State; have attended that service & beg leave to report—

That they find the amount of the Bills of Credit emitted by this state and not upon interest is—£470,042—

That the Bills of Credit emitted for small change, in sums less than a Dollar, amounts to £30962,, 12,, 8—

That the amount of the bills of Credit above & including a dollar is £439,079,, 7,, 4—

And that it is the opinion of the Committee, that the bills of Credit, last mentioned, to the amount of £250,000—be drawn into the Treasury and sunk, by a tax, to be levied for that purpose in the following manner; to wit. £125,000 thereof by the last day of December next—and £125,000, by the last day of May next—

That for the remainder of said Bills, being the sum of £189,079,, 7,, 4 The Treasurer be impowered and directed to give his notes to the possessors thereof, on interest at six ℔' Cent. ℔' Annum—payable on the first day of July, A.D. 1779.—that no note be given by him for a less sum than £10—& that the notes so given by him be not, in any way, negotiable or transferrable.

That from & after the first Day of November next, all the Bills of Credit of this state, not upon interest, small Change less than a Dollar excepted, shall cease to be a tender for any Debt whatever—Except that the same be received in payment of the taxes heretofore laid, or which shall be laid the present year— W. WETMORE ℔' Order".—*Ibid.*, *vol.* 142, *p.* 89.

The consideration of this report was assigned to Tuesday, the 16th, but the subject seems not to have been reached until the seventeenth, when the House resolved itself into a committee of the whole for that purpose. The Council was notified of this resolution, by message. Mr. Pitts was appointed chairman of the committee, and the speaker left the chair. After debate, the committee rose and reported that no conclusion had been arrived at, and asked leave to sit again; which was granted for the afternoon of the same day, with the same result. This proceeding was repeated, through both sessions of the two following days, and, on the 20th, the committee, after one session, rose and reported as follows: —

"House of Representatives September 20 1777

The Committee of the whole House on the report of the Committee relative to calling in & sinking the money emitted by this State, report as their opinion viz^t.

That the Bills of Credit emitted by this State not on Interest (small change less than a Dollar only excepted) be call'd in & sunk by the first day of November next by exchang them for Treasurers Notes for Sums not less than ten pounds on Interest at Six ℔' Cent ℔' Ann^m and to prohibit the currency of the bills of Credit from & after the first day of November & not to emit any more hereafter except for change not exceeding half a dollar, unless the pressing Exigencies of the State make it absolutely necessary for its Welfare

That a Tax of £300,000 be levied & assessed on the Inhabitants of this State for the year 1777 and paid into the Treasury by the first of January next.

That for the future the Exegencies of the State for carrying on the war be supported by Taxation, and that Taxes be levied & assess'd quarterly on the Inhabitants & punctually paid into the Treasury.—

* * * * * * * *

And that Taxes be Levied & assess^d. on the Inhabitants & punctually paid into the Treasury in such Sums & at such periods as the General Court shall hereafter direct—

M^r. Wendell to draw Resolve."—*Ibid.*, *vol.* 137, *p.* 182.

The House debated this report through the 23d, 24th and 25th; and on the 26th, Messrs. Sumner, Pynchon and Pitts were appointed a committee to bring in a bill for calling in and sinking the bills of credit, in accordance with the report.

A bill was brought in, accordingly, which was read a first time, October 2d, and read again, October 3d. On the 7th, it was read again, and debated, and on the 8th, it was passed to be engrossed, and sent up for concurrence. On the 10th, it was passed to be engrossed by the Council, with sections 3, 4 and 5, and the preamble to section 3, inserted as amendments. After engrossment, three minor amendments were proposed by the House, the most important of which were the striking out the words "of a new form" after the word "stamp," in the first section, and the addition of the clause at the end of section 9, requiring an oath and certificate thereof. These amendments were agreed to by the Council, and the bill was passed to be enacted, and signed by fifteen of the Council.

While this bill was pending, the following resolve was passed, prohibiting the emission from the treasury of any of the bills of credit of the larger denominations: —

"State of Massachusetts Bay In the House of Representatives Sept^r 26^d 1777

Resolved* that the Treasurer of this State be & he is hereby directed from & after this Time till the further Order of this Court not to pay out of the Treasury of this State Any Bill or Bills of Credit of this State, except such Bills as are under the Sum of six Shillings each. A— Sent up for Concurrence R T PAINE Spkr pr. temp —

In Council Sept^r 27.' 1777 Read & Concurred with an Amendment at A Viz. at A insert unless in Case of Necesity — Sent down for Concurrence JN^o. AVERY D^y. Sec^y

* Chapter LXII. of the printed resolves of the September session.

In the House of Representatives Sept 27. 1777 Read & Concurrd —
R T PAINE Spkr pr. temp
Consented to" — [Signed by fifteen of the Council]. — *Ibid., vol.* 215, *p.* 195.

After the bill of this chapter had been passed to be engrossed, in the House, and before the Council had concurred in the engrossment, the following resolve against the further emission of bills, and providing for defraying the future expenses of the war, by taxation only, was passed: —

"State of Massachusetts Bay In the House of Representatives Oct 9 1777

Whereas * the frequent Emissions of Bills of Credit of this State has proved prejudiciall to their Currency & depreciated their Value

It is therefore Resolved That the future Expences of the State in carrying on the present War &c be supported by Taxation only, and that the Taxes be levy'd & assess'd on the Inhabitants & punctually paid into the Treasury in such Sums & at such short Periods as the Generall Court shall hereafter direct.

Sent up for Concurrence J WARREN Spk^r

In Council Octob^r 9.' 1777 Read & Concurred JN^o AVERY D^y Sec^y

Consented to" — [Signed by fifteen of the Council]. — *Ibid., p.* 352.

Notice of the passage of this bill was, by the following resolve, ordered to be sent to the president of the Council of the state of New Hampshire: —

"State of Massachusetts-Bay In the House of Representatives Oct^r 20. 1777

Resolved † that the honourable President of the Council be and he is hereby desired to inform the Hon President of the Council of the State of New-Hampshire by letter of the sum agreed to be assessed on the Inhabitants of this State the present year, that he inclose in his Letter a Copy of the Bill for calling in and sinking the money emitted by this State, & that he inform him of any other Steps which have been taken by this Court to carry into execution the plan agreed on by the Several Committees who lately met at Springfield.

Sent up for Concurrence J WARREN Spk^r

In Council Oct^r 20.' 1777 Read & Concurred JN^o AVERY D^y Sec^y

Consented to" — [Signed by fifteen of the Council]. — (*Ibid., p.* 456.)

— and the following is the draft of a letter prepared to accompany it: —

"Boston Oct 29. 1777

Sir This is to acquaint you that the general Assembly of this State in their present Session have passed a Bill for assessing upon the Inhabitants of this State the Sum of £300,000. to be paid into the Treasury by the 1^st day of Jan^y 1778. They have likewise passed an Act for calling in all the Bills of Credit & notes not upon Int^t of this State, above the denomination of Six shillings by the first day of Jan^y 1778 They have likewise passed a Resolution for raising a Sufficient Sum for carrying on the Expences of the War, within the year — and repeald the Acts made the present year against Monopoly & Opression Copies of these two last mentioned Acts and the said Resolution I have the Honour by the direction of the general assembly of this State with the Intelligence afores^d to transmit you herewith and am Sir your most hum^e Ser^t —

Hon^e Meshech Weare Esq^r —

Letter Simular to the above with the Several resolutions mentioned sent to the four New England States & N. York" — *Ibid., vol.* 198, *p.* 258.

Petitions and remonstrances against the act, now poured in from different parts of the state. Those from the towns of Mansfield, Leicester, Taunton, Rutland, Oakham, Norton, Fitchburg, Harwich, Holden, Middleborough, Westborough, Westminster, Easton, Mendon, Leominster, Monson, Plympton and Harvard, and from the committees of Sutton, Worcester, Uxbridge, Grafton, Douglas and Northbridge were read, before Dec. 5, and committed to Messrs. Phillips, Ellis, Greenough, Coffin, Hosmer, Brooks and Turner, with directions to sit forthwith. Although neither the originals, nor any transcript, of these petitions have been found, the manner in which some of the objections of the remonstrants were stated appears in the following remonstrances from the towns of Pepperrell and Belchertown. The address which follows, sums up all the objections: —

"To Henry Woods Esq. Representative for the Town of Pepperrell in the General Assembly, of the State of the Massachusetts Bay —

We the Freeholders and other Inhabitants of the Town of Pepperrell in Town meeting Assembled Nov^r 29: 1777. Having maturely consider^d the late Act of the Great and General Assembly of this State for calling in and giving publick Notes on Intrest for all the Bills of publick credet of this State excepting those that are on intrest and that are in value less than one dollar. — Think it will be attended with many and great evils to this State. As this nesesary but unhapy war has unavoidably occasioned a heavy dept to be contracted by this State and likely to increase We think that paying intrest for such a large sum must much increase the Dept without equivolent advantage many other evils attend the calling in so large a sum at once. Many persons that have this States money by them and little else must carry it in and take notes for the same or loose it which money they will need to pay their Taxes, with for the want of which their Goods and Chattles must be taken to their great damage or prehaps to their utter Ruen.

We are senceable that the high and uncertain price of the nesasaries of life is a great grievance and must prove very hurtfull if not checked for which good purpose we suppose the Honourable general Assembly passed the late Act — But with all humble submission think that calling it in a little more moderately by a Tax might answer the same purposes without being attended with so many bad consequences — For the above reasons and many more which might be mentioned — we desire and expect you will use your best endeavours in the General Assembly to procure a repeal of the Above s^d Act —

* Chapter CXII. of the printed resolves of the September session. † *Ibid.*, chapter CLXXII.

Presenting the above Instructions to your wise Consideration. Wish you and all true friends to the American States, The allwise Gods direction that he would lead you in the way that shall be most for the good of this and all the American States and never suffer you to be led a side from seeking the welfair of your Country is the Prayer of your Constituants. Wᵐ PRESCOTT, JOHN NUTTING, THOˢ. SPAULDING, JOHN SHED } Committee.

Voted to accept the Report of the Comᵗᵉᵉ and that the Clark Serve the Representative with a Copy of the same

Pepperrell Novʳ 29ᵗʰ 1777. A true Copy attest Wᵐ. GREEN Town Clark."—*Ibid.*, *vol.* 137, *p.* 193.

"To the Honᵇˡᵉ Councel & House of Representatives in Genˡˡ Court assembled, in Boston, State of Massachusetts Bay we the Inhabitants of Belcherstown Beg leave to Represent to your Honours, that the End of Legislation & Goverment is the Publick Good so when the subjects of Legislation and Goverment Enact any Rules or Laws that are not Calculated & adapted for the Publick Good or to advance the Common Intrest — It is both their Duty & Right to Remonstrate against such acts and Petition for Redress

Upon these Principals we Would beg leave to remonstrate to your Honours against a Late act of sᵈ Assembley for Calling in the bills of this State and Giveing Notes on Intrest for the same in the manner Prescribed in sᵈ act — The Reasons we would offer are these

In the First place we apprehend sᵈ act Directly Contrary to the Declaration and Promis and Law of the Honᵇˡᵉ Assembly aforsᵈ, Expresed in the Face of sᵈ Bills, wherin they wear ordered to Pass for a Certain time in all Payments which time is not yet Expired, Which act we apprehend is intirely Novel and foreign from the Legislators Design in Emiting sᵈ Bills, and to the Expectation of People in takeing them, and has a tendancy to Excite People to Charge Legislators with Inconstancy, and be Defident of Court Promises, and to Destroy the Credit of all Paper Currancy,

We also apprehended that, that the Design of the Assembly when they Emitted sᵈ Bills, was that they should be Called in by Taxes at the times appointed in sᵈ Bills and this was the Genˡˡ Expectation of People which by sᵈ Late act is frusterated, If it be sᵈ that the Design of sᵈ Act was to prevent the Depreciation of paper Currancy, we Reply that sᵈ Bills would not be so Depreciated, but that they would be fully sufficiant for their own Dedemption —

Further we apprehend it Intirely unreasonable to put sᵈ money upon Intrest as prescribed in sᵈ act, because people must be obliged to pay the Same at the Expiration of sᵈ Termes, and the principal & Intrest will amount to an Enormous Sum when the money being Called in, in this manner will Deprive them of the means of Paying — *it will be Brick without Straw*

We are verry Sencible of the Great pains that has bin taken by your Honours to stop those people Called Monopolizers, but Notwithstanding all the pains that has bin taken they have Gon against all Rule and order, and have sunk the Bills about Seventy five ℔ᶜᵉ Centˢ and by that means have gathered Great Quantityes of them into their hands, and see them sinqueing to Nothing Whether these People are in Boston or in the Country we are not able to say, but we apprehend they have perswaded your Honours to Call in their Bills — which they have unrighteously Gained, and put them upon Intrest & that is to make Money scearce, and if it answers the Design of the Court, it will Greatly answer the End of the monopolizer, and what Little of our Estates will be Left at the End of the war must Go to pay the principal & Intrest of sᵈ Contract —

We have bin at Great Expence in the war, and some of us have hired men into the three years Continental Service, at the Expence of a 100 — 130 — and 150 Dollers Each others of us have Left all the Intrest we had in the world, Left our farmes at Rack & Ruin and pushed of Personally into the war for the sake of the Liberty of the Country and if we must be thus Devoured while we are absent we shall think it verry heard

Further more as a General uneasiness at sᵈ act prevails in the state we are fearfully apprehensive that the Consequence will be bad some will be Discouraged others Mutinous we fear that peoples minds will be Disafected to Govermont, (*Which we are Earnestly Desireous to maintain*) and the salvation of our Country which we would Ever promote will hereby be neglected and indangered —

Our Request and petition therefore is that your Honours would Make an order that no more of sᵈ Notes Shall be Given, and those that are Given shall be recalled, and redemed, with the same money and sᵈ money ordered to pass as before and your Petitioners as in Duty bound shall Ever Pray NATHᴸᴸ DWIGHT, DANIEL SMITH, CALEB CLARK } Comᵗᵉ "—

Belcherstown
Decʳ 12ᵗʰ 1777

Ibid., *vol.* 183, *p.* 307.

The committee upon these remonstrances made the following report, on the fourth of December: —

"The Committee to whom was committed the Remonstrances of several towns on the subject of an Act lately passed for the Purpose of calling in and sinking by Loan the Bills of Credit of this State — take leave to report that a Bill be brought in to give Liberty for the payment of the Bills of Credit emitted by this State, in discharge of Taxes untill the 15ᵗʰ of Jany next — and that further Provision be made to defrey the Charges of Government, by granting a Tax of one hundred and fifty thousand Pounds to be paid by the first of June next. — SAMᵘᴸ PHILLIPS prʳ Ordʳ ." — *Ibid.*, *vol.* 137, *p.* 192.

After debate upon this report, a committee, consisting of Messrs. Paine, Phillips, Sumner, Hosmer and Pickering, was appointed "to collect the several objections set forth in said remonstrances, and prepare answers to the same, shewing the reasons on which the act aforesaid was founded."

On the 12th of December, the last committee reported an address to the inhabitants of

the state, answering the objections made in the remonstrances of the towns already named, and of the towns of Stoughtonham, Spencer, Bridgewater, Chelmsford, Stow and Littleton, which were presented later. On the 15th, Messrs. Paine, Greenough and Phillips were appointed a committee to correct the address, which had been reported, "and that Mr. Scott cause the same, when prepared by said committee, to be printed in handbills, one of which to be sent to the selectmen of each town in this state, to be communicated." This address was as follows: —

"To the INHABITANTS of the STATE of MASSACHUSETTS BAY.

Friends and Fellow Countrymen!

IT is with concern and attention that the House of Representatives find that an act, intituled an act for drawing in the bills of credit of the several denominations, &c passed the last Session, has given uneasiness to any of the good people of this State: A number of towns have presented their petitions stating such grievances, as they apprehend will arise from the execution of that act, and pray relief;

THE knowledge which the good people have of the disposition of their Representatives, must induce them to believe (what most of the petitions express) that the legislative body in passing that law, and in all their conduct, have it sincerely in view to promote the welfare of this State, by those measures which upon full advisement and consideration of all circumstances and exigencies, appear best adapted for that essential purpose; and in pursuance of that disposition, the House of Representatives have proceeded to a consideration of the substantial part of the petitions, and to explain to their constituents, the reasons upon which the said act was enacted.

IT is well known, that the present necessary and expensive war in which we are involved, for the preservation of every thing valuable, was first enkindled in this State, and in so sudden a manner, that without magazines or finances, we were obliged instantly to raise, pay and support a large army by our own efforts, before the American Congress could take measures to relieve us; this occasioned the emission of large and repeated quantities of bills of credit; the unsettled state of Government, and the disinclination of many of the inhabitants to call in any of the bills of credit, or prevent the emission of more by taxation, reduced the legislative body to this alternative, either to suffer our liberties to be destroyed for want of defence, or else to continue the emission of paper bills, to the depreciation of what was then current: the same situation of Government, and disinclination for taxation taking place also in the other States, occasioned large and repeated emissions of bills of credit from them, which obtained a general circulation among us; from all this it is obvious, that the American Congress being the collected power and will of the United States, could do no otherwise, than repeat their emissions of Continental currency, as the general good of the whole required, expecting when the Governments of the several States should be so established, as that taxation should relieve us from the great evil of repeated emissions of paper currency: It is also notorious, that numbers of our enemies have counterfeited large quantities of the paper currency of this and the neighbouring States, and that by means of all this, the quantity of circulating paper medium, has long since encreased vastly beyond all pretensions of usefulness, and manifestly to the enhancing the demand of all commodities to an extravagant price: This alarming situation of our currency and commerce, induced the General Assembly of last year, to meet by their Delegates in Convention, the neighbouring States at *Providence*, and on their report, the monopoly bill (so called) was enacted, but being unaccompanied with taxation, loaning, or any other method of reducing the overgrown quantities of paper currency, it failed of answering the valuable purposes for which it was designed; the suppressing the prices of commodities, at a time when the quantity of currency was vastly too great and still encreasing, inevitably threw the bulk of the money out of circulation and use, and of course inclined the holders of such useless quantities of money, to give a much larger price for commodities than the monopoly bill allowed; and when the buyer is willing, what can restrain the seller? This growing evil not being redressed by the monopoly bill, the present General Court in their last Session, appointed a committee to meet in Convention at *Springfield*, the committees of the five northern States, to confer upon, the best method of redressing these evils; the amount of whose report was, that the only method from which we could reasonably expect relief was, reducing the quantity of currency, by loaning, taxation and non-emission of bills of credit: Your Representatives therefore, taking into consideration the amount of the paper currency of this State, the quantity of it that is counterfeited, the difficulties that arise from the numerous sorts of it, of knowing the good from the bad; the great advantages of having but one species of currency, viz. the Continental; the exceeding quantities of that sort which will remain when all the States money is destroyed; found themselves under a necessity of stopping the currency of the bills of any single State, and calling in those of our own in the speediest manner. Your Representatives being desirous to give full satisfaction to their constituents, upon the subject of their Petition, think it the readiest way to state the objections contained in the whole of them, and to obviate the seeming grievances.

ONE prevailing objection against the act is, '*that the loaning the State's money will distress us, by the encreasing debt arising from the interest of the same.*' That the interest of a sum added to the principle, makes a larger sum than the principle is certain, but that the debt will be encreased thereby in certain cases, will not appear upon explanation; for by loaning those bills, the circulating quantity is lessened; this has a natural tendency to prevent the high prices, which arise from a surplusage of money, and this in a short time will amount to a saving of more than the whole principle, the reducing the quantity of currency, is certainly the regular method of curing the evils, which arise from such undue quantity; when therefore, such evils appear, the regular remedy should be applied in the speediest manner, i. e. the states money being particularly instrumental of producing these evils, must be sunk as speedily as possible; **that it should be sunk by loan,**

rather than by taxation will further appear, by considering that the expences of the war are still pressing us, that they are unavoidably encreasing by the encreased price of all necessaries, and therefore that the treasury must be supplied with larger sums; this can only be done, either by emission of more bills of credit, by taxation or borrowing on loan; of the first, too much has been done already; for a calculation between the advanced prices of goods, and the interest of money, must satisfy every unprejudiced person, that had we been able to have hired the money necessary for our expenditures, instead of making new emissions, above half the expences would have been saved, i. e. eight times the interest the emission of more bills will render of less value, what is already current, i. e. will raise the price of all necessary articles, and by that means encrease our expences to a much greater amount than the interest of such a sum of money as, if borrowed, would have prevented the necessity of such emissions.

Taxation and borrowing on loan, only remain as methods to supply the treasury; the exigencies of of affairs, forbid the risquing the slow, the uncertain method of supplying the treasury wholly by borrowing, and made it necessary that all the money that could be raised by taxation, should be paid into the treasury in Continental money for the support of the war, and of course no other method was left of sinking the States money than that prescribed in the act, of drawing it in by loan: Had the states money been called in by taxation, it would have cost all the tax that could conveniently be raised for the year 1777, and then there would have been no method left of supplying the treasury, but borrowing Continental bills on interest; and with regard to the encrease of debt, as is objected, there is no odds upon the loan of what money the interest is paid whether States bills or Continental: Whence it appears, that your Representatives were reduced to the choice of the following cases; either to call in the States money by taxation, and then pay it out again for current charges, after it was known to be so counterfeited as to deceive the good people; or to call it in by tax and destroy it, and then endeavour to supply the treasury, by borrowing on loan, or by making more emissions of money, or else to sink the State bills by loan, as prescribed in the act, and appropriate the tax to the supply of the treasury, the latter was adopted, as being the most beneficial of either.

But it is said, '*That this method will throw the interest money into the hands of evily disposed monopolizers, who have occasioned the depreciation of our currency.*' Whether those persons called monopolizers have not undervalued the money, and whether the great surplusage of money has not occasioned the monopolizing of commodities, are questions easily determined, and whether the receiving interest for States money, will benefit such persons more than receiving interest for Continental money in the Continental loan office, where draughts for silver money in France is paid for interest, and whether it is possible to carry on this necessary war, without borrowing large sums over and above all our taxation, and whether the taking the money of particular persons into into our funds, will not engage the abilities of such persons to the American interest, and whether we can possibly punish those unworthy persons by suffering the currency to grow useless in their hands, without distressing the worthy part of the community; and whether the taxing such persons in proportion to their interest, will not reduce their newly-acquired property to public benefit, are questions worthy of consideration.

It is said, '*That the time for executing the act is too short, and that distress will be occasioned thereby.*' But it will be considered, that the circumstances of our affairs required a speedy remedy, and the depreciation of our money was in some measure owing to an apprehension that it would not be called in by taxation, loaning or otherwise, and much greater evils must have arisen to the credit of our State bills, by protracting the currency of them, than can arise by the suddenness of the change, for in addition to what has been said, vast quantities of counterfeited bills have been prevented getting into circulation thereby: It is also objected, '*that the method of loaning, prescribed in the act, will not answer the purpose of putting the money out of circulation, tho' we pay interest for it,*' but doth not the experience of those notes now on interest prove the contrary, the continual encreasing value, prevents their passing as a currency, unless in cases of great occasion, and then Bonds, Mortgages and Ships, yea Houses and Lands may be transferred.

We think ourselves obliged to take notice of an objection, which though variously expressed, in substance is this, '*that the said act is cruel and oppressive, a violation of public faith, and contrary to the promise made upon the face of the bills.*' The objectors are desired to consider whether, if the act had been, that every man who was possessed of States money should bring it to the treasurer, and for it receive the amount in silver or gold, would it is be a violation of public faith, and contrary to the promise made on the face of the bill? Can it be said, that the money so received at the treasury would be received in payment? If instead of paying in silver and gold, it should be paid for in Continental money, or a new emission of money, would that be a violation of public faith, &c.? why then is redeeming them by large notes on interest esteemed a violation, &c.? To this it may be answered, '*because they will not pass in common payment, nor at the treasury, and a man is forced to loan his money, whether he will or not;*' is not this shifting the objection from the letter to the spirit? Suppose the General Assembly had taken no measures to reduce the quantity of paper currency, and secure its value, would this be a violation of public faith and public trust? Suppose they had undertaken to reduce the quantity, by drawing in the States money by taxes, and then had not been able to supply the treasury for necessary defence, would this be a violation of public faith, cruel, oppressive, &c. Is here not a real destructive violation of public faith, and public trust, put in opposition to a supposed violation of a promise in the face of the bill?—Doth not the whole force of this objection arise from the objectors not being willing to lend their money for public use? If the good intention and effect of the act was duly supported by a spirit of Patriotism, would there be any complaining of being forced to loan a little surplusage

money for common good? Hath it not been the universal sentiment since the war broke out, that this generation must fight, and the next pay what we are not able to? How can that be done without loaning the debt? Do any think we must continue making paper money, and leave the next generation to redeem it? It is not certainly known, that paper money can't be made beyond a certain quantity, equal to the articles that are usually bought and sold, and beyond that, only the nominal sum is encreased, and not the value, compared with things to be bought, and that this is the case with gold and silver, as well as paper currency. But it is said, '*that the great plenty of paper money, renders it more easy to redeem the States money by tax now, than it will be hereafter when money is scarce*' This is an undoubted reason why we should collect as much money by tax as we can bear, and if the current expences will admit, that any of the notes on interest, should be redeemed it should be done; but whoever considers the unavoidable expence of the present war, including our share of the continental expence, will hardly suppose our taxes will be equal to it. It is not much to be wondered, that the good people of this State should differ in their sentiments respecting the best methods of remedying the evils we all complain of, as the system of money matters and commerce in their nature, are intricate and abstruce, and perhaps not generally understood.

IT is with pleasure we observe, *that* jealousy for liberty which has occasioned these objections, yet we should cautiously guard against the subtil designs of our internal enemies, who omit no opportunity of fomenting divisions and jealousies, by which only they can hope to subdue us; and we should well consider, whether there are more evils and inconveniencies arising from the act complained of, than always attend those great operations which are necessary for public safety.

YOUR Representatives are equally concerned in the matter with yourselves, and cannot possibly lay a burthen on the community, in which they do not partake in proportion to their property, as settled by the present tax bill: The only objection that remains to be obviated is, '*that there unavoidably will be small sums remaining in the hands of poor people, who may not be able to change it with their rich neighbours and that without some provision they will be in danger of loosing it.*' At the making the law it was thought, that the more substantial part of the inhabitants would have been so apprehensive of the necessity and usefulness of the act, as to have exerted themselves to carry it into execution, and have relieved others, by exchanging such small sums for them: And in order to give opportunity for this, the Court have by an act lengthened the time for collecting in the money. [Chapter 14, *ante.*]

UPON the whole, the good effects of this regulation so much complained of, are already obvious in many respects, and nothing seems wanting but perseverance to reap the real benefit of it.

IT would have been more desireable to your Representatives, to have called in the States money by taxation, if the circumstances of the State would admit, but the necessity we shall be under of raising a sum of money to supply the Continental treasury, in compliance with a requisition of Congress, received since your petitions were under consideration (as will appear by the Resolve of Congress transmitted you) render it quite impracticable, and would give as much uneasiness to some towns, as satisfaction to others: but that no town may think that due attention has not been given to their petitions, the Court have passed an act,* enabling such towns as think they can afford to raise a still larger tax, to raise money and put it on loan, for the purposes in the act mentioned: Whilst your Representatives are labouring to conduct your common concerns by the safest rules, and most beneficial methods; they trust their constituents will not embarrass their measures, by misapprehensions and distrust, but afford them that confidence and support, without which the best administration must fail of success." — "*Independent Chronicle and the Universal Advertiser*" *of Jan. 1, 1778. Published also in the "Continental Journal and Weekly Advertiser" of the same date.*

Pending proceedings relative to the preparation of this address, the following order and resolve † was passed: —

"State of Massachusetts Bay In the House of Representatives Decem^{r} 3^{d} 1777

Whereas in & by a Law of this State made & passed in the present year for drawing in and prohibiting the currency of the bills of Credit emitted by this State &c it is ordered that no such Bill except as is therein excepted shall pass in any payment after the first day of December then next, with this proviso that Collectors & Constables making oath that the bills of this State offered by them to be paid into the publick Treasury after the said first Day of December were by them received for that purpose before the first Day of December aforesaid, should be allowed to be paid into said Treasury. And whereas many collectors & constables may have sent Money to be paid into the Treasury by other persons—it is therefore Resolved that the Treasurerer of this State be & he is hereby directed to receive of such persons the Money so sent provided the person offering the same shall make oath w^{ch} Oath the Treasurer is impowered to administer that the Money by him offered was delivered to him by some Collector or Constable to be carried to the Treasury On or before the said first Day of December anything in said Act to the Contrary notwithstanding Sent up for Concurrence JOHN PITTS Speaker p^{r} Tem:

In Council Dec. 3^{d} 1777 Read & Concurred JN^{o} AVERY D^{y} Sec^{y}

Consented to" — [Signed by sixteen of the Council]. — [*Mass. Archives, vol.* 216, *p.* 68.] —and, on the 12th, a committee of the House, consisting of Messrs. Hosmer, Goodman and Nichols, was appointed, "to consider some method whereby the difficulty that attends persons who have only small sums in this state's money, in respect to changing the same, may be removed, and report."

* Chapter 16, *ante.* † Chapter XXV. of the printed resolves of the November session.

On the 28th of November, the day the committee was appointed to answer the remonstrances, an attempt was made, ineffectually, to suspend the exchanging of bills of credit for treasurer's notes, until the further order of the General Court.

The following resolves come next in order:—

"State of Massachusetts-Bay In the House of Representatives Jan^{y} 12th 1778

Whereas* it is represented to this Court that several Sheriffs in this State are possess,d of considerable Sums of Bills of Credit emitted by this State which they receiv,d from delinquent Constables & Collecters upon Execution awarded against them, which was received on or before the first Day of December last past, & which they were not able to pay into the Treasury by the said first Day of December, & no Provision is made to empower the Treasurer to receive said Sums in discharge of said Executions.—

Therefore Resolved That the Treasurer of this State be & he hereby is impowerd and directed to receive of the Several Sheriffs within this State or their respective Deputys, all such Sums of Bills of Credit emitted by this State which they have received from any Constable Collector or other Person by Vertue of any Execution issued from the Treasurers Office provided the said Sheriff or Deputy Sheriff shall pay the same into the said Treasurers Office on or before the first Day of April next. & shall make Oath that such Sum by him offerd to be paid in as aforesaid was Bona Fide received in Discharge of such Execution, & was receiv,d on or before the first Day of December last past.—any Law or Resolve to the Contrary notwithstanding.

And Whereas some Constables & Collectors in the distant Parts of this State for want of timely Intelligence & Notice of the Act for calling in the Bills of Credit emitted by this State have received divers Sums thereof in Discharge of Taxes after the said first Day of December. Therefore—

Resolved, That the Treasurer of this State be and he hereby is further impower,d and directed to receive from any Constables and Collectors such sums of Bills of Credit emitted by this State which they received for Taxes after the said first Day of December last. provided such Constable or Collector shall make Oath that the same was received before he was inform,d of the Time limited for receiving the same for Taxes, & provided the same be paid into the Treasury on or before the first Day of April next any Law or Resolve to the Contrary Notwithstanding.— Sent up for Concurrence

J PITTS Speaker ℔ Tem:

In Council Jan 12. 1778 Read & Concurrd SAM^{L} ADAMS Secr^{y}

Consented to"—[Signed by fifteen of the Council].—*Ibid.*, *p.* 243.

† "State of Massechusetts Bay In the House of Representatives Jan^{y} 16th 1778

Whereas some of the Constables & Collectors of Publick Taxes in sundry towns in this State (from not having timely received the Act for calling in the bills of C^{r} Emitted by the State) have neglected sending Certificates of their having received said Bills for publick Taxes before the first day of December 1777 Agreably to an Act of the Gen^{l} Court for Calling in said Bills and as the Treasurer of this state is Ordered to Isue his Executions Against all delinquent Constables & Collectors of such Publick Taxes—Therefore—

Resolved. That the Treasurer of this State be & he hereby is Impowered & directed to Stay his Executions against any Constables or Collectors of Publick Taxes for the year 1776 for the Space of forty days from the Date of this Resolve any Act or resolve of the General Court to the Contrary notwithstanding. Sent up for Concurrence

J WARREN Spkr

In Council Jan^{y} 16.' 1778 Read & Concurred JN^{O} AVERY D^{y} Sec^{y}

Consented to"—[Signed by sixteen of the Council].—*Ibid.*, *p.* 274.

The Continental Congress, approving the example of Massachusetts, passed the following resolve:—

"*Resolved*, That it be earnestly recommended to the legislatures of the several states to refrain from further emissions of bills of credit, and where there is a sufficient quantity of continental bills of credit for the purpose of a circulating medium, forthwith to call in by loans or taxes and to cancel the paper money, small bills for change under a dollar excepted, which such state has already emitted; and for the future to provide for the exigencies of war and the support of government by taxes to be levied within the year, or such other expedient as may produce a competent supply."—*Journals of Congress: Nov.* 22, 1777.

On the 16th of January, Col. Coffin, Mr. Sewall and Capt. Choate, of the House, were appointed a committee to take the foregoing resolution into consideration. The report of this committee is given in the note to 1778-79, chap. 19, *post*.

Two more resolves were passed, which are hereunder given:—

‡ "State of Massachusetts Bay In the House of Representatives January-17th 1778

Resolved that the Board of War be & they are hereby directed to pay into the publick Treasury of this State all the Bills of Credit emitted by this State which are ordered to be called in also all bills purporting to be such Bills of Credit tho' counterfeit in their possession provided they are possessed of such Bills in either of the aforesaid Cases in their capacity of a Board of War of this State—And the Treasurer is hereby directed to give two Receipts for each sum so received distinguishing therein whether the money for which it is given is good or bad one of which Receipts to be lodged in the Secretary's Office

Sent up for Concurrence J WARREN Spk^{r}

In Council Jan^{y} 17'. 1778 Read & Concurred JN^{O} AVERY D^{y} Sec^{y}

Consented to"—[Signed by fifteen of the Council].—*Mass. Archives*, *vol.* 216, *p.* 277.

* Chapter X. of the printed resolves, January session, 1777-78. † *Ibid.*, chapter XXIV.
‡ *Ibid.*, chapter XXVI.

"State of Massachusetts Bay } In the House of Representatives June yᵉ 8th 1778

Whereas* it is represented to this Court, that Some Constabls & Collecters in this State are possesst of Considerable Sums of Bills of credit emitted by this State, which was received as Taxes from their Several Towns before the first of December last—and as the time limited by a resolve of the Genˡ Court of January 12th last, giving liberty to the Constabls & Collecters to pay in the afforesaid Bills of Credit to the Treasuy of this State, expired the first of April last, —therefore—

Resolved that the Treasurer of this State be and he hereby is impowerd and directed to receive of the Several Constabls and Collectors, all Such Sums of Bills of Credit emitted by this State which they have received from their Severil Towns as public Taxes on or before the first of December last; provided Such Constable or Collecter mak Oath that Said mony was received as aforesaid, provided the Same be paid into the Treasury on or before the first of Septembr next; any law or resolve to yᵉ Contrary notwithstanding

Sent up for Concurrence SAMᴸ FREEMAN Spk P T
In Council June 9ᵗʰ 1778 Read & Concurred JNº AVERY Dʸ Secʸ
Consented to"—[Signed by fifteen of the Council].—*Ibid.*, *vol.* 218, *p.* 477.

No record of further proceedings of importance has been found until the third session of the next year, when Judge Sullivan brought into the House the following resolve,† which was passed February 9th, — the day after it was introduced: —

"State of Mass Bay In the House of Representatives Feby 8 1779

Whereas the time wherein the Treasurer of this State was directed to receive the Bills of public Credit emitted by this State and to give notes therefor is now expired and sundry persons having such Bills by them are injured by not being allowed to deliver the same and receive notes therefor —

It is therefore resolved that the Treasurer be & he hereby is directed to receive of any person offering the same any Bills of public Credit issued by this State and to give his note therefor in manner directed by the former Resolutions and Acts of the General Court of this State for calling in such Bills provided such Bills be offerred upon or before the first Day of August one thousand seven hundred and seventy nine Sent up for Concurrence JOHN PICKERING Spkʳ
In Council Febʸ 9ᵗʰ. 1779 Read & Concurred JOHN AVERY D Secʸ
Consented to"— [Signed by fifteen of the Council]. — *Ibid.*, *vol.* 221, *p.* 25.

On the same day another resolve was passed, appointing a joint committee to take an account of the larger bills emitted, that had been called in, and to burn the same. The resolve‡ is as follows: —

"State of Massachusetts Bay In the House of Representatives Febʸ 9. 1779

Resolved That Mʳ Phillips of Boston and Mʳ Barrel ———— with such as the Honᵇˡ Board shall join, be & hereby are appointed a Committee to examine & take account of the Bills of Credit emitted by this State of six shillings & upward, which were order'd to be called in, & for which notes were orderd to be given — & report to the Court, the amount of the same & of the notes given therefor —

And the Committee are directed to burn the said Bills when examin'd as aforesaid — having first given the Treasurer a Receipt for the same. Sent up for Concurrence
JOHN PICKERING Spkʳ
In Council Febʸ 9ᵗʰ. 1779 Read & Concurred and Moses Gill Esq. is joined
JOHN AVERY D Secʸ
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 33.

The report of this committee was made on the third of June, following: it is given, below, together with the resolve § passed thereon: —

"State of Massachusetts Bay ——

The Committee of both Houses appointed the 9th Febʸ last, to examine & take Account of the bills of Credit emitted by this State of six shillings & upwards which were Ordered to be called in & for which Notes were ordered to be given & to report to the Court the Amount of the same, & of the Notes given therefor & to burn said bills when examined as aforesaid first giving the Treasurer a receipt for the same. Having Carefully examined every bundle of Money shewed them by the Treasurer counted every bill, corrected every error, beg leave to report the following state of Facts Vizᵗ. That Henry Gardner Esqʳ Treasurer of this State has agreeable to the orders of Court issued his Notes to sundry persons mentioned in his Book kept for that purpose to the amount of Three hundred & thirty seven Thousand, Three hundred & seventy Eight pounds fifteen shillings payable in March 1781 & 1782 — for which said Treasurer has exhibited only Three Hundred & Thirty Seven Thousand, Two hundred & forty nine pounds nineteen shillings in said paper Currency which last sum Your Committee have actually burnt and a ballance of One hundred & Twenty Eight pounds sixteen shillings is now due from the Treasurer being a deficiency unaccounted for, which deficiency Your Committee apprehend arises as well from the great hurry in which the Treasurer was obliged to receive in the Money as from inadvertence in some of his Extra Clerks in reducing Dollars into pounds Your Committee apprehend that as the Government nor Treasurer are ever likely to be benefited by said deficiency that it would be expedient that the Treasurer should be discharged of the said Sum of One hundred & Twenty eight pounds sixteen shillings—all Which is humblely Submitted Moses Gill ꝑ order.
In Council June 3ᵈ 1779 Read & sent down JOHN AVERY D Sy

* Printed resolves of the May session, chapter XXII.
† *Ibid.*, January session, chapter CXL.
‡ *Ibid.*, chapter CXLVIII.
§ *Ibid.*, May session, chapter XXXIV.

In the House of Representatives June 3- 1779 The foregoing Report being read, is hereby accepted —

Whereupon Resolved That Henry Gardner Esq. be and he hereby is discharged of the aforesaid Sum of Three Hundred & thirty seven Thousand, two hundred and forty nine Pounds nineteen shillings, which has been burnt as above mentiond

Also Resolved That he be & he hereby is discharg'd of the Sum of One Hundred & twenty eight Pounds sixteen shillings being a deficiency unaccounted for, as in said Report is set forth — Sent up for Concurrence JOHN HANCOCK Spk'r

In Council June 3' 1779 Read & Concurred JOHN AVERY D Sec'

Consented to" — [Signed by sixteen of the Council]. — *Ibid.*, *vol.* 222, *p.* 444.

Chap. 8. The following extracts from the records and transactions of the Marine Society at Newburyport, show the date of its first organization, and fully explain the objects of its founders, and the manner in which its business was conducted: —

"On the fifth day of November 1772. the following persons, viz^t Cap^t Thomas Jones, W^m Wyer, Benjamin Rogers, Samuel Newhall, Michael Hodge and Edward Wigglesworth, Met together at the House of Cap^t Benjamin Rogers, and there agreed, to form themselves into a Society by the Name of the MARINE SOCIETY in Newburyport New England, And agreed to deposit into the Hands of Cap^t Michael Hodge one Guinea of the value of twenty eight shillings each person for the commencing a Fund for charitable purposes, to the unfortunate of the Society, which was effected and the money deposited by all the persons present and by Cap^t William Friend who was to have been one of the Company, but indisposition prevented his attending, it was agreed to open a Subscription paper and to offer it to any respectable persons, who were or had been Masters of Vessels, upon the same Conditions of paying in one Guinea for the purpose of increasing the funds, and agreeing to form themselves into a Society, to be called as aforesaid and agreeing to observe and comply with all rules and regulations which may be necessary to adopt for the well ordering & regulating of the said SOCIETY." — *Records*, *vol.* 1, *p.* 1.

"LAWS OF THE MARINE SOCIETY at Newburyport Commences the thirteenth day of November 1772. — viz^t.

Firstly. The Members of this Society shall Consist only of such Persons, who now are or have been Commanders of Vessills, unless upon extreordianary Occations.—

Secondly That the members of this Society, or so many of them as shall be at home, and not hindred by Sickness, shall Meet, the first Thursday of Every Month, through out the Year, at such house in Newburyport, as the Society shall agree on, at Six O'Clock in the afternoon from the Twenty-first day September Untill the Twenty-first day of March, and at Seven the Rest of the Year.—

Thirdly. That the Master of the Society shall be Moderator of the Meetings, in his absence the Deputy-Master, the Treasurer in the absence of both, and the Eldest Member present, in the absence of all of them.—

Fourthly That Each Member shall pay into the Box for the Use of the Society at the time of his Entry Twenty Eight Shillings Lawfull money, and eight pence Monthly, during such time as he shall belong to said Society, which payment shall not be Expended at any time by the Society, but remain a Stock in the Box for the Intent and purposes hereinafter Mentioned.—

Fifthly. That no Member shall be Intitled to any Relief out of the Box untill he has belonged to the Society for the Space of six months and pay'd lawfull dues Monthly as afores^d.—

Sixthly That Every member who shall become a Proper Object to be Relieved out of the Box shall apply himself into the Society at their monthly Meeting in writing and set forth the Nature of his Case, and the Society shall have time Untill the next meeting to Consider of it, and then if the Society Are Agreed that he Ought to be Relieved out of the Box, he shall be Immediately paid so much as the Society shall Vote him; but in Case any three of the Members present will Declare him a proper object of Charity the Society Shall Immediately proceed to and Consider his Case and Act as they shall think fitt—

Seventhly That Such member or members as shall go a Voyage to Sea, and Return Successfull Shall pay Eight pence L m'y* into the Box for the Use of the Society for Each and Every month that he hath been absent, but in Case any member of this Society shall happen to be Taken by the Enemy, Cast away or by any Other Misfortune impoverised and reduced, then such Member or members, shall on his Or their arrivall Or Return, making applycation to the Society, be Excused from paying the said Eight pence monthly for the time he has been absent and be relieved according to the nature of his misfortune and the ability of the Box.

Eightly, That in Case any member of this Society being a marryed man, shall be totally lost or die on shore, Then the Society shall relieve the widow, Child or Children of Such Member if the Society think them proper Objects, according as the Box Can Afford.

Ninthly If any member of this Society meet with any Misfortune so as to be reduced on shore by Old Age Or Sickness or Any Other misfortune, he Shall be intitled to Such Annual Relief as the Society shall think fitt, After having been A Member Seven Years and paying his Dues to the Society.

Tenthly. That no monies Belonging to the Society shall be Let at Intrest but on bond and Collaterall Security of land under a good Title, and without any Incumbrance on it, at least of double of the Value of the Sum Let, and lying in this province, in or as near the Town of Newbury port as may be.

Eleaventh^y. That no members of this Society at their monthly Meetings, play or Promote the playing of Cards, dice, Or any other Gaming whatever.

* Lawful money.

Twelfly That the members of this * shall and will avoid all Quarrells, needless Contentions & Debates, that may tend to Create Animosity; or Disturb the good Order Peace, Friendship & Love that Each member should and Ought to bear to the Other, and in Case any one Or more of the Society should happen to Quarrell or begin a quarrell, there shall be three at least, or more of the Society chosen to Consider of the same & Lay such fines on him or them that they find guilty, as not to exceed Twenty Shillings Lawfull money nor less than Two.—

Thirteenthly. If any member of this Society shall Committ any notorious Crime or be a Common Drunkard, a Quarrelsome person, disturbing the peace & good Order of the Society or be guilty of any other Vice he shall be discharged from the Society, by Vote of the major part of the members present at the Annuall meeting, And shall be Excluded the benniffit of the Box Unless he be Reclaimed, and in Such Case he may be admitted into the Society again.—

Fourteenthly That if any member of this Society be guilty of profane Swearing or Cursing shall pay to the box two Shillings Lawfull, and for non attendance of the Monthly meetings he shall pay to the box one Shilling and four pence Lawfull.

Fifteenthly That Each and Every member of this Society (in Case of the Decease of any member or Members thereof at Newbury port) shall on timely notice given to Each of them from the Clerk by a porter to be Employed by said Clerk for that purpose, attend the funerall of Such deceased Member or Members and that Each & every member Neglecting to attend, Shall forfeit & pay, at the Succeeding nights meeting one shilling and four pence Lawfull for the Use of the Box; and the Charge of such Porter shall be paid by the Society,—

Sixteenthly, It is Recommended to Every Member of this Society to be Carefull in his observations Inwards and Outwds of the Variation of the Needle, the soundings, Courses and Distances, and of all Remarkable things about this Coast, and Communicate in writing to this Society, from time to time, such things as he shall Judge Servicable to the Community, to be Examined and Digested by a Committe appointed by ye Society for that purpose, and Lodged with the Clark of the Society in order to be Recorded in the Records of said Society.

Seventeenthly. That the Clerk of the Society shall from time to time keep a fair and Just account of all monies pay,d into the Box, and Deliver'd Out, and to whom, and when, and Shall Read Over these laws distinctly to Every new Member or Members that shall be admitted into the Society, at their admission or first appearance in it, and as often at other times as the Society shall think Proper." — *Ibid.*

"At a meeting of the Society November the thirteenth one Thousand Seven hundred and Seventy Two. Nineteen members Signed the Laws as before written and pay'd in for the Use of the Society Each one pound Eight Shillings L m'y as ℔ Acco[t] book, nominated and Voted. Officers Viz—

Capt Jonathan Parsons Junr President
Capt Henry Friend—Deputy President.
Capt William Coombs, – Treasurer.
Capt Saml Newhall—Clerk." — *Ibid.*

"We the Subscribers do Engage Ourselves Each one to the Other, to Observe and maintain the following LAWS of the MARINE SOCIETY

James Hudson	Nov. 13. 1772.	Jams Nicoll	Feby 4th	1773
Thomas Jones	ditto	William Noyes	ditto	
Jonath Parsons Jur	ditto	William Stickney	Mar 4th	
Henry Friend	ditto	Nathal Nowell	June 3d	
David Coats	ditto	———	ditto	
Joseph Noyes	ditto	John Buntin	Octor 7th	
William Coombs	ditto	James Johnston	Mar. 3d	1774
Joseph Row	ditto	Robert Jenkins	Mach 3—	
Thos Thomas	ditto	Peter Roberts	Novr 3d	
William Friend	ditto	Moses Brown	Novr 19th	
Benj Rogers	ditto	Joshua Hills	Janr. 5th	1775.
Saml Newhall	ditto	William Nichols	May 2d	1776
William Wyer	ditto	Andr. Giddinge	Janr. 2d	1777
Mich[a] Hodge	ditto	Joseph Stanwood	Febr. 6th	1777
Edwd Wigglesworth,	ditto	John Fletcher	Apr 3d	1777
Joseph Newman	ditto	Nicholas Johnson	Ap 3th	1777
Wm Peirce Johnson	ditto	Amos Toppan	July 3d	177
Anthony Knap	ditto	* * * * * * *		"
Eleazer Johnson Jun	ditto			
Jeremiah Pearson Jur	ditto			
Joseph Choate	Nov. 20th			
	ditto			
Moses Hale	ditto	[and sixteen other later signers.] — *Transactions.*		

"1773 By Laws of the Marine Society Febr. 4th.

1st That the Master and other Officers be anualy chosen

2.ly. That at the time perfixd for the Meeting the Master take his Seat at the head of the table, with the deputy Master on his right hand and the Clerk on his Left, and immediately proceed to business, but in Case of the absence of any Officers their places Shall be fil'd up by the Oldest member preasant that the dignity of the Master or Moderator for the time being be uphel[d],

3ly That at the time doing business their shall be a profound Silence observ'd, Save

* "Society" omitted.

in matters about which we are then Conversant, and that order and decorum be Stikly observ'd, but one member Shall Speak at a time, and he Shall address the Master or Moderator for time being, and Shall not be interrupted, till he has offer'd what he has to Say, except he is indecent or disrespectfull, and then by the Master or Moderator for time being only,

4ly That desolving or adjourning any meeting Shall at all times be done by a major vote of the Society, not to interfear with our Standing Laws in this respect,

5ly That any member who Shall absent him self from the Society Six months, that could attend shall be look't upon as an offender, and Shall Eight days before the next meeting after his so offending be notified by the Master to appear at said meeting, and give an Account of his Conduct, and in case of his refusal Shall be esteem'd unworthy of any dependance from the Society and excluded the benifit of the box, but if the Said member should desire to be readmitted it then Shall be put to vote, and then if he has a Majority of votes for his readmittance, he Shall be admitted, paying his dues to the Society, and Twenty Shillings to the box.

6ly That if any member be admonish'd by the Society for any breaches of laws and will not be reclaimd the Society Shall appoint a committe not more than Seven nor less than three of its members, to here his defence look into the nature of his crime and report at the Next meeting, and in case Said member Should not pay that defference to the Societyes judgment, which is always due in civil matters to a collective body in opposition to the opinion of a Single member, the Society Shall have aright and are hereby impowr'd to vote him unworthy of s^d^ community and exclude him the benifit of the box or to inflict any less, punishment as they judge the Nature of the crime with it's several Agravations deserves.

7ly That if any Member of the Society Shall tattle or discover any Secrets of the Society he shall be punish'd agreeable to the foregoing Article.

8ly As much money is Spent in inveterate Enmity, and annimosity propigated by letegious lawsutes, it is recomended to Each member of this community in Case of any difficulty or Dispute with a Brother that they cannot Settle within themselves to lay the matter before the Society, in order that a committe may be appointed of Such members as they Shall mutually approve off, to Settle and Adjust the Same and in all matters of controversy, Each member Shall be Subject to the Cognicense of this Society, and in Case he denies their jurisdiction or refuses to comply with their sentiments he Shall by Subject to be dealt with agreeable to the 6th Article of the By Laws." — *Ibid.*

On the second of December, 1772, the eighth of November, 1773, and again, on the sixth of February, 1777, committees were appointed to apply to the General Court for a charter for the society. The last of these committees consisted of Capt. Michael Hodge, Capt. James Hudson and Capt. William Coombs; but no petition, either by this committee or one of the former committees, has been discovered in the archives of the state or in the files and records of the society.

By the journal of the House, it appears that the petition of James Hudson and others was read, in the House, and committed to "Capt. Batchelder, Mr. Greenleaf and Major Orne," Oct. 7, 1777; and that the bill of this chapter was read a first time, the day following, a second time, on the 9th, passed to be engrossed and sent up for concurrence, on the 10th, and, on the 13th, passed to be enacted.

Chap. 10. The following petition from the commissary of prisoners of war, was received on the day of its date, and immediately referred to a committee of the House, consisting of Messrs. Batchelder, Wetmore and Hutchinson: —

"State of Massachusetts Bay Boston Aug^t^ 13th 1777

To The Honourable General Court of this State—

The Pitition of Robert Pierpont Humbly Sheweth

That Your pititioner begs leave to lay before this Hon^ble^ Court the difficulty of Procuring prisoners to Exchange for those taken by our Enemys, as the Captains of our Privateers bring few or no Prisoners of late, your Pititioner is of opinion that they let them go the first opportunity after they have taken them, weather this is done to Save the paying them there Wages and Supporting them or fear of their Rising your Pititioner is not Able to Say, but thuss Much he is well assur'd of that unless Some other Method is hit upon this State will Suffer Much in the loss of Men, therefore your Pititioner Humbly prays that your Honours would take this Matter into your Consideration and as in Duty Bound Shall ever pray

ROB^T^ PIERPONT { Commissary of Prisoners of Warr."—*Mass. Archives, vol.* 215, *p.* 35.

The next day a bill was brought in, entitled "An Act in addition to an act for securing and making provision for the support of prisoners who may be taken by any American armed vessels, and brought or sent into any port in this state." This bill required the owners and commanders of all private vessels of war to give bond to the state treasurer that no seamen or prisoners of war taken by them should be discharged or sent to any foreign port, or suffered to escape, but that such captives should be brought into some port of the United States, to be delivered to the commissary of prisoners; and, further, to comply with the requirement of this act, and of chapter 35 of the acts of the previous year. The bill, also, in terms, repealed the clause in the former act, which required the payment of £4 to the commissary, for each prisoner delivered to him. This bill, which had its first reading August 14th, was read a second time the next day, "and ordered to lie."

On the 7th of October, Mr. John Pickering, jun., of Salem, was ordered "to bring in a bill repealing that clause" of the act of 1776–77, chap. 35, "which directed the agents or commanders of such vessels, or prize-masters, to pay the commissary of prisoners the sum of £4 for each prisoner, &c."

In accordance with this order, Mr. Pickering, the next day, reported a bill for repealing "part of a clause" in the act aforesaid. This bill was read a second time on the 9th, and, on the 10th, a third time, and passed to be engrossed, and sent, for concurrence, to the Council, where, on the 13th, it was passed, in concurrence, to be engrossed. It was passed to be enacted, on the fourteenth. Before the engrossment, the bill was amended, by substituting "two clauses," for "a clause," in the title, and by adding the second section and the preamble thereto.

Chap. 11. The inhabitants of contiguous territory, embracing the south-westerly part of Washington, formerly called Hartwood, the north-easterly part of Great Barrington, or "Hoplands," the Glassworks Grant, and part of Williams's Grant, had, as early as 1774, applied to the Legislature to be incorporated into a town. The incorporation into the town of Washington, of the proprietors of Hartwood (1776–77, chap. 40), upon an application adverse to the petition of the proprietors of the Hoplands, was the only result reached at the beginning of the present political year. The details of the contest between these rival petitioners are shown in the note to the chapter referred to. The first effort, before the Legislature of 1776–77, of the petitioners who were subsequently incorporated under this chapter, appears to have been the presentation of the following petition: —

"To the Honble Council and Honble House of Representatives of the Colony of the Massachusetts-Bay, now convened at Watertown in Great and Genl Court or Assembly —

The Petition of us the subscribers, living on lands (commonly called) Great Barrington Hoplands, the Glassworks Grant and Williams's Grant — humbly sheweth —

That they are informed, That a number of persons living in the South West part of the Plantation of Hartwood and lands adjoining, have petitioned your Honours That the inhabitants living on the first mentioned lands may be incorporated with them, and allowed the privileges of a town &c — Therefore your petitioners humbly pray, That previous to such an act of incorporation, they may be heard, on a future day assigned, by their agent or otherwise — Thus your petitioners as in duty bound shall ever pray —

County of Berkshire May 30th 1776 —

GEORGE BENNET	OZIAS STRONGE	MOSES INGERSOLL
NATHAN BENNET	ELISHA GRANT	PELATIAH WEST
ISAAC DAVIS	ELEAZER WEST	ELISHA WEST
THEOS MANSFIELD	PETER WILLCOKS	DANIEL CHURCH
JOHN DAVIS	DANIELL WEST	NATHAN BALL
ISAAC DAVIS JUR	RICHER HOUCK	JUSTIS YALE
WILLIAM BENJAMIN	MATTHEW VANDUSEN	JOSIAH YALE
REUBEN PICCLE	AARON WORMER	EPHRAIM HOLLESTER
REUBEN CARY	WM INGERSOLL	ELISHA MARTINDALE
AMOS STANTON	AARON INGERSOLL	RICHARD LARRABE
THEOPHILUS MANSFIELD JR	WM CARPENTOR	AMOS PORTER
		ELIJAH WEST." — *Mass.*

Files: Bills, 1777.

This petition was read June 17, 1776, "and ordered to lie." No further measures appear to have been proposed by the petitioners, or by the Assembly, until early in the sixth session of the same year, when the following petitions and certificate were presented to the House; upon which the resolve hereunder given was passed: —

"To the Honble Council and House of Representatives for the Colony of the Massachusetts Bay.

The Petition of the Inhabitants of the Southwesterly part of Hartwood, the North Easterly part of Great Barrington or what is commonly called the Hoplands, the Glassworks Grant, and part of a Grant Called Williams' Grant in the County of Berkshire Humbly Sheweth —

That your Petitioners haveing heretofore applied to the Great and General Court of this Colony to be Set off from the Several Towns to which we now belong, and to be Incorporated into a Twown Precinct or Parish by our Selves, but by Reason of the Present Contention between Great Britain and the Colonies, we have heather too been prevented obtaining our End — Therefore your Petitioners beg leave to Renew their Request. And as the proceeding of the General Court togeather with our papers Relative to our Case; are fallen into the hands of our Enimies, we must once more give our Reasons for this our Request, which are as follows —

Those of us who live on the Southwesterly part of Hartwood are obliged to Travil Ten or Twelve Miles and that Through the worst of Roads to Git to the meeting House or to the Main Body of the People. And those of us who live in the North Easterly part of Great Barrington are obliged to Travil the same Distance to Git to our Town and Great part Of that Through the Town of Stockbridge, and those of us on the afore Said Grants can better Join with the afore Said parts of Hartwood, and Great Barrington than with any other Town. Therefore your Petitioners pray your Honours to Take our Case into Consideration, and if you find it Reasionable Set us off from the Several Towns to which we belong, and Incorporate us into a Town District or Parish as you shall Think most proper, with Such Limits and Bounds as Discribed in a plan which we herewith Transmit to your Honnours—and your Petitioners as in Duty Bound Shall ever pray —

JESSE BRADLEY	JOSEPH NICKLES JUN	JOHN NYE
NOAH CROCKER	LEVI NYE	ELISHA FREEMAN
HOPE DAVIS	PRINCE WEST	SETH BACKOUS
DAVID DIMMICK	WAIT HATCH	DAVID KELLOGG
JOHN WINEGAR	CORNELIUS GIFFORD	SAMLL STANLY
OLIVER WEST	THOMAS GIFFORD	JEREMIAH WORMER
PHINEHAS FISK	JESSE GIFFORD	ASAHEL DODGE

SIMON CALKIN	TIMOTHY GOODSPEED	ZENAS GOODRICH
EBNR SWIFT	JOHN BAKER	JOHN DAVIS
NATHANIEL BACKUS	THOMAS EWER	THOMAS BAKER
SETH BARLOW	JONATHAN FOOT JUR	JONATHAN WEST
LEMUEL CROCKER	NATHANIEL TOBE	AARON SMITH
JONATHAN FOOT	ICHABOD BACKUS	ABIJAH TAMBLING *
JOB HAMLIN	THOMAS ATKINS	SETH GIBBS
WILLIAM PERRY	BENJAMIN BACKUS	SILAS PERRY
		JAMES PENOYER
		HANS WINEGAR."—*Ibid.*

"To the Honourable Counsel and House of Representatives for the State of the Massachusetts Bay in Genaral Court assembled at Boston

The Petetion of Simon Calkins agent for the Inhabitants of the southwesterly Part of Hartwood the Northeasterly Part of Great Barrington or what is commonly Called the Hoplands the Glassworks Grant and Part of a Grant Called Williamses Grant in the County of Berkshire Humbly Sheweth—

Where as the Inhabitants of the Several Towns and Grants afore said Consisting of about Seventy families some time Past agreed by a Great Majority to Petetion this Honourable Court that the several Tracts of Land above mentioned Might be Incorporated in to a Town but by some unfore seen accident or other have not as yet been so succesfull as to obtain our Desires the only objection to our Proceedings at Present is from several Persons in the Hoplands who will not Consent to Include so much of Hartwood as the Inhabitants of said Hartwood and the Majority of your Petetioners have a greed your Petetioner Therefore Humbly Prays that this Honourable Court will be Pleased to take the matter in to Consideration and appoint a Committee upon the Cost of your Petetioners to Determin wheather we shall take in so much of said Hartwood as has been a greed upon or not and to Determin any other out Lines of said Proposed Township if any Disputes should arise and to Grant them such relieff as to them shall seeme meet as in Duty Bound shall ever Pray SIMON CALKINS."—*Ibid.*

"This may Sarteñ the Honnarable Court of the State of the Massichusets that we the Inhabitence of the South westorley part of Hartwood and the Glass work Grant with Williams'es Grant that part of Barrington Called the hop Lands in a full meeting on friday february ye 28 the 1777 made Chois of mr Simon Colkin to forword our pertision Sent in to the Honnarable Court Last Spring JESSE BRADLY Modirator of Said meeting."—*Ibid.*

"State of Massachusetts Bay
In the House of Representatives, April 5 1777

On the Petition of Elisha Freeman & Others Inhabitants of Part of Hartwood, Great Barrington, &c and of Simon Calkins praying that said Inhabitants may be Incorporated into a Town

Resolved that Coll John Mosely & Mr Azariah Root with such as the Honble Board may join be a Committee to repair at the Expence of the Petitioners to the Premises to view the same to take said Petitions together with all Papers accompanying the same into consideration hear the Parties and report to the General-court what is proper to be done thereon. And that said Committee if they think an Incorporation necessary report a proper place for a Centre for the Intended Town Sent up for Concurrence

SAMLL FREEMAN Speakr P T

In Council April 10.' 1777 Read & Concurred and Danll Hopkins Esqr is joined—

JNO AVERY Dpy Secy."—*Ibid.*

The first proceeding of the Assembly of the present year, that has been discovered, in relation to the subject matter of this chapter is the following resolve, passed at the third session:—

"In the House of Representatives Sept. 20th 1777

Orderd That Capt. Nathaniel Kingsley be of the Committee appointed the 5th of April last 'on the Petition of Elisha Freeman & others Inhabitants of part of Hartwood, Great Barrington &c: and of Simon Calkins, praying that said Inhabitants may be incorporated into a Town' to repair to the Premises &c, in the room of Mr Root deceasd—

Sent up for concurrence R T PAINE Spkr pr Tem

In Council Sept 20.' 1777 Read & Concurred JNO AVERY Dy Secy

Consented to"—[Signed by fifteen of the Council].—*Mass. Archives, vol.* 215, *p.* 105.

The report of this committee, and the doings of the Legislature thereupon, are hereunder given:—

The Committee of both Houses appointed to repair to the southwesterly part of Hartwood, the Northeasterly part of Great Barrington, the Glassworks and Williams's Grant, in the County of Berkshire, to view the same; take certain Petitions, and Papers accompanying them under Consideration; hear the Parties, and report to the General Court their Opinion with regard to the Incorporation of the sd Lands, and the proper Place for a Center in the sd Town;—have attended that service, and report, as their Opinion, that the sd Lands be incorporated agreeable to the Plan herewith exhibited: And that a Stake affixed by the sd Comee forty seven Rods east of the southwest Corner of Peter Wilcocks's Farm, laying on the west Bank of the River, and about three Rods North of the south Line of the sd Farm, be the Center of the same.—All which is humbly s[ubmitted †] DANL HOPKINS, by *Order.*

In Council, Oct. 14th 1777. Read, accepted and thereupon *order'd* that a Bill be bro't in for the Incorporation of the sd Lands accordingly— sent down for Concurrence.

JNO AVERY Dy Secy

* Tomlinson? † Manuscript mutilated.

In the House of Representatives Oct 16. 1777 — Read & concurrd — & Ord^d That M^r Niles & M^r Ingalls, with such as the Hon. Board shall join be a Comte to bring in a Bill accordingly. Sent up for Concurrence J WARREN Spk^r.

In Council Oct^r 16^t 1777. Read & Concurred and Dan^l Hopkins Esq. is joined—
JN^o AVERY D^y Secy." — *Mass. Files: Bills*, 1777.

On the 17th, the bill of this act was passed, in the Council, to be engrossed, and sent down for concurrence. On the 18th, the House concurred, with an amendment, in the third section, striking out after "till," the words "a new valuation shall be made throughout this state by," and inserting, instead thereof, the words, "the further," before "order." In the engrossment, "the" was omitted before "further." On the 21st, the bill was passed to be enacted.

The following proceedings, growing out of conflicting views as to the meaning of the third section of this act, are all that have been discovered relating to the subject, down to the adoption of the Constitution: —

"To the Honourable the Council and house of representatives of the State of Massechusetts bay in General Court assembled—

The Petition of the subscribers selectmen of the Town of Stoc[k*]bridge humbly sheweth.

That we are informed that at the time y^e General Court of this state incorporated a number of inhabitants in y^e vicinity of This town into a town by the name of Lee some of which inhabitants used to pay publick taxes jointly with the inhabitants of This town were by s^d act of incorporation expressly injoined to pay taxes as usal with this town 'til further order should be given in this matter by the General Court. That in complyance herewith the assessors of the town of Stockbridge have assessed them in the State tax from time to time; but the s^d inhabitants of Lee as afforsd tho Reqired to pay their respective taxes have as often refused to comply therewith the last years state tax was assessd as afforsd including s^d inhabitants and the tax bill committed to M^r Sam^l Hatch Constable of this town who pursuant to his warrant from the Treasurer of this state proceeded to collect y^e same: and that he has been to & required s^d inhabitants of Lee as afforsd to pay their taxes which they refusing to do (under pretence of their being incorporated) he proceeded to distrain according to law but was resisted as is set forth in his Certificate anexed hereto whereupon he brought the matter before the town for their advice & direction. the Town advised him to suspend further attempts 'til the matter be laid before the general Court, and directed the Selectmen to do the same in a petition signed by them

That in consequence of s^d refusal & resistance the collectors have not been able to make the remittances required by law and the town, the assessors & collectors are laid under peculiar imbarrassments in this matter. We therefore pray your honours to take this matter into your Consideration: and give such directions for relief & redress as you shall think meet & best— And as in duty bound shall Ever pray

Stockbridge August 25 1779. ASA BEMENT, HEZEKIAH BOUGHT[ON?], ELIAS GILBERT, DAVID PIXLEY } Selectmen of Stockbridge." —
Mass. Archives, vol. 226, *p.* 71.

"I Samuel Hatch Constable of the town of Stockbridge do Certify all whome it may concern that I have repeatedly been to those inhabitants of Lee which used to be receoned to this town and are by order of the General Court taxed here and asked them for their rates and they have as often refused to pay them I have proceeded to destrain according to law & took cattle but was prevented bringing them away by the force & power of the owners who resisted me in every attempt of this kind. I then aplyed to this town in town meeting and the town voted to direct the selectmen to lay the matter before the General Court and advised me to suspend the matter of collecting said taxes till the pleasure of the Court should be known & signified about the matter

Stockbridge August 27. 1779 SAMUEL HATCH Const" — *Ibid.*, *p.* 72.

"State of the Massachusetts-Bay In the House of Representitives Janu^y 13. 1780

On the Petition of the Select-Men of the Town of Stockbridge Praying for the Interposicion of this Court Relative to the Dificulties they Labour under in Collecting Taxes of Part of the Inhabitance of the town of Lee, who formerly were Taxed to said Town of Stockbridge

Resolved that the Select-Men of Stockbridge Serve the Town-Clerk of the Town of Lee, with a Coppy of this Petition, with the Order of Court thereon, at Least Fourteen Days Before the next sitting of the General Court to shew Cause if any they have, on the Secondth Wednesday of the next sitting of the General Court why those have not Pay'd their Taxes, Agreeable to the Act whereby they were incorporated into a Town by the Name of Lee— And that the Constables or Collectors of said Town of Stockbridge Desist Collecting said Taxes till further order of this Court

Sent up for Concurrence JOHN HANCOCK Spk

In Council Jan^y 13^th 1780 Read & Concurred JN^o AVERY D Sec^y" — *Ibid.*, *p.* 70.

"To the Honourable the Council and House of Representatives of the State of Massachusett's Bay.—

Humbly Sheweth (by their Committe) the Inhabitants of that part of the Town of Lee, which was formerly Annexed to the Town of Stockbridge, That by an Act of the General Court passed in the year of our Lord One Thousand Seven Hundred and Seventy Seven, by which we were Incorporated into a Town, and Injoined to pay a Proportionable part of the State and County Taxes of the Said Town of Stockbridge, to which we had Heretofore been Annexed, untill the further Order of this Court, that in the year following we

* Manuscript mutilated.

were in like manner as other Towns in the State, distinctly Called upon by the General Court for a Valuation of our Estates, which was accordingly made Out and Returned, That in June 1778 we were in Like Manner Call,[d] upon by a Resolve of the General Court for our Proportion of Eighteen Hundred Men to Serve in the Continental Army, untill the first of January then Next Unless Sooner discharged, and to pay Each noncommissioned Officer and Soldier a bounty of fourteen Pounds, which by Said Resolve the Selectmen were Impowered to pay out of the treasury, and to Assess a Tax on the Poles and Estates of the Inhabitants to Replace the Money so taken, which order was Punctually Complied with by your Petitioners, this Requisition together with their having been Called upon for their Valuation as Aforesaid, your Petitioners did then and do Still take to be the further orders of the General Court, Expressed in Said Act of Incorporation, Otherwise we Cannot conceive of Any provision being made in Our Case for Replacing the Money which we were Required to Raise for paying Said Bounties, Without which we Can't but view, the Requisition as Similar to that of being Required to make Brick without Straw; that we Were Likemanner Called Upon for our Proportion of Cloathing for the Army, Which was Also Complied with that notwithstanding the facts now mentioned the Town of Stockbridge have Continued to tax y^r Petitioners in the Same manner, as, before we were Incorporated into a Distinct Town, that amongst Other taxes we Were taxed by the Said Town of Stockbridge, for paying their Representative, without Allowing us the priviledge of avoice in the Election, altho Particularly Requested, Your petitioners beg leave further, to Shew that we have been taxed by the Said town of Stockbridge in the Illegal & unjust manner aforesaid (as we Conceive— That a number of us have been taxed by Said Town for that part of our Real Estates which lies in that which used to be Annexed to Other Towns, and never was Annexed to the Town of Stockbridge, That the State of this County is Such there being no Court of Sessions nor any Civil Authority Exercised in the County We can have no Relief from the Grievances Last Mentioned in the Usual Course of Law, and for that Reason that Some Individuals made personal resistance when the Constable Attempted to Distrain this being the true State of facts we pray your Honours to take Our Case into your wise Consideration, and Grant us Such Relief as you Shall think Just and fit and as in duty bound Shall Ever pray &c.

PRINCE WEST, AMOS PORTER, JAMES PENOYER } Committe for that part of the Inhabitants of the town of Lee which was merely Annexed to the town of Stockbridge." — *Ibid., vol.* 186, *p.* 163.

The foregoing petition, or answer, was referred to a committee, which, on the 20th of March, was changed, to consist of Messrs. Turner, Miller and Longley. On the 10th of April, 1780, this committee reported that the petition "lie on the files of the House, for the present," and this report was accepted.

Chap. 12. The bill of this act was read a first and second time, in the House, in the morning session of Oct. 21, 1777, and in the afternoon it was read a third time, passed to be engrossed, and sent up for concurrence. On the next day, it was passed to be enacted, and signed, evidently, that day, though not until the 25th, according to the record.

"State of Massachusetts Bay In the House of Reprentatives Dec^r 15th 1777
Resolv^d * That Caleb Davis & M^r Ellis Gray be and they are hereby appointed (with such as the Hon^le Board shall join) a Com^ee to Assist the Treasurer of this State in filling the Loan of fifty thousand pounds agreeable to an Act of this Court at their last Session
Sent up for Concurrence J WARREN Spk
In Council Dec. 15. 1777 Read & Concurred and Moses Gill Esq. is joined—
JN^O AVERY D^y Secy
Consented to" — [Signed by fifteen of the Council].—*Mass. Archives, vol.* 216, *p.* 177.

There remains in the archives (vol. 217, p. 128) the draught of a resolve, bearing date Feb. 19, 1778, for allowing compound interest, at six per cent, to the holders of all treasurer's notes, "who shall consent to let the sums due for interest thereon remain until the time at which they are redeemable," but no trace of legislative action thereon has been discovered.

Chap. 13. "June 2, 1777. The House assign'd Thursday next to consider what Tax shall be levied on the Inhabitants of this State the present Year." —*House Journal, p.* 10.

"Upon examining into the State of the Treasury, and the several Emissions of Bills of Credit made since the present Contest with Great Britain you will find that the Sum of One hundred, & ninety thousand pounds at least becomes payable in May, & July 1778. —it will therefore be necessary to levy a Tax the present Year for a Sum sufficient to redeem Bills to the amount beforementioned.— In the Name and by Order of Council
JER: POWELL Presid^t."— *Extract from the message of the Council to the House, June* 3, 1777: *Mass. Archives, vol.* 158, *p.* 85.

"June 3, 1777. Read and committed to Col. *Robinson*, Mr. *Gray*, Mr. *Davis*, Mr. *Jackson* and Col. *Coffin*."—*House Journal, p.* 11.

The House, by successive assignments, discussed, on the 6th, 9th and 10th of June, the question of the amount of tax to be levied this year. On the 10th, a motion for a new valuation previous to the laying of another tax, was rejected; and on the 11th, the debate was resumed, and the further consideration of the subject was postponed to the "next session." Nothing further relating to the tax appears of record, except a petition from the town of Pittsfield for an abatement of the tax on that town (which was "read and ordered to lie") until the thirteenth of August, when the second paragraph of the recommendation of the conference of states, at Springfield, was taken up, and postponed, as shown in the note to chapter 7, *ante*.

* Chapter LXXIV. of the printed resolves of the November session 1777–78.

On the 25th of September, the House, after debate upon the report of the committee of the whole House, relative to calling in the bills of credit, voted "That, previous to determining upon the sum proper to be levied upon the inhabitants, as a tax for the present year, the House fix upon an equal method of assessing such tax," and assigned the next day for discussing the subject. This discussion was followed by the appointment of a committee, consisting of Messrs. Wendell, Gardner, Hosmer, Bliss, Partridge, Greenough, Paine, Simpson, Washburn, Noyes, Lovejoy and Bacon "to consider an equal method of assessing a tax, as aforesaid."

The report of this committee, which has not been discovered, was, after debate, ordered to be recommitted, October 1st, and, on the next day, was accepted, with amendments, and it was thereupon voted, "That a tax of £300,000 be levied and assessed on the inhabitants of this state, for the year 1777, and paid into the treasury by the first of January next," and Messrs. Pickering, Dix and Paine were appointed a committee to prepare a tax bill, accordingly. On the 6th, Mr. Greenough was appointed upon this committee, "in the room of Mr. Pickering, excused."

On the 3d of October, a committee, consisting of Messrs. Crane, Webster, Brooks, Bliss, Mitchell, Jenkins, Paine, Simpson, Baker, Noyes, Lovejoy and Ashley, was appointed "to consider what towns should be abated of their proportion of the tax that might be laid the present year agreeable to the last valuation, and whether an addition ought to be made to any town."

On the next day, this committee made a report, which, though neither the original nor a professed copy of it has been found, is probably embodied, in its exact tenor, in the following vote of the House, which was passed October 6th; and, at the same time, the report was ordered to be "committed to the committee for bringing in a tax bill": —

"The House, according to the Order of the Day, proceeded to the Consideration of the Report of the Committee relative to Abatements, *&c.* and after Debate thereon,

Voted, That the Town of *Boston* be abated 1-6th. *Charlestown* 6-7th. *Marblehead* 1-4th. *Gloucester* 1-4th. *Manchester* 1-8th. *Falmouth* 1-half. *Plymouth* 1-8th. *Roxbury* 1-12th. *Dorchester* 1-12th." — *House Journal*, *p.* 99.

The House also ordered that Messrs. Paine, Gray, and Davis of Oxford, "be a committee to bring in a resolve for abating from the tax that may be laid, the present year, on any town that shall appear, when a new valuation of estates is taken, to be overrated, and for adding the tax to such town as shall appear to be underrated."

On the 7th of October, the committee appointed, on the 2d, to bring in a tax bill, was enlarged by the addition thereto of Messrs. Goodwin and Choate; and Messrs. Snow and Noyes were substituted for Messrs. Dix and Greenough, excused. On the 10th, the committee, appointed on the 6th, to bring in a resolve for abating taxes, &c., reported, and their report was accepted, and sent up to the Council, for concurrence, whence, as late as December 2d, it was returned nonconcurred.

On the 11th, the bill of a tax act was read a first time. On the 13th, this bill was read a second time, and recommitted. On the 14th, the committee having it in charge made a report, which was accepted, and, the next day, the bill was passed to be engrossed. The amount to be apportioned and assessed, in this bill, was £305,907, 2*s.* 9*d.*, and £8,843, 17*s.* 6*d.*, paid the representatives. On the 18th, the Council concurred in the engrossment; the amounts to be assessed having been changed to the sums fixed in the act. On the 22d, the bill thus amended was passed to be enacted, in the House, and, on the 24th, it was enacted by the Council, and signed.

On the 19th day of June, 1777, the House passed a resolve directing the receiver-general, to receive of the collectors of taxes the bills of credit of the neighboring states, in discharge of the public taxes by them collected. This resolution does not appear to have been concurred in by the Council.

Remonstrances against this tax, and petitions for abatement, received from several towns, are given below, together with the record of proceedings thereupon by the General Court.

"To the Honourable Council & Honourable House of Representatives at Boston in General Court Assembled We Your Humble Petitioners Humbly Sheweth —

That Supposing there is a heavie Tax Approaching We Look upon it our Duty to the Town for which we act to Make our Humble address to the Honourable Court for Some Consideration or Abatment thereof and the Reasons We Give are Viz —

First that Since the Last Valluation there has been mov,d from Harpswell Forty Two men Chiefly men of Considerable Estates who have Cary,d all their Personal Estates with Them and their Real Estates but Very Little Income by Reason of so many men in the Contenantal Service which is more than our Proportion for Some of them have Left their Places not Sold and the Towns to which they have Gone are (Viz) —

Thirteen to Thomaston in the County of Lincoln Twelve to the Border of Boardwinham who are Tax,d there & Eight to Royalsborrough who we believe have been heretofore Tax,d at Brunswick & Six to Brunswick —

Secondly that at the Destruction of Falmouth we Laying on the Sea and Harpswell being a Neck of Land and an Island Very Much Expos,d the Melissia Came in from Several Towns to our Relief if we Shou,d be Attack,d and ware Billited by order of the Selectmen of this Town to the Vallue of a Considerable Some and We have beg,d the Patience of Those who Billited Said Melissia from Time to Time but must Pay it the Ensuing Year

Thirdly as the Lumber is almost all Gone & fishery & forreign Commerce Ceasing Many of us have not one Quarter the Chance of Geting Paper money that they had formerly of Geting Silver

Fourthly We are Very much oppres[d] with Poor who have been for Years Past half or more as much Charge as the maintainance of our Minister; We Pray Your Honours wou[d] Take into Your Wise Consideration the above Reasons & make us Some abatment of our Tax and Make us Some Consideration for our Taxes for Years Past, for which we your Humble Petitioners as in Duty Bound Shall ever Pray

Harpswell Sept. y[e] 13[th] 1777 — WILLIAM SYLVESTER, ANTHONY COOMBS } Selectmen." — *Mass. Archives, vol.* 183, *p.* 165.

This petition was read in the House, Oct. 13, 1777, and "ordered to lie."

"To the Honourable the Council & House of Representative of the State of the Massachusetts Bay in General Court Assembled at Boston the Sixth Day of December: AD: 1777:

The petition of the Inhabitants of the Town of Billerica Humbly Sheweth: — That your Petitioners are much Dissatasfied with the Tax act made the Last Session of the General Assembley—For the following Reasons —

First That Such an Extencive valuation Should be Called for in so Short Time which was never taken before in this State

Second the uncertainty of Every mans valeing his own Intrest in these fluctuating & Extravagant Times —

Thirdly That the tru value of Grain unthras[d] and flax undrest Cannot be Assertained —

Fourthly that it is Highly unreasonable that wild & uncultivated Lands Should be Taxt according to its present value Equal to Trading Stock which we Apprehend will produce more in one year of Real profit to the owners than the Land will in Ten — your Petitioners are also Surprised at the Act made the Same Session for putting Large Sums of the bills of Credit Emmitted by this State on Intrest thereby giving an Advantage to those that have made great Gains by oppression by putting their money on Intrest and thereby Increasing our Public Debt —

That the Said Act appears to us a violation of Public faith Plainly Ledgable on the face of the Bills thereby Depriving the Subject in Some measure of the Free use of their property by obliging them to take notes in Stead of bills of Cred[t] whether able or not to Lend their money and for all Sums under Ten pounds (Excepting Change less than a Dollar) no Provition is made in the said act: neither is the Subject allowed to pay the Large Tax above Recited or any part thereof in the said Bills: for these & many other Reasons which might be given —

Your petitioners most Humbly pray your Honours would so far superseed said act: as that we may Assess what is set upon us in said Tax by the Last valuation and that we may be Excused forom Taking such a valuation as in the said act is Required, and that the Act for putting Large Sums of money on Intrest may be Repealed or otherwise Releave your petitioners as to your wisom may seem best: & as your petitioners in Duty bound Shall Ever pray By order of s[d] Town

JOSHUA ABBOT Town Clerk." — *Ibid., p.* 292.

This petition was read in the House, Dec. 9, 1777, and "ordered to lie."

No record of action upon the following petition has been found: —

"At a meeting of the freeholders & other Inhabitants of the Town of Chelmsford Regularly Assembled on the Eight Day of December A:D: 1777 The Said Town then took into Consideration the article Respecting the new mode of Taking an Invoice agreeable to a Late act of the great & general Court of this State, in order to make the Province Tax for the Present year, after haueing Considered thereof, the Said Town Signified their mind, by a vote that they Could not Conform thereunto, but were very Desiourous of making the s[d] Tax in the Same manner as hath been vsal in years Past —

Wherefore we the Inhabitants of the Said Town of Chelmsford in the County of Middlesex, Humbly Pray that the Honorable Council and House of Representitues of the State of the Massachusetts Bay would Take the Same into Consideration and grant Liberty that the Said Taxes may be made in manner as hath been vsal.

As in Duty Shall ever pray &c — ZEBULUN SPAULDING
Chelmsford December 8. 1777 — Town Clerk In Behalf of Said Town." — *Ibid., p.* 298.

"State of the Massachusetts Bay. To the honorable the Council The honorable house of Reprisentatives in Gen[ll] Court Assembled December 1777

Most humbly Shew[th]

The Subscribers Inhabitants of a Goar of Land Adjoying to the north Line of Chesterfield in the County of Hampshire & State afores[d] —

That your Petitioners Injoye few or none of the Priveledgs to which Towns in this State are entitled, that we are Taxed by the Town of Chesterfield in an Arbtarry and Unequal Mannour att the Pleasure of the Town aforsaid, That we have ben Unlaffully taxe[d] ever Sence wee have Inhabbited this Place not haveing So much as the Priveldge of Assisting in making our one Taxes, that we hav Don our Parts or more in men and money towardes the Supporte of the War and Government and Still are Ready to do it if we may be alowed the Priveledge of English men; that we observe when men or money is wanting we were never neglected, but when Privelidges are to be Destributed then we are neglected. as for Instance the Inhabitants of Chesterfield Encluded us in theair Numbers and Inconsiquence there of Drew the Salt allowed by the State your Pettioners were refuse any Shair in it; your honours have Encluded us a Gain in theair Tax bill Notwithstanding our Prayers to the Contray, to our Unspeakeble Greefe We would therfore once more Beege your honours would Remove oure Eygptian yoke or Exclude us from Duty, your Petitioners therfore moste humbley pray your honours that the Inhabitants of Said Goar Consisting a bout thirty six famales might be Envested with Power to

asses theair one Estates and make theair one Rates to the State and Collect them by hem Selves, and as in Duty Bound Shall pray December y^e 8^th 1777

JOHN TYPTION *	EZEKIEL THOMAS	JOHN SMITH
NATHANIEL IDELL *	WAIGHT BURK	EBEN^R PARSONS
DANIEL BROWN	MOSES ELWELL	ARTEMAS STON
SAMUEL GRIMES	SAM^L SNELL	WILL^M BUCKINGHAM
SAMUEL OLDS	SIMEON TITUS	ROBART DAY
THOMAS SPRAGUE	DANIEL WYMAN	JEDEDIAH BUCKINGHAM
JOSHUA PACKARD	TIM^Y LYMAN	EZEKIEL CORBIN
BARZ^L BANISTER	JOHN THWING	CALEB CUSHMAN
NATHAN BIGLO	JOHN THWING	LEM^L LYON
ISAAC KINGMAN	REUBEN LOOMIS	THO^S BROWN
		FARNUM WHITE. — *Ibid.*,

vol. 218, *p.* 223.

This petition was read in the House, on the 20th of January, and committed to Messrs. Fisk, Morton and Hubbard. A "counter petition," which is as follows, was also referred to the same committee: —

"To the Honorable the Council & the Honorable y^e House of Representatives of y^e State of Massachusetts Bay Humbly Sheweth your Petitioners, that among Other Embarisments we labour in this Township being newly Settled & many of y^e Inhabitants Extreamly necessitous, we are under Apprehentions of being put to unnecessary Trouble by the Inhabitants of a Tract of Land adjoining to us Called y^e Gore as they have already (as a Body) refused to pay their Proportion of the State Taxes for the year 1776 & as we have Reason to think they will in ther great Zeal for what they Call Liberty make Some misreprentations of y^e Affairs to your Honors in Some Petitions we have Reason to Suspect they mean to present in y^r Absence of Our Representative; as he Cannot give a Constant attendance upon all y^e Sessions; we therefore Humbly Pray your Honrs (considering the multiplicity of Business with which you are now Embarased & y^e Publick weighty Affairs you are necessarily Called to attend to at y^e present Day) & that no Petition from that People that Affects the Intrest of this Town might be finally passed upon without giving Notice to y^r Town to make answer thereto at a Proper time lest it be to y^e great Damage of y^r Town, & as in Duty Bound Shall ever Pray —

At a legal Meeting of y^e Inhabitants of y^r Town of Chesterfield, agreable to an Article in y^e Warrant, Voted that this Petition be presented to y^e General Court. — ℔^r Order & in behalf of y^r Inhabitants of s^d Town —

Chesterfield Jan^a. y^e. 9^th 1778 Test JOHN STEPHENSON T. Clerk. — *Ibid.*, *vol.* 183, *p.* 351.

The following report on the foregoing petition was read, February 7th, and the consideration thereof "referred to the next session of the General Court: " —

"State of Massechusetts-Bay Feb^y 2. 1778 —

Upon the Prayer of the Petition of the inhabitants of a Gore of Land adjoyning to the Town of Chesterfield in the County of Hamsheir and State afores^d, praying that they may have the priviledge of make their own rates for payment State Taxes &c. — Your Committe beg leave to report as follows viz, That the prayer of the Petition be Granted; and that the inhabitants of s^d Gore have the priviledge of, and be impowerd to Make and Collect their own rates for the payment of State taxes in manner as the Court shall appoint. — DANIEL FISK ℔^r order." — *Ibid.*, *vol.* 218, *p.* 222.

On the 17th of April, the petition from the inhabitants of the gore of land at Chesterfield, was read, and committed to Messrs. Ely, Brooks and Goodman; and, on the 23d, the committee reported the following resolve † : —

"State of Massachusetts Bay. In the House of Representatives 23^d April 1778.

On the Petition of a Number of the Inhabitants lying on a Gore of Land near Chesterfield in the County of Hampshire seting forth that they are unjustly taxed and praying for Releif as set forth in their Petition —

Resolved that the Prayer of the Petition be granted and that Benj^a Mills Esq^r. of Chesterfield be & he hereby is directed to issue his Warrant to some principal Inhabitant o^f said Gore to call a Meeting of said Inhabitants to choose a Clerk & a Committe therefor for one Year & untill others shall be chosen in their Room — which Committe shall take a Valuation of all Estates in said Gore & make Return thereof into the Secretary's Office agreable to an Act latly passed for taking a general Valuation — Also to choose Assessors & a Constable or Collector to collect the Rates that may be set on said Gore, and the Clerk when chosen shall be under Oath to keep fair Entries of all Votes passed by the Inhabitants of said Gore, and the Clerk for the Time being is hereby authorized to administer proper Oaths to the Assessors & Constable or Collector — and the Committe are to issue their Warrant to the Constable or Collector of said [Gore‡] to call future Meetings for the choice of proper Officers and to do and transact any other Business that may properly come before the Inhabitants of said Gore — and the Town of Chesterfield are hereby ordered to desist from taxing the Inhabitants of said Gore any further — except these already granted Sent up for Concurrence J PITTS Spk^r ℔^r Tem

In Council April 23^d 1778 Read & Concurred JOHN AVERY D^y Sec^y

Consented to" — [Signed by sixteen of the Council]. — *Ibid.*, *p.* 221.

The last proceedings found of record relative to the controversy between the inhabitants of the town of Chesterfield and the inhabitants of "the Gore" are the following petition and resolve § : —

* This name is obscurely written.
‡ Manuscript mutilated.
† Chapter XCVI. of the printed resolves, April session, 1777-78.
§ Chapter LXI. of the printed resolves, May session.

"To the Honorable the Councill & the Honle the House of Representatives in general Court assembled —

Your Petitioners the Select Men of Chesterfield in behalf of the Town humbly Shew, that in consequence of an Act or order of the General Court passed in the year 1778 A Gore of Land Joining upon Chesterfield were admitted to certain Privileges and in particular were exempted from being Taxed in the State Tax by sd Town of Chesterfield, Notwithstanding which no Provision is made in sd act or order for the sd Gore's paying their proportion of the Tax of the Town according to the valuation taken about seven years past, and the Inhabitants of said Gore refuse to pay the Tax laid on them agreable to sd valuation to the Constable of Chesterfield pleading sd act or order in Justification of their Conduct—

Your Petitioners therefore humbly pray your Honors that a particular order may be passed in the matter either to enable the Constable of Chesterfield to gather the Tax of Said Inhabitants, or take such other order in the Premises as in your Honors Wisdom shall seem fit & proper, and as in Duty bound shall ever pray

BENJAMIN MILLS, DANIEL LITTLEFIELD, BENJAMIN PEIRCE } Select Men of Chesterfield." — *Ibid.*, *vol.* 223, *p.* 4.

"State of Massachusetts Bay June 7th 1779

On the Petition of the selectmen of Chesterfield in behalf of said Town shewing that in Consequence of an order of the General Court passed in the year 1778 the Inhabitants of a gore of Land Joining to said Chesterfield & which had been Taxed there were admitted to certain previledges & in particular from paying Taxes to the Town of Chesterfield Notwithstanding which the said Town of Chesterfield hath been Taxed as much as They were before the passing said order and the Inhabatants of said gore not being Taxed by themselves they were Taxed to the Town of Chesterfield

Resolved that the Inhabatants of said gore pay their state Taxes to the Town of Chesterfield untill such time as the Taxes shall be made upon the last valuation any Resolve of this Court to the contrary notwithstanding

Sent up for Concurrence — JOHN HANCOCK Spkr
In Council June 7th 1779 Read & Concurred — JOHN AVERY D Sey
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 3.

The following petition from Royalsborough (now Durham, Maine) was read in the House, Feb. 2, 1778, and committed to Messrs. Little, Noyes and Woodbury: —

"State Massachusetts Bay — To the honorable the Council and honl house of Representatives in General Court assembled

The petition of the Inhabitants of a new plantation or settlement called Royalsbourg in the County of Cumberland humbly sheweth.—

That the inhabitants of Brunswick did in the year 1776 assess the polls of the inhabitants of said Royalsbourg towards the public tax laid on said Brunswick that year, and have required the inhabitants of said Royalsbourg to give in a list of their polls & estates in ord r to assess them again towards said Brunswicks part of the public tax for the year 1777. which the said Inhabitants of Brunswick suppose they have a right to do, by virtue of the tax acts for those years respectively.

Your Petitioners beg leave to represent to your honors that by far the greater part of of the families in said Royalsbourg (not being now more than 49 in all) have been settled there no more than four or five years, that they enterd on wild uncultivated lands, had a wilderness to subdue, and buildings to erect for shelter with great difficulty labour & expense, & are yet strugling for life — That an early frost the last year 1777 in a great measure cut off their indian Corn Crops so that not half enough was raised there for the necessary use & support of the Inhabitants that they have nothing else to dispose of nor any business or trade by which to procure a supply of so necessary and at present dear as well as scarce an article, much less to obtain money to pay in taxes — that they have but 46 men on the training band list, of whom seventeen are inlisted for three years in the continental army—many of whom have left families whom they must supply agreeable to a late Resolve of the general Court, which is, in the present scarcity & dearness of provisions, a heavy burthen upon them, notwithstanding the provision made in said resolve for their reimbursement of that expense —

That their being taxed in Brunswick towards *their* proportion of the public tax (& which is no more than *their* proportion if Royalsbourg was not in being) is a benefit & relief to Brunswick only, and is not of the least advantage to the state, and there appears to your petitioners no good reason why they should help Brunswick pay its public tax rather than any other town in the state

Wherefore your Petitioners humbly pray your honors to take the premises in to your wise & merciful consideration, and order that the Collector of Brunswick for the year 1776 be directed not to demand of any of any of the Inhabitants of said Royalsbourg the poll tax laid on them by said Brunswick that year but that the same be remitted them — and that said Brunswick should not assess them for the year 1777 or in case they have done it or may do it before your honors pass upon this Petition that such assesment may be vacated & the sums assessed remitted to them — or that your Honors would otherwise releive your Petitioners in such way & manner as to your Honors shall seem meet & your Petitioners as in duty bound shall ever pray &c —

CHARLES GERRISH	ISRAEL BAYLY	JONA ARMSTRONG
CHARLES HILL	DAVID DYER	HUE GATCHELL
JUDAH CHANDLER	JOHN CUSHING	JOHN GATCHELL
EBENEZER ROBARDS	SAMUEL SMITH	ROBART GATCHELL
WILLIAM GERISH	CHARLES GARRISH	JOHN BLETHEN

NATHL GARISH	ROBINSON CROCKETT	JOSIAH DAY
MICAH DYER	EZEKIEL JONES	SAMELL ROY
JOHN PARKER	VINSEN ROBATS	STEPHEN WASSON
BENJAMIN VINING	BENJA SAWYER	SAMUEL YORK
ELIAS DAVIS	MOSES MARINER	JOSHUA STROUT." — *Ibid., vol.* 183, *p.* 389.

The above committee reported on the fifth of February. The original report has not been found, but the following resolve* is believed to embrace the substance, if not the whole, of the report: —

"Feb. 12, 1778. In the House of Representatives. On the Petition of the Inhabitants of a new Plantation called Royalsborough, in the County of Cumberland, Praying for an abatement of the Public Taxes, assessed on them by the Assessors of this Town of Brunswick, for the years Seventeen hundred Seventy Six and Seventeen hundred Seventy Seven.

Resolved, That the Prayer of said Petition be granted and that the Assessors of said Brunswick be, and they are hereby Ordered and Directed to abate all the Public Taxes they have or shall have levied or assessed on the Polls and Estates of the said Inhabitants for the years Seventeen hundred Seventy Six and Seventeen hundred Seventy Seven; provided nevertheless that nothing in this Resolve shall be construed to extend to make any abatement in the Taxes imposed on the Town of Brunswick by the General Court. In Council Read and Concurred. Consented to by Fifteen of the Council." —*Council Records, vol. XXXVIII., p.* 310.

The following petition was read, Apr. 23, 1778, and committed to Messrs. Cheever, Brigham and Batcheller, who, on the next day, reported the resolve† which follows the petition below: —

"State of the Massechusets Bay March: y^e^ 4=*1778* To the Honourable Council & House of Representatives in General Court Assembled —

We the Subscribers Inhabetents of a Place called Raymond-Town in the County of Cumbarland beg Leave to Represent to Your Honours the Circumstances of the few Inhabitants of S^d^ Place &

1^st^ Their are about Twenty Families in the Place and they are as Poor as Can Well be Immagined mostly Without Shoes & hardly any Cloths & but lately moved there in Order to make Settelment for a future Livelihood upon the Encouragement of the Proprietors to give them Deeds of Some Land When they Shall have compleated the Settlements as required by the Act Granting Said Township —

2^d^ Said Township lays on the Northeast Side of Sabago Pond adjoining to no Other Township but Otisfield on the North West and adjoines not upon Windham or New Boston by a Considerable distance a large Tract of Land belonging to this State lying betwen them —

3^dly^ Not Withstanding Which The Assessors of Windham took it in their Heads to rate the Inhabitants of S^d^ Raymond Town for the year-*1776*=and for the year=*1777* tho the Said Inhabitants have not paid Said Rate for: *1776* neither are they able to Pay it or for the year *1777*

4^th^ Your Petitioners hubly conceive that the Said Assessors mistook the meaning of the Tax Act for the Year *1776* as Your Petitioners apprehend that act did not mean that any Part of the Sum laid upon the Town of Windham for that year Should be Paid by any Other Persons but those who lived in Said Windham Especialy by the the People of any Other Place not adjoining Said Town and that the Clause in Said Act Impowering the Assessors to rate the Estates lying in Places adjacent must mean Such Estates in those adjacent Places which belong to Some of the Inhabitantes of the Towns taxed by Said Act Otherwise Such Towns Would not Pay their Proportion of the State Tax Sot on Such Towns to Pay

5^th^ Wherefore Your Petitioners Humbly Pray that this Hon^ble^ Court would take the Premises into their meture Consideration and give Orders to the Said Assessors to Abate the Rates they laid upon the Inhabetantes of Said Raymond-Town for y^e^ year=*1776* and for the year.*1777* And not Rate them Again till further Orders of the Gen^l^ Court or however Otherwise Releve your Petitioners as your Honours may think fit — and your Petitinors as in Duty Bound Shall Ever Pray

JOSEPH DINGLEY	JEREMIAH JORDAN	DOMINICUS JORDAN
JAMES JORDAN	ROGER JORDAN	JONATHAN SIMONTON
JOHN DAVIS	GIDEON DAVIS	SAMUEL TENEY
SAMUEL JORDAN	BENGAMAN CLARK	PETER STAPLE." — *Mass. Archives, vol.* 218, *p.* 227.

"In the House of Representatives April 23^d^ 1778

On a Petition of a Number of Inhabitants of a Place called Raymond-Town in the County of Cumberland praying for an Abatement of the Publick Taxes, Assessed on them by the Assessors of the Town of Windham, for the Years 1776, and 1777: for reasons set forth in said Petition Resolved, That the Prayer of said Petition be Granted, and that the Assessors of said Windham be, and they hereby are ordered, and Directed to abate all the Publick Taxes they have, or shall have Levied, or Assessed, on the Polls, and Estates of the said Inhabitants, for the Years 1776 and 1777; Provided, nevertheless That nothing in this Resolve shall be Construed to extend to make any Abatement in the Taxes imposed on the said Town of Windham by the General Court

Sent up for Concurrence J PITTS Spkr pro Tem
In Council April 24^th^ 1778 Read & Concurred JOHN AVERY D^y^ Sec^y
Consented to" [Signed by nine of the Council]. — *Ibid., p.* 226.

* Chapter CLII. of the printed resolves, January session, 1777–78.
† Chapter CII. of the printed resolves, April session, 1777–78.

The following petition was read in the House, June 5, 1778, and was committed to Messrs. Metcalf, Whitney and Lyman, who reported on the 8th, when the petition was recommitted, and on the 10th, they reported again, by way of resolve* for an order of notice on the assessors of Fryeburg, returnable the second Tuesday of the "next sitting" of the assembly, and that the collectors desist from collecting taxes until the further order of the General Court: —

"State of Massachusetts Bay } To the honble Council & honble House of Representative of sd State in general Court assembled

The Subscribers Inhabitants of Bridgton in the County of York or Cumberland in sd State humbly shew, That your Petitioners have been lately assessed by the Town of Fryeburg without any previous Notice, at random without any Valuation or Distinction between Rich & Poor — which your Petitioners look upon as a Grievance —

1 Because this Assessment is only to ease them of a Part of the Burden justly laid upon them without any Advantage to the State

2 because they have taxed your Petitioners while others better able to pay are neglected —

3 because it will distress this Infant Settlement who are few in Number but 17 Families & a few single Men — some of us have suffer,d much in our Property thrô Fear of the Indians & not more than 6 able to raise their Bread —

Your Petitioners therefore Pray that Order may be taken for the Remouall of sd Grievance, & for preventing of like Grievances (till this honble Court shall be satisfied that we ought to be taxed) in such Way as you in your Wisdom shall see best, & your Petitioners as in Duty bound shall ever pray

Bridgton May 21th AD. 1778

REUBEN BURNHAM SIMEON BURNHAM STEPHEN GATES JAMES FLINT
WILLIOM EMERSON ASAEL FOSTER NOAH STILES JOSEPH WOODS
ENOCH STILES ENOCH PERLEY." — *Ibid.*, *vol.* 184, *p.* 132

At the second session, the following answer to the foregoing petition was read, and both were referred to a joint committee, consisting of Messrs. Sever, of the Council, and Coffin and Sexton, of the House, to hear the parties, and report. No report of this committee has been discovered: —

"State of Massaths Bay — } To the Honourable the Council & Honourable House of Representatives of said State in general Court Assembled —

We the Subscribers Assessors of the Town of Fryeburg in the County of York, having lately been served with a Copy of a Petition to your Honours of ten of the Inhabitants of Bridgeton, wherein They complain of Their being Assessed by the Town of Fryeburg, and Pray an abatement of the Same. — Also a Copy of a Resolve of the general Court thereon, whereby we have liberty to Shew Cause (if any we have) why the Prayer of their Petition should not be granted &c. We the said Assessors, beg leave to recite the Several Paragraphs of said Petition, in order to make Such Replies thereto, as we think ought to be done, and which we apprehend will Shew Cause why the Prayer thereof should not be granted. —

In the first place (after their Address to your Honours) They Say; 'That your Petitioners have lately been Assessed by the Town of Fryeburg, without any previous Notice, at random, without any valuation or destinction between Rich & Poor, which your Petitioners look upon as a grievance.' —

This Paragraph Forces us to Reply; That we are Sorry they have said they had no previous Notice, as thereby, They have obliged us to charge Them with a Falsehood. For before we laid any Tax upon them viz on the 26th Day of January 1778. we went to Bridgeton to inform them of our design to do it, when we carried with us, the Tax-Act & Treasurer's Warrant, and Shewed the same to as many of them as we could See (some of those we have Taxed being gon out of their Plantation, we could not shew those Papers to them) in order to convince them of our Right to Tax them with the Inhabitants of Fryeburg, and tarried with them to the 28th of said month, making the Strictest Inquirey with respect to Their Estates and circumstances in life that was in our power, both with regard to those we found at home, & those that were absent; And when we had got the best information from the mouths of those we could see, both with respect to their own & absent Neighbour's Estates and circumstances that we could; and having observed, that in the Tax-Act, sundry orders of men were excused from all Taxation, and after they were particularly pointed out, the Tax-Act Says, 'And other Persons, if such there be, who, through Age, infirmity, or extreme povery in the Judgement of the Assessors, are not able to pay towards the Publick Charges, They may exempt their Polls or Estates, or abate part of what they are set at, as they on their oath shall think Just and Equitable.'

We then took the whole matter under Consideration, and as there were fifteen Families in that part of Bridgeton whichis undoubtedly in the County of York; we duly considered their respective Interests & circumstances in life, according to the account we had obtain'd as aforesaid; and finding thereby, ten of them whose Interest & circumstances were near equal, we Taxed them eighteen Shillings and six Pence half penny each. — Two others of them whose Interests &c were not equal to any two of the ten above mentioned, (but not in extreme poverty) we Taxed them six Shillings each. — And the remaining three of said fifteen Families, being Poor, we laid no Tax at all upon them. In doing of all which, we exercised that lenity to every one of those we Taxed, which, from the above recited passage in the Tax-Act, we could think upon our oath, was Just and Equitable. — As we proceeded in the affair in the manner abovementioned, laying no Tax at all upon

* Chapter XXXVII. of the printed resolves, May session.

their Estates, and Taxed not one of their Polls so high as a Poll is set at in the Tax-Act, we cannot think we deserve the reflection the Petitioners have cast upon us by saying, we Assessed them at random, without any valuation or destinction between Rich & Poor. —

The Petitioners nextly, go on in their Petition to Assign (what we Suppose they call) three Reasons why their being Taxed as aforesd is a grievance — And firstly they Say, 'Because this Assessment is only to ease Them (meaning Fryeburg) 'of part of the burthen justly laid upon them, without any advantage to the State.' —

To this permit us to Reply; That as it's well known in Court, that Fryeburg is in it's Infancy as well as Bridgeton, and being as far advanced in the wilderness, is under like disadvantages Bridgeton is; Therefore we could not think the meaning of the Tax-Act was or is, that Fryeburg should pay the whole Sum set against the Name of the Town alone. No, the Contrary appears by the Treasurer's Warrant, founded upon the Tax-Act, whereby we were directed to lay 'one hundred and two Pounds upon this Town, *or other Places next adjoining.*' From whence we trust we may be allow'd to Say, we no more deserve this Ill-natured Reflection than that before mentioned.

Their Second Reason is Because (Say they) 'They have Taxed your Petitioners, while others more able to pay, are neglected.' —

To this we Reply That those neglected ones the Petitioners must mean, undoubtly live in the County of Cumberland: And as the Tax-Act Assigns each County it's quota of the Sum laid upon the State, we Judged we could not with Propriety, extend our Tax out of the County of York —

Their third Reason is, Because (Say they) 'It will distress this Infant Settlement, who are few in Number, but Seventeen Families and a few Single men, Some of us have Suffered much in our Property thro' fear of the Indians, and not more than six able to raise their Bread.' —

To this we Reply, That as the Tax laid upon the whole of them is but nine Pounds Seventeen Shillings & five Pence, it cannot distress their Infant Settlement so much, as the greater part of the Tax the Inhabitants of this Infant Town must pay will distress it, It being newly Incorporated, and having a Minister Settled therein upon a Salary of Seventy Pounds a year, a meeting House now to build, a School Master to pay, and besides has a great expence arising upon it to open, Bridge and Causeway Roads within the Same; while They of Bridgeton have no Such expences laying upon them; Except they see cause to be at some for Roads among them, in doing of which, They undoubtedly will have the Assistance of the non-resident Proprietors, many of whom are wealthy men, and have large Interest in their Plantation. — As to their Suffering in their Property thro' fear of the Indians, It's to be hoped their Polls remain good. If not; as we laid no Tax upon their Property, and have abated such a part of their Poll-Tax as we trust will Ballance that misfortune, we cannot see what room they have to complain — with regard to there being no more than Six able (as they Say) to raise their Bread; — we presume the three we laid no Tax at all upon, are part of those they Say are unable — and as to the rest of them; according to the account we had of their Estates and Circumstances as already mentioned, there can be no doubt, but they are able to pay the Small Tax we laid upon them — If their bare word should be thought Sufficient to excuse them from Taxes on that account, more than twenty Families in this Town will & can with much truth, plead the Same. —

Having Shewn the true State of the Case between Bridgeton & Fryeburg with regard to the Tax in Question, we cannot but encourage our Selves it Sufficiently shews the unreasonableness of their Petition —

Wherefore, we the said Assessors Pray your Honours, That Their Petition may be dismissed, and that the Collector of Taxes in Fryeburg may be allow'd to collect the Small Tax laid upon the Petitioners, their Reflecting Complaint Notwithstanding —

Fryeburg Augt. 27th 1778 — ISAAC ABBOT, NATHL MERRILL, SIMON FRYE } Assessors of Fryeburg." — *Ibid.*, *p.* 133.

On the 19th of February, 1778, the committee, consisting of Messrs. Hutchinson, Gray and Batcheldor, appointed the day before to inquire into the state of the treasury, made a verbal report, whereupon Messrs. Gray, Pickering and Sewall were appointed "a committee to prepare and report a letter to be sent to the several towns, urging that the taxes laid on them be sent into the treasury without delay."

The committee, accordingly, reported the draught of a letter, forthwith, which was read, and accepted. It was ordered to be "signed by the speaker" and Capt. Dix was directed to "cause it to be printed, in handbills, and sent to the selectmen of the several towns in this state."

On the 20th, the House appointed Messrs. Moore, Eels, Thatcher, Weilds, Clap, Noyes and King to distribute this letter, of which the following is a copy, "to the selec men of the several counties to which the said gentlemen belong": —

"GENTLEMEN,

THE *Exertions lately made by this Court, to put the Currency of the United States on such a Footing as to answer the great Purpose for which it was emitted (the Salvation of our Country) by calling in the Money of this State and determining to emit no more, must, we trust, finally answer the important End for which they were designed. — Taxes must be the principal Resource for Money — A speedy Payment of the Tax emitted for the Year 1777 into the Treasury is the only Means to prevent the Resolutions not to emit more Money being receeded from. Those Resolutions were founded on the soundest Policy; and a Departure from them would most certainly be attended with dangerous Consequences. — You are therefore most earnestly called upon to use your best Endeavours to prevent it, by exciting the Constables or Collectors within your Town to collect and pay into the public Treasury immediately all the Money they are appointed and directed to collect as Part*

of any State Tax.— If you think the Business will be more expedited by laying this Letter before the Inhabitants of your Town, you will do it without Delay.
To the Selectmen of ."— *House Journal, p.* 189.

Chap. 14. "Brigadier Lovell, Brigadier Frost and Mr. Hobbs" were ordered, December 12th, "to bring in a bill for lengthening out the time fixed for drawing into the treasury the bills of credit emitted by this state." On the next day, the bill of this chapter was read three times, in the House, passed to be engrossed, sent up for concurrence, returned with a vote of concurrence by the Council, and passed to be enacted.

Chap. 15. "To the Honorable the Council & Assembly of the State of The Masechusetts Bay now in General Court Assembled
The Petition of Samuel Taylor of Dunstable in Said State Humbly Sheweth, That your Petitioner Lives in the Westerly Part of said Town, on Lands Formerly owned by the Tyngs of this Town, The Greater part of the farm of which your Petitioner is a part was sold a Number of years Past, but the said Tyngs did own the Remaining part of the farm Till Lately, & upon a more critical measure of the Part that was sold first my buildings & Part of my Improvements fell into the part the Tyngs then owned, The which your petitioner has since purchised of said Tyngs, Your petitioner would not Trouble your Honours weir it not that he is veary much Discommoded he Living in the westerly Part of said Town & was suposed at the Time this Town was divided into Two Parishes to belong to the second or westerly Parish and has bin Ever Reconed and Held to Do Deuty in the second Parish Till Lately but by Reason of a proticular Paragraft in the order of court for the Division of said Town into Parishes Twas ordred not only proticular bounds ar cited for the Division, but that all the Lands of the said Tyngs within the limits of said Town should belong to the first or East Parish in said Town whereby your Petitioner is held to Do dewty in the first parish & is thereby Greatly Ingured being discommoded in attending meeting having more than Two miles further To Travil to meeting; That your petitioner begs their may be an order of this Court that he with his Estate may be Annexed to the Second parish in said Town and to Do deuty and Receive privelidges as one of that parish —
Relying on the wisdom Tenderness & Compasions of this Honorable Court, Promises Himself that releaf which they in their wisdom shall Think best & your Petitioner as in Dewty bound Shall Every Pray &c
Dunstable May the 29 1777 SAMUEL TAYLOR." — *Mass. Archives, vol.* 214, *p.* 283.

The foregoing petition was referred, June 21st, to a committee, consisting of Messrs. Spaulding, Hosmer and Hunter. On the 25th, a joint resolve was passed, directing the petitioner to serve each of the parishes of Dunstable with a copy of the petition, and of the order of the Court thereon, for a hearing upon the petition, on the third Tuesday of the next sitting of the General Court. No further proceeding upon this petition has been found, in the record, until December 3d, when it was read, and the petitioner "had leave to bring in a bill for the purpose mentioned in his petition." This bill was read twice, on the 10th, and a third time, and passed to be engrossed, on the 11th, and, on the 15th, it was passed to be enacted.

Chap. 16. The preamble of this chapter sets forth the reasons for its enactment. The objections of the towns, referred to, are shown in the note to chapter 7, *ante*. For some account of the origin of the measures for sinking and redeeming the currency, see the note to 1778–79, chapter 39, *post*.
On the 13th of December, Messrs. Ely, Goodman and Whitney were appointed, by the House, a committee "to bring in a bill impowering the several towns in this state to levy a tax upon their inhabitants, for such sums as they shall think proper, and to put the same into the treasury, and receive treasurer's notes on interest therefor." On the 15th, a bill with the title of this chapter passed through the several stages to be enacted, and was signed by ten of the Council.
The following petition was referred to Messrs. Rawson, Freeman of Eastham, and Page, of the House, Oct. 3, 1778, "to consider the matter at large." From an endorsement on the original petition, it appears that this committee reported that it "lie on the table to the next session"; but no action thereon, by the House, has been discovered: —
"State of the Massachusetts Bay } To the Honorable the General Assembly of Said State —
The Petition of William Dana of Worcester in the County of Worcester Humbly Sheweth —
That your Petitioner was Resident in the Town of Sutton in Said County from and after the month of May A D 1777 untill the Month of May 1778 — That During his Residence as aforesaid, he Occupied and improved a certain farm with the Messuages &c thereon, the Property of One Moses Brown of Providence in the State of Rhode Island, under a parole Lease from One Nath[l] Gowing who was Lessee of said Brown during the Term above mentioned — That by one law of this State, the Towns, therein, are authorised & enabled to Raise Money to Carry on the Present war, by vote and Assessment —
That the town of Sutton by virtue hereof, while your Petitioner was Resident there as aforesaid, did vote that the Sum of twenty five pounds Should be given to every Soldier in their Quota or Complement of Soldiers to Compleat the State Battallions in the Continental Army, in addition to the Bounty allow'd by Congress and by this State to every such Soldier as aforesaid, & that the Amount of the Bounties given to each continental soldier for the Quota of the Town of Sutton, by the Town, Should be Raised by a Tax to be levied & Assessed upon the Polls & Estates of the Inhabitants of said Town — That to

afterward in the same year by another Law of this State entitled 'An act to enable towns to Raise such Sums of Money As they incline to Do for the purpose of Lessening the Public Debt' Passed Decr. 1777, The Town of Sutton voted that their Proportion of the public Debt Should be lessened by a Tax to be Levied & assessed upon the Polls & Estates of the Inhabitants of Said Sutton, — That the Town of Sutton's Proportion of the Public Debt in the last said act referred to, together with the amount of the Bounties above mentioned, were soon afterwards levied & assessed on the Polls & Estates of said Inhabitants — and the Tax Committed to the Collectors of Taxes there —

That in Consequence of these Proceedings your Petitioner is greatly Injured, as he Stands Chargeable to pay the Tax for the Purposes aforesaid, Levied upon an Estate not his Own, of which he had the Improvement but a Short Space of Time, & now is liable to be charged with a like duty Or Burden, in the Town of Worcester of which he is an Inhabitant, which Town have also granted an additional Bounty, & have as yet done nothing to discharge their Proportion of the Public debt before Referred to —

Therefore your Petitioner humbly Prays that the Owner & Proprietor of said Farm & Messuages, may be Charged with the payment of such Proportion of said Tax, as proportionably & justly is or may be levied thereon, together with a Reasonable abatement of said Tax Levied on your petitioners Personal Estate, Or other wise, as to your Honors, in your Wisdom shall seem Most Just, And your Petitioner as in Duty Bound Shall ever Pray

Worcester October 1st 1778 WILLIAM DANA." — *Mass. Files: House, no.* 253.

Chap. 17. The first draught of the bill of this chapter, was read a first time, October 10th, 1777, and bore the following title: —

"A Bill intituled 'An Act for repealing one Law of this State, intituled an Act for the repealing one Law of this Colony made and passed in the fourth Year of the Reign of *William* and *Mary*, King and Queen, intituled 'An Act for regulating Fees, and for regulating Fees and Allowances of the several Officers and Persons within this State, mentioned in said Act,' and for reviving an Act made and passed in the Year of our LORD one Thousand seven Hundred and Seventy three, intituled An Act for establishing and regulating the Fees of the several Officers within this Province.'" — *House Journal, p.* 104.

This bill seems, to have been dropped here; and a new one was substituted therefor, December 6th, which was debated on the 9th, and recommitted on the 10th. On the 8th of January, the bill was assigned for consideration on the 10th, and then passed to be engrossed, and was sent up to the Council, for concurrence. In the Council, it was read a first time, on the 12th, and passed to be engrossed, on the 13th, but was not finally passed to be enacted until January 21st, by the House, and January 24th, by the Council.

Chap. 18. Owing to the inaccessibility of the House Journals for the latter part of the political year 1776-77, the present chapter has not been traced through all its earlier stages, but it appears, by the files in the secretary's office, that a draught of a bill (which is believed to have been the first) prescribing an oath of allegiance, was assigned for consideration as early as March 31, 1777; that it was referred, by the Council, to Thomas Cushing and Francis Dana, and, again, to Artemas Ward, John Winthrop and Thomas Cushing; that, in the House, it passed to be engrossed, April 1st; and, in the Council, April 14th, "as taken into a new draught;" that the House, on the 22d, refused to concur in this vote of the Council, and voted to "adhere to their own vote," with three amendments; that the Council again concurred with the House, on the bill "as taken into a new draught." Until the 9th of May, when the last entry relating to it occurs, this bill seems to have been the subject of frequent debates and messages between the two branches; but it failed to pass.

The title of the bill in the first two draughts is "An Act for prescribing and establishing an oath of abjuration and allegiance." In the next draught, the word "abjuration" was cancelled, and the word "fidelity" interlined; and the subsequent bills bore the amended title.

In the second session of the next assembly, a new bill was brought in to the House by a committee, appointed June 9th, consisting of Messrs. Sumner, Gray and Goodman. This was read a first time, August 13th, and a second time, August 14th, and then "assigned to the first Tuesday of the next session of the General Court, to consider the same by paragraphs." On the 4th of October, the consideration of the bill was again assigned to the 8th, when it "was considered, throughout, on a second reading." On the 10th, it was read a third time, and passed to be engrossed. On the 24th, the Council concurred in the bill, with nine amendments; whereupon the House concurred in all but one of them, and proposed one additional amendment, and returned it to the Council for concurrence. On the 22d, the Council nonconcurred, and adhered to their own vote, and, on the 23d, the bill was sent for by message from the House, to which the Council replied, by message, that "it was not before the Board;" and on the 25th, the Assembly adjourned.

In the fourth session, the matter was started again, in an order of the House, passed December 4th, appointing General Hancock, Col. Porter and Mr. Gray, members of a joint committee "to report the form of an oath of fidelity to this state, and renunciation of allegiance to the King of Great Britain, to be taken by the inhabitants of this state."

The following proceedings thereupon ensued: —

"Dec. 8, 1777. Honble John Hancock Esqr came up with a Message from the Honble House to enquire of the Board, whether they had passed upon an Order of the House appointing a Committee to report the Form of an Oath of Fidelity to this State and renunciation of Allegiance to the King of Great Britain.

Walter Spooner Esqr went down with a Message to the Honble House to inform them,

that the Board had Nonconcurred the Order of the House referred to in the foregoing Message.

Mr Pickering came up with a Message from the Honble House to inform the Board, that they proposed a Conference next Wednesday beforenoon, upon the Subject matter of the form of an Oath of Fidelity to this State and renunciation of Allegiance to the King of Great Britain, if agreeable to the Honble Board.

Thomas Cushing Esqr went down with a Message to the Honble House to inform them, that the Board agreed to the foregoing Message; but would propose, if agreeable to the Honble House, in order that the Business of Both Houses may be expedited, that the Conference proposed may be by a Committee of both Houses.

Colonel Porter Came up with a Message from the Honble House to inform the Board, that they agreed to the foregoing Proposal of appointing a Committee of both Houses upon the Subject matter of an Oath of Fidelity to this State and renunciation of Allegiance to the King of Great Britain. * * * * * * * * * * *

Order of the House — That Mr Paine, Mr Ward,* Mr Nichols, Mr Dawes† and Mr Greenleaf be a Committee to Confer with a Committee that may be appointed by the Honble Board on the Subject of Establishing an Oath of Allegiance and Fidelity to be taken by the Inhabitants of this State. Read and Concurred, and Jeremiah Powell, William Seaver, Artemas Ward, Jedediah Prebble and Thomas Cushing Esqrs are Joined." — *Council Records, vol. XXXVIII., pp.* 189 *and* 190.

The fourth session closed, December 15th, without further action upon the subject of this chapter; but, on the 13th of January, the House appointed a committee, consisting of the Speaker, and Messrs. Hancock, Washburn, Wood and Pitts, "to bring in a bill for establishing an oath of allegiance." A bill bearing the title of this act, but which has not been found in the archives, was, accordingly, read a first time, on the 20th, and a second time, on the 21st; and, on the 22d, it was passed to be engrossed, and sent up for concurrence. On the 30th, it came down from the Council, with a memorandum thereon that it was read in Council, a first time, January 24th, and passed, in concurrence, to be engrossed, on the 30th, as taken into a new draught. On the 3d of February, it was passed to be enacted.

The first draught above referred to, began with the same preamble as in the act, and provided for a declaration of abjuration of the authority of the king of England, a declaration of the independence of the state, and an oath of adherence and allegiance thereto, as against George III., "and his heirs and successers and his or their abettors, assistants and adherents." This was amended to the form of oath retained in this chapter, and was required to be taken by "all the members of the General Assembly, all officers, civil and military, the president, professors, tutors and other officers of Harvard College, masters of grammar, reading, and writing, schools, innholders, and retailers of spirituous liquors," and by persons then in office, as well as by those who should thereafter be chosen to office; and no persons were to have authority to execute any of the offices or trusts aforesaid, or any town office, or to be admitted to appear and act as counsel or attorney in any court of justice in this state, after May 1st, 1777, unless they should have taken said oath. It also provided that no person should be allowed to vote in the election of any of the above officers, or in anything relative to the constituting a new form of government, although otherwise legally qualified, unless he had taken the aforesaid oath, before a justice of the peace, or town clerk; and the names of the persons sworn, were required to be enrolled by the town clerk; but this last clause was stricken out, by amendment, before it was sent up to the Council, for concurrence. The president of the Council, with the advice and consent of the Board, was authorized to appoint persons to tender the oath to all the late officers of the king of Great Britain now in this state, together with such persons as have been judged inimical to the United States, by the General Court, or any committee of correspondence, or other persons in authority (provided such persons should not, voluntarily, have taken the oath before a justice of the peace, or town clerk); and all such other persons, that are or hereafter may come into this state, as the President and Council or the major part of the selectmen and committees of correspondence of any town, "shall suspect of holding principles injurious to the rights of this state."

The persons excepted from the privilege of this oath were such of the *mandamus* councillors as accepted the appointment, and those persons who left with the troops at the evacuation of Boston, and "have since joined the enemy"; such as stood charged with taking up arms against the United States; such as "have enlisted men for the enemy, or accepted a warrant or commission for that purpose"; and such as had supplied the enemy with provisions, or conveyed intelligence to them since the Declaration of Independence by this state.

The provision of the act (section 2) for committing persons refusing to take the oath, was omitted, and instead thereof such persons were to be sent off from this state by order of the Council (being permitted to take their families with them), to Europe or the West Indies. The provisions as to the expense of the transportation of such persons, and the disposal of their personal estates, were substantially the same in this draught as in the act. The provisions of the third section of the act are found in the draught, also, except the clause taking away the benefit of clergy.

In the second draught, the persons to whom the oath was to be tendered were declared to be "all who held commissions, civil or military, within this state, under the administration of Governors Bernard, Hutchinson or Gage, together with such persons who belonged to, and now are, within, or hereafter may come into, this state, as have or shall be suspected of holding principles injurious to the rights of this state, by this court, or any committee of correspondence, or other persons in authority," unless such persons should have voluntarily taken the oath, before a justice of the peace, or town clerk.

* *Sic:* Wood. † *Sic:* Davis.

The persons excepted from the privilege of this oath were, substantially, the same as those enumerated in section one of the act, — the difference being that the persons who left the state since Apr. 19, 1776, were excepted instead of those who left the state since Apr. 19, 1775; and those who stood "charged" with taking up arms, instead of those who had actually taken up arms, against the United States; and such as had supplied the enemy with provisions. No distinction was made in favor of such as were compelled by the enemy to take up arms; and the Declaration of Independence, "by this state," is referred to, instead of "the Declaration of Independency" as in the act.

The oath, in this draught, differed from the oath in the act, chiefly in the words, "so long as I shall receive protection therefrom," inserted, by amendment, after "Bay," and the words "as a free and independent state," inserted between the words "same," and "against," in the third line. The provisions, in this draught, respecting the transportation, and the disposal of the personal estate, of persons refusing to take the oath, were the same as in the former draught. The provisions of the third section of the act are expressed in this as in the former draught.

The same provision was made in this draught for sending off such persons as were excepted from the privilege of taking the oath, as was made for sending off persons refusing to take the oath, and with the like penalty for returning without leave. Section 5 of the act, was, substantially, incorporated in this draught, with the addition, by an amendment, of the following persons, after "attorneys-at-law," and before "shall": "the president, professors, tutors and other officers of Harvard College, masters of grammar, reading, and writing, schools, innholders, and retailers of spirituous liquors."

In the third draught, the declaration in the preamble concerning the king's abdication of his government of the United States, &c., was omitted. The oath prescribed was, substantially, identical with the oath required by the act, and was to be taken by "all the members of the General Assembly, and all and every commissioned officer or officers, civil and military, who are now in commission, or may hereafter be commissionated, by the Council of the state," or deriving any authority from such commission; also all town officers chosen or appointed after January, 1778.

The provisions of section 5 were, also, in the bill; but were confined, in their application, to the persons, above enumerated, who should be in office on or after Jan. 1, 1778. The oath to town officers was to be administered by a justice of the peace, or a town clerk.

The fourth draught authorized the justices of the Superior Court, and justices of the peace, to administer the oath, which was, precisely as in the act, to "all persons who belong to, and now are within, or hereafter may come into, this state, as have or shall be judged" (changed, by amendment, to "suspected of being") "inimical to the United States, or, as they shall suspect of holding principles injurious to the rights of this state." The excepted persons were the same as in the act; the clause in parentheses being inserted as an amendment. The provisions of the act (section two), for committing persons refusing to take the oath, were omitted, and the persons so refusing were, within forty days after refusal, to be sent, by order of the Council, to Europe, or the West Indies. The remaining provisions of section two were incorporated in the bill. The provisions of section three were also incorporated — save that the prohibition therein, operated only during the continuance of the war. The provisions of section four were also incorporated in the bill, with the omission of the clause against those who have supplied the enemy with provisions, and the clause excluding the offenders under this section from the enjoyment of the proceeds of their personal estates, and from the benefit of clergy. Section five was incorporated with very slight changes. In this draught, also, for the first time, the provisions of the sixth section of the act are inserted. Another section was added, to repeal chapter 48, of the acts of 1776-77.

It will thus be seen that the purpose, at first entertained, of disfranchising all voters who should refuse to take the oath, was abandoned; and from the list of persons required to take the oath, as at first proposed, were finally excluded the officers of Harvard College, schoolmasters, innholders and retailers; while attorneys-at-law were added to the list. The selection of persons to whom the test oath was to be tendered, instead of being left to the discretion of a public officer, as at first designed, was, by the bill finally enacted, to be based, in every instance, upon the written representation of responsible parties. The act was also more lenient, than the rejected bills, to those who might have been involuntarily drawn, or forced, into the service of the enemy, and it gave some hope for such of the *mandamus* councillors, and refugees, as had taken no active part against the revolutionary governments, and even to those who had furnished the enemy with provisions, and to such as were actually accused, though not convicted, of taking up arms against the United States.

"State of Massachusetts Bay Council Chamber Octor 12th 1779.—

Whereas it hath been represented to this Board that, many Prisoners of War who were ordered to be Confined in the Barracks in Rutland in the County of Worcester have found ways and means to make their Escape therefrom. Others have obtained passes from the deputy Commissary of Prisoners in that department to go at large in the town of Rutland and other towns within this State Either for their Curiosity only, or for the purpose of labouring for some particular Inhabitants of this State which mode of conduct is found to be big with mischief, therefore Ordered, that the Selectmen & Committes of Correspondence &c in the Several towns and Plantations within this State; be and hereby are directed, immediately, to apprehend all such Prisoners of war, as have made their Escape from the Barracks in the town of Rutland in the County of Worcester or have obtained passes or permits from the Deputy Commissary of Prisoners of War in that Department, to go at large or to labour for any of the Inhabitants of this State; and without loss of time to convey them to the Barracks in Rutland aforesaid, and there deliver them to the

Commissary of Prisoners of War aforesaid, at the Expence of the said Commissary. And all persons who have any of the Prisoners aforesaid in their Service, are also hereby directed, to return the same, to the said Commissary as they will answer their default

Attest JOHN AVERY D Sec'y." — *Mass. Archives*, *vol.* 175, *p.* 621.

The following proceedings relative to the exemption of certain persons from the operation of this act, and the foregoing order of the Council, are all that have been discovered:—

"To the Hon^ble the Council & Hon^ble the House of Representatives of Massachusetts Bay in Gen^l Court Assembled November 30th 1779

The Petition of William OBrien lately of the 9th Regiment and George Perkins lately of a detachment of the 33 Regiment of Gen^l Burgoins Convention Troops humbly shews.

That the said OBrien & Perkins Deserted from s^d Convention Troops about fourteen months since with a full design to become inhabitants of this Country & not to return to the British Troops any more, and have ever since laboured with the good People of this State in a peacable maner in the usefull Business of nail making, have each of us been Rated & paid Taxes the year past — And that your humble Petitioners are very Desirous of being true and loyal Subjects of this State, of taking the Oath of Allegiance & fidelity & of paying & doing our part for the support of the war & all other Taxes — Therefore pray your Hons to grant us the favours as above, and such protection as you Shall see meet, and that we may not be taken up or sent to the British Troops to be punished for Appearing in the Cause of American Liberty, and as in Duty bound ask leave to pray

JOHN BLAIN
DANIEL CONUERS
his
GEORGE + PARKINS
mark
WILLIAM OBRIEN

These may Certify that the above named O,Brien & Perkins have been imployed in my Service for so long a Time in the nail making Business that I can testify they are the Best of Workman & appear to be very honest peacable men, I believe them to be sincere in their above Declaration of fidelity &c and am willing to engage for their good Behaviour while they may Continue in this Town & I am satisfied they never will return to the British Service if they can help it

Oakham Nov^r 30th 1779 THOMAS MANN

These may Certify that the above named OBrian & Perkins have a good Character & we believe they might be of service to the Public if their Petition above should be granted.

These may Certify that the above named Perkins was Rated in Oakham & paid Taxes the year past
Nov^r 30th 1779
JESSE ALLEN
THO^S WHITE
ISAIAH PARMENTER
WILLIAM GREEN
} Selectmen of Oakham

ISAAC STONE in behalf of the Assessors." — *Ibid.*, *vol.* 186, *p.* 15.

"To the Hon^ble the Council and House of Representatives of Massachusetts State in Gen^l Court Assembled.

The supplication of John Foster & Robert Earl of the 34th Regt of Brittish Troops of the Convention at Saratoga Humbly Sheweth. —

That Wee the said John and Robart of the Convention Trops as aforesaid have for some time Resided in the Town of Holdin, in the County of Worcester. have Each of Us Married Wives in the Town of Holdin, and are now in Famely Compacts. have Conscientiously & Voluntarily Taken the Oath of Fidelity & Allegience, to the States under a View of Residing in the State of Massachusetts, and defending the same against Brittish Tyrany and Devastation, (as well as the Other States) your sincear Supplicants earnestly Entreat that wee the said John and Robart may have the Protection of the State & suffered to reside with our Famelies, and not taken and Confined in the Barracks at Rutland as wee are Informed must be the Case unless the Hnor^ble Court in their Wisdom shou'd se meet to Interpose in our behalf, your Suppliants in Duty Bound will ever Pray. —

Holdin Decembr 7' 1779
ROBERT EARL
JOHN FOSTER

Wee the subscribers Selectmen of the Town of Holdin recommend the Supplication of John Foster & Robart Earl to the wise Determination of the Hon^ble Council & House of Representatives of the State of Massachusetts Bay in Gen^l Court Assembled —

JAMES DAVIS
BENJA MEAD
JASON GLEZEN
JOHN PERRY
RICHARD FLAGG
} Selectmen of Holdin

this May Cartefy that Robard Earle & John Foster have payed thair pole Tax to me as tha wair Taxed in Septemb Last to the Continantle State and Town Tax Recvid by me

Holden Decmbr y^e 10th 1779 JOHN SYMONDS Constable in Holden."— *Ibid.*, *vol.* 225, *p.* 313.

This petition was read, in the House, Dec. 15, 1779, and committed to Messrs. Little, Brown, jun., and Gerrish, who were, "also, to consider all petitions of a similar nature."

"To the Hon^ble the Council and House of Representatives of Massachusetts State in Gen^ll Court Assembled—

The supplication of Thomas Craige of the 53 Regt Brittish Troops of the Convention at Saratoga Humbly Sheweth. That I the said Thomas of the Convention Troops as aforesaid, have for some time Resided in the Town of Paxton in the County of Worcester, have married a Wife in said Town, am now in Famely Compact constantly Employed in Weaving & have conscientiously & Voluntarily taken the Oath of Fidelity & Alle-

gience. to the States under a View of Residing in the State of Massachusetts, and defending the same against Brittish Tyrany and Devastation (as well as well as the Other States) your sincear Supplicant earnestly entreats that I the said Thomas may have the Protection of the State & Suffered to reside with my Famely and not Taken & Confined in the Barracks at Rutland as I am Informed must be the, unless the Honble Court in their Wisdom shou'd se meet to Interpose in my behalf your Supplicant in Duty Bound will ever Pray

Paxton Decemb 7th 1779— THOMAS CRAIGE

Wee the Subscribers Select men of Paxton Recommend the supplication of Thomas Craige to the Wise Determination of the Honbl Council & House of Representatives of the State of Massachusetts in Genl Court Assemble—

Paxton Decembr 7th 1779 — PHINE MOORE, DANIEL STEWARD, ABRAHAM SMITH, ADAM MAYNARD, JONAH NEWTON } Selectmen of Paxton." — *Ibid., vol.* 186, *p.* 29.

"State of Massachusetts Bay

Worcester ss July ye 3d 1779 Thomas Craige personally came before me & took the Oath of Allegience & Fidelity towards the State aforesaid as well as the united States of America he being formerly of the Convention at Saratoga —

JOHN FRINK Jus Pacis." — *Ibid., vol.* 225, *p.* 312.

"To the Honourable the Counsel and House of Representatives of the Massachusetts State in General Court assembled —

The Supplication of George Zaccharian Hattstatt of the Hessean Troops Taken Within Eight Days Sail of England Humbly Sheweth

That the said George Zachariah Hattstatt of the Hessean Troops as aforesaid hath for Near two years & an half Resided in the Town of Paxton in the County of Worcester Have married a Wife is said Town, am now in Family Compact, Constantly employed in Farming Business have Conscientiously and Voluntarily taken the Oath of Fidelity and Allegience to the States under a View of Residing in the State of Massachusetts and Defending the same Against Brittish Tyrany and Devastation (as well as the other States) your Sincere supplicant Earnestly entreats that Tthe said George may have the protection of the state and suffered to reside with my Family and not Taken and Confined in the Barracks at Rutland as I am informed must be the Case unless the Honble Court in their Wisdom should see mete to interpose in my behalf you supplicant in Duty Bound will Ever Pray

Paxton December 11th 1779 GEORG ZACHARIAH HATTSTATT

We the Subscribers Selectmen of Paxton Recommend the The Supplication of George Zachariah Hadstatt to the Wise Determination of the Honble Counsel and House of Representatives of the State of Massachusetts in General Court assembled

Paxton December 11th 1779 — PHINE MOORE, ADAM MAYNARD, JONAH NEWTON } Selectmen of Paxton." — *Ibid., vol.* 186, *p.* 34.

"To the Hon[l] the General Court now Siting in Boston

The humble Petition of Adam Primer A Native of Brunswick in Germany whereas your Petitioner did some time in Month of Novr 1776 Desert with his wife from Stillwater in Canada & come over to the American Troops bringing with him his Sword Gun &c and delivered the same to General Gates for which your Petitioner Recievd ten hard Dollars from his Exelency General Gates as a bounty and Certificate to show that he had Voluntarily come to the American side your Petitioner then came to Dedham where he Lived with Doctor Sprague five Months after wards ten Months with Saml A Otis Esqr in Boston then twenty two Months with Mr Thomas Dennie with whom he now lives at and in the month of August last the House which his wife lives in was broke open by one Henry Ling from whence was taken some hard Money and a Pocket Book which Contain'd some Paper Money and the Certificate Given by his Exelency General Gates which Pocket Book and Certificate he Could not find by which means your Petitioner is not able to prove that he is a Deserter your Petitioner would therefore Pray your Honours that he may be permited to take the Oath of Fidelity to these United States and continue a subject thereof as your Honours must know that should your Petitioner be sent back to the British Army he must Loose his Life for Desertion your Petitioner doubts not for the reasons before mentioned your Honours, wold grant his request & you Petitioner as in duty bound Shall ever Pray ADAM PREMER." — *Ibid., p.* 35.

"To the Honble the Council & House of Representatives State of ye Massachusetts bay —

The petition of William Sommer a Native of Brunswick humbly sheweth, that whereas your petitioner was sometime past captur'd by Genl Starks at Bennington since wch he has lived in this Town & Married to an Inhabitant of this State by whom he has a Young Child & he having a great attachment for the United States humbly prays that he may be permitted to take the oath of allegiance to the *United States* to wch he promises to behave as a good & faithfull Subject. And yr petitioner as in duty bound will ever pray

Boston 16 Decr 1779 WILLIAM SOMMER." — *Ibid., p.* 36.

* "In the House of Representatives Dec 20 1779

On the petitions of George Perkins William OBrian Robert Earl John Forster & Thomas Craige Brittish Troops of the Covention of Saratoga, That they have Voluntarily left the Corps, to which they belonged, and are Married in this state, and here reside,

* Chapter XX. of the printed resolves, December session.

they have taken the Oath of Allegiance & fidelity to y^e^ United States, and have paid their Taxes, and done their part for the Support of the war — They pray they may be allow^d^ to reside in this state with their Families, and not taken up and Carried to the Corps from which they diserted, as Set forth in their Several petitions —

Therefore Resolved that the said George Perkins & William OBrian who have produced Certificates, from the Select men of the Town where they reside, that they appear atach^d^ to the Government of this state and bid fair to be usefull members of society, have liberty to reside in this State during the Courts pleasure, that the other petitioners, Viz Robert Earl John Foster & Thomas Craige, by producing such a Certificate have liberty to reside in the state & Towns where they now dwell, till Otherwise Ordered —

And as divers German Troops have been impressed into the Service of the Brittish King and sent into this Country Contrary to their Inclination and in Violation of the rights of humanity to Carry on this unnatural Warr against these states, and as Every Nation has a right to weaken the Armies of the power with which it is att warr —

And it is therefore further Resolved than any person or persons who made a part of the German Troops, in the pay & Service of the brittish King imploy^d^ in the American War, under the Command of Gen^l^ Burgoyne or others, & who have left the Service of the said King and has resided within this state for the space of three months, by producing a Certificate from the Select men of the Town or Towns, within this state where they have so resided and have taken the Oath of Allegiance & Fidelity as afores^d^ shall not be Carried without said state, taken up or imprisoned, within it under pretence of their being prisoners of war unless the Councill of said state from such persons Character & Conduct shall see fit to order it, or by the order of the General Court. — B Sent up for Concurrence

John Hancock Spk

In Council Dec^r^. 21.^t^ 1779 Read & Concurred with an Amendment from A to B Sent down for Concurrence John Avery D Sec^y^

dele from A to B and insert It is therefore further Resolved That the Major Part of the Council be and they hereby are requested upon application to them made by any Person or Persons who made a part of the German Troops in the pay and Service of the British King employed in the American War, and who have left the Service of the said King and have resided within this State for the Space of three Months and producing a Certificate from the Selectmen of the Town or Towns within this State where they have so resided that he or they have behaved orderly and peaceably, and are likely to make good Inhabitants to permit such German or Germans to reside within this State until further Order from the General Court or the Council and to prohibit them from being carried out of this State or imprisoned within the same; provided the said German or Germans shall take the Oath of Fidelity and Allegiance to this State before some one Justice of the Peace within this State who is hereby authorized and impowered to adminster the same after the Major Part of the Council have granted such permit as aforesaid and not otherwise —

In the House of Representatives Dec^r^ 21. 1779 Read & concurrd John Hancock Spk^r^

Consented to" — [Signed by sixteen of the Council]. — *Ibid., vol.* 225, *p.* 310.

"To the hon^ble^ the Council and the hon^ble^ the House of Representatives in General Court assembled.

The Petition of Robert Todd humbly sheweth, That your Petitioner is one of the Convention Troops taken at Saratoga, that he has resided at Leicester for sixteen Months past, where he has constantly followed the Weaving of Cloths which Trade he is Master of. That he has taken the Oath of fidelity or Allegiance, & paid his Taxes chearfully.

That he is determin'd to spend the remainder of his days in these United States, if he may be allowed so to do, if he should be forced back to his native Country, or exchanged and join the Regiment to which he belonged, he should expect to suffer the pains of Death. Your Petitioner therefore humbly prays, that your Honors would take his case under consideration, and grant him Protection or otherwise relieve him from those Anxieties of Mind he now labours under; and he promises ever to behave himself as becometh a good Subject of these States. And your petitioner as in duty bound shall ever pray.

Robert Todd

Leicester Dec^r^ 23^d^ 1779.

Leicester 29^th^ Dec^r^ 1779

We the Subscribers Select-Men of the Town of Leicester, do certify, that Robert Todd one of the Convention Troops has resided in this Town about sixteen Months, that he has steadily followed the Business of Weaving, that he has taken the Oath of Allegiance and paid his Taxes, is a useful Member of Society, and behaved during his residence here, as becometh a good Subject of this State, and we believe is a friend to the welfare of the United States.

Wm Henshaw
John Southgate
Samuel Denny. — *Ibid., vol.* 186, *p.* 42.

This petition was read in the House, March 10, 1780, and committed to Messrs. Thatcher, Page and Grow.

* "State of Massachusetts Bay — In the House of Representatives March 23^d^ 1780

On the petition of Robert Todd a British Soldier of the Troops of the Convention of saratoga Representing that he has voluntarily left that Corps with an ardant desire to reside in this State that he has taken the Oath of Allegiance & fidelity to the United States that he has paid public Taxes and has produced a Certificate from the Select men of Liceseester where he resides that he appears to be a good member of sosiety and attached to the wellfare of this State

Resolved that the prayer be so far granted that the said Robert Tood be permitted to

***Chapter LVIII. of the printed resolves, March session 1779–80.**

reside in this State and in the Town of Leicester untill further Order of the General Court or of the Congress of the united States — Sent up for Concurrence JOHN HANCOCK spk
In Council March 23d 1780 Read & Concurred JOHN AVERY D Scy
Consented to —" [Signed by fifteen of the Council]. — *Ibid*, *vol.* 226, *p.* 310.

"State of Massachusetts Bay

To the Honourable Council, and House of Representatives, at Boston, in General Court assembled. — The humble petition of James Smith (who was one of ye prisoners included in ye capitulation of Gen. Burgoyne, and his Troops at Saratoga:) sheweth, that he ye said James, after being quartered at Prospect Hill, about Six weeks, made his escape from ye corps to which he belonged; and having an inclination to set up his trade, went to Marlborough where he likewise did: that is, of making & cutting files, which being serviceable to ye inhabitants and he finding full employ, tarried there a considerable time, in which, he married a young woman an inhabitant of that place — After which he moved, himself and Wife to Sutton, ye present place of Residence, where he also pursues his business, (as he hopes to good acceptance Your Petitioner having seen an Order of your Honour's, for returning all deserters, and others of sd prisoners to their respective Corps, or to the barracks in Rutland, and some of said prisoners having been carried from this Town, to ye said barracks at Rutland; (although he hath been left through ye goodness of ye people,) Your Humble petitioner prays, your Honours to consider his present situation; & ye punishment he will be subject to should he be returned; and also his Wife, whose Situation is not proper to be left by a husband especially, that your Honours would liberate your petitioner, from ye aforementioned order, and permit him to tarry here and follow his business as he hath heretofore done: Which Grant, your humble Petitioner will gratefully acknowledge; and for your Honours, as in duty bound shall ever pray
Sutton 4th Feby. 1780 JAMES SMITH." — *Ibid.*, *vol.* 227, *p.* 209.

"Sutton Feby 25th 1780

These are to Certify that ye within name'd James Smith has lived in this Town, about a Year, and has work'd at his Trade of file cutting, and making, which business is of great service to this, and ye adjacent Towns; and that he has behaved himself to general satisfaction,

Signed — AMOS DWINEL, JOSEPH ELLIOT JR, MICHA PUTNAM, THOMAS LANMON, WILLIAM CHASE, EZEKIEL MOORE, JONATHAN BARNARD

Uxbridge February ye 28 1780 —

These may Certifie, that the within Petitioner has workd in the Business of File Cutting, in Uxbridge To the Unevarsel Satisfaction of every implover & we appeard. him to be a Faithfull and Industerus Parson and of Publick service to the Community

SIMEON WHEELOCK, ELIJAH FLYNT, REUBEN THAYER, GIDEON LESURE, JOHN STEPHENSON, ROYALL TYLER, DAVID KILBY, NATHL DROWN."— *Ibid.*, *p.* 208.

"In Council April 11' 1780 Read & Ordered — That Noah Goodman Eqr with such as the Hon'ble House shall join be a Committee to take into Consideration this Petition & report what may be proper to be done thereon Sent down for Concurrence
JOHN AVERY D Scy

In the House of Representatives April 15, 1780
Read & concurrd & Mr Singletary & Coll Thatcher are join'd
JOHN HANCOCK Spkr — *Ibid.*, *p.* 209.

"State of the Massachusetts Bay } To the Honble the Council and house of Representatives of said State.

Humbly Shews George McBride that he was born in Ireland, and when only fifteen years of age was made a Soldier in the army of Great Britain by force and fraud of the vilest kind; — that in justice he could not be holden in that service, and ever intended to leave the first Opportunity; and accordingly when General Burgoin's Army lay at Saratoga & before the convention he did leave it and put himself under the protection of the American States with a determination ever after to remain a Subject thereof, but has lately been arrested and is in danger of being returnd to the british Army, and must there suffer death if America does not continue to protect him.

Wherefore he most humbly prays your Honours that he may be admitted to take the oath of allegience to this State and be admitted a Subject thereof.

his
Lancaster April 3, 1780. GEORGE × McBRIDE
mark
Lancaster April 3. 1780

We the Subscribers do certify that George McBride within named has resided in Lancaster towards two years that he appears to be an honest industrious young man, he has ever profest an attachment to the American States and a fix'd intention to be, & remain, a Subject of them, and we have no reason to suspect his sincerity.

WM DUNSMOOR, JOHN SPRAGUE, WM GREENLEAF, NATHL BALCH, JOSEPH WILDER, NATHL BEAMAN, SAMLL ADAMS, JOSEPH NOWELLS, NATHAN FAIRBANK, MICHL NEWHALL, ANDREW HASKELL, JEREMIAH HASKELL JUNR, JOSIAH WILDER, SAMLL WILDER, JONAS WYMAN

In Council April 11'. 1780 Read & Committed to the Committee appointed upon James Smiths Petition
Sent down for Concurrence JOHN AVERY D Scy."— *Ibid*, *vol.* 186, *p.* 159.

"The Committee of both Houses appointed to consider the Petition of Ebenezer* Smith beg Leave to report the following Resolution† NOAH GOODMAN Pr ordr

On the Petition of James Smith one of the prisoners in the Capitulation of General Burgoyne and his Troops at Saratoga Praying that he may reside at Sutton

Resolved that the prayer of said petition be so far granted as that the said James Smith be and hereby is permitted to reside at Marlborough until the further order of ^A the General Court —

In Council April 18 1780 Read & accepted with Amendment at ^A Sent down for Concurrence SAM^L ADAMS Secry.

at ^A insert the Words, *Congress or*

In the House of Representatives April 18 1780 Read & concurrd

JOHN HANCOCK spk

Consented to" — [Signed by sixteen of the Council]. — *Ibid., vol.* 227, *p.* 207.

See, also, note to chapter 25, *post.*

Chap. 20. This chapter originated in the Council, Jan. 15, 1778, by the passage of the following order: —

"On Motion Ordered That W^m Sever and Sam^l Holten Esq^rs be a Committee to consider that Part of an Act for enabling Towns to raise Money for carrying on the present War requiring the Collectors of the several Towns, Plantations &c to execute all such Warrants in the same Manner they are by Law obliged to execute Warrants for collecting other Town Rates & report what is best to be done thereon."— *General Court minute book.*

On the 27th, Benjamin Austin brought down to the House a bill, with an endorsement thereon, of the same date, that it had been passed to be engrossed, in the Council, and was sent down for concurrence.

The bill was immediately read in the House, and ordered to be read again on the 29th; but was not reached until the 30th, when the second reading was put off to February 2d, and then, after a reading, it was committed to Messrs. Frazier, Cross and Singletary. This committee reported on the 5th, and the bill was thereupon assigned to the 6th, for a third reading. On the 6th, it was read, accordingly, and, on the 7th, was passed to be enacted, by the House, and, on the 8th, by the Council.

Chap. 21. The following petition, together with the report of a committee of the town of Wrentham, and the vote of the town accepting the same, — which report and vote appear in a foot-note to this chapter, on p. 776, *ante,* — was read in the House, February 24, 1778, and committed to Messrs. Nichols, Farley and Coffin, who reported, verbally, the next day, that the prayer of the petition be granted, and that the petitioners have leave to bring in a bill for incorporating the west precinct of Wrentham into a town: —

"To the Honorable Council and House of Representatives of the state of Massachusetts Bay in General Court assembled

The petition of the subscribers in behalf of the inhabitants of the west Precinct in Wrentham Humbly sheweth —

That the Township of Wrentham is Considerably Large and the inhabitants with their Lands & improvements are scituated very much in two Divisions and but thinly settled Between the two Precincts; the Lands admitting of but few settlements That the Publick Business of the Town neccessary to be Transacted is very Considerable and has Long been Complained of as a Burden by those who are oblidged to take a part, by means of Travil & Fatigue together with the Disappointments that often take place, That your Petitioners apprehend themselves sufficient in Number and Ability for a Town, and that in many Respects y^e advantages to them would be much greater than to remain in their present scituation, That they have lately obtained a vote of the Town Expressing their willingness that your petitioners should be incorporated into a Town by the followings Bounds viz Begining at Charles river where Medfield line Comes to said river thence running south seventeen Degrees & an half west untill it Comes to one rod East of the Dwelling House of M^r William Man thence a strait line to the Easterly Corner of M^r Asa Whitings Barn, thence a strait line to sixty rods Due south of the old Celler where the Dwelling House of Eben^r Healey formally stood thence a Due west Course by the needle to Bellingham line said Bellingham line to be y^e West Bounds and Charles river to be the Northerly Bounds,

your pet^rs Therefore Humbly pray That your Honors wou'd be pleased to incorporate them into a Town by y^e above Disscribed Bounds with the same powers & Privileges that are allowed to other Towns within this state

And your pet^rs as in Duty Bound shall pray

SAM^LL LETHBRIDG
JOSEPH HAWES
JOSEPH WHITING JR } Com^tee."— *Mass. Files: Bills,* 1778.

The committee presenting the petition, acted under the following vote of the town: —

"Wrentham Second Precinct February 20 1778 the freeholders and other inhabitents of said Precinct Being Regurly assembled made Choice of the following Persons for a Com^tee to Petition the General Cort to Set off Said Precinct into a Destinct Township. Viz mist^rs SAMUEL LATHBRIDGE

Wrentham Febr^y 23 1778 JOSEPH HAWS
JOSEPH WHITING JN^R "— *Ibid.*

On the 27th, a bill for incorporating the westerly part of the town of Wrentham, by the name of Exeter, was read twice, in the forenoon, and read a third time, in the afternoon,

* *Sic:* James.

† Chapter CXCVIII. of the printed resolves, March session, 1779–80.

and passed to be engrossed, — "the House having first voted to alter the name of the town to that of Franklin." On the 2d of March, the bill was passed, in the Council, to be engrossed, and, the same day, it was passed to be enacted.

Chap. 22. The bill of this chapter was passed, in the House, through all the stages, to engrossment, March 7, 1778, and was then sent to the Council, for concurrence. On the 10th, the Council passed it, in concurrence, to be engrossed, with an amendment inserting the words "from and after the fourteenth day of March, one thousand seven hundred and seventy-eight," in the third and fourth lines of the first section, and substituting the conclusion of the first section — beginning with the word "excepting," in the fifth line — for the following clause in the original draught: —

"Excepting the Clause which permits the sale of Continental Stores by the Commissary General or his order in Consequence of Resolutions of Congress which is not Intended by this Act to be Admitted. provided nevertheless, this Act shall not Extend to prohibit the Sale of any Goods which has been or may be directed by the special Order of this Court." — *Mass. Files: Bills*, 1778.

The bill now went back to the House, where the second section was offered as an amendment, and the bill was again sent up for concurrence. The Council concurred in it, on the same day, and, on the 12th, it was passed to be enacted.

"To the Hon^ble the Council, & House of Representatives of the State of Massachusetts-Bay, —

The Board of War for said State beg leave to represent, —

That they have in their Stores sundry Articles not necessary for Publick Use, the disposal of which at private Sale is attended with Delay & Inconvenience, as some of them are in a perishing Condition. — That they have several Vessels now at the Wharfs which they find it impracticable to make Sale of by private Contract without considerable Loss; — For these Reasons, the Board pray your Honors to grant them Permission to sell at Publick Vendue, all such Vessels, Goods, & Effects, as they now or may have in their Hands which are not wanted for Publick Uses, as to them shall appear necessary, & proper — By Order of the Board

SAM PHPS SAVAGE Pres." — *Mass. Archives, vol.* 219, *p.* 108.

"State of massachusetts Bay — In y^e House of Representatives June 17 1778 —*

on the representation made by the Board of War, that there are several Vessels belonging to this state, lying at Wharfes, & that they have sundry articals on hand, which are not Necessary for the Publick use, some of them in a perishing Condition, the Disposeing of which, at private sail is attended with Delay & Inconveniance —

Therefore resolved that the Board of Warr, be & they are hereby Impowered, to make sail at publick auction, of all such Vessels, & articals belonging to this state, as they now, or may have in there possession, not Necessary for the publick use, any law of this state, to the Conterary Notwithstanding, — sent up for Concurrence

SAM^LL FREEMAN Spk P T

In Council June 17.' 1778 Read & Concurred JN^O AVERY D^y Sec^y

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 107.

Chap. 23. The proprietors of Coxhall, now Lyman, Maine, applied to the General Court for an enlargement of their grant, in November, 1761; and their petition was for several years, the subject of numerous motions and orders. The plantation was settled about 1767, and in 1774 the settlers asked to be incorporated into a town; but without success.

The following is the petition of these proprietors: —

"Province of the Massachusetts bay } To His Excellency *Thomas Hutchinson* Esquire, Governor and Commander in Chief in & over said Province, The Honourable his Majesty's Council, and the Honble the House of Representative in General Court assembled Jan^ry 26, 1774 Humbly sheweth,

The Petition of the Subscribers Inhabitants, Proprietors & Owners of a certain Tract of Land commonly called & known by the Name of *Cor-Hall* situate within the County of *York*, at the Head of the Towns of Wells & Arundel, and bounded, begining on the west of Mousom River, a little below the great Falls there, at a Pitch Pine Stump, from thence, crossing said River, on a northeastwardly Point of Compass and runing by said Wells and [Arundel six miles until it†] comes within four Miles of Saco-River, to an Oake Island So Called thence from s^d Arundel Line on a northwesterly Course, continuing at the Distance of four Miles from said Saco-River, (and paralel thereto,) back into the Country six Miles, & an Hundred and twenty Rods to a hemlock Tree marked on four Sides, about forty Rods to the northward of a Pond Called Swan Pond, from thence a-thwart said Pond, (excluding about two Thirds thereof,) on a southwest Course six Miles to a Read Oake Tree mark'd on four Sides and thence on a southeast Course to the Bounds & Pine-Stump, by s^d Mousom River first mentioned, including therein about Twenty three Thousand, & forty Acres,

That the erecting and incorporating said Lands into a distinct & seperate Town will greatly contribute to the Growth & Increase of it's Settlement and Inhabitants, as well as remedy many Difficultys & Inconveniencies they now labour under for Want of a Gospel settled Minister, proper, competent & convenient Schools & Highways, &c; whereby might be much promoted & furthered the Interest of every Proprietor therein concern'd.

Wherefore your said Petitioners, humbly intreat your Excellency & Honours would

* Printed resolves of the May session, chapter LXXX.
† The words in brackets are torn out of the original.

take the Premisses into your prudent Consideration, and pass an Act for the Purpose of erecting & incorporating the same accordingly, and your s[d] Petitioners, as in Duty bound will pray —

Inhabitants Subscribers —	&	Non resident Proprietors
NATHEL CONANT	JAMES BIRKES by order	JOHN BAKER
SAM[LL] FRIEND	WILLIAM BIRKES by order	NATHANIEL KIMBALL
ALIEN GOODRIDGE	LEWIS MARTIN	SAMUEL BAKER
MOSES SWEAT.	ELISHA LITTELFIELD	[†]
SAMUEL DORMAN	STEPHEN STIMON by order	BENJ[A] JONES
THOMAS KIMBALL	NATHANEL GOOLD	CALEB DODGE
HUMPHREY WHITTEN	SETH PEABODY	JOSHUA CLEAVES
BENJAMIN TRIPE	MORGAN LEWIS	DANIEL HEARD
JOHN WHITE by His order	DANIEL* MCDANIEL	JOHN FRIEND
JOHN GOODRIDGE JUNR	BENJAMIN GOODRIDGE	NATH[L] FARLEY
SAMUEL CONNOR and oners*	DODIFORD RICKER by order	SAMUEL EMONS‡
CALEB KIMBALL	DANIEL LEARY	JOSEPH COUSENS." † —
ELISHA SMITH	DANIEL HEBBARD	*Mass. Files: Bills*, 1778.
JOSEPH TAYLOR	SAMUEL HENDERSON	
JOHN EMONS	JEREMIAH EASTMAN	
BENJAMIN STEPHENS	SIMEON COFFIN	

The bill of the present chapter was read a first time, March 11, 1778 and, on the same day, was passed to be enacted.

This act was suspended by successive resolves, but finally confirmed by the act of 1779-80, chapter 39. See the note to that chapter, *post*.

Chap. 24. "We would recommend a revision of the Militia Act as upon Examination it will be found there are divers defects in said Act that require an immediate remedy." — *Extract from the Council's message to the House, Nov.* 26, 1777: *Mass. Archives, vol.* 158, *p.* 99.

"Dec. 9, 1777. Order of the House, that Colonel Sartell and Colonel Little with such as the Honb[le] Board shall join, be a Committee to revise the Militia Act and report what Additions or Amendments are proper to be made. Read and Concurred and Timothy Danielson Esq[r] is joined." — *Council Records, vol. XXXVIII., p.* 192.

On the 26th of January, 1778, Timothy Danielson, in behalf of the committee above named, reported to the Council a bill with the title and preamble of this chapter, substantially. It contained the first three sections of the act, with another section, between the second and third, providing that each brigadier-general whose brigade consists of six regiments, should provide one field-piece and the necessary accoutrements, according to section 25 of the former militia act (1775-76, chap. 10, § 25), in addition to the two pieces already required by that act. And, to work this field-piece, the brigadier-general was also required to cause an additional company of matrosses, organized, officered and regulated in the same manner as those provided for by the former act, to be enlisted "from such town or towns as he may judge most conducive to the public good."

This bill was read, in Council, January 31st, and sent down to the House, where, on the same day, it was read a first time, and ordered to be read again on the 3d of February. After the second reading, according to appointment, the bill was committed to "Mr. Sumner, Gen. Hancock, Mr. Crane, Brigadier Warner and Captain King," "to revise the act to which this is in addition, and report a new draught of both, in one."

While the bill was pending, the following petition, which had been committed to Brigadier Frost, Major Hyde and Mr. Sexton on the 2d of February, and reported upon, was referred to the committee on the militia bill, who were "directed to insert a clause making provision that all upon the alarm list may form themselves into independent companies:" —

"To the Honourable the General Court now Setting at Boston, in the State of the Massachusetts Bay.

May it Please your Honours —

We the Subscribers being appointed a Committe, by and in behalf of the Independant Company called the Silver Grey's, belonging to East-Hoosuck, New-Providence, Lanesborough, & Gageborough, in the County of Berkshire,

Humbly Sheweth that your Petitioners considering the Inconveniency which arriseth on account of the Men of the Alarm List, and those of the train band being Jo[in§]ed together in one Company, and for the Promotion of the General Cause, being convened together at the House of Coll Joab Staffords in New Providence on the 12 Day of August 1777 Come into the following Agrement Viz

First we do Covenant and agree to be an Independant Company, and to form our Selves into Order accordingly,

2[d]ly We will engage to Stand by one another in the Supporting the Authority of our own Officers, and in promoting harmony and good order among our Selves

3[d]ly We will Chuse by Ballot or otherwise our own Officers out of our own Company.

4[th] We Solemly engage to use our utmost Interest, and ability, in the defence of the American States against the Cruel and Oppressive power of Britain, And to this end we will prepare our Selves to be in Readiness to March to the Assistance of our Brethren, on

* Doubtful.
† Torn out of the original. Conjectured to be "Robert," or "Richard, Kimball."
‡ The names are subscribed between the columns. It is therefore uncertain to which list they belong.
§ Manuscript mutilated.

the Shortest notice, provided with Horses, & accoutrements necessary on Such an Occation —

5th We further agree to Submit our Selves to Such further orders, and directions as we Shall recieve from the General Court of this State, —

Immediately after our thus forming, and Choosing our Officers, we were called upon and did Distinguish our Selves in the late Battle near Bennington, and always have been, and Still are desirous to promote the good Cause of our Country, We therefore pray your Honours, to Establish our Said Company by the name of the Silver Greys, and to Commissionate our Officers, which are Coll Joab Stafford Capt, Lieut Dydimus Parker, 1st Lieut, Capt Thomas Bussey 2d Lieut, & Lieut. Thomas Collins Ensign, and to enable us to procure pay for the Services which we have already done, and your Petitioners as in duty bound Shall ever pray.

JAMES BARKER
JOSEPH BENNET } Committ." — *Mass.*
JOAB STAFFORD

New-Providence
October 14th Annoq 1777

Archives, vol. 183, *p.* 230.

On the 9th of March, the House reconsidered their vote directing the committee to incorporate this bill and the former act, in one bill. The committee thereupon reported a bill containing all the sections of the present chapter, except the last, and the final clause of section 4, — which were added by amendment. The fourth section was also further amended by changing the requirement of quarterly returns by, and quarterly payments to, the adjutant-general, to the form in which that section stands in the act. A final section, providing that no choice of any captain or subaltern officer should be valid, nor any commission issue to him upon his election, unless he should be approved and recommended to the Council by two of the field officers of his regiment, was stricken out.

The bill, which had been read a second time, on the 10th, and again committed, was read a third time, and passed to be engrossed, as amended, in the House, on the 11th; and, on the same day, it was read a first time in the Council, and on the next day was there passed, in concurrence, to be engrossed, and, on the 13th, was passed to be enacted.

The following orders were passed for the distribution of the printed copies of this act: —

"Apr. 17, 1778. *Ordered*, That Col. *Mitchell*, Col. *Brooks* and Mr. *Hastings* be a Committee to consider how many of the additional Militia Acts are necessary to be printed, and how they shall be distributed, and to whom." — *House Journal*, *p.* 230.

"Apr. 18, 1778. *Ordered*, That the Clerk deliver the additional Militia Acts, on Application, to the several Colonels or Commanding Officers of the several Regiments of Militia in this State, one for each Field-Officer and one for each Captain. — *Ibid.*, *p.* 232.

"June 16, 1778. *Ordered*, That Mr. *Phillips*, Col. *Pope* and Capt. *Williams* be a Committee to enquire of Mr. *Gill* respecting the printing of the Laws, and more especially the late Militia Law. Who reported, and it was ordered that they make further Enquiry of the Secretary." — *Ibid.*, *p.* 29.

"June 23, 1778. *Ordered*, That Mr. *Singletary*, Capt. *Perry* and Mr. *Adams* be a Committee to distribute the additional Militia Laws to such Regiments as have not been supplied." — *Ibid*, *p.* 37.

Chap. 25. The bill of an act with the title of this chapter, omitting only the words "and explanation of," was passed, in the Council, to be engrossed, February 10, 1778, and was read a first time, in the House, and committed to Messrs. Porter, Clap and Dix, on the same day. No further traces of this bill have been discovered, except that, on the 11th, it was referred to a joint committee, consisting of Col. Porter and Capt. Stone, of the House, and Caleb Cushing, of the Council, appointed to consider the following memorial, which was presented to the House on the same day: —

"State of Massachusetts Bay — } To the Honble Council & the Honble House of Representatives, in General Court assembled at Boston, February 1778

The Committee of Correspondence Inspection & Safety for the Town of Boston, beg leave to represent —

That immediately on the promulgation of the late Law, prescribing the form of an Oath or Affirmation of Allegiance to this State, this Committee proceeded to make representation to a Magistrate of such Persons, as have for a long time been suspected by their fellow Citizens, of being inimical to the United States, in order that their sentiments and dispositions might be put to the test, and the public Safety secured; purposes which in the Opinion of this Committee that Law was most happily calculated to effect. Several Persons, to whom the Oath was tendered by Joseph Greenleaf Esq. one of the Justices of the Peace for the County of Suffolk, deliberately refused to take it, and were by mittimus from said Justice committed to the common Goal of the County, in consequence of such refusal: After remaining in confinement a few Hours, part of them viz. Samuel Danforth, James Lloyd, Isaac Rand & George Lush, made application, either by themselves or their Friends, to the said Justice for liberty to take the Oath, and be enlarged; The said Justice accordingly released them from confinement and afterward, administred to them the Oath: —Since their enlargement, one or more of them have declared that they will never take up Arms —

On the foregoing Facts this Committee beg leave to observe to your Honors; that they humbly apprehend the administring the Oath and liberating the foregoing Persons after their Commitment was an extrajudicial Act of the Magistrate, and altogether unwarranted by the Statute aforesaid; Because they know of no Sentence in the whole Statute that literally gives the Magistrate such a power, or by any equitable construction of which, he may be warranted to exercise it

For if the Law was made for the furtherance of the *public Good*, it ought by a known maxim of the Law 'to be construed in such a manner, that it may as far as possible attain the end proposed'— But in this construction of it, what purposes are answered?—the Per-

son to whom the Oath is tendered has only to suffer himself to be committed to Prison, after which he can safely take the Oath, be his Disposition ever so inimical, because on the Principle of Duress he can absolve himself in Law & Conscience from every obligation it imposes—

And this they are perswaded will be the case with many of the Persons to whom the Oath shall be hereafter tendered—and thus instead of being the Instrument of ridding us of our internal and worst of Enemies, it will rather be the means of securing them as such among us; and this best of Laws instead of being a Barrier to the public Safety, will be perverted into a trick upon the Community, and terminate in the same farcical Issue with the late Tory Law,—

Besides if the power given the Justice in this case is altogether Judicial, they apprehend that immediately upon the Commitment of the Person refusing the Oath, the Judgement of the Justice is complete, and the Party remediless by *him;* because no Judicial Authority whatever has a right to reverse its own Judgement.

If his power is merely that of Enquiry, and the Commitment of the Offender, only meant to secure his Person, till a higher Authority should determine upon his Offence, in what instance was it ever known that a Magistrate who had committed any Person on suspicion of a Crime, which he was not competent to determine, undertook to set the Offender at unconditional liberty; and to acquit him from the Charge—

For these Reasons this Committee supposed that no Remedy was left to the Persons committed for refusing the Oath, but by application to your Honors, who are the Supreme Power of the State, and who alone have a right to reinstate those in the Privileges of Citizens, who have by their solemn Act withdrawn themselves from the protection of the State, and implicitly made themselves its public Enemies—

The Committee have accordingly suspended any further proceedings upon the Law, till they can be informed by your Honors of the true intent & meaning of the Statute—they therefore request the Honourable Court to take the matter under consideration, and explain the Law touching the matter contained in the foregoing Representation; and if your Honers are of Opinion, that the Act of the Justice in liberating the said Lloyd Danforth, Rand & Lush after their Commitment, was a matter to which his Jurisdiction did not extend, that you will take such Orders for carrying the Law into execution against them, as to your Wisdom shall seem best— By Order of the Committee

JOHN SIMPKINS Chairman."—*Mass. Archives, vol.* 183, *p.* 412.

A counter memorial, presented to the House on the 11th, and referred to the same committee (the Council concurring on the 12th), is as follows: —

"State of Massachusetts-Bay } To the Hon^ble the Council & the Hon^ble the House of Representatives for said State in General Court assembled;—The Memorial of James Lloyed and Samuel Danforth humbly shew—

that your Memorialists, being called upon by a Warrant, issued by the Worshipful Josep Greenleaf Esq^r., upon the Complaint of the Committee of Correspondence &c &c &c for the Town of Boston, to take the Oath of Allegiance and fidelity, to this State; they did, after a few hours deliberation, comply with the same.

And Whereas said Committee have preferred a Petition to your Honors, setting forth *their* sense of the Act, containg the form prescribed for said Oath, suggesting Male-conduct in the Justice, who administered said oath, and praying, among other things, an Explanation of said Act, which may, in its Consequences, materially affect your Memorialists. they therefore humbly pray your Honors, that the Prayer of Said Committee's Petition, so far as respects them, may not be granted.—

first—Because the facts set forth in said Petition, so far as they are pointed at your Memorialists, are not true.

Secondly Because, the Conduct of said Justice was legal, he having done nothing, but what is incident to every Court of Record, in the most solemn adjudications upon the Law.—

thirdly Because, if the true intent of the Law is not followed, it must be owing to a Deficiency in the Judge, whose part it was to decide upon it. — and your Memorialists cannot now be recommitted to Goal, but upon the Presumption of their *refusing to do, what they have already done.* —

fourthly Because, having complied with the Law, (whether it was effected by legal, or illegal Means.) they are entitled to the reciprocal benefit of Security and Protection, arising from it.—

fifthly Because, the Supreme *Legislative* Authority must be exerted, in a *judicial Capacity,* (to give any force to the Construction, as prayed for, against your Memorialists.) which never can take place, without affecting the Dignity of Government, the Sanctity of judicial Decisions, & the Stability of Law — and therefore in giving a *new* Construction to a Statute, or rendering a *doubtfull* one, *certain,* ought always to respect it's future Operations, in Nature of a new Law, & never to carry a retrospective Influence—

JAMES LLOYD
SAMUEL DANFORTH." — *Ibid., p.* 409.

The first draught of the bill of this chapter was assigned to the 18th, for a second reading in the Council, and, on the 19th, was passed to be engrossed, and sent down for concurrence. It contained a clause denying the oath unless by special permission of the Council, to any who should have once refused to take it, and another clause exempting from molestation or imprisonment any person suspected of unfriendliness to this state, or to the United States (who had taken the oath or affirmation of allegiance), unless for some overt act or breach of law; but it did not contain sections two and four, and the preambles thereto.

The bill was read in the House, February 21, and, again, on the 23d, and on the 26th, it

was committed to Messrs. Niles, Jeffries and Wood. On the 7th of March, it was read twice in the House, passed, in concurrence, to be engrossed, with amendments inserting the second section and the preamble thereto, with this difference,— that the time for taking the oath was limited to the twentieth of April, instead of the twentieth of June; also striking out the clause for taking the oath by permission of the Council, after a refusal; and making some minor changes in the bill. On the 9th, the Council concurred in the amended bill "as taken into a new draught." This new draught was, substantially, the bill as finally passed, with the omission of section four, and the preamble thereto, which were offered, on the same day, by the House, as an amendment, with the words "except by permission of the General Court first had and obtained," added as a final clause to the section. In this, the Council nonconcurred, and voted to adhere to their own vote; but, on the 11th, the House, after the bill had been referred to a committee of conference, consisting of Messrs. Stone, Davis and Dunsmore, of the House, and Messrs. Palmer, Taylor and Danielson, of the Council — who agreed to an amendment — receded from a part of their proposed amendment, and voted to adhere to their own vote, with an amendment, striking out the final clause aforesaid, agreeably to the report of the committee of conference.

The bill was read and passed to be enacted on the 13th, by both branches.

The following petition was read in the Council, February 16th, and dismissed: —

"Boston 16th Feby 1778

To the Honble the General Assembly of the state of Massachusetts Bay

The petition of John Hodgson Humbly sheweth

May it please your Honours

Your petitioner was taken up and put in prison on the 7th instant for no other cause whatsoever only he does not see his way clear to swear the oath of allegiance He begs leave to represent to your Honours that he has a numerous family of small children who has no other support in life except what he can earn from day to day by his handy labour being by profession a book binder and having a large number of books in sheets in his hands belonging to several Gentlemen in such disorder and confusion that it is next to impossible any but your petitioner can right them and if delivered as they are to the owners would occasion them great damage and loss Your petitioner therefore humbly craves that your Honours according to your wonted clemency and goodness would allow him his liberty to reside with his family until the time he is to be sent away that he may have opportunity to rectify the above matters

And as in duty bound your petitioner shall ever pray

JOHN HODGSON." — *Ibid.*, *p.* 416.

The date of the following letter seems to be wrong. If it were a year later, as the writer probably intended, it would correspond with the state of affairs therein described, but if written in 1777, it is unintelligible: —

"Handcock June 3 the 1777

Sir I Recevied yours Dat[ed *] the furst Informed me the Time Was Lengthned out to June for offersers to Qualify by oath (it Gave no account of one Parson Inabeled to Qualify Short of Coming to Boston) I had no more time then from the 28 of May to June as you Rote no Prterkler Day when the act was out) so I cannot Proscute the Complants Brought be fore me) When we have anumber that is Accussed of high Treson and of Pette Tresen and others not thought fit to be at large With out being under oath in as much as we Expect the Enmimy up the North River sune) I am blamed by sum for not Prosecuteing — I am lorth to let them no how lame the Courts act leaves me Pray let the honorable Court Know the Imbarresment our County labers under being so far Distance from Cort and so much Exposed to the Ennemy and Torys ——

I am Sir Your humbl Sert —

To Mr Samuel Freeman. ASA DOUGLASS."— *Ibid.*, *p.* 2

For further proceedings relative to the return of the refugees, see 1778–79 chapter 24, and the note thereto.

Chap. 26. This chapter was enacted in compliance with the following resolve of the Continental Congress: —

"*Resolved*, That it be most earnestly recommended to the respective states to raise in the course of the year 1778, commencing on the first day of January next, by quarterly payments, the sum of five millions of dollars, by taxes, to be levied on the inhabitants of the respective states in the proportions following, viz.

New-Hampshire, . .	200,000 dollars.	Pennsylvania, . .	620,000	
Massachusetts-Bay, .	820,000	Delaware, . . .	60,000	
Rhode-Island and Providence plantations,	100,000	Maryland, . . .	520,000	
		Virginia, ...	800,000	
Connecticut, . . .	600,000	North-Carolina, . .	250,000	
New-York, . . .	200,000	South-Carolina, . .	500,000	
New-Jersey, . . .	270,000	Georgia, ...	60,000	5,000,000

That the sums to be assessed and to be raised shall not be considered as the proportion of any state, but being paid into the treasury shall be placed to their respective credit, bearing an interest of six per centum per annum from the time of payment, until the quotas shall be finally ascertained and adjusted by the Congress of the United States, agreeably to the confederation hereafter to be adopted and ratified by the several states. And if it shall then appear that any state is assessed more than its just quota of the said tax, it shall continue to receive interest on the surplus, and if less it shall be charged with the interest on the deficiency until by a future tax such surplus or deficiency shall be properly adjusted." — *Journals of Congress: Nov.* 22, 1777.

* Manuscript mutilated.

On the 16th of January, 1778, the House assigned the next Wednesday, "to take into consideration" the foregoing resolve of Congress. At the time appointed, the subject was postponed to the 23d, and then, again, to the 28th, when it was voted, that the sum of $820,000 "shall be levied on the polls and estates within this state, in such manner as shall be hereafter determined by this court," and, after debate, Messrs. Bacon, Noyes and Clap were appointed a committee, to bring in a bill for raising $410,000 — that sum being one-half of the whole amount required by Congress to be raised this year by the state of Massachusetts. It was also voted, "that a clause be brought in for relieving such towns as shall appear, on a new valuation, to be over-taxed."

On the 19th of February, a bill for apportioning and assessing a tax of £127,359. 8*s.* 7*d.*, was read, a first time, in the House. It was read again, on the 20th, and, on the 21st, it was read a third time, passed to be engrossed, and sent up for concurrence. In the Council, the bill was read and considered on the 23d and 24th, and, on the 25th, it was sent for by the House, and brought down, accordingly, when a motion was carried, "that the sum to be raised thereby be doubled," and the bill was ordered to be "recommitted for that purpose." On the 28th, the amended bill was passed to be engrossed, in the House, and sent up for concurrence, and, on the 2d of March, the Council concurred. On the 9th, the bill was passed to be enacted in both branches.

This tax was so heavy that inequalities of apportionment which would not have been complained of under ordinary circumstances, became of such importance that numerous petitions were sent in to the General Court, for relief. Many of these have disappeared from the files, including the petition of the inhabitants of Leicester, presented Sept. 23, 1778, and committed to Messrs. Rawson, Ammidown and Whitney of Sherborn; the memorial of William Ellery (who had removed from Newport, to Dighton) referred, September 26, to a joint committee, consisting of Henry Gardner, of the Council, and Messrs. Dunsmore and Goodman, of the House; the petition of Jonathan Stafford, of Leverett, which was referred, October 6th, to Messrs. Bacon, Boies and Fessenden; and the petition of the town or district of Southwick, on which leave to withdraw was granted, Feb. 24, 1779. Some light is thrown on the grievance complained of in this last petition, by the following letter, evidently addressed to the speaker of the House: —

"Boston 27 April 1778

Sir the Assessors of the Town of Southwick in the County of Hampshire have in All their late Returns of Assessments Certified that they had levied two thirds of the Sum set on s^d^ Town in the Several Tax Bills only —

Assigning as a Reason therefor that one third Part of the Inhabitants of said Town had revolted to and was received & protected by the State of Connecticutt

I have not thot myself Authorized To send Warrants to the Constables In Virtue of such Returns would Request the Directions of the Hon^bl^ House in the Matter which you will Please to propose to them I am Sir with great Respt Sir yours &^c^

Henry Gardner." —

Mass. Archives, vol. 199, *p.* 129.

The following petition was read, in the House, June 15, 1778, "and ordered to lie." No further action upon it has been discovered: —

"Lanesborough, Berkshire County. May 18th AD 1778

To the Hon^ll^ the Great & General Court of the State of Massechusetts bay, to be holden at Boston in & for Said State on Wednesday the 27 day of May Instant—

Humbly Shews the Inhabitance of the Town of Lanesborough af^d^ that Whereas Said Town of Lanesborough is Scituate in the remote part of this State and a new Country, and Consequently the Inhabitance poor, And Whereas the General Court of this State Did Some time back order a Tax to be levied on the Inhabitance of this State, of Twenty Shillings upon the pole, Whereby the Inhabitance of Said Lanesborough think themselves agreaved, by reason of there being Such a number of poor persons in said Town, many of whome have to pay for two & three poles, and at the Same time possess but a very Small Estate, which Croudes very hard upon poor people, for the Remeady whereof for the futer—

We Humbly pray that the Hon^ll^ the General Court would for the futer, in Ordering a Tax upon this Town, Omit Saying what the pole Tax Shall be, that we may have the oppertunity of levying the Tax agreable to the Circumstances of the people which Cannot be looked upon as an Infringment upon the Rights and liberties of the people, as the pole Tax Might possably have been, and as in Duty bound will Ever pray

At a Meeting of the Inhabitance of the Town of Lanesborough on the 18 day of May 1778—

It was voted & Resolved that the foregoing Petition be prefared to the General Court of this State, by the Representative of this Town, at their next Sessions—

Witness — James Harris Town Clerk." — *Ibid, vol.* 184, *p.* 129.

The petition referred to in the following resolve (chapter LXXXIV. of the May session), together with long lists of removals from the town, and captures of persons and vessels of Wellfleet, is preserved in Mass. Archives, vol. 184, p. 125.

"June 18, 1778. In the House of Representatives. On the Petition of the Freeholders and other Inhabitants of Welfleet in the County of Barnstable, Setting forth that great numbers of said Inhabitants have removed out of said Town — and the distressed Circumstances of such as remain.

Resolved, that one half of the State-Tax laid on the Town of Wellfleet for the years Seventeen hundred and Seventy Seven & Seventeen hundred Seventy Eight, be, and hereby is remitted, on account of its present distressed Circumstances; and the Inhabitants of said Town are excused from paying the said one half part of their Taxes accordingly. And the Treasurer of this State is hereby directed to release and discharge the Collectors or Constables of said Town of Wellfleet upon their paying into the Treasury the one half part of the Sum levied on said Town for the years aforesaid, any Law, Usage or Custom

to the contrary notwithstanding. In Council Read and Concurred. Consented to by Fifteen of the Council." — *Council Records, vol. XXXVIII., p.* 591.

The resolve which was passed on the following petition of the inhabitants of the town of Salem, and which is given from the original, in the state archives, constitutes chapter CXI. of the printed resolves of the same session: —

"To the honble the Council & the honble the house of Repr^{s}, in Great & General Court Assembled at Boston the 27th day of May, 1778 —

We the inhabitants of the town of Salem, in town meeting assembled, beg leave to lay before your honours, the Guardians of our civil Rights, the great Grievances under w^{ch} we labour by means of the present unequal proportion of the public tax laid on this town, and to petition for such redress, As shall be founded in the nature of a free Government, and the principles of Reason and Justice.

We trust it is not necessary for us to inform your honours, that ever since the exertion of those unconstitutional & arbitrary powers claimed by the King & parliament of G. Britain to subjugate the free people of America, we have uniformly Manifested the strongest Attachment to y^{e} common liberties of our Country, and signalised ourselves, by an early opposition to all arbitrary invasions of our Rights, as Americans; We hold our liberties so dear that neither the Armies of Great Britain, nor any body of men whatever shall deprive us of them, while we have Arms in our hands, & Heaven shall give us strength to use them; with these sentiments, nothing could have induced us to complain to your honours, but a strong sense of our unequal sufferings.

We beg leave to say that we have ever understood it to be essential to a free Government & to ours in particular, that all taxes and Assessments, for the Support & honour of the state ought to be borne equally, by all its Citizens; and that a part of y^{e} duty of the supreme legislative power is to correct the unequal pressure of the public burdens which arises from time to time in different places and to remove all Notorious Grievances, this being the case we assure ourselves that your honrs will pay a just Regard to all well grounded complaints on this head, & afford some Adequate Relief.

When y^{e} last Valuation of Estates &c was taken, & a list was given in by the Assessors of this town, according to the direction of the Act for inquiry into this subject, all judicious & sensible men were of opinion, that it contained a more exact and faithful Account of the polls and value of all Rateable estates than is usual in these Cases in any part of the State, & that it truly represented y^{e} polls & rateable property of the town, whether this was the case with the other towns is not with us to determine but from some we suppose undesigned but gross mistakes, or miscalculations Apparent in many lists We apprehend it was Not, many instances might be collected, to put this point beyond the possibility of a doubt, Tho' simply considered, We could not be taxed upon the list thus given in at that time for more than we were Actually worth; yet compar'd with other towns we might be & Actually have been invariably Assessed for very considerably more than a just proportion of the public tax; w^{ch} in this point of view, deserves serious consideration & is a great Grievance. —

But this is not all, we were then in a flourishing condition our trade was free & considerably extensive: by industry & toil the Ocean yielded us a staple to export, our Vessels were Numerous, & there was some colour for a heavy tax on our hard earnings, but it will be easy to demonstrate that our proportion of the public taxes calculated upon a list thus taken, is, at this day surprizingly unequal, and an unparalled Grievance. —

When we see the produce of land increased not less than sixfold by means of the war, and the land itself more than doubled in value, while the proprietors suffer no losses, and daily exhaust our interest, for the Necessaries of life, w^{ch} are purchased by us at a most exorbitant price; when we recollect that their proportion of the public tax is no more than it was, when produce was five times less, and land itself not half so Valuable, we are naturally led to view our own situation, & we feel ourselves grievously oppressed. Our trade comparatively speaking is at an end. We have not a tenth part of the stock in trade we had, when the Valuation, &c was taken our Vessels have been taken, & our fishery on w^{ch} was our dependance destroyed by the Enemy; the number of our rateable polls has decreased nearly one half; our stores, Warehouses, distilhouses, & wharves, are generally unimployed, and useless. Yet it is for these things, upon the present valuation We pay a large tax, a tax in our Apprehension, to be paid by us for our very losses.

We know it is said that tho' we have been deprived of our Ancient & customary trade, by the war, the Prizes we take from the Enemy, are more than sufficient to ballance the loss of it, but this is such a mistake as we conceive few men, on reflection will fall into.

Tho' some individuals may Acquire large fortunes, by fitting out private Vessells of war, it is a notorious truth that the people in general are not inriched by it, and the half of those who are do not belong to this but to the Neighbouring towns; besides that some inhabitants of this town who have Acquired great Riches in this way, and who pay one sixth part of our taxes, have already removed, while others are daily removing to the Country, for the sole purpose of avoiding the enormous taxes to which we are liable by residing here. And unless your honours, see proper to grant us redress in this particular every Gentleman of Property will remove from the town for the purpose of avoiding such disproportionate taxes, by these means the burden w^{ch} is at present almost unsupportable will be rendered wholly so. Upon reflection we think these unnatural mischiefs, have their foundation in the present proportion of taxation; than which nothing, we conceive can be more ruinous & oppressive to that equal liberty w^{ch} is the basis of a free Government, they Are mischiefs which we see in an alarming point of View, & we feel their destructive Operations, but while we thus from a sense of duty to ourselves, our Children & Families —remonstrate against them & their cause, We beg leave to assure your honrs that we have chearfully complied with every burden that has been laid upon us for supporting the Independance & the safety of our Country, and we shall continue to perform the duty

wch God & the Laws require of us, a part of which we conceive this our petition & Remonstrance against the present proportion of the public tax to be; for this if it continues must bring inevitable ruin & destruction on the town by depriving us of the little property we have. & do great injury to ye cause we all profess to be attached to, by giving a Watchful Enemy an opp.y to foment disaffection & discord within the state— We therefore humbly pray Your honours to grant us such relief in the premises, as in your Wisdom shall appear just & equitable — And your Petitioners As in duty bound shall ever pray &c. In the Name & by order of the Town—

Wm PICKMAN, JONA. PEELE JUNR, JACOB ASHTON, EBENR BECKFORD, JOHN GARDNER 3d } Select Men of Salem."—*Mass. Archives, vol.* 184, *p.* 141.

"State of Massachusetts [Ba*]y — House of Representati[ves*] June 20th 1778

Upon Representation [made*] by the Seletmen of the Town of Salem; it appears to this Court that Since the first day of Novr 1777—Sundry of the inhabitants of Sd Town of Salem have Removed out of Sd Town into Some of the Adjacent Towns: by Reason whereof the Publick Taxes & Other duties are much increased upon the Remaining inhabitants thereof—

Therefore Resolved; that the Assesors of the Sd Town of Salem & not the Assessors of the several Towns to which they have removed be and they are hereby impowered to Tax all Such inhabitants as have Removed as Affors^{d} for their Ratable Polls and Ratable Personall Estates, to the last Tax Act Ordered by the Genll Court and all Such Town Taxes as have or may bee Agree'^{d} upon by the Sd Town to defray their Necessary Charges: and Also al[l such*] Taxes as Shall or may be Agree'^{d} upon [by th*]e Great & Genl Court at their Present [sess*]ion; and it is further Resolved; that the Constable[s*] or Collectors of the Town of Salem be & are hereby impowered to Collect all Such Taxes as Shall be Asses'^{d} as Affors^{d}—

Any Law to the contrary notwithstanding—

sent up for Concurrence — SAML FREEMAN Spkr

In Council June 20'. 1778 Read & Concurred — JNO AVERY Dy Secy

Consented to" — [Signed by fifteen of the Council].—*Ibid., vol.* 219, *p.* 155.

The following petition was read, in the House, Sept. 22, 1778, and committed to Messrs. Brown of Watertown, Sherman and Larrabee; and, on Oct. 9th, probably upon the report of this committee, the petitioners had leave to withdraw their petition: —

"State of Massachusetts Bay

To the Honourable the Council & House of Representatives of the State of Massachusetts Bay The Inhabitants of the Town of Conway in the County of Hampshire beg leave to inform the Honourable Court of Some peculiar Circumstances of the Town of Conway together with Some Deficulties that attends Said Town — Praying the ade & Assistance of the Honourable Court to Relive us from our Difficulties in this Crittieul Day — and first Your Humble Petitioners Beg lieve to Say that there was upwards of 200 polls in Said Town when the Valueation was taken last November and that yr Real & Personal Estate of Said Town Amounted to about 104475 and that about two thirds of the affors^{d} No of polls are New Beginers Such as mov^{d} into this New world just Before, at the Begining, & Sence the war begun & are youngerly Men that have 2. 3. & 6 Small Children to maintain on New & Uncultavated farms whoe ant (By reason of the Enormus Difieulties of the Times & Nesesary Calls to lieve their New Cultavations & Personally Defend their Bleeding land) able to Raise Bread to half the Suppoart of their Yongue families haveing Very few able to Assist them in the war or Do any Considerable to Suppoart them Selves &c &c the other Third in General are those who first Setled the Town & are firther advanc^{d} in Years have Sons gron to Meturity able to help them in the war & on their farms: together with Some fore handed Men that have Mov^{d} in to Town Sence the war which together with a Considerable part of the last Third are persons which Shew no Disposition to Support the war—also beg lieve to Say that the Assessors of this Town Considering the above Circumstances thought proper (after takeing ye advice of the leading men of the Town) to abate part of the poll Rate So that Instead of laying 20s. on the poll for the State Tax made last winter they laid 16/6 on Each poll By which Reason the Estates pay^{d} £35=14s more then half the Demand for the last winter State tax and So about the Same proportion in the Continantal Tax made last Spring at the Same Time they lay^{d} But 2 farthings on Each pound of Estate for the State Tax and three half farthings on ye pound for the Contanantal Tax—also Beg lieve to Say that some few persons that have always opposed the present war or the Defence of the war & Some of them Utterly Refuse to pay the war Expences have Sence it was too late to be remidied Refus^{d} to pay Said Rates pretending the Reason was Becaus Said Rates was not made according to ye Spirit of yr Law althogh it is Evedent not to Be the foundation—also Beg lieve to Say that we know of no one man Refusing to pay Said Rates that has ben willing to Defend their Bleed Land Your Humble Petitioners Beg lieve further to Say that when they made objecttions against the Rates the Town Being Willing to Remidie the Difieulty if posable made proposials previous there for But all to no Effect the Assessors with the Town promising for the future to make the Rates according to ye letter of the Law yet all Availd Nothing — & whereas no Remedie Can be found without the Aid of your Honors Your Humble Petitioners Beg lieve to pray the great & General Court of this State, To Establish all the Rates that have ben made on the Valuation taken last November (which

Manuscript mutilated.

Contain 4 (Viz) State & Continantall Tax Town & Minister Rates) as thay now Stand And as in Duty bound shall pray

In the Name & by Order of the sd Town of Conway — SAMEL WELLS, JONATH WHITING, ELISHA CLARK } Selectmen of Conway."—
Conway Sept yr 11: 1778

Ibid., *vol.* 184, *p.* 216.

Three days later, however, this last vote appears to have been reconsidered, for, on that day, a petition from Conway was referred to Messrs. Hastings, Sexton and Parks, of the House, who reported the following resolve, which was passed on the last day of the second session and constitutes chapter CLXVI. of the printed resolves of that session:—

"State of Massachusetts-Bay In the House of Representatives Octo 16. 1778——

On the Petition of the Selectmen of the Town of Conway — Praying that the Assessments that have been made on the Inhabitants of Said Town upon the Valuation taken last November viz. the State Tax, Continental Tax, Town & ministerial Rates be Established as they now Stand Notwithstanding Said Assessments were not made Strictly According to the Letter of the Law for the Reasons Set forth in Said Petition —

Therefore Resolved that the Prayer of Said Petition be Granted and the Afore Said Assessments made on the Inhabitants of the Town of Conway be Establised to all Intents & Purposes any Law to the Contrary Notwithstanding —

Sent up for Concurrence — JOHN PICKERING Spkr
In Council Octt 16.' 1778 Read & Concurred — JNO AVERY Dy Secy
Consented to"—[Signed by fifteen of the Council].—*Ibid.*, *vol.* 229, *p.* 137.

The following resolve, which is copied from the original, and was deemed necessary to cure a defect in the act, constitutes chapter XIX. of the printed resolves of the second session:—

"State of Massachusetts Bay — In the House of Representatives, September 19th 1778—

Whereas the General Court at their Session in March Last Granted the Sum of Two Hundred & fifty four Thousand seven Hundred and Eighteen pounds Sixteen shillings and Eleven pence to be Assessed upon the several Towns & other places in this State for Defraying the Publick Charges, part whereof vizt Two Hundred & forty six thousand pounds was meant & intended to be raised and paid to Congress or their Order, as this states proportion of the Continental Tax Ordered to be raised by Congress in the Year 1777. and no Direction therein is given to the Treasurer of this State to pay the Sum aforesaid to Congress or their Order—For the Remedy whereof It is hereby Resolved that the Treasurer of this State be & hereby is Directed & Ordered to pay the said Sum of Two hundred, & forty six Thousand pounds to Congress or their Order & take Receipts therefor, which shall discharge him therefrom.

Sent up for Concurrence — JOHN PICKERING Spkr
In Council Sepr 21.' 1778 Read & Concurred — JNO AVERY Dy Secy
Consented to" — [Signed by sixteen of the Council].—*Ibid.*, *vol.* 219, *p.* 243.

Chap. 28. The first annexation, that has been noticed, of territory, to the town of Worcester, from "The Gore," so called, is the following:—

"April 5, 1743. A Petition of Ephraim Curtis, Jabez Tatman, Matthias Rice, Thomas Green, John Barber, Thomas Richardson, Daniel Boyden and Jonas Woodward, praying that their lands lying between the Towns of Worcester and Sutton at a place commonly called The Gore, may be annexed to the Town of Worcester.

In the House of Representyes; Read and Ordered that the Prayer of the Petition be granted, and that the Petitioners be and they hereby are together with their Lands and Estate herein mentioned lying between Worcester and Sutton commonly called The Gore, be annexed to the said Town of Worcester there to do duty and receive privilege accordingly In Council; Read and Concur'd

Consented to W: SHIRLEY."—*Council Records*, *vol.* XVII., *book* 3, *p.* 634.

Next, in order, is the petition referred to in the answer, or remonstrance, of May, 1772, of the inhabitants of Worcester, as follows:—

"May 27, 1757. A Petition of Jonathan Stone of Worcester, James Hart, Thos Beard and James Wallis, all of Leicester — Setting forth That the Line between Leicester & Worcester divides the Petitioner Stones Farm leaving only his House & about ten acres of Land in Worcester; that the other Petitioners Farms lye wholly in Leicester, that they live six miles from the place of Public Worship in Leicester and are Obliged to ride three miles & an half through Worcester to go to it, that by reason of their Situation they have no benefit of the School in Leicester, although they pay towards its Support; & that they live but about four miles & an half from the Meeting House at Worcester, with a good Country Road leading to it — Therefore praying that they with their Estates may be set off to the Town of Worcester.

In the House of Representatives—Read & Ordered That the Petitioners notify the Town of Leicester of this Petition by leaving an attested copy thereof with the Clerk of said Town that they shew cause (if any they have) on the first Friday of the next Sitting of this Court, why the Prayer thereof should not be granted.

In Council — Read and Concurred. Consented to by a Major Part of the Council."—*Ibid.*, *vol. XXII.*, *p.* 7.

On the 19th of August, 1757, this petition was ordered to be dismissed; and, on the 15th of December, following, another application for relief was made by the petitioners. This has not been discovered, but the record of the proceedings thereon is as follows:—

"Dec. 15, 1757. A Petition of Jonathan Stone of Worcester, James Hart, Thomas Beard, and James Wallis of Leicester — Setting forth That in last May Sessions they preferred a Petition to this Court praying that they with their Estates might be set off from

Leicester to Worcester. That thereupon the Town of Leicester was notified of said Petition, and put in their Answer thereto — whereupon the Council ordered their said Petition to be dismissed; which dismission was grounded as the Petitioners apprehend upon their not having supported one Fact relating to the distance between their Dwellings and Leicester meeting House; which distance they had procured to be measured by persons under Oath, and disinterested, and had sent the same down, but it was not delivered in till after the Petition was dismissed, And as their Case is really difficult Praying That a Committee may be sent thither at the Petitioners Cost to veiw their Circumstances and report.

In Council. Read and Ordered That James Minot Esq with Such as the honourable House of Representatives shall join be a Committee at the Sole cost of the Petitioners to repair to the Town of Leicester, first giving notice of the time of their meeting there, by notifying the Clerk of the said Town, or one of the Selectmen, that they hear all Parties, carefully veiw and consider the Situation and Circumstances of the Petitioners, and report to this Court as soon as may be with conveniency, what they may apprehend proper to be done relative to this Petition.

In the House of Representatives Read and Concurred; and Mr Witt and Major Ward are joined in the Affair. Consented to by the Governor." — *Ibid.*, *p.* 155.

"June 2, 1758. The Committee appointed on the Petition of Jonathan Stone and Others as entered the 15th December last—Reported—That having after due notice given to all concerned, repaired to the place where the Petitioners dwell, and being attended by the Committee of the Town of Leicester and the Petitioners, and having taken a full and careful Survey of the Situation and circumstances of the Petitioners and fully heard the Parties — find their Petition just and reasonable, and are therefore of Opinion, that the Petitioners James Hart, Thomas Beard, and James Wallis with their Lands and the Lands of the Petitioner Stone lying in Leicester, be laid to the Town of Worcester there to do duty and enjoy Privileges for the Future, as other the Inhabitants there do, Provided that they pay their proportion of all past Taxes already granted or Assessed by the Town of Leicester. Signed — JAMES MINOT *Per* Order

In Council Read and Ordered That this Report be accepted and that the said James Hart, Thomas Beard and James Wallis with their Estates and Lands lying in Leicester and the Lands of the said Jonathan Stone also lying in Leicester for the future be laid to and Accounted part of the Town of Worcester there to do duty and enjoy priviledge as other the Inhabitants of Worcester do, the Petitioners to be always Subject to the payment of such Taxes as are already granted or assessed. And that for the future their proportion of the Province & County Taxes be taken off from the Town of Leicester, and added to the Town of Worcester. In the House of Representatives. Read and Concurred. Consented to by the Governor." — *Ibid.*, *p.* 368.

In 1772, another application was made, as follows: —

"April 17, 1772. A Petition of William Bancroft and others Inhabitants of the Towns of Worcester, Leicester, Oxford and Sutton in the County of Worcester—Setting forth—That by their remoteness from the place of public Worship of God in the several Towns aforesaid they are put to great difficulties and inconveniences in their attendance thereon, but that they would be better accommodated if they were set off and made a District—That the several Towns aforesaid are large and can well spare the Petitioners. And praying that they and their Estates, together with a small piece of Land called the Gore, lying without the bounds of any Town, may be erected into a District, agreable to the bounds mentioned in their Petition." — *Ibid.*, *vol. XXIX.*, *p.* 164.

The above was presented April 15th, and referred to a committee, consisting of Messrs. Dix, Farley and Howard, "to consider the same, and report." On the 17th, this committee reported a resolve for an order of notice on this petition, to the towns interested, returnable on the second Wednesday of the next session of the General Court. The following are the answers of the inhabitants of Worcester, Leicester, Sutton and Oxford, returned after service of this notice: —

"To his Excellency Thomas Hutchinson Esqr Captain general and Comander in Cheife in and over the Province of the Massachusetts Bay the Honorable his majestys Council The House of Representatives in general Court assembled at Boston May 1772

Humbly Shews the Subscribers Inhabitants of Worcester That they by being over perswaded Signed a Petition with others to the general Court praying that the Southerly part of Worcester with part of Oxford Sutton might be made a Seperate District; but upon mature consideration find that it will be a great Disadvantage to them, and they not be so well accomodated by sd proposed new District, as they now are & therefore pray their Names may be withdrawn from said Petition: and they not considered as the Number of sd Petitioners. and if the prayer of sd Petition finally obtains that they with their Estates may remain to Worcester. & as in Duty bound shall pray —

Worcester May: 21. 1772 JOHN ELDER
JAMES ELDER." — *Mass. Archives*, *vol.* 118, *p.* 621.

"To His Excellency Thomas Hutchinson Esqr Captain Generall and Comander In Cheife in and over the Province of the Massachusetts Bay the Honble his majestys Council and House of Representatives In General Court assembled at Cambridge May 1772—

The answer of the Inhabitants of Worcester In the County of Worcester to a Petition of Some of ye Inhabitants of Said Town and of Leicester Oxford and Sutton In the County of Worcester Praying to be Erected Into a seperate District according to ye Lines & bounds therein mentioned— Humbly Shews—

That the said Town of Worcester is about ye Contents of Six miles Square That they have Lately Erected a new Large & Comodious meeting House in said Town as nigh the Center as Could be Conveniently set so as to acomodate ye said Town—and when Built the Place was to the satisfaction of the Inhabitants of said Town— That more than one third part of said new Proposed District is a part of said Town of Worcester & by taking

y^e same of Will Leave the Town in a very Irregular form. the Meeting House upon one side of y^e Town which will have a natural Tendancy to make uneasiness in those Liveing In the Northerly part of y^e Town unless the Present meeting House is Removed which if it should be will Cause Great Disorder & Confusion in the Town—

The Petitioners by their own shewing say that within the Proposed Limitts for s^d District there are Contained about 9332 acres of Land on which are setled upwards of seventy familys upon which Your Respondents beg Leave to observe that there are forty six Signers to Said Petition thirty eight of which are only heads of familys within the Limits & two of them of y^e Profession of Baptist and off Course will not Joyn with them in setling y^e Gospell among them and two of y^e said number viz^t John Elder and James Elder by being over Perswaded Signed said Petition Desire their names may be with Drawn therefrom as appears by their Request herewith Exhibited the Rest of the Petitioners are all single Persons some of them Transient one Picked up in order to augment the number of Petitioners and Therefore Cannot be accounted as part of the N^o of familys the Petitioners Say are within the Limits of the Proposed District by which it plainly appears that a majority of y^e Familys in Said Proposed District do not Desire to be made into a District—

That the N^o of familys on that part proposed to be taken from Worcester amount to about the Number of twenty eight of which N^o twelve of them Including the said Elders have not Signed Said Petition and many of them are Sensible that Instead of Receiving any benefit from Said Proposed District it will be Greatly to their Damage to be Included therein and pray they may not be as appears by the Paper by them Signed herewith Exhibited That many of y^e familys Contained in said proposed District are unable to Carry on their Proportion of y^e Expence that must of Course Ensue upon their being sett off and as it is against the minds of a majority they will be ever a Poor Contentious Disunited Society—

Your Respondents beg Leave further to Observe that In y^e Year 1758 Jonathan Stone whose farm Lay Cheifly in Leicester a Principal Petitioner and one of the most active with James Hart Thomas Beard & one Wallis then all of Leicester petitioned the General Court setting forth their Remoteness from & y^e Deficultys of attending the Publick Worship in Leicester and Prayed that they might be set off to Worcester as they then said they had a Good Road to Worcester meeting House and Could Conveniently attend there they were accordingly upon a Report of a Comittee of y^e General Court Sent to view their Circumstances set off & Can as Well attend the Publick Worship in Worcester now as they then said they Could—

Your Respondents are Sencible in Country towns where People Git their Livings by Husbandry they Cannot Live Compact but must be Scattered over a Considerable tract of Land and that every one Cannot be accomodated with a meeting House at his Door which not only makes it Deficult for some of y^e Petitioners but is as Deficult for many others in our Town but in all taxations People Liveing Remote from the Center of y^e Town have been Considered & their Farmes Estimated at a Lower Rate and of Course their Taxes have been Less towards all Publick Charges The Cutting up Splitting and Dividing old Towns In order to make Little Small poor Contintious Parrishes and Districts is attended with Ill Consequences has a Tendency to Discourage Learning as they Cannot support Schools & y^e Gospell among them as they ought to be Supported—and making the Proposed District your Respondent Humbly apprehends Will not only be very Injurious to the several Towns aforesaid but even to the Petitioners themselves, and many of the most Respectable Familys in said Proposed District are so sencible of it have Signed against it Knowing that if the said Petition should be Granted it would be Rather a Deservice to y^e Petitioners than any advantage and many of the Petitioners and others Living in said Proposed District Can if they should be sett off Better & more Conveniently Come to y^e meeting House in Worcester then go to y^e Place where it is Proposed to Build a House for Worship in said District on account of y^e Roads being so much Better—

Your Respondants would further observe that by y^e Plan of said District Exhibited the Lines Run through many Farms Leaving them part in one Place & Part in another so that the owners will not be voters in Either Place Your Respondents acknowledge they have no Right to say any thing about the Damage & Utter Distruction that Will Happen to the North Parish in Sutton as they Can & Will Speak for themselves but beg Leave to Observe that off all y^e familys Proposed to be Taken off from Sutton there are only the familys of Richardson's & Carter that have signed said Petition upon y^e whole Your Respondents pray that for the Reasons aforesaid the said Petition be Dismissed—But if Your Excellency and Honours in Your Great Wisdom shall se Cause to set them off in their Disunited state and make them a seperate District We Pray they may not be a District to us for y^e Greater Part of them are Strangers to us and their being Joyned with Us will always have a Tendency to make Parties in our Town too Prevalent already—

Worcester May 27: 1772 at a meeting of the freeholders & other Inhabitants of said Town Qualifyed to vote In Town affairs after Legal Warning Given the Question was Put Whither the aforegoing should be Given as Reasons In Answer to the Petition of Gershom Rice and others Inhabitants of Worcester Sutton Oxford and Leicester Praying to be set of into a District and it Passed Unanimously In y^e affirmative also voted that M^r Joshua Biglo our Representative Present y^e same to y^e Great & General Court & use his Indeavour Said Petition be Dismissed Att JOHN CHANDLER moderator."—*Ibid.*, *p.* 613.

"Province of the } To His Excellency Thomas Hutchinson Esq^r the Honourable his
Massachusetts Bay } Majesties Council & House of Representatives in General Court assembled May 27 1772

The Petition of the Subscribers Inhabitants of the Town of Leicester Humbly Sheweth; that whereas some of the Inhabitants of Said Town, with Inhabitants of the Towns of

worcester Sutton & oxford have Petitioned the General Court to be set off into a seperate Destrict; and the Lines they propose to Run will Include Lands of your Petitioners and Cut some of our farms in a verry oblique Manner and may so effect some of us that we may not be voters any where though we are now voters in the Town of Leicester we therefore Humbly Pray your Excellency and Honors, that if you should in your wisdom see meet so far to Grant the Prayer of their Petition as to set them off; yet that you would not set off our Lands with them; but that they may Remain to the Town of Leicester there to do Duty and Receive Priveledge and as in Duty Bound shall Ever Pray

NATH^EL SCOT
NATHAN SARGEANT
NATHAN SARGEANT as Guardian to the Heirs of Johnson watson
THOMAS DENNY
ROBERT HENRY "— *Ibid.*, *p.* 617.

"To His Excellency Thomas Hutchinson Esq^r Capten and Comander In Cheife in and ouer the Province of the Massechusets Bay the Honb^le his majestys Counsel and House of Representives In General Court assembled at Cambridge May 1772

The answer of the Inhabitants of Sutton In the County of Worcester by thare agents to the Pertision of a number of the Inhabitants of Said town and Worcester and oxford and Leicster Praying to be Set of into a Seperate District according the Lyns that are mentisioned Humbly Shows that if Said Proposed District be Set of thare Will be a Considarabel number of the Ratabel Inhabitants of Said Town Set of Without one of the Poor of Said town Set of With them notwitbstanding the Expences of Supporting the Pour is allready Very Heavy and it Will Cut the 2^d Parrish in Sutton So by takeing of 24 Fammelys of Said parrish and Cuming Within 278 Rods of the Parrish meetinghouse that the meeting hous will be far oute of the Senter by takeing of abought 16 Hundred acers at the Corner that is now Nearest to the meeting hous 210 belong to the pertisioners or thare abought and the meeting hous Will be far oute of the Senter as by the plan hear with Exehi'bited may fulley apear which will make a Great uneseness the meetinghous being Lately inlarged and finished

The Pertisioner by thare own pertision show that thare is upord of 70 fammelys within the Lyns of the Supposed District and but 34 of them are heads of Fammelys that have Signed the Pertision and 2 of them are annebaptest which bring them to 32 and thare Remains 43 within the bound of the Supposed District 23 of which are in Sutton and but thre of them have Signed the pertion for to be Set of and the furtest of them is not 2 miles and on quarter from the parrish meeting house and if the pertision for the District Should obtain it as Likely thay will be a Devoyded District and will leave the 2 Parrish in Like Surcomstances and upon the whole your Respondents pray this pertision be Desmissed

DANIEL GREENWOOD } Agents for
EBEN^R PEIRCE } the town
ELISHA GODDARD } of Sutton."— *Ibid.*, *p.* 619.

"Province of the Massechusets Bay } To His Execllency Thomas Hutchorson Esq^r the Honarabel his Majestys Counsel and House of Represenitives in General Cort assembled May 27^th 1772

That we y^e Subcribers Inhabitants of Oxford in Said Province, (being all of us lawful Voters, in Town-affairs,) living and having our Estates, within y^e limits of those lands which are now Petition'd to be Sett off, by y^e Said Gen^ll Court into a Seperate District, from y^e Towns of Worcester, Oxford, Leicester and Sutton — do Concieve that we in Case y^e Honb^le Court Should Sett us off, into Such a distinct District, Should be greatly Incommoded thereby and our Estates damaged, as well as our Town of Oxford much hurt, in way and manner, as is Set forth by y^e humble memorial which is laid before y^e General Court, from and by Said Oxford at this Time: — and therefore, we would Pray to y^e Court that y^e Said Petition, for a district, may not be granted — as in Duty bound &c —

May 28^th 1772. JOSEPH PHILLIPS, SAMUEL LEARNED, JACOB WORK, JONATHAN CUTTER, JOHN HARWOOD, ISRAEL PHILLIPS." —*Ibid*, *p.* 620.

On the 3d of June, 1772, the foregoing petition and answers were read, in the Council, and referred to a joint committee, consisting of Messrs. Dexter and Sever, of the Council, and Messrs. Hobson, Doolittle and Brown of Abington, of the House, who reported, on the 25th, that the petition be dismissed; which was done, on the same day.

Next, John Tatman's estate was set off to Worcester as follows: —

"Jan. 16, 1773. A Petition of John Tatman of Worcester — Setting forth, That on the 5 day of April 1743 the General Court was pleased, on the Petition of Ephraim Curtis, Jabez Tatman, Mathias Rice, Tim^o Green, John Barber, Daniel Boyden and Jonas Woodward, then dwelling on and interested in a Gore of Land lying between the Towns of Worcester and Sutton, to annex them and their Lands to the said Town of Worcester — That at that time William Jennison Esq^r now deceased, owned Sixteen acres and an half of Land lying in said Gore, now owned by the Petitioner, and is encompassed by the Lands aforementioned, which was not annexed to said Worcester. And praying that the said Sixteen acres & an half of Land may be annexed to Worcester.

In the House of Representatives — Resolved that the prayer of the Petition be granted, and that the sixteen acres and an half of Land mentioned in said Petition be annexed to the Town of Worcester and subjected to be Taxed there and in every respect under the jurisdiction of said Town as other Lands in said Town are.

In Council, Read and Concurred, Consented to by the Governor." — *Council Records*, *vol. XXIX*, *p.* 385.

The next proceedings that appear of record, relative to the incorporation of the persons and estates embraced in the town afterwards erected by this act, are the following: —

"To his Excellency Thomas Hutchinson Esq^r. Governor, to the Honb^le his Majesty's

Council and House of Representatives of His Majesty's Province of the Massachusetts Bay in New England in General Court assembled Janʸ 1773 —

The Subscribers, in our own behalf and as agents for sundry Inhabitants of the Towns of Worcester, Oxford and Sutton & Leicester most humbly shew — That our situation is such that we cannot be accommodated with and enjoy the common privileges of Society in the respective Towns where we belong. We have heretofore humbly solicited this honbˡᵉ Court that a District might be formed out of those Towns, but by reason of the representation of those Towns (who must be supposed to be greatly interested) this Court have been made to believe that such a measure would not be salutary for the whole and your Petitioners have failed in their suit, but our necessity is such that we cannot help petitioning your Excellency and Honors once more humbly praying that a Committee of this honbˡᵉ Court might be appointed to repair to the Lands where we dwell, at our own charge and view the same and report the true situation and circumstances of your aggrieved Petitioners and those only who shall then be disposed to join with us, and we will contentedly set down with such a Society as this Court shall hereafter see fit to Incorporate, and if we shall finally be denied in this our humble suit, after this honbˡᵉ Court shall have received and heard a report of their own Members, which we presume will be disinterested, we shall be more contented and more disposed to believe that our suit is not founded in that reason we at present apprehend it is. And your Petitioners as in duty bound will ever pray &c

CHARLES RICHARDSON — DANIEL BOYDEN
DAVID BANCROFT — ALEXANDER NICKELS

On the Petition of Daniel Boyden and others —

In the House of Representatives Janʸ 23ᵈ 1773 — Read and Ordered that Jedediah Foster and John Whitcomb Esqʳ. with such as the honbˡᵉ Board shall join be a Committee at the cost of the Petitioners to view the circumstances of those only who shall signify to them their desire to be set off from their respective Towns and also at the same time consider how it will affect the several Towns or Parrishes to which they may respectively belong and make report what they think proper for the Court to do thereon — Sent up for Concurrence T. CUSHING Spkʳ

In Council Janʸ 23ᵈ 1773. Read & Concurred and Artemas Ward Esqʳ. is joined —
THOˢ FLUCKER Secʸ."— *Mass. Archives, vol.* 118. *p.* 658.

The committee met, May 10, 1773, when they received the following additional list of applicants to be included in the new district: —

"We the Subscribers Inhabitants of the Town of Worcester Do hereby Signify our Desire to be incorporated into a Distrect proposed to be made out of the Towns of Worcester Licester Sutton and Oxford Witness our hands

May 10ᵗʰ. 1773

Freeholders

GERSHOM RICE
ISRAEL STEVENS
DAVID BANCROFT
JONATHAN STONE
DANIEL BOYDEN
JACOB STEVENS
THOMAS DRURY
THOMAS DRURY JUᴿ
HENERY GALE
WILLIAM BANCROFT
JONAS NICHOLS
DERIAS BOYDON
JAMES HART JUᴿ
OLIVER CURTIS
COMFORT RICE
ELISABATH BOYDEN
PHEBE BEANCRAFT
THOMAS BAIRD JUNᴿ
JAMES HART. } Indifferent
THOˢ BAIRD }

other Inhabitants

JOHN BOYDEN
DANL BANCROFT
CHARLES HART
JAMES NIHOLS

Persons Names Living on the proposed Limits belonging to Worcestr who are against being Sett off

this man Lives on yᵉ Line — JOSEPH CLARK
THOMAS BEARD
JAMES HART
SAMUEL CURTIS
BENJᴬ CHAPIN
DANIEL BIGELOW
FRANCIS CUTTING

these three Live on yᵉ Line Proposed — WILLIAM ELDER, JOHN ELDER, JAMES ELDER

GERSHOM RICE JUᴿ."—*Ibid*, *p.* 660.

The committee then proceeded with their duty, and found "a sufficient number of families" belonging to the four towns named, "to make a district," but "situate at a great distance from their respective places of public worship," and that "the towns and precincts to which those families belong, might spare them without being straitened but," the committee add, they "do not think it is advisable to erect them into a district, at present, unless they were more generally united." The committee therefore recommended that the persons described in the resolve, with their estates, "be erected into a separate precinct, and vested with all precinct privileges."

There are some minor differences between the report, and the following record of the resolve establishing the precinct in accordance therewith: —

"June 23, 1773. The Committee appointed the 23ᵈ day of January last on the Petition of Daniel Boyden and others in behalf of themselves and as Agents for sundry Inhabitants of the Towns of Worcester, Oxford, Sutton and Leicester — made report; in consequence of which, the following Order passed viz: —

In Council. Ordered That Gershom Rice, Israel Stephens, David Bancroft Jonathan Stone, Daniel Boyden, Jacob Stevens, Thomas Drury, Thomas Drury junʳ, Henry Gale, William Bancroft, James* Nichols, Darius Boyden, James Hart, Thomas Baird, James Hart junʳ.

* "Jonas," in the original resolve.

Thomas Baird junr Oliver Curtis,* Comfort Rice, Elizabeth Boyden, Phebe Bancroft, John Boyden, Daniel Bancroft, Charles Hart, James Nichols, Peter Boyden, of Worcester, Benjamin Carter, Charles Richardson, Timothy Carter, Phinehas Rice, Benjamin Carter junr Rachel Buck, Daniel Roper, Gershom Biglow, Gershom Biglow junr, Peter Hardy Daniel Cummings, Charles Richardson junr of Sutton, Samuel Eddy, Levi Eddy, Peter Jennison, Ruth Stone, Jesse Stone, Isaac Pratt, Abraham Fitts, Alexander Nichols, David Gleason, of Oxford, John Crowl junr, Andrew Crowl Jonathan Phillips, John Hart, Thomas Scott, William Young, Jonathan Stone, of Leicester, be and hereby are, with their Families and Estates, erected into a Precinct, and shall enjoy all the powers and privileges which other Precincts in this Province by Law enjoy And it is further Ordered that all other persons (with their Families and Estates) living in the Towns of Worcester, Leicester and Oxford, not further than three miles, as the Roads are now trod, from the place hereinafter fixed for building the Meeting house upon, together with such others in Sutton that live not further than one mile and an half from said place, who shall signify their desire to belong to said Precinct by lodging their names in the Secretarys office within nine months from this date, be and hereby are Incorporated and made a part of the Precinct aforesaid. Ordered that the spot for erecting the Meeting house upon be at the following place viz.t at an Oak stump with Stones upon it standing on the westerly side of the County Road leading from Worcester to Oxford, near the center of two Acres of Land which Thomas Drury conveyed to Jonathan Stone, Daniel Boyden and David Bancroft; the said two Acres of Land lieth in the Gore of Land that was annexed to the Town of Worcester.

In the House of Representatives, Read and Concurred. Consented to by the Governor." —*Council Records, vol. XXX., p.* 72.

"We the Subscribers Inhabitants of the Towns of Worcester, Leicester, Oxford and Sutton living within the limits prescribed in the aforegoing Order of the Great and General Court for joyning with a Precinct made out of said Towns hereby signify to your Honor our desire to belong to said Precinct and made a part thereof agreable to the Order aforesaid. Given under our hands this thirtieth day of August Anno Dom 1773 — To the honble Thos Flucker Esqr Samuel Holman, Gershom Rice jr, Israel Stone, William Parker, Joseph Phillips, Samuel Learned, Israel Phillips, Jacob Worke, Jonathan Cutler David Stone, John Harwood, Thomas Gleason, William Phips, Isaac Putnam Joseph Gleason, Jonas Bancroft, Elisha Livermore — Gardner Chandler for my Lands within the limits — Nathaniel Scott, David Bates, Nathan Patch, David Richards —

I Certify that the above was lodged in the Secretary's office this 15th day of March 1774 agreable to the Order of the General Court passed the 23d day of June last for erecting a Precinct out of the Towns of Worcester, Leicester, Oxford and Sutton —

JNO COTTON D Secy ." — *Ibid., p.* 128.

The original report of the committee last named was accepted by the Council, June 18, 1773; but the House nonconcurred, and voted to recommit the report, "to fix the spot where the meeting-house shall be erected." The Council concurred in this vote, on the following day, and the clause fixing the location of the meeting-house was added in a separate paragraph, which is cancelled in the original report.

The petition for the incorporation of the town was read in the House, Oct. 24, 1777, and an order of notice issued thereon to the towns of Worcester, Leicester, Oxford and Sutton. On the 11th of December, the report of a committee to which this petition had been referred, was accepted by the Council, and sent down for concurrence, when it was "read, and committed, to be drawn into a resolve," to Messrs. Dix and Batcheldor, of the House, and Whetcomb, of the Council. This committee reported on the 13th, and the subject was referred to the next session of the General Court.

On the 14th of January, a remonstrance from a number of the inhabitants of the town of Sutton, against the act of incorporation prayed for, was read, and referred to the committee, appointed at the previous session, to consider the report of a former committee on the original application for incorporation into a town, and it was now "ordered that said application, and all papers relative thereto, be recommitted." On the 19th, the report of this committee was brought down from the Council, to the House, read, and concurred, with amendments, and returned to the Council, for concurrence

The nature of this report, and the subsequent proceedings thereon, are shown in the following extracts from the House Journal: —

"Feb. 25, 1778. *Joseph Palmer*, Esq; brought down a Report of the Committee appointed by the General Court to view the late Parish set off from *Worcester, Sutton, Oxford* and *Leicester*, viz. 'That they have heard the Committees from the several Towns aforesaid, and others concerned, and are of Opinion, that it would conduce to the public Good as well as to the Good of the Inhabitants of the new Parish, to incorporate them into a Town, according to the Plan exhibited,' with the following Vote of Council thereon, *viz.*

In Council, *Feb.* 25, 1778. Read and *Ordered*, That *Artemas Ward* and *Joseph Palmer*, Esq'rs. with such as the Honorable House shall appoint, be a Committee to take the same into Consideration, with the Papers accompanying the same, to hear the Parties, and report what is best to be done thereon. Sent down for Concurrence. Read and concurred, and Mr. *Nicholls*, Doct. *Dunsmore* and Col. *Reed* are joined." — *House Journal, p.* 193.

"Mar. 11, 1778. *Abraham Fuller*, Esq; brought down a Report of the Committee of both Houses appointed the 25th of *February* 1778, to take into Consideration the Report of a former Committee appointed by the General Court to view the late Parish set off from

* "Carter," in the original resolve.

Worcester, Sutton, Oxford and *Leicester*, and the Papers accompanying the same, and to hear the Parties, *viz.* 'That they have attended that Service, and beg Leave to bring in a Bill for incorporating said Parish into a Town.'

Pass'd in Council, *viz.* — In Council, *March* 11, 1778.
Read and accepted. — Sent down for Concurrence.

Read, and thereupon *Ordered*, That the Consideration thereof be referred to the second Wednesday of the next Sesssion." — *Ibid.*, *p.* 207.

With the foregoing report, the Council sent down the bill of this chapter — the name therein proposed for the town being "Wardborough" — with a memorandum thereon that it had been passed to be engrossed, and was sent down for concurrence.

The sixth session was begun April 1, and on the 8th, the bill was read, a first time, in the House, with a formal amendment in the enacting clause, and the change of "Wardborough" to "Ward," in the title and wherever the name of the town occurred in the bill. In the bill thus amended, the Council concurred, the same day; and, on the 10th, the House proposed two further amendments, inserting the words "the general assembly of this state, the county of Worcester, or the," before "said towns," in the fourth section, and inserting "the late Johnson," before "Watson," in two places. These amendments were agreed to by the Council, on the same day.

The petition for incorporation into a town, and the subsequent papers referred to, except the bill, have not been discovered in the files, or among the bound papers in the secretary's office. The following list of land-owners who desired not to be included in the new town, is on file with the bill: —

"A List: of those men that Belong to Sutton: that the line of the new Porposed town has taken off their land. or part thereof with their Buildings: that are Against Belonging to 8d. Town: (viz)—

MOSES BANCRAFT
LEVY STONE
JOHN SEVERY
JABESH STOCKWELL
SAMUEL TRASK JUNR. and he owns land in Oxford he Desires to have Exempted: likewise
JOHN JACOBS
STEPHEN HOLMAN
ABEL HOLMAN
RANDELL RAWSON a Neutor and JOSEP PRATT of Oxford is against it
pr. order of EDWARD DAVIS Esqr.

And those men whose names are under written Owns land with in Said line who Do not live there: that are Against their lands Belonging: there

RICHARD WATERS
STEPHEN WATERS
ABRAHAM WATERS
THOMAS HOLMAN
THOMAS HOLMAN JUNR.
DAVID HOLMAN
SAMLL TRASK
ANDREW ELLIOT
RALPH RICHARDSON
JOSHUA CARTOR
JOHN BANCRAFT
ELISHA GODDARD
DANIEL GREENWOOD
JONATHAN HOLMAN
DANIEL HOLMAN and AMOS CASE
ISAIAH BUCKNAM we do likewise Believe is against it."—

Mass. Files: Bills, 1778.

The following petition was referred to Messrs. Blaney, Dana and Codding, of the House, April 23, 1779, and, from a memorandum endorsed on the petition, it appears that the petitioners had leave to withdraw: —

"To the Honourable the General Assembly of the state of the Massachusetts Bay the memorial and petition of us the Subscribers Inhabitants of the Town of sutton humbly sheweth that At the Time of the setting off the Town of ward we under the Apprehension of its Cutting off and affecting our Estates did then in Every movement of the said setting off said Town and at every Oppertunity allowed us earnestly remonstrate against having any parte of our Estats set off from the Town we belong to to the said new Town about to be erected as may apeair by the files of the Papers respecting said affair in the secretaries office but notwithstanding all the Remonstrances and Petitions we could make the late General Court Did' establish a Line bissecting our Lands to our grate hurt and Damage for our Estates thus set off are subject to grate Charge and Taxation And we are thus subjected to pay taxes and do Duty whair we cannot have any voice nor enjoy any Benifit which we esteem a very grate Greavance and which has now for years past been esteemed an intolirable Greavance by the united voice of the Continant. We theirfore pray That our respective Estates be set back to the Town of Sutton as thay Ware before the erecting said new Town of ward that so we may enjoy the Benefit of our Estates according to what has so long been held The Essential and unalianable Rights of Mankind the above is Submitted to your Honours Wisdom and Justice as in Duty Bound We shall ever Pray —

Sutton March th: 22 1779 — ANDREW ELLIOT, DAVID HOLMAN, JONATHAN GOULD, JOSHUA CARTER, JOHN BANCRAFT, ABRAM WATERS, ISAIAH BUCKNUM."— *Ibid.*

House, no. 441.

Chap. 29. On the 25th of June, the House assigned the next day, for considering "the expediency of ordering a new valuation of estates, to be taken." The subject thus introduced was discussed on the 26th, and again on the 27th, when the House refused to order a bill for the purpose, to be reported. No further progress was made with the bill until the fourth session, when, another assignment having been made, for December 4th, Messrs. Davis, Wendell, Sewall, Wood and Goodman were, on that day, appointed a committee to bring in a bill. On the 6th, the House assigned the 8th, to consider what instructions should be given the committee; but, at the time appointed, this business was postponed to

the next day, when it was voted "that the committee be directed to proceed according to the method pointed out in the last tax act."

On the 21st of January, 1778, the bill of this chapter was read a first time, but the second reading was put off to the 27th. The further consideration of the bill was postponed on the 27th, 28th and 30th of January, and on the 10th, 18th and 23d of February, upon which it seems to have been dropped for the session. In the sixth session, the subject was again considered, on the seventh of April. On the 16th, a bill was read twice, and discussed on the 17th and 18th, and read a third time, and passed to be engrossed, on the 20th, and passed, by the House, to be enacted, on the 27th, and, on the 28th, by the Council. The bill as finally passed, differs in no essential particular from the bill as first proposed.

On the 28th of September, Messrs. Nicholson, Bliss and Singletary were appointed a committee to examine the returns made under this act, "and report what number there are, and whether they are sufficient for the purpose of said act." On the 2d of October, this committee reported that the number of returns was 110, "and that they were very various;" whereupon, Messrs. Frazier, Partridge, Roberts, Leonard and Ward were appointed a committee "to consider what steps are proper to be taken to obtain the returns from the several towns."

The following resolve* was probably reported by the committee last named: —

"State of Massachusetts Bay In the House of Representatives Octr. 5th 1778

Whereas by a late Law of this state the assessors in the several Towns within the Same, for the year one Thousand seven Hundred & seventy eight were Required to Return into the Secretarys office true and perfect lists of the Rateable property of Each Town in this State by the 20th Day of June last, and upon Examination there is found to be but an inconsiderable Number compared with the whole that has obeyed the order aforesaid.

Therefore Resolved that if the Delinquent Assessors in the Several Towns in this State for the year one thousand seven Hundred & seventy eight do not Return into the secretarys office true and perfect lists of the Rateable Property in Each of their Respective Towns agreeably to ye Law aforesaid by the first Day of December Next this Court will proceed to Doom every Town that shall Neglect to comply with this order.—

And whereas some Towns within this State have pleaded ignorance of the act aforesaid.—

It is further Resolved that this Resolve be printed in hand bills and sent to the Sheriffs of the several counties within this State and that they Cause one hand bill to be sent to Each Town without Delay ^ in order that a Compleat Return may be obtained by the first Day of Decemr. next as aforesaid. — Sent up for Concurrence

SAML FREEMAN Spk P T

In Council Oct. 5.' 1778 Read & Concurred with an Amendment at ^. Vizt. at ^ Insert at the Expence of each respective County to be allowed by the Court of General Sessions of the Peace for the same—

Sent down for Concurrence JNO AVERY Dy Secy

In the House of Representatives Oct 6 1778 Read and concurred—

SAML FREEMAN Spk P T

Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 219, *p.* 396.

The town of Worcester was doomed under this resolve, but applied for abatement. For the proceedings in that case, see the note to 1779–80, chapter 12, *post.*

The above resolve was followed by another resolve† for distributing the handbills; viz., —

"State of Massachusetts Bay—In House of Representatives Oct 5. 1778

Whereas the Resolves of this Court which are ordered to be printed from time to time in hand Bills do oftentimes miscarry or are not sent forward to the Towns & persons for whom they are designd

Resolved that the Secretary be & he hereby is directed to convey a suitable number of the Hand Bills which may be printed for the several Towns in this State by order of Court to the Sheriffs of the several Counties, who shall cause them to be distributed to the Towns in their Counties Respectively^ sent up for concurrence SAMLL FREEMAN Spk P T

In Council Octr 6th 1778 Read & Concurred with an amendment at ^ Vizt at ^ insert at the Expence of each respective County to be allowed by the Court of General Sessions of the Peace for the same Sent down for Concurrence JOHN AVERY Dy Secy

In the Hons of Representatives Oct: 6 1778. Read & Noncurred, and the House propose to insert at ^ —'at the Expence of the state And the Secretary is directed to furnish each Sheriff with a Copy of this Resolve' sent up for Concurrence

SAML FREEMAN Spk P T

In Council Octr 6 ' 1778 Read & Concurred JNO AVERY Dy Secy

Consented to" — [Signed by sixteen of the Council. — *Ibid.*, *p.* 404.

On the 6th of January, 1779, the secretary was ordered "to lay upon the table a list of the towns and other places who have made returns on the valuation act;" which was accordingly done, on the 8th, when the list was read, and the subject assigned to the 12th, "to determine whether the matter thereof shall be taken up the present session, and what is proper to be done respecting the same."

On the 12th, it was voted to adjust the proportion of the several towns that session, and to appoint a committee consisting of members from each of the counties, to be nominated by the members from the respective counties; viz., four from Suffolk and Essex; three, each, from Middlesex, Hampshire and Worcester; two from Plymouth, Barnstable, Bristol, York, Cumberland and Berkshire; and one from Lincoln,—to consider the returns. This committee was appointed, and ordered to "proceed to business as soon as may be,"

* Printed resolves of the September session, chapter LXXXVI. † *Ibid.*, chapter LXXXII.

on the 14th, and on the 16th, the chairman reported to the House that the committee were in doubt "whether by the act the tax is to be laid upon the principal of the estates, * * upon their income, or upon both; and whether the returns are to be the only guide for the committee to proceed by." The House thereupon assigned the 20th, "to take this matter into consideration."

On the 20th, the House proceeded, according to appointment, to consider the above questions, and voted "that said committee proceed according to the valuation act, on the returns, in such way as they shall judge best."

Changes were made in the committee, from time to time, until the 26th of February, when it was voted that the committee "sit after the adjournment of the court, for completing the business assigned them," and ordered that the committee "in determining what each town shall pay towards a tax of £1000, estimate the polls at one penny each."

In the mean time, a petition was received from the selectmen of Dartmouth, as follows: —

"To the Honourable the Council and House of Representatives of the State of Massachusetts Bay Conveened at Boston the 6 of January

The Petition of the Select Men of the Town of Dartmouth Humbly Shews. that your Petitioners beg leave to Represent to your Honours the loss sustained By many individuals Inhabitants of this Town by the Ravage of the Brittish eneny on and about the 5th of September last: that there was Not an Inhabitant But whot Sufered in a greater or lesser degree from the place of their landing to the place of their Embarkation: and that their are some that have but little or nothing more left them than the amount of their tax in a late assessment made upon this Town and not any collected until since the aforesaid Ravage of the Brittish Enemy. and that your Petitioners have herewith Transmited an Estimate of the loss Sustained in Rateable property given in under oath by the individual Sufferers and Valued by the assessors of the aforesaid Town at the same Rate the said Rateable property being before valued in the Valuation bill preceeding this and transmited to the secrataries office. your Petitioners have likewise transmited an Estimate of the loss in Household furniture wareing apparel &c. Not Rateable given in as aforesaid under oath and valued at the current price such articles were at at the time of their being distroyed.

and whereas a verry considerable part of the loss sustained as aforesaid consisted in property not Rateable yet the individuals are so much the poorer and incapacitated to pay their taxes. therefore your Petitioners pray that so much of the Towns proportion of the Next Tax (according to the valuation aforesaid transmited to the Secrataries office) May be Eased on said Town as your Honours in your wisdom shall think just and Equitable. your Petitioners have likewise Transmited to your Honours the just amount of the Tax upon the Rateable property of the individuals (that was Distroyed) Being in the same proportion With their whole Tax as it stood assessed in the Rate Bills Last made. that your Honours if in your wisdom should see fitt to Remit any part or the whole in proportion to their Loss and your Petitioners as in Duty Bound Shall Ever Pray

Dartmouth January 13th 1779

ALDEN SPOONER
BENJAMIN RUSSELL JUR
JOB ALMY
THOMAS KEMPTON
} Select men for sd Dartmouth." — *Ibid.*, *vol.* 184, *p.* 334.

This petition was referred, January 16th, to the committee on valuation, and, on the 17th of February, the following resolve was passed thereupon. Ten days later, it was voted to refer the subject of the petition to the next session: —

"*Resolved*, That the Committee upon the Valuation be and hereby are directed to deduct out of the Sum total of the List given in by the Assessors of the Town of *Dartmouth* the Sum of *Twenty-two Thousand eight Hundred and seventy-six Pounds*, which is nearly the Amount of the rateable Property destroyed by the Enemy in said Town, on or about the fifth Day of *September* last, and which was included in said List." — *House Journal*, *p.* 146.

On the fifteenth of April, the committee brought in their report, and the afternoon was immediately assigned "for the consideration thereof." On the 20th, it was "voted, that the sum each county ought to pay be first determined upon." The debate upon the report then proceeded, and on the 23d, after full discussion, "the sum laid on the county of Suffolk as their proportion of a tax of £1000," was accepted, "by a majority of 76 out of 106." The House then proceeded to vote upon the whole report, "so far as respects the sum laid on the several counties," and it was accepted "by a majority of 80 out of 107," and the further consideration of the report was referred to the next day, to give opportunity for the members from the several counties to "consider what alterations, if any, were proper to be made in the sums set on the towns in their respective counties."

On the 27th, the House "passed upon the sums set on the several towns in all the counties except Suffolk, Hampshire and Berkshire," and on the next day, they adjusted the valuation of the towns of these counties, and "by a majority of 60 out of 82" adopted the following list, for the whole state: —

"County of SUFFOLK.

	£.	s.	d.		£.	s.	d.
Boston	55	0	0	Dedham	10	0	0
Roxbury	8	5	10	Medfield	3	10	0
Dorchester	6	4	0	Wrentham	4	16	0
Milton	4	6	8	Brookline	3	7	0
Braintree	9	15	0	Needham	4	2	2
Weymouth	4	15	0	Stoughton	6	10	0
Hingham	5	10	8	Stoughtonham	3	0	1
Cohasset	2	3	0	Medway	3	16	0
				Bellingham	1	15	0

	£.	s.	d.
Hull	0	12	4
Walpole	3	4	8
Chelsea	2	7	6
Franklin	3	16	4
Foxborough	2	18	0
	£. 149	15	3

County of ESSEX.

	£.	s.	d.
Salem	20	4	5
Danvers	7	13	2
Ipswich	13	5	0
Newbury	12	4	6
Newbury-Port	13	10	0
Marblehead	12	15	3
Lynn	6	0	0
*Andover	11	10	10
Beverly	8	5	8
Rowley	6	3	8
Salisbury	4	14	8
Haverhill	7	0	0
Glocester	8	16	6
Topsfield	3	10	4
Almsbury	4	6	5
Bradford	4	9	7
Wenham	1	18	0
Manchester	1	17	5
Methuen	3	13	2
*Boxford	3	13	7
Middleton	2	14	3
	£. 158	6	5

County of MIDDLESEX.

	£.	s.	d.
Cambridge	7	13	0
Charlestown	2	10	0
Watertown	3	9	6
Woburn	5	4	6
Concord	4	16	0
Newton	4	11	6
Reading	5	3	9
Marlborough	6	0	0
Billerica	4	0	0
Framingham	4	13	0
Lexington	3	4	9
Chelmsford	3	16	6
Sherburne	2	8	6
Sudbury	6	9	4
Malden	2	19	8
Weston	3	6	1
Medford	3	18	0
Littleton	3	0	4
Hopkinton	3	0	8
Westford	3	9	6
Waltham	3	0	0
Stow	2	15	6
Groton	4	13	0
Shirley	1	16	4
Pepperell	2	16	10
Townsend	2	3	4
Ashby	1	3	0
Stoneham	1	2	3
Wilmington	1	18	0
Natick	1	13	6
Dracut	2	18	10
Bedford	2	5	5
Holliston	2	14	0
Tukesbury	2	5	10
Acton	2	10	6
Dunstable	2	6	11
Lincoln	2	7	0
	£. 124	4	10

County of HAMPSHIRE.

	£.	s.	d.
Springfield	6	0	0
West-Springfield	6	0	8
Wilbraham	3	9	3
Northampton	4	14	8
Southampton	2	2	1
Hadley	2	18	0
South-Hadley	1	8	10
Amherst	2	19	4
Granby	1	11	0
Hatfield	2	16	1
Whately	1	4	5
Williamsburgh	1	9	8
Westfield	4	9	10
Deerfield	3	5	3
Greenfield	2	0	5
Shelburne	2	4	9
Conway	2	14	10
Sunderland	1	7	0
Montague	1	10	0
Northfield	2	7	1
Brimfield	3	2	9
South Brimfield	1	17	1
Monson	2	3	2
Pelham	2	4	7
Greenwich	2	1	3
Blanford	2	9	9
Palmer	2	0	6
Granville	3	16	7
New Salem	2	10	11
Belchertown	2	13	0
Colrain	1	12	4
Ware	1	5	11
Warwick	1	15	4
Barnardston	1	8	0
Murrayfield	1	12	0
Charlemont	1	5	10
Ashfield	1	15	7
Worthington	1	13	5
Shutesbury and Ervingshire	1	6	5
Chesterfield	2	6	4
Southwick	1	5	9
Norwich	0	13	1
Ludlow	0	18	4
Leverett	0	17	8
Westhampton	0	15	8
Merryfield	0	12	2
Plantation No. 5	1	1	7
Suffield	0	0	0
Enfield	0	0	0
Somers	0	0	0
	£. 103	18	2

County of PLYMOUTH.

	£.	s.	d.
Plymouth	5	8	9
Scituate	7	17	0
Duxbury	2	11	7
Marshfield	3	5	1
Bridgwater	13	4	0
Middleborough	10	15	10
Rochester	4	16	11
Plympton	3	19	5
Pembroke	4	8	6
Kingston	2	7	2
Abington	3	6	3
Hanover	2	9	0
Halifax	1	13	1
Wareham	1	8	11
	£. 67	11	6

* Note — *By a Resolve of the House which pass'd the 22d of* June 1779, Three Shillings *was ordered to be taken from the Town of* Andover *and added to the Town of* Boxford: — *The Town of* Andover *therefore stands at* £. 11, 7*s.* 10*d. and the Town of* Boxford *at* £. 3, 16*s.* 7*d.*

County of BARNSTABLE.

	£.	s.	d.
Barnstable	6	9	3
Sandwich	4	12	8
Yarmouth	4	4	1
Eastham	3	0	5
Wellfleet	1	10	2
Chatham	1	12	2
Harwich	3	9	7
Falmouth	3	5	0
Truro	1	10	8
Provincetown	0	0	0
	£. 29	14	0

County of BRISTOL.

	£.	s.	d.
Taunton	7	18	11
Rehoboth	9	2	9
Swanzey	4	17	9
Dartmouth	14	13	10
Norton	3	11	2
Mansfield	2	6	11
Attleborough	5	16	8
Dighton	3	4	11
Freetown	3	12	10
Rainham	2	10	0
Easton	2	14	6
Berkley	1	15	1
	£. 62	5	4

County of YORK.

	£.	s.	d.
York	6	4	8
Kittery	6	15	3
Wells	5	10	0
Berwick	8	8	8
Arundel	2	7	6
Biddeford	2	11	6
Pepperelborough	2	8	0
Lebanon	1	8	9
Sanford	1	6	9
Buxton	1	18	0
Fryeburgh	1	10	0
Coxhall	0	12	6
Massabesecк	0	14	6
Limerick	0	4	0
Brownfield	0	4	0
Little-Falls	0	7	0
	£. 42	11	1

County of DUKES-COUNTY.

	£.	s.	d.
Edgartown	2	9	4
Chilmark	2	13	2
Tisbury	2	2	3
	£. 7	4	9

County of NANTUCKET.

	£.	s.	d.
Sherburne	11	0	7

County of WORCESTER.

	£.	s.	d.
Worcester	7	7	0
Lancaster	7	18	4
Mendon	5	17	0
Brookfield	7	15	0
Oxford	2	8	0
Charlton	3	13	6
Sutton	7	6	0
Leicester	1	18	0
Spencer	3	0	0
Paxton	2	0	0
Rutland	3	9	0
Oakham	1	8	6
Hubbardston	1	8	6
New Braintree	2	15	0
Southborough	2	14	0
Westborough	2	16	7
Northborough	1	17	0
Shrewsbury	5	5	0
Lunenburgh	3	10	0
Fitchburgh	2	0	0
Uxbridge	3	6	6
Harvard	3	14	6
Dudley	2	8	0
Barre	4	3	0
Bolton	3	10	6
Upton	1	11	0
Sturbridge	3	9	0
Leominster	3	0	0
Hardwick	4	0	0
Western	2	11	0
Holden	2	0	0
Douglass	1	10	6
Grafton	2	15	3
Petersham	3	2	0
Royalston	1	16	1
Westminster	2	13	6
Athol	2	3	0
Templeton	2	13	6
Princeton	2	1	0
Ashburnham	1	6	0
Winchendon	1	9	0
Northbridge	1	0	0
Ward	1	3	5
Woodstock	0	0	0
	£. 133	13	2

County of CUMBERLAND.

	£.	s.	d.
Falmouth	5	3	0
North Yarmouth	4	14	9
Scarborough	3	17	9
Brunswick	2	7	0
Gorham	2	10	1
Harpswell	1	15	0
Windham	1	1	9
Cape Elizabeth	2	19	0
New Glocester	1	11	0
Gray	0	10	9
Pearsontown	0	16	8
Royalsburgh	0	9	7
Raymondtown	0	4	0
Bakerstown	0	2	0
Sylvestertown	0	2	0
Bridgetown	0	1	6
	£. 28	5	10

County of LINCOLN.

	£.	s.	d.
Pownalborough	2	19	0
Georgetown	3	12	11
Woolwich	1	2	11
Newcastle	1	9	0
Topsham	1	13	10
Boothbay	1	18	11
Bristol	2	0	10
Bowdoinham	0	11	7
Hallowell	1	7	2
Vassalborough	1	11	8
Winthrop	1	10	0
Winslow	1	0	2
Edgecomb	0	18	7
Belfast	0	4	1
Warren	0	14	10
Waldoborough	1	8	0

	£.	s.	d.
Thomastown	0	14	10
Pittston	1	9	4
Medumcook	0	10	1
St. Georges	0	13	0
	£. 27	10	9

	£.	s.	d.
Washington	1	6	10
Adams	2	12	7
Lee	1	9	7
New Ashford	0	14	2
New Providence	1	1	8
Ashawelet Equivalent	0	15	0
Plantation No. 7	0	13	2
	£. 53	18	4

County of BERKSHIRE.

	£.	s.	d.
Sheffield	4	18	8
Great Barrington	3	12	6
Stockbridge	2	11	3
Pittsfield	3	18	3
New Marlborough	2	7	11
Egremont	1	8	10
Richmond	2	17	3
Lenox	2	8	6
Tyringham	1	18	5
Lanesborough	4	5	6
Sandisfield	2	9	7
Williamstown	2	17	1
Becket	1	4	11
Windsor	1	16	8
Partridgefield	1	4	4
West Stockbridge	1	8	11
Loudon	0	13	2
Alford	0	15	10
Hancock	2	7	9

TOTAL.

	£.	s.	d.
SUFFOLK,	149	15	3
ESSEX,	158	6	5
MIDDLESEX,	124	4	10
HAMPSHIRE,	103	18	2
PLYMOUTH,	67	11	6
BARNSTABLE,	29	14	0
BRISTOL,	62	5	4
YORK,	42	11	1
DUKES-COUNTY,	7	4	9
NANTUCKET,	11	0	7
WORCESTER,	133	13	2
CUMBERLAND,	28	5	10
LINCOLN,	27	10	9
BERKSHIRE,	53	18	4
	£. 1000	0	0.

Note, The Places whose Names are printed in *Italics* are not incorporated."— *House Journal*, *p.* 199.

An unsuccessful effort was made to revise this list in respect to Suffolk County; and a petition for correcting the number of polls charged to Cape Elizabeth, and another for readjusting the proportion of the towns in Cumberland County, were presented but were not granted. On the 22d of June, the members from Essex County reported "that they had agreed to take off three shillings, in the valuation, from the town of Andover, and to add the same to the town of Boxford," whereupon a resolve was passed confirming this agreement.

This act, which had been so long preparing, was superseded by chapter 41 of the acts of 1779-80, passed April 28, 1780 — which was just one year after the list of proportions reported by the committee on valuation had been adopted.

See, also, 1779-80, chapter 41 and note, *post*.

Chap. 30. "State of the Massachusetts Bay in New England— } To the Honorable the Council, and the Honble House of Representatives in General Court assembled in Boston

The Memorial & Petition of the Inhabitants of the Southerly part of the town of Bolton in the County of Worcester — Humbly Sheweth—

That your memorialists live, upon an average, upwards of four miles from the meeting House, in said town, which renders it very difficult for them to attend public worship, with their families. especially in severe seasons: —

That your memorialists on the second Instant, prefered a petition to the said Town, praying their consent, that all the Inhabitants South of a certain line known in sd town, as a line run some years since by one Mr Longley, together with their Estates might be set off as a seperate parish, with liberty for every Individual in said town, to attend public worship, in either parish as he pleased, he paying his ministerial taxes, to the parish where he should chuse to attend divine service,—That on the said second Inst the town aforesd at a legal meeting voted, to grant the Prayer of the said petition, and that the sd Inhabitants be set off in manner as abovesaid, with the liberty aforementioned, Provided that the Inhabitants of each parish, should return their names to the assessors of the said Parishes—some time in the month of Sept—annually, specifying which parish they choose to attend at—And that those who should not thus return their names—to be taxed to that Parish within the limits of which, they lived—which provision is agreeable to your Memorialists—

Your Petitioners therefore pray your Honors, to take their case into consideration, and set them off, in manner and form as above prayed, and consented to by said town—All which is humbly submitted by your petitioners, and they as in duty bound will ever pray—

Bolton Feb.y 7th A D. 1778—

NATHAN BARBER	JACOB MOORE	
ISAAC MOORE	EBENEZER WOOSTER	BENJA BRUCE
EZEKIEL FOSGET,	WILLIAM BADCOCK	ROBORT FOSGATE
JOSHUA JOHNSON, JR	JOTHAM MAYNARD JUN	TEMTHY BRUCE
ROBERT FIFE	NATHAN JOHNSON	DANEL BRUCE
JONAS BROWN	BARNABAS MAYNARD	JOHN BRUCE
EBENEZER BAILEY	BENJN BAILEY	DELIUERANCE WHEELER

JOEL FOSGAT	JOTHAM MAYNARD	ISAIAH COOLIDGE
SAMLL JONES JR	EDWARD JOHNSON	MOSES GODDARD
URIAH MOORS	AMOS MERIAM	GEORGE SAWYER
TIMOTHY BAILEY	BARNABAS BAILEY	LEVI MERIAM
HENRY POWERS	JOSHUA JOHNSON	ALEXANDER MCBRIDE
SAMUEL RICE	ELEAZER JOHNSON	STEPHEN BAILEY
DAVID RICE	SILAS BAILEY	JOSHUA HEMENWAY
FORTUNATUS BARNS	JAMES MCBRIDE	JOSEPH PRIEST
JOHN POLLARD	ABIJAH PRATT	SILAS BAILEY JUR
JOSEPH HOW	SAMUEL JONES	THOMAS POLLARD
TIMOTHY JONES	JAMES FIFE	NATHNEL HAISTINS
JONA MERIAM	JOHN BARNARD	PHINEAS HOW
THOMAS MCBRIDE	JAMES GODDARD	JOHN HUSSON." — *Mass. Archives, vol.* 183, *p.* 400.

The foregoing petition was read, in the House, Feb. 18, 1778, and leave was granted the petitioners to bring in a bill. Nothing further appears to have been done in regard to the subject of this chapter, until the next session, when, on the 8th of April, the Council, having given the bill of this chapter two readings, passed it to be engrossed and sent it down for concurrence. In the House the bill was read a first time, April 10th, and, the next day, it was passed, in concurrence, to be engrossed, and, on the 13th, it was passed to be enacted by both branches.

Chap. 31. In 1772, the first meeting-house erected in Needham being greatly out of repair, the subject of repairing it, or building a new one, was brought forward in town meeting, and led to a discussion which was continued, with increasing bitterness, at several subsequent meetings of the inhabitants. The fact that the site of the old meeting-house was not in the geographical centre of the town, induced one party to favor the project of repairing the old building, from the apprehension that if a new building were erected, it would be upon a site less convenient to them; while another party, living in the westerly part of the town (now included in the town of Wellesley), objected to repairing the old house, or building another on its site, ostensibly because of its unequal distance from the two principal settlements.

That this opposition from the inhabitants of the westerly part of the town did not spring, solely, from a desire to have the meeting-house conveniently near for worship, may be inferred from the fact that they were supporting a separatist assembly in their midst, and that between the years 1743 and 1761, several of them had been, at their own request, set off to the town of Natick, and were then set back again to Needham, "for the peace of Natick," as the joint committee of the Legislature of the latter year, say in their report,— these malcontents having attempted, on the ground that it was necessary for their convenience, to remove the Natick meeting-house away from the Indians, for whose use it was built by the voluntary contributions of persons and corporations not belonging to the town. In 1767, these persons, or their successors, had applied to the Legislature, to be re-annexed to Natick, but their petition was dismissed; and, seven years later, while the differences were pending which resulted in the passage of the present act, they once more applied to be united to Natick, but without success.

The town chose a committee to coöperate with a surveyor, in determining the geographical centre of the town, and upon the report of this committee, votes were passed at a meeting of the inhabitants, May 28, 1772,— to which time the business had been adjourned, — refusing to build at the centre, and resolving to build a new meeting-house, and selecting as its site "the north side of the [old] meeting-house, as near as it could conveniently be built." The subject of choosing a committee "to proceed in building the new meeting-house" was dismissed for want of an appropriation for the purpose.

At the March meeting in 1773, the subject of building was again postponed, but the old structure having been consumed by fire on the morning of Oct. 17, of that year, another town meeting was called for November 4th, the warrant for which contained articles proposing a reconsideration of the vote fixing the site for a new building, and submitting the question of dividing the town into two parishes, and proposing measures for erecting the new building upon the site selected. The town at this meeting refused to consent to a division of the town or to reconsider their former vote fixing the location of the meeting-house; and voted that, when built, the new edifice should stand as located by the former vote. On the 18th, the town passed a series of votes, granting £200, to be raised by a single rate, as other town taxes, for building the meeting-house, appointing a committee to contract for the same, and arranging the details of the new building. They also voted a reward of £10, for the apprehension and conviction of the incendiary who set fire to the old house.

At another town meeting, on the 22d of December, in accordance with an article in the warrant the petition of Jonathan Deming and others, inhabitants of the westerly part of the town (who by this means once more endeavored to have the new meeting-house erected in the centre of the town), was rejected; and other propositions for changing the location were again voted down.

Deming and his associates now applied to the Legislature, praying for the appointment of a committee "to view the said town at the expense of the petitioners, and to order where the meeting-house, voted by the said town to be erected, shall be placed, or that the said town may be divided into two parishes." On the 3d of February, the General Court ordered notice to be served, by copy, on the town clerk, returnable the seventeenth. In the mean time, the town chose a committee, consisting of Josiah Newell, Jonathan Day, Nathaniel Fisher, Timothy Newell and Josiah Eaton, to make answer to this petition. At the time appointed, the petition and answer being considered, the former was dis-

missed, by a unanimous vote of the Council in which, however, the House nonconcurred, and a joint committee consisting of Messrs. Lincoln and Greenleaf, of the House, and Dexter, of the Council, was thereupon appointed to "hear the parties and report what may be proper to be done." The report of this committee seems to have been kept alive by a joint order of March 9, 1774, by which all unfinished business was "to have the same day in the next session of the General Court;" and, accordingly, the report of a majority of the committee, that the petition be dismissed, was accepted by the Council and sent down to the House, for concurrence, May 28, 1774.

What further action was taken by the General Court, and what further was done by the committee, upon this petition, does not appear in the state records; but from an entry in the town records, it appears that the judgment of this committee was, "that the meeting-house should stand at or near the second centre, in order to accommodate the town." It is probable that all legislative proceedings on this petition, ceased upon the presentation of the following petition: —

"To His Excellency Thomas Gage Esqr Capt General and Governor in Chief in and Over His Majesty's Province of Massachusetts-Bay, The Honorable Council and House of Representatives, in General Court Assembled the 26th Day of May, A. D. 1774.

The Memorial of the Subscribers Inhabitants of the Westwardly Part of the Town of Needham. Humbly Sheweth,

That Your Memorialits have for a Number of Years Past Attended the Publick Worship of God in the Meeting House in sd Town, Lately Consumed by Fire, which stood more than a Mile from the Centre of the Town, and have thereby been put to Extraordinary Cost and Difficulty, which has been a very great hardship, Especially to those Living Remote, Some being more than Four Miles Distant therefrom and others, within the Limits, more than Six Miles.

And whereas a Vote hath been Passed (by a Trifling Majority) at a Town Meeting, for Erecting a New Meeting House where the Former House stood, and they Persist therein, Notwithstanding Repeated Application hath been made for Erecting it at, or near, the Centre of the Town, and the Opinion of a Committee from this Honorable Court for the Same; under which Cruel hardship and Oppression, Your Memorialists must Remain Remediless without the Interposition of this Honorable Court, They therefore most humbly Pray that the said Town of Needham may be Divided into Two Seperate Parishes, in Such Manner & Form as to Your Excellency and Honors, in Your great Wisdom, shall be thought most Convenient; and Your most Humble Suppliants (as in Duty bound) shall Ever Pray.

STEPHEN HUNTING	THOMAS DESCOMBE	SAMLL BRACKETT
MOSES BULLARD	WM FULLER	JONAS MILLS
ELIPHALET KINGSBERY	PETER JENISON	DANIEL GOULD
JOSIAH UPHAM	JESSE KINGSBERY	ISAAC MILLS
SAML KILTON	JEREMIAH HAWS	SAMUEL GREENWOOD
DAVID TRULL	LEMVEL PRATT	AMOS MILLS
JOHN EDES	JONATHAN DEMING	THOMAS MILLS
JONATHAN SMITH JUNE	SAMLL DAGGETT	wedow HANAH MACKINTEER
JOSEPH HAWS	JACOB PARKER	NAHANIEL DEWING
SAMUEL DANILS	SAMLL HUNTING	JOSIAH WARE
EPHRAIM STEVENS	JOSEPH MUDG	ELEAZER KINGSBERY
ROBERT CUNNINGHAM	DANIEL HUNTING	CALEB KINGSBERY
DAVID SMITH	JOHN FULLER	SAMLL MACKINTIER
SAMUEL BROWN	JOHN FULLER JUN	wedow MARTHA DEWING
JONATHAN SMITH	wodow SARAH EDES	THOMAS BROAD
JOHN NESS	LEMUEL BRACKETT	THODER BROAD
AARON SMITH	SAMUEL PRATT	EPHRAIM BULLARD
		MOSES FELTT." — *Mass. Archives, vol.* 14, *p.* 725.

The town meeting referred to in the foregoing petition, and at which the inhabitants had again refused to reconsider their vote locating the site of the new meeting-house, was held on the ninth of May. Before this, at other meetings of the town, they had voted to borrow money for building the meeting-house, and to procure a supply of shingles, clapboards and underpinning for the structure.

The above petition was read, in the House, June 8th, and committed to Messrs. Brown of Abington, Whetcomb, and Freeman of Harwich, of the House, and Leonard and Preble, of the Council, and, on the 10th, notice thereon was ordered to be served on the town, returnable on the 21st, if the Court should then be sitting, and if not, then on the third Wednesday of the next session; and the petitioners were exempted from "any expense for building a new meeting-house, in the meantime."

The town, at a meeting held June 17th, refused to accept the "judgment" of the committee above referred to, but voted to proceed to build, without any attempt to come to a new agreement as to its location. It was also voted to answer the last petition of Deming and others; which business was left to the selectmen.

During the summer the preparations for building proceeded agreeably to votes passed at town meetings held from time to time. And, during the same period, twice, by tie vote; viz., July 4th, by a vote of 44 to 44, and July 11th, by a vote of 43 to 43, — the town repeated its refusal to reconsider the vote by which the site of the proposed new building had been fixed.

At a town meeting duly warned, and held on the 3d of October, 1774, the inhabitants refused to exempt the petitioners and others, "to the amount of one-half of said town," from contributing towards the expense of building and finishing the "meeting-house already erected," and from the support of the ministry there, but voted in favor of setting

off the westerly part of the town, into a distinct precinct or parish, and to free the inhabitants there from all charges on account of the new meeting-house, "provided they do proceed in building a meeting-house, and maintain preaching among them." They also again refused to change the site of the meeting-house to a place nearer the centre of the town.

At another town meeting, held Mar. 23, 1775, the town refused to reconsider their vote passed at the last meeting, and refused to choose a committee to settle a line of division of the town, but voted "to make some proposals of reconciliation, to the westerly part of said town, relating to the meeting-house lately erected;" and a committee for that purpose, consisting of Nathaniel Fisher, William McIntosh, Amos Fuller, John Fisher and Josiah Eaton, was chosen.

At an adjourned town meeting, held a week later, the committee above named, with the substitution of Henry Dewing, for John Fisher, who declined to serve, reported, as a proposition to be voted upon, "that the town vote to free and exempt the westerly part of the town (from any cost and charge about the meeting-house) that lieth at a greater distance, westwardly, from the meeting-house, than that part of the town that lieth eastwardly of the meeting-house, where the meeting-house now stands." This report was accepted, and the vote carried, accordingly.

The first session of the Legislature of 1774 was dissolved, on the 17th of June, and the General Court did not again convene, as such, until July 26, 1775.

In the mean time, the meeting-house was finished, and the removing of it to another site had ceased to be a subject of contention. The project of dividing the town, however, was renewed in the fourth session of the Legislature of 1775-76. No petition for that purpose, of the inhabitants of the westerly part of the town, has been discovered, but a petition praying for a confirmation of the town vote, of October 3d, was read in the House, March 25, 1776, and the prayer thereof granted, and a committee appointed to bring in a resolve for that purpose. On the next day, the House ordered notice to be served on the town of Needham, of a petition of "a number of the inhabitants." It is probable, therefore, that this differed from the former petition; and it would seem, from the records of the Council, where the order of the House, appointing the second Wednesday of April, for a hearing thereon, was concurred in on the twenty-eighth, that it was preferred by the inhabitants of the westerly part of the town, and contained a prayer to be set off into a separate precinct or parish, without the conditions contained in the vote of the town.

The town met on the 8th of April, and chose a committee, consisting of John Slack, Robert Smith and Ebenezer Newell, to be joined with the selectmen, to answer this petition. On the 10th, the General Court passed the following order, in concurrence: —

"*Whereas there are Matters of the utmost Consequence relative to the Defence of this Colony now under Consideration, that this Court cannot give their Attention to Matters merely of a private Nature:* Therefore,

Ordered, That the Consideration of the within Petition, and the Answer, and all Matters relative thereto, be referred to the third Wednesday of the next Session of the General Court." — *House Journal*, *p.* 106.

On the fourth of June, 1776, at a town meeting, the vote of October 3d, relative to setting off the inhabitants of the westerly part of the town, was reconsidered, and it was voted to renew proposals to the petitioners; and Josiah Eaton, Nathaniel Fisher, Timothy Newell, Michael Metcalf and Jonathan Day were chosen, "to draw up said proposals."

On the 26th of June, the Legislature postponed the petition, answer, "and all matters relative thereto, to the third Wednesday of the next session;" and on the 11th of September, still another postponement was ordered, "to the third Wednesday of the next session, agreeable to the request of the parties."

It does not appear that the subject was further considered until the next General Court. On the 11th of June, 1777, a joint committee, consisting of John Whetcomb, of the Council, and Messrs. Wood and Sewall, of the House, was appointed, "to consider the petition of the inhabitants of the towns of Needham and Natick, and to hear the parties, and report what is proper to be done thereon." The report of this committee was made and accepted the same day, and Messrs. Powell and Palmer, of the Council, and Wood, Nichols and Kimball, of the House, were appointed "for the purpose mentioned in the report." As this report has not been found, its purport can only be gathered from subsequent orders and votes. From these it appears that it recommended the appointment of a committee "to repair to the towns of Needham and Natick," hear the parties, and report measures for a settlement of the contention between the two parties in the town of Needham, and their neighbors, of Natick, who were opposed to a union with the dissatisfied inhabitants of the former town, — the petition of the latter having been, on the 12th, referred to this committee. On the 17th, Daniel Davis, of the Council, was appointed on this committee, in place of Joseph Palmer, excused.

On the first of July, the committee last named submitted their report, which was read and accepted by both houses. It is probable that this report was merely the draught of the bill of this act, accompanied by a verbal introduction, since this bill appears to have had its first reading in the Council on that day, and was assigned to the next day for a second reading.

Here the matter rested until the third session, when, on the 12th of September, the House assigned the 17th, "to take into consideration the report" above mentioned; and, on the 18th, the report was committed, for further consideration, to a joint committee, consisting of John Taylor, of the Council, and Mr. Niles and Col Orne, of the House.

The report (which has not been found) of the committee last appointed, was read and accepted, by the Council, on the 26th of September, and sent down for concurrence. The House concurred, with sundry amendments, and proposed a committee to bring in a bill, accordingly, — this committee to be "directed to insert a clause in said bill giving liberty

to the non-resident proprietors to join their lands to the east precinct in like manner as the resident proprietors." In these amendments the Council refused to concur; and the House, having been apprised thereof on the 16th of October, ordered the secretary "to lay said report upon the table." On the 17th, a committee of conference, on the subject, was appointed, consisting of Messrs. Powell, Taylor and Fuller, of the Council, and Brooks, Greenleaf and Pickering, of the House. On the day following, in accordance with the report of this committee of conference, the "petitions, with all the papers accompanying the same," were referred to the next session.

On the 3d of December, "the petitions from Needham" were brought down from the Council, with the vote of that body further postponing the consideration thereof "to the second Wednesday of the next session of the General Court." The House refused to concur in this vote, and assigned Monday, December 8th, for that purpose, to which the Council agreed.

In the mean time, the following petition appears to have been presented to the House, and was probably considered by the committee: —

"To the Hon^ble the Council and Hon^ble House of Representatives of the State of Massachusetts Bay, in General Court Assembled —

The Petition of Jonathan Deming Agent for the West part of the Town of Needham — Humbly Sheweth,

That in May last they exhibited a Petition to this Hon^ble Court Praying that a line might be run between the two Parishes, whereupon the Court appointed a Com^tee to hear the Parties, accordingly the Parties from both Parishes and Natick met, and requested the favor of the Hon^ble Court to chuse another Com^tee to go upon the Spot and View the premisses and whatever said Com^tee did all the said Parties Agreed to stand by accordingly a Com^tee was appointed for that purpose who went upon the premisses and Viewed both Parishes and Natick, and made report to your Honors how the dividing line should run, which Report by some means or other hath never yet passed this Hon^ble Court.—

Your petitioner therefore humbly prays this Hon^ble Court would be pleased to take the said Petition and report into consideration, and accept of said Report, and that the dividing line between said Parishes should run Agreeable to said Report,—

And as in duty bound shall pray &c

Decr. 1777 JONA DEMING Agent." — *Mass. Files: House, no.* 180.

In the sixth session, the subject was revived, and, evidently by common consent, and without discussion, the bill which, in July previous, had been read in the Council, was, on the 23d of April, read a first time, in the House, and was there passed to be engrossed, and went up to the Council, for concurrence, on the next day. In the Council it was read, a first time, on the 24th, and, on the 25th, it was read a second time, and passed, in concurrence, to be engrossed. It was passed to be enacted, by the House, April 27th, and, on the 28th, by the Council.

Thus ended a controversy which is graphically described by the Rev. Mr. West, in his manuscript journal or autobiography, still extant, and of which the town clerk of Needham possesses a copy. The following are extracts therefrom: —

"On the 17^th of Oct., 1773, about 4 o'clock in the morning, I discovered our meeting-house to be on fire. * * * It was undoubtedly sat on fire, by design. There had been much conversation, and some warm dispute, with respect to pulling down the old and building a new house. But there appeared but little probability that it could ever be effected in an orderly way, as some of the wealthiest people among us were zealous for patching up the old house and making it answer for years to come, as it had for many years before. It is then supposable that some person who wished for a new house, and saw no prospect of obtaining it so long as the old house was standing, might, in that wicked and hazardous way, get rid of it. * * * * The event produced great alarm and confusion, and in the the course of the day most of the inhabitants of the town came to view the smoking ruins, and some even wept over them. Much pains were taken to find out the incendiary, but to no purpose; which I then thought and think still an happy circumstance as the spirit of resentment was so high against him that he would have found no mercy from the hands of his prosecutors. * * * * The people were soon called together, and after resolving on some measures for detecting the culprit and bringing him to punishment, they agreed in a vote for building a meeting-house, but were very much divided as to the place where they should set it. Many months passed before they could come to any decision on the subject. A survey of the town was taken, but the centre fell where it would suit neither party. However, they finally got a vote, by a small majority, to erect it on the old spot. The opposing party were extremely exasperated, and, for my own part, I feared they would use force to prevent its going on. This building was not commenced until June, 1774. A Mr. Blackman, of Stoughton, was the undertaker, and there could not be found a man better qualified for the purpose. The house was raised, August 2^d and 3^d. They began to raise (after a prayer had been made) at ½ after 5, A. M. The opposing party came about 9 o'clock, supposed they should be in season to prevent its going up. But when they found the work in such forwardness they were discouraged, and prudently withdrew, althcugh with much resentment and many threats. The consequence was a division of the town into two parishes, after a long, tedious and expensive contest, and erecting another meeting-house about three miles to the westward of this."

In 1792, an effort was made to procure a repeal of this chapter, and to have the towns of Natick and Needham so divided as to reduce the number of parishes in those towns from three to two. A bill for that purpose was brought in, agreeably to the report of a committee, to whom the petitions for division and the remonstrances against it had been referred; but the bill failed to pass.

In the course of the discussions which this movement elicited, it was found that some important papers relating to the setting off the West Precinct, were lost from the secre-

tary's files; and the followlng petition and certificates, and the resolve thereon, show how the proof of these lost papers was established: —

"Commonwealth } To the Honle Senate and House of Representatives in General
of Massachusetts } Court Assembled —

The Petition of us the subscribers, being a Committee Chosen by the first Parish in the Town of Needham, Humbly sheweth, That the General Court of said state, in the Year 1778 — Did sett off the westerly part of the Town of Needham to be a seperate Precinct, and the said Court in the Act of Incorporation Established a line of Pertition between the said Precinct and the remaining part of said Town, with this kind Indulgence That 'If any of the Inhabitants of said Town that Chuse to belong to and be a part of the Precinct on the other side of said line, and shall within Twelve months from the making said Act, give their names into the Secretary's Office, They with their Estates shall be recorded as part of the Parish they shall so Chuse, and shall do duty and receive Priviledge Accordingly — And whereas a number of the Inhabitants of said Town living in the limits of said Incorporated Precinct and others owning land lying within the Same did seasonably take the advantage of said Indulgence agreeable to said Act, and a return made thereof to the Secretary's Office — Notwithstanding it so happeneth, that said return cannot be found in said Office, and said signers being desireous to belong to the first Precinct in said Needham — Therefore your Humble Petitioners in behalf of said signers and the first Precinct aforesaid upon their request Humbly Pray that this Honle Court would direct the secretary of this State to record in his Office the true Copy of the Instrument Seasonably signed and Lodged in said Office agreeable to the aforesaid Act (which Copy is in the Hands of the Clerk of said first precinct) together with the names of the signers thereof, so that it may be Established that they and their Estates may belong to the said first Parish in Needham — As in Duty bound your Humble Petitioners shall ever Pray —

Needham June 11, 1793. Wm Mc Intosh, Robert Fuller, Aaron Smith Jun } Committee."— *Mass.*

Files: Resolves, 1793.

"We the subscribers, being the signers as set forth in the foregoing Petition, and the Heirs and successors of some of said signers, that are deceased — being desirous to still belongs to the first Parish in Needham, as we always have been Considered as belonging to said Parish Therefore Humbly Pray that the Honle Court would grant the Prayer of said Petition —

Needham, June 13, 1793.

Michael Metcalf	Elizabeth Slack	Royal Mc Intosh
Wm Mc Intosh	Sarah Slack	Samuel Welles for 3 Estates.
Robert Fuller	Moses Garfield	Stephen Bacon,
Ebenezer willkison	John Ayers	Isaac Bacon
Ephraim Ware	Joseph Drury	& SamuelWard." —*Paper annexed*
Benjn Slack	Mehellel Ward	*to the engrossment.*

"Whereas the General Court or Assembly for the state of Massachusetts-Bay at their last Session, Did set off the westerly part of the Town of Needham in the County of Suffolk to be a seperate Precinct, by the name of the West Precinct — And ye said Court in the Act of Incorporation Established a line of Pertition between the said Precinct and the remaining part of said Town with this kind Indulgence; That, 'If any of the Inhabitants of the said Town that shall fall on either side of the aforesaid line shall chuse to belong to, and be a part of the Precinct on the other side of said line, and shall within twelve months from the making said Act, give their names into the Secretary's Office they with their Estates shall be recorded as part of the Parish they shall so Chuse and shall do duty and receive Priviledge Accordingly —

Therefore we whose names are hereunto subscribed being freeholders and Inhabitants of said Town of Needham, some of whom having our whole Estates Included in said West Precinct, and others of us having our Estates seperated by said line; part in One Precinct & part in the other — Do hereby signify our desire & Choice to be a part of, and belong to the Easterly Precinct in said Town, with each of our whole Estates on either side of said line; and that we may do duty and receive Priviledge accordingly: And Pray that this may be Recorded in the secretary's office for this state Agreeable to said Act.

Dated June 23, 1778.

Josiah Dewing	Joseph Drury	Michael Metcalf
Asa Gay	John Alden	Wm Mc Intosh
Isabile Gay	Jacob Hemenway	John Ayers
Jona Gay	Benja Ward	John Slade*
Ebenezer Gay	Stephen Bacon	John Slack
Oliver Gay	Isaac Bacon	Samuel Ware
Sarah Bacon	Aaron Moulton	Samuel Ware Jun
Henry Dewing	Samuel Ward	Ebenezer Wilkinson
Robert Fuller	Joseph Daniell	
Samuel Brown.	Josiah Newell	

I Michael Metcalf of Lawfull age Testify and Say that I Delivered the original of which the within is a True Copy, to Mr Nathaniel Fisher in order that he might deliver the Same into the Secretary's office to be Recorded

Suffolk: ss June ye 17th 1793 Then Appeared the above Named Michael Metcalf, and after being Duly Causoned made oath to the above Deposition

Before me Wm Fuller Justice of the peace

I Nathaniel Fisher of Lawfull age Testify and say that Mr Michael Metcalf delvered the

* "Benja Handscom?," interlined in a different handwriting.

paper mentioned in the above Deposition to me and I delvered the same to the secretary of the then State within the time Limited in the within Recited Act
June 18 1793 NATHL FISHER
Suffolk ss June 18th 1793 Then the above named Nathll Fisher appeared and after being Duly cautioned mad oath to the above Deposition by him subscribed
Before STEPN METCALF Justice Pacis.
N B Annexed in conformity to a Resolve of the General Court of the 22d of June 1793."—*Ibid.*

"Commonwealth of Massachusetts In Senate June 21st 1793.*
On the Petition of Michael Metcalf and others Setting forth that an Act of the General Court made and passed in the year of our Lord one thousand Seven hundred and Seventy Eight, for incorporating the westerly part of the Town of Needham in the County of Suffolk into a Separate Corporation by the Name of the West precinct in Needham, among other things did provide, 'that if any of the Inhabitants of the said Town, who shall fall on Either side of the aforesaid Line, should Choose to belong to, and be a Part of the Precinct on the other side of said Line, and should within twelve months, from passing the same Act, give their Names into the secretary's Office, they with their Estates should be recorded as part of the Parish they should so choose, and should do Duty and receive privilege accordingly:' and whereas the said Michael Metcalf and others according to the Provision of said Act, did give their Names into the secretary's office, but by misfortune, and not by any Fault or Neglect of the Persons interested, the Paper to which their Names were Subscribed, is lost or mislaid, and no Record containing the same, is to be found in the said office,
Resolved that the secretary of the Commonwealth be, and he is hereby Authorised, to receive into his Office and record the Copy of the said subscription paper containing the names given in to the secretary as aforesaid, which Copy is proved by the Oaths of Michael Metcalf and Nathaniel Fisher, and the same Copy shall be considered as original and shall have the same Force and Effect, which the original Paper would or ought to have had in Case the same had been preserved and Recorded and the Persons, whose Names were so given in to the secretary, A their Heirs, or Assigns B shall do duty and receive Privileges accordingly. sent down for concurrence
SAML PHILLIPS Pr̃sdt—
In the House of Represents June 22 1793 Read & Concurred with an amendment at A.
Sent up for Concurrence WM TUDOR Sp. pro Temp
dele from A to B —& insert 'as aforesaid'
In Senate June 22d 1793 — Read & concurred SAML PHILLIPS Pr̃sdt
Approved JOHN HANCOCK." — *Mass. Files: Resolves*, 1793.

***Chap.* 32.** The bill of this chapter was brought down, April 17, 1778, from the Council, where it had been read twice and passed to be engrossed. It was read in the House, a first time, on the same day, and, on the 27th, it was read a third time and passed, in concurrence, to be engrossed, and, on the following day, it was passed to be enacted in both branches.

***Chap.* 33.** On the 19th of October, 1776, Messrs. Sergeant, Pickering and Otis were appointed a committee to bring in a bill "impowering the justices of the Superior Court of Judicature, &c., when it appears expedient, to continue any causes brought before them, by appeal from any of the maritime courts, in this state, to the next session, in any county within the same district." Five days later, this committee was ordered to "consider and bring in a clause to prevent persons fixing out vessels from this state, and trading with the British dominions; and also to revise the maritime law, and propose such alterations as they may judge necessary," and Messrs. Murray and Coffin were, at the same time, appointed upon the committee, in place of Messrs. Sergeant and Otis, who were absent.
No report by this committee has been discovered: which is probably explained by the fact that the following order for a joint committee upon the same subject superseded the prior appointment:—
"Oct. 31, 1776. *Daniel Hopkins*, Esq; brought down from the honorable Board, the following vote of Council, *viz. In Council, October* 31, 1776. On motion, *Ordered*, That *David Sewall* and *Francis Dana*, Esquires, with such as the honorable House shall join, be a committee to take into consideration, the several laws and resolves of this State, relative to Maritime matters; some of which have never been published; and to bring in a bill with such alterations, amendments and additions, as to them may seem meet, reducing the whole into one act. Sent down for concurrence. Read and concurred, and Mr. *Metcalf*, of *Dedham*, Judge *Sergeant* and Judge *Sullivan*, are joined." — *House Journal*, *p.* 140.
No further proceeding, either by the committee or by either branch of the Legislature, has been discovered until April 11, 1778, when the bill of this chapter was read, a first time, in the Council. On the 13th, it had its second reading in the Council, was there passed to be engrossed, and sent down for concurrence. In the House, this bill was read a first time on the 13th, and a second time on the 16th; and, on the 28th, was passed, in concurrence, to be engrossed, with an amendment by which the word "foreigners" was substituted for "aliens" in the third section. On the 29th, the bill was passed to be enacted.

Supplementary note to chapter 18. — An imperfect copy of the House Journals for the political year 1776-77, in the library of the American Antiquarian Society, enables us to trace the movement resulting in the passage of this chapter, back to January 6, 1777, when a bill, entitled "An Act for prescribing and enjoining an oath of fidelity to this state," was read a first time. It was read again on the following day, and then, "after debate thereon, ordered, that the matter should subside." The subject was renewed in the House, on the 24th of March, by the introduction of the bill of this chapter, which proceeded to enactment as narrated in the note on p. 838, *ante*.

* Printed resolves of the May session, chapter XLVIII.

ACTS,

PASSED 1778–79.

ACTS

Passed at the Session begun and held at Boston, on the Twenty-seventh day of May, A. D. 1778.

CHAPTER 1.

AN ACT FOR INCORPORATING CERTAIN LANDS IN THE COUNTY OF SUFFOLK, FORMERLY BELONGING TO THE TOWN OF DORCHESTER, BUT NOW TO THE TOWNS OF WRENTHAM, WALPOLE, STOUGHTON AND STOUGHTONHAM, WITH THE INHABITANTS LIVING THEREON, INTO A TOWN BY THE NAME OF FOXBOROUGH.

Preamble

Whereas a number of inhabitants belonging to the towns of Wrentham, Walpole, Stoughton and Stoughtonham, have represented to this court the inconvenienc[i]es they labour under on account of their distance from the places of public worship in the several towns to which they now belong, and have earnestly and repeatedly requested that they may be incorporated into a town,—

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Part of the towns of Wrentham, Walpole, Stoughton, and Stoughtonham, incorporated into a town by the name of Foxborough.

[Sect. 1.] That such part of the towns of Wrentham, Walpole, Stoughton and Stoughtonham as are included in the following bounds; viz[t]., begin[n]ing at the county line, by S[e][k]ull Meadow, so called, and from thence proceeding in the range line that runs over Cow Hill, until[l] it comes to the Norton road; and from thence, a str[eigh][ai]t line, to the south-east corner of Benja[min] Fairbank's home lot[t]; and from thence, running north-west and north-easterly, in the line of said Fairbank's farm, until[l] it comes to the west end of the furnace dam, — excluding the furnace land and buildings to Stoughtonham; and from thence, a str[eigh][ai]t line, until[l] it comes to the bridge by Capt. Elkanah Billings's; and from thence, on the road, southwardly, until[l] it comes to the line between Capt[ain] Samuel Billings and his son; thence, on the line between them, to the north-west corner of Capt. Samuel Billing[s]'s pasture; thence, the same course, in the line of Major Samuel Billings's land, until[l] it comes to Col[o]. Royal's farm, — excluding the home lot[t] that was Capt[ain] Elkanah Billings's, to remain to the town of Stoughtonham, and the home lot[t] of Nathan Clark, jun[r]., to be included within the new incorporation; from thence, on the line of Col[o]. Royal's farm, until[l] it comes to the north-east corner; thence, on the northwardly line of said farm, until[l] it comes to the north-west corner of it; from thence, a str[eigh][ai]t line, to Dedham Rock, so called (or Walpole Corner), to the line of the land of Thomas Mann; thence, with the line of the land of said Thomas Mann, until[l] it comes to a str[eigh][ai]t line from the crotche[d][t] black-oak stump standing by the road leading from

Stoughton to Wrentham (which was Dorchester's old line), to Att[*l*]e[l]borough Corner; thence, a str[eigh][*ai*]t line, to said Att[*l*]e[l]-borough Corner where it meets with the county line, — excluding and leaving Thomas Brasto[w][*n*], with his buildings and home place, and also so much of Thomas Mann's land as now joins to his home place, to remain and belong to the town of Wrentham: and where it shall so happen that this incorporating line divides the land of any person living near the same (so far as it concerns the inhabitants of Wrentham and Foxborough), said lands shall be held to be taxed on that side the line that the proprietor dwells; and from thence, turning easterly, and running on said county line until[l] it comes to the first-mentioned bounds, — be, and hereby is incorporated into a town by the name of Foxborough, and invested w[*i*]th all powers, pr[e][*i*]vileges and immunities that towns in this state do or may enjoy.

And be it further enacted,

Certain persons shall remain to the town to which they now belong.

[SECT. 2.] That Eleazer Robbins, Daniel Morse, Elisha Morse, widow Mary Patten, David Patt[i][*e*]n, widow Mary Boyden, Solomon Morse, Uriah Atherton, Samuel Morse, Josiah Hodges, Benjamin Hodges, John Ev[*e*]rett, Eliphalet Hodges, Josiah Blanchard, Isaac Pratt, Joseph Pratt, Joseph Gilbert, with their estates, shall remain to the towns to which they now belong; and all such persons as are included in the aforesaid incorporating line, which were formerly annexed to the north precinct in Norton, now Mansfield, to do duty and receive privilege respecting divine worship, shall still enjoy the same, unless any of them shall choose to belong to, and join with, the inhabitants of Foxborough for that purpose, — which they shall have liberty so to do: *provided*, they or any of them give in their names to the town clerk of Foxborough, any time within the term of eighteen months from the passing this act; in which case such person or persons shall not be held to pay taxes to the town of Mansfield, for the support of a minister, but to the town of Foxborough.

And be it further enacted,

[SECT. 3.] That the inhabitants of said town of Foxborough shall pay their proportion of all state, county, and town, taxes already granted to be raised in the several towns, respectively, to which they lately did belong, and be held to raise their quota of men for the Continental service, and to pay their proportion of the charges of representatives for the year past, in the several towns aforesaid.

Be it also enacted,

[SECT. 4.] That the inhabitants living within the bounds aforesaid, who are not included in the above exceptions, and who, in the late taxes, in the several towns aforesaid, were rated one half part so much for their estates and faculties as for one single poll, shall be taken and holden to be qualified, and be allowed, to vote in their first meeting for the choice of officers, and such other meetings as may be called in said town of Foxborough, until[l] a valu[e]ation of estates shall be made by assessors there.

And be it further enacted,

Benjamin Guild, Esq., to direct in calling the first meeting.

[SECT. 5.] That Benja[*min*] Guild, Esq[r]. be, and he is hereby, authori[z][*s*]ed and required to issue his warrant to one of the principal inhabitants of said town, authorising and requiring him to warn the inhabitants, qualified as aforesaid, to meet together at such time and place as shall be expressed in said warrant, to ch[u][*oo*]se such officers as towns are authori[z][*s*]ed by law to ch[u][*oo*]se, and transact other lawful[l] matters as shall be expressed in s[*ai*]d warrant. [*Passed June* 10.

CHAPTER 2.

AN ACT FOR TAKING AFFIDAVITS OUT OF COURT, IN CERTAIN CASES NOT ALREADY PROVIDED FOR.

Whereas no provision is made for taking affidavits out of court, where the persons whose testimonies are wanted are inlisted in the service of this or the United States,— Preamble.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That in such cases, affidavits may be taken and used in like manner, and with the same restrictions, as the depositions of persons bound to sea may, by law, be taken and used. Persons who are enlisted into service of this or the United States may have the affidavits taken out of court.

[Sect. 2.] This act to continue and be in force for the space of two years, and no longer. [*Passed June* 11.

CHAPTER 3.

AN ACT TO IMPOWER THE PROPRIETORS OF A NEW TOWNSHIP IN THE COUNTY OF CUMBERLAND, CALLED PEARSONTOWN, TO LAY A YEARLY TAX, NOT EXCEEDING A PENNY PER ACRE, FOR THE TERM OF FIVE YEARS, UPON THE UNIMPROVED LANDS THERE, AND TO SUBJECT THE LANDS OF SUCH AS SHALL REFUSE OR NEGLECT TO PAY THE SAME, TO BE SOLD FOR THE PAYMENT THEREOF.

Whereas the proprietors of a new township called Pearsontown, in the county of Cumberland, have petitioned this court, shewing that they have occasion to raise monies, for the support of the gospel, making and repairing roads and bridges, running and marking the lines of their lot[t]s, and other necessary charges of compleating the settlement of that township, but that by reason of their having divided most of their lands there into lot[t]s, and drawn the same, their former method, by law prescribed, of laying taxes on their several rights, is inconvenient, and, where the same right is owned by different persons, in several lotts, may, in many cases, work injustice; and therefore praying that they may be impowered to lay a tax upon every unimproved lot[t] there, for a certain time, for the purposes aforesaid,— Preamble. 1753-54, chap. 1.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the proprietors of said township be, and they hereby are, impowered, some time in the present year, 1778, and once in every year for the term of four years next succeeding the present, at a meeting called and held in the method already last agreed on by them for calling their meetings, to lay a tax, not exceeding one penny per acre, upon every thirty-acre lot[t] and every hundred-acre lot[t] there (except such lot[t]s as belong to the minister there, or are appropriated for the use of the ministry, or support of schools, and except every other lot[t], of which five acres shall be cleared and brought Proprietors of the town of Pearsontown, for the space of five years, empowered to lay a tax, not exceeding one penny per acre, upon the unimproved land.

to, so as to be fit for mowing or ploughing), and appropriate the monies arising by said tax to all or any of the purposes aforesaid, as they shall judge necessary. And at each of said meetings said proprietors shall and may choose a committee of three persons, which committee, or the major part of them, shall publish said tax, at the proprietors' cost, by posting up the same in said Pearsontown, and in Falmouth in the same county, in some public place, and by causing the same to be inserted in one or more of the Boston weekly newspapers, for three weeks successively; and in said publication shall require the owners of said lot[t]s to pay said tax to said proprietors' treasurer; and advertise a time, and place in said county, for the sale of so much of every lot[t], the tax upon which shall remain due and unpaid at the time appointed for such sale, as shall be necessary, in the judgment of said committee, or major part of them, to pay said tax, with charges of sale and conveyance: the said time of sale to be thirty days at least after such publication.

Lands liable to be sold to pay the tax.

[SECT. 2.] And the said committee, or the major part of them, are hereby authori[z][s]ed and impowered, at the time and place advertised for that purpose, as aforesaid, at public vendue, to sell so much of every lot[t] there, the tax upon which, or any part of it, shall then remain due and unpaid, as they shall judge necessary to pay the same, with charges of sale and conveyance, to such person or persons as will offer most for the same; and to make, execute and acknowledge a good and lawful[l] deed or deeds for conveyance of the same, to the purchaser or purchasers, in fee simple; w[*hi*]ch deed or deeds, being also recorded according to law, shall be good and valid, to all intents and purposes, in law, for the conveying such lands to the purchaser or purchasers, his, her, or their heirs and assigns, forever. And said committee, or the major part of them, may adjourn and continue said vendue from time to time until[l] all delinquent owners' lots, or so much of them as shall be necessary, are sold, if for want of time or purchasers they cannot sell the whole on the day appointed, or they shall judge it for the interest of such delinquent owners so to do. And the said committee shall make out two fair lists of all lot[t]s, or parts of lots, sold, expressing the sums they sold for, and to whom they were sold, under their hands, or the hands of the major part of them, and deliver one of those lists to the said proprietors' clerk, to be filed in his office, and the other to the said proprietors' treasurer; also a fair account of the charges of sale and conveyance; and shall immediately pay over all the monies arising by such sales, to said treasurer, deducting said charges; said account[*s*] of which, they shall also deliver to said treasurer. And the said treasurer shall give them a receipt for said monies, and shall divide said charges among all the lot[t]s the whole or part of which were sold, according to the quantity so sold; and if the sum arising from the sale of any lot[t] or part of a lot[t], deducting its proportion of said charges, still exceeds the tax laid upon it, the said treasurer shall pay such overplus money to the owner or owners of such lot[t], if he or they demand the same in two years from the time of sale; otherwise it shall be for the use of the said proprietors, and appropriated to the same purposes with the taxes aforesaid.

Provided, always, —

Proviso that the owners of the land shall be allowed eighteen months to redeem it.

[SECT. 3.] That the owner of every lot[t] or part of a lot[t] sold, shall have eighteen months from the time of sale allowed him to redeem the same, and upon payment or legal tender, within that time, to the purchaser or purchasers, his or their heirs or assigns, of the principal

sum the land sold for, with double interest, cost of recording the deed, and costs of improvements, if any there shall be, such purchaser or purchasers, his or their heirs or assigns, shall, at the cost of such owner, reconvey, by a proper deed, to be executed and acknowledged according to law, such lot[t], or part of a lot[t], to such owner, and in case of refusal, be liable to his action for recovery of the same, with damages for his refusal. And the business of said meetings to be held by virtue of this act, shall be expressed in the application and warning for the same; and any other articles may be therein inserted upon which the said proprietors may lawfully act and vote. [*Passed June* 13.

CHAPTER 4.

AN ACT FOR FURTHER PROLONGING THE TIME FOR CALLING IN THE BILLS OF CREDIT OF THIS STATE, NOT ON INTEREST.

Preamble. 1777-78, chap. 27.

Whereas it appears to this court that the time limitted, by a late act, for prolonging the time for calling in the bills of credit of this state, not on interest, was not sufficient for that purpose, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Prolonging the time for calling in the bills of credit of this state.

[Sect. 1.] That the time for calling in the said bills of credit, and exchanging them for treasurer's notes, be further prolonged to the first day of December next; and that the treasurer be, and he hereby is, directed to exchange said bills accordingly; any law to the contrary notwithstanding.

Provided, nevertheless, —

Notes to bear date at the time the treasurer shall receive the same.

[Sect. 2.] That all notes which shall be issued by the treasurer for any sums of this state's money which he may receive by virtue of this act, shall bear date at the time such sums shall be by him received. [*Passed June* 4.

CHAPTER 5.

AN ACT TO PREVENT THE FORGING, ALTERING OR COUNTERFEITING THE STATE-LOTTERY TICKETS.

Preamble.

Whereas this court have established a lottery for the benefit of the officers and soldiers belonging to this state, and now doing duty in the Continental Army; and whereas it is necessary that such penalties by law be annexed as shall effectually prevent the forging, counterfeiting or altering said lottery tickets, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Penalty for counterfeiting state-lottery tickets.

[Sect. 1.] That if any person shall presume to forge, counterfeit or alter, any lottery ticket which hath been or hereafter may be made by order and under the authority of this state, or shall make

any false form of a lottery ticket purporting to be a lottery ticket made and issued as aforesaid, or shall pass or sell any such false, forged, counterfeited or altered lottery ticket, or any false form of a lottery ticket, purporting to be a lottery ticket made and issued by order and under the authority aforesaid, knowing the same to be false, forged, counterfeited or altered, or that shall advise or assist in the forging, altering, counterfeiting or making any such ticket as aforesaid; every person so offending, and being thereof convicted before the superior court of judicature, court of assize, etc., shall be punished by being set on the gallows for the space of one hour, with a rope round his neck, and shall pay a fine not exceeding one thousand pounds, at the discretion of the court before whom the conviction may be, to the use of this state; and suffer not more than twelve months' imprisonment, nor less than three; and be publickly whipped, not exceeding thirty-nine stripes; or shall suffer only part of the aforegoing punishments, at the discretion of the court before whom the conviction shall be, according to the circumstances of the offence; and shall pay to the person or persons defrauded treble damages.

And be it further enacted by the authority aforesaid,

Reward for information.

[SECT. 2.] That any person who shall make discovery and give information of any offences committed against this act, so that the offender shall be brought to punishment (provided the informer is no party to such offence), shall receive, as a reward therefor, upon every conviction, out of the treasury of the state, the sum of thirty pounds. [*Passed June* 16.

CHAPTER 6.

AN ACT FOR PROLONGING THE TIME FOR ADMINIST[E]RING THE OATH, OR AFFIRMATION, OF FIDELITY AND ALLEGIANCE.

Preamble. 1777-78, chaps. 18 and 25.

WHEREAS, by law, it is required that the oath, or affirmation, of fidelity and allegiance be administered to all commissioned officers, both civil and military, and attornies-at-law, in this state, by the [20] [*twentie*]th day of June, in the present year, otherwise that such person be considered as disqualified to act in either of said offices or places; which time does not appear to this court sufficient for that purpose, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Prolonging the time for administering the oath, or affirmation, of fidelity and allegiance.

[SECT. 1.] That the time for administ[e]ring said oath, or affirmation, of fidelity and allegiance, be prolonged to the [30][*thirtie*]th day of September, in the present year; and that no person be considered as disqualified from acting in any of the offices aforesaid, before the expiration of said time, altho[*ugh*] the oath or affirmation aforesaid be not to them administ[e]red; any law of this state to the contrary notwithstanding.

And be it further enacted by the authority aforesaid,

Militia officers required to take said oath by or before the 30th of September.

[SECT. 2.] That the commanding officer of each regiment of militia in this state, require and enjoin every militia officer under his command, to take said oath of fidelity and allegiance, by or before the [30][*thirtie*]th day of September aforesaid. [*Passed June* 18.

CHAPTER 7.

AN ACT FOR INCORPORATING THE PLANTATION CALLED NEW BOSTON, IN THE COUNTY OF CUMBERLAND, INTO A TOWN BY THE NAME OF GRAY.

Preamble.

Whereas the inhabitants of the plantation called New Boston, in the county of Cumberland, have represented to this court the great difficulties and inconveniences they labour under in their present situation, and have earnestly requested that they may be incorporated into a town,—

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Bounds of the incorporated town called Gray.

[Sect. 1.] That the said plantation called New Boston, bounded as follows; viz[t]., south-easterly, on North Yarmouth; north-easterly, on New Glo[*u*]cester; north-westerly, on a plantation called Raymond-town, and south-westerly, on Windham, — be and hereby is erected into a town by the name of Gray; and that the inhabitants thereof be, and they are hereby, invested with all the powers, privile[*d*]ges and immunities which the inhabitants of towns within this state do or may by law enjoy.

And be it further enacted,

Hon. Enoch Freeman, Esq., first empowered to call the meeting of the inhabitants.

[Sect. 2.] That the Honorable Enoch Freeman, Esq[r]., be, and he hereby is, [i][*e*]mpowered and directed to issue his warrant to some principal inhabitant of said town, requiring him to warn the inhabitants thereof to meet, at such time and place as shall be therein set forth, to choose all such officers as towns are, by law, required and [e][*i*]mpowered to choose in the month of March, annually; at which said meeting all the then present inhabitants upwards of twenty-one years of age, shall be admitted to vote. [*Passed June* 19.

CHAPTER 8.

AN ACT PROVIDING FOR THE CHOICE OF COUNTY TREASURERS, IN CERTAIN CASES THEREIN MENTIONED.

Preamble. 1692-93, chap. 27, § 1.

Whereas, in and by an act made in the year of our Lord one thousand six hundred and ninety-two, [e][*i*]ntitled "An Act for set[t]ling of the bounds, and defraying of public and necessary charges arising within each respective county in this province," it was (among other things) enacted, "that[e] there be a county treasurer, annually, chosen for each respective county, being a freeholder within the same, and to be chosen by the votes of the freeholders and other inhabitants of each respective town, duly qualified as is provided by the act for the choice of selectmen and other town officers; and, at the same time, such votes to be given in writing, and sealed up by the constable, by him to be kept and returned into the * quarter sessions to be held for said county, then* to be opened and sorted by such person* as the court should* appoint, in presence of the justices; and the person having the majority of the said votes, should* be treasurer of that county for that year," &c., as by said act more fully appears; but no provision is

* The text varies somewhat from the language of the act quoted.

made in the said act, for the choice of treasurer in cases wherein it appears, by the counting and sorting said votes, that no person has a majority, or in case of the death or removal, or non-acceptance of the person so chosen; wherefore, for preventing of such inconveniences for the future,—

Be it enacted by the Council and House of Representatives in Gen-[era]l Court assembled, and by the authority of the same,

Two justices, *quorum unus*, to call a meeting, in certain cases, for the choice of county treasurers.

That when and so often as a vacancy shall happen in the office[r] of treasurer within any of the counties in this state, by reason of any of the causes above mentioned, it shall and may be lawful[l] for any two or more of the justices within such county, *quorum unus*, and they are hereby impowered, to grant out their warrant, directed to the selectmen of the several towns in the county, ordering them forthwith to convene the freeholders and other inhabitants, qualified by law to vote for selectmen and other town officers, and proceed to the choice of some meet person for treasurer of said county, in the same manner as is prescribed in the act above recited. The said justices shall also make out their warrants, returnable to themselves on a certain day, as soon as can conveniently be done, directing the said selectmen to seal up the votes for treasurer, and return them, together with said warrant. And the abovesaid justices shall, at the same time, give out their notifications, to the other justices of said county, of their proceedings herein, desiring them to meet, on the day appointed for the return of said warrants, at some certain place in the shire town in said county. And the justices so met[t] shall proceed to open and sort the votes; and the person having the most votes shall be treasurer for such county until[l] the time appointed by law for the choice of treasurers throughout this state. [*Passed June* 19.

CHAPTER 9.

AN ACT TO DIRECT THE JUSTICES OF THE SUPERIO[U]R COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, TO TRY CERTAIN PERSONS NOW CONFINED IN THE GOAL AT NORTHAMPTON, IN THE COUNTY OF HAMPSHIRE, AND IN THE GOAL AT GREAT BARRINGTON, IN THE COUNTY OF BERKSHIRE; AND FOR PROCURING EVIDENCE TO BE USED IN SAID TRIALS.

Preamble. 1776-77, chap. 32, § 6.

WHEREAS, in and by an act or law of this government, made and passed in the year of our Lord one thousand seven hundred and seventy-seven, intitled "An Act against treason and mispris[*i*]on of treason, and for regulating trials in such cases, and for directing the mode of ex[*e*]cuting judgments against persons attainted of felony," it is provided, "That all manner of offences made and declared by that* act, or which should* thereafter* be made and declared by any other* laws or statutes of this state, to be treason or* mispris[*i*]on of treason, or concealment of treason, which should thereafter* be done, perpetrated or committed by any person or persons without the limits of this state, should* be inquired of, heard and determined before the justices of the superio[u]r court of judicature, court of assize and general goal delivery, within such county as the supreme executive power should* order and direct, by good and lawful men of the same

* The text varies, here, from the language of the act quoted.

county, in like manner and form, and * to all intents and purposes as if such treasons, mispris[*i*]ons * of treasons, or concealment of treasons,* had been done, perpetrated and committed within the same county;" *and whereas* several persons, subjects of this state, and inhabitants of the same, are now, on suspicion of treason committed without the limits of this state, confined in the common goals in Northampton, in the county of Hampshire, and in the common goal in Great Barrington, in the county of Berkshire, by order of the council of this state; and it being necessary, for divers reasons, that a speedy and impartial trial thereon be had by order and direction of the general assembly,—

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Attorney-general to lay the evidence before the grand jurors.

[Sect. 1.] That the attorney-general of this state be, and he hereby is, directed to lay such evidence as he shall obtain against the s[*ai*]d several persons so confined in said goals, by order of the council, for treason, mispris[*i*]on of treason, or concealment of treason, before the grand jurors who shall be returned and impannelled according to law, to serve on the grand inquest for the bodies of the counties of Hampshire and Berkshire, at the superio[u]r court of judicature, court of assize and general goal delivery, to be held at Springfield, in the said county of Hampshire, and for the said counties of Hampshire and Berkshire, on the fourth Tuesday in September, in the year of our Lord one thousand seven hundred and seventy-eight; and the said grand jurors are hereby impowered to enquire into, and make presentment to the said court of, all treasons, mispris[*i*]ons of treasons, or concealment of treasons, done, perpetrated and committed by the said persons so confined in the goals aforesaid, at any place without the limits of this state, in the same manner and as fully to all intents and purposes as if the same had been done, perpetrated and committed in either of the said counties of Hampshire and Berkshire; and the justices of the said court are directed and impowered to proceed to arraignment and trial of them, the said persons confined as aforesaid by order of council, or either of them, against whom a bill may be found, by the s[*ai*]d grand jurors in manner aforesaid, for treason, mispris[*i*]on of treason, or concealment of treason, done, committed and perpetrated by them, without the limits of this state, in the same manner, and to all intents and purposes, as if the same felonies had been done and committed within the bodies of the said counties of Hampshire and Berkshire. And if upon such trial the said persons so confined, or either of them, shall be found guilty of treason, mispris[*i*]on of treason, or concealment of treason, the justices of the said court are impowered and directed to pass sentence upon them in the same manner as the act before mentioned directs; and the sheriffs of said counties, or either of them, are hereby impowered to execute such sentence, upon regular warrant from the council, accordingly.

1769–70, chap. 17, § 1.

Grand jurors empowered to make presentments.

Justices of said court empowered to try said persons.

Justices empowered to pass sentence.

And to the intent that the trial may be justly had, as well on the part of the prisoners before mentioned as on the part of the government, —

It is enacted by the authority aforesaid,

Timothy Edwards and Jahleel Woodbridge, Esqrs., empowered to summon witnesses.

[Sect. 2.] That Timothy Edwards and Jahleel Woodbridge, Esq[*ui*]r[*e*]s, be, and they hereby are, impowered and directed to summon or bring before them all such persons as may serve as witnesses against the said persons so committed, or confined, as aforesaid, or either of them, and all such persons as they, the said prisoners so

* The text here, varies from the language of the act quoted.

confined, or either of them, shall request them, the said Timo[*thy*] Edwards and Jahleel Woodbridge, Esq[*ui*]r[*e*]s, to procure, as witnesses in their behalf; and such persons to recognize to appear and give evidence in the trials aforesaid, at the court aforesaid. And the sec[*retar*]y is directed to send an attested copy of this act to the said Timothy Edwards, and an attested copy thereof to the sheriff of the counties of Hampshire and Berkshire, who are directed to deliver the same to the prisoners aforesaid; and also to furnish the justices of the court aforesaid with a like copy: *provided*, that nothing in this act shall extend to prevent a pardon which government may see proper to grant to any of the said persons so confined in the goals aforesaid. [*Passed June* 20.

CHAPTER 10.

AN ACT FOR REVIVING AND CONTINUING AN ACT INTITLED "AN ACT FOR TAKING UP AND RESTRAINING PERSONS DANGEROUS TO THIS STATE."

Preamble. 1776-77, chap. 45.

WHEREAS the act intitled "An Act for taking up and restraining persons dangerous to this state," which pass[*e*]'d in the year of our Lord one thousand seven hundred and seventy-seven, is expired; and as it has been found very useful and beneficial, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Continued until the 20th day of June, 1779.

That the before-mentioned act, now expired, be revived and continued, with all and every clause, matter and thing therein respectively contained, and shall be in force until the [20][*twentie*]th day of June, in the year of our Lord one thousand seven hundred and seventy-nine, and no longer. [*Passed June* 20.

CHAPTER 11.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF ONE HUNDRED AND TWENTY THOUSAND POUNDS.

Preamble.

WHEREAS it is necessary in order to answer the demands, and support the public credit, of this state, that the treasurer thereof should be impowered to borrow a sum of money not exceeding one hundred and twenty thousand pounds, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Treasurer to borrow money.

[SECT. 1.] That the treasurer of this state be, and he is hereby, impowered and directed to borrow, on the credit of this state, of such persons as shall be willing to lend the same, a sum not exceeding one hundred and twenty thousand pounds, in Continental bills of credit; for which sum the said treasurer is hereby [i][*e*]mpowered to give his receipts or obligations in form following; viz[*t*]., —

Form of receipt he is to give.

State of Massachusetts Bay, the day of , 177 .
Received of , the sum of , for the use and service of the state of Massachusetts Bay; and, in behalf of said state, I do hereby promise and

oblige myself and successors in office of treasurer, to repay to the said , or bearer, by the first day of July, A.D. 1783, the aforesaid sum of , with interest annual[l]y, at six per cent per annum.
Witness my hand, H. G., Treasurer.
A. B., } Committee.
C. D., }

— which forms shall be printed on good paper, to be procured by the treasurer, with a suitable border round the same; and when said notes are issued, a counterpart, indented, of each note, shall be kept by the treasurer.

And be it further enacted,

[Sect. 2.] That John Scollay and David Jeffr[*i*]e[y]s, Esqrs., be a committee to sign blank notes, at the left hand, as by the form prescribed, before the same are filled up by the treasurer. Committee to sign the blanks.

And be it further enacted by the authority aforesaid,

[Sect. 3.] That there be and hereby is granted a tax of one hundred and twenty thousand pounds, to be levied on the polls, and estates both real and personal, within this state, according to such rules, and in such proportions on the several towns and other places in this state, as shall be agreed upon and ordered by the general court or assembly, at their session in May, one thousand seven hundred and eighty-two, to be paid into the public treasury on or before the first day of June, which will be in the year of our Lord one thousand seven hundred and eighty-three. Tax to be levied.

And be it further enacted by the authority aforesaid,

[Sect. 4.] That if the general court or assembl[e][*y*], at their session in May, one thousand seven hundred and eighty-two, and some time before the first day of August in that year, shall not agree and conclude upon an act apportioning the sum which by this act is engaged to be, in that year, assessed and levied, that then and in such case each town and other place in this state shall pay, by a tax, to be levied on the polls, and estates both real and personal within their limits, the said proportion of the said sum as such town or other place was taxed by the general court in the tax act then next preceeding. Treasurer to issue his warrants for assessments.

[Sect. 5.] And the treasurer of this state is hereby fully impowered and directed, some time in the month of August in the same year, to issue and send forth his warrants, directed to the selectmen or assessors of each town within this state, or to some suitable person or persons in such place or places as are not incorporated, requiring him or them to assess the polls, and estates both real and personal, within their several towns and other places, for their respective parts and proportions of the sum before directed and engaged to be assessed, to be paid into the treasury at the aforementioned time; and the assessors shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act.

And be it further enacted,

[Sect. 6.] That the said sum of one hundred and twenty thousand pounds, and each part thereof, when so borrowed, shall be appropriated to redeem the notes payable in June, one thousand seven hundred and seventy-eight; and to the payment of all such warrants as shall be drawn on said treasurer, according to law, for defraying the charges of this government, agreeable to the acts and grants of the general court. [*Passed June* 20. Appropriation of the money borrowed.

CHAPTER 12.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF TWO HUNDRED AND FIFTY-FOUR THOUSAND SEVEN HUNDRED AND EIGHTEEN POUNDS SIXTEEN SHILLINGS AND ELEVENPENCE, UPON THE SEVERAL TOWNS AND OTHER PLACES IN THIS STATE, FOR DEFRAYING THE PUBLIC CHARGE.

WHEREAS it is necessary that the sum of two hundred and fifty-four thousand seven hundred and eighteen pounds sixteen shillings and elevenpence, should be raised and paid into the public treasury of this state, as soon as may be, to defray such public charges as have arisen, or may arise, for the support of government, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same.

[SECT. 1.] That each town and other place within this state be assessed and pay, as such town and other place's proportion of the sum of two hundred and fifty-four thousand seven hundred and eighteen pounds sixteen shillings and elevenpence, the following sum set against them, respectively; that is to say, —

IN THE COUNTY OF SUFFOLK.

		£	s.	d.
Boston,	Nineteen thousand nine hundred [and] twenty pounds sixteen shillings and eightpence,	19,920	16	8
Roxbury,	Two thousand two hundred [and] thirty-one pounds ten shillings and eightpence,	2,231	10	8
Dorchester,	One thousand six hundred [and] two pounds two shillings and twopence,	1,602	2	2
Milton,	Nine hundred [and] eighty-six pounds nineteen shillings and tenpence,	986	19	10
Braintree,	Two thousand one hundred [and] thirty-seven pounds and sixpence,	2,137	0	6
Weymouth,	One thousand one hundred [and] fifty-eight pounds nineteen shillings and twopence,	1,158	19	2
Hingham,	One thousand five hundred [and] sixty-three pounds twelve shillings and tenpence,	1,563	12	10
Cohasset,	Five hundred twenty-seven pounds fifteen shillings and eightpence,	527	15	8
Dedham,	One thousand eight hundred [and] fifty-seven pounds twelve shillings and eightpence,	1,857	12	8
Medfield,	Seven hundred [and] forty-seven pounds sixteen shillings,	747	16	0
Wrentham,	One thousand one hundred [and] twelve pounds five shillings and ninepence,	1,112	5	9
Franklin,	Seven hundred [and] sixty-eight pounds five shillings and ninepence,	768	5	9
Brookline,	Seven hundred [and] eighteen pounds seven shillings and eightpence,	718	7	8
Needham,	Seven hundred [and] fifty-eight pounds twelve shillings,	758	12	0
Stoughton,	One thousand four hundred [and] seventy pounds four shillings and eightpence,	1,470	4	8
Stoughtonham,	Six hundred [and] seventy-three pounds seven shillings and sixpence.	673	7	6
Medway,	Seven hundred [and] fifty-nine pounds eight shillings and twopence,	759	8	2
Bellingham,	Four hundred [and] ninety-two pounds eight shillings and fourpence,	492	8	4
Hull,	One hundred [and] seventy-three pounds one shilling,	173	1	0
Walpole,	Six hundred [and] twenty pounds two shillings,	620	2	0

Suffolk County—*Concluded.*

Chelsea, . . .	Four hundred [and] ninety-seven pounds eleven shillings, ...	£497	11*s.*	0*d.*
	Forty thousand seven hundred [and] seven-[ty]-eight pounds, ...	£40,778	0*s.*	0*d.*

IN THE COUNTY OF ESSEX.

Salem, . . .	Six thousand eight hundred [and] eighty-four pounds thirteen shillings, ...	£6,884	13*s.*	0*d.*
Danvers, . .	Two thousand one hundred [and] fifty-nine pounds five shillings and eightpence, . .	2,159	5	8
Ipswich, . .	Three thousand six hundred [and] eighty-five pounds and sixpence, ...	3,685	0	6
Newbury, . .	Three thousand four hundred [and] nineteen pounds seven shillings and sixpence, . .	3,419	7	6
Newburyport, .	Three thousand five hundred [and] eighteen pounds three shillings and fourpence, . .	3,518	3	4
Marblehead, . .	Three thousand five hundred [and] twenty-one pounds five shillings and twopence, . .	3,521	5	2
Lynn, . . .	One thousand six hundred [and] seventy-five pounds eight shillings and twopence, . .	1,675	8	2
Andover, . .	Two thousand eight hundred [and] nineteen pounds fifteen shillings and eightpence, .	2,819	15	8
Beverly, . . .	One thousand nine hundred [and] seventy-eight pounds and eightpence, ...	1,978	0	8
Rowley, . . .	One thousand six hundred [and] four pounds thirteen shillings and sixpence, . . .	1,604	13	6
Salisbury, . .	One thousand four hundred [and] one pounds seven shillings and eightpence, . . .	1,401	7	8
Haverhill, . .	Two thousand [and] seventeen pounds nine shillings, ...	2,017	9	0
Glo[*u*]cester, . .	Two thousand one hundred [and] sixty-eight pounds eighteen shillings, ...	2,168	18	0
Topsfield, . .	Seven hundred [and] fifty-two pounds two shillings and sixpence, ...	752	2	6
Almsbury, . .	One thousand two hundred [and] fifty-eight pounds eleven shillings and sixpence, . .	1,258	11	6
Bradford, . .	One thousand one hundred [and] thirty-four pounds eighteen shillings and eightpence, .	1,134	18	8
Methuen, . .	Nine hundred [and] forty-eight pounds thirteen shillings and twopence, . . .	948	13	2
Boxford, . . .	Nine hundred [and] fifty pounds sixteen shillings and fourpence, ...	950	16	4
Wenham, . .	Four hundred [and] fifty-six pounds four shillings and tenpence, ...	456	4	10
Manchester, . .	Five hundred [and] twenty-six pounds nineteen shillings and fourpence, ...	526	19	4
Middleton, . .	Six hundred [and] twenty pounds seven shillings and sixpence, ...	620	7	6
	Forty-three thousand five hundred [and] two pounds one shilling and eightpence, . .	£43,502	1*s.*	8*d*

IN THE COUNTY OF MIDDLESEX.

Cambridge, . .	Two thousand [and] ninety pounds six shillings and tenpence, ...	£2,090	6*s.*	10*d.*
Charlestown, . .	Two hundred [and] ninety-six pounds three shillings, ...	296	3	0
Watertown, . .	Eight hundred [and] seventy-two pounds five shillings and twopence, ...	872	5	2
Woburn, . . .	One thousand four hundred [and] thirty pounds ten shillings and tenpence, . . .	1,430	10	10
Concord, . . .	One thousand three hundred [and] seven pounds three shillings and fourpence, . .	1,307	3	4

MIDDLESEX COUNTY — *Concluded.*

Newton,	One thousand two hundred [and] seventeen pounds sixteen shillings and twopence,	£1,217	16*s.*	2*d.*
Reading,	One thousand three hundred [and] ninety pounds seventeen shillings and twopence,	1,390	17	2
Marlborough,	One thousand six hundred pounds seventeen shillings and tenpence,	1,600	17	10
Billerica,	One thousand [and] eighty-eight pounds ten shillings,	1,088	10	0
Framingham,	One thousand two hundred [and] sixty-four pounds ten shillings and fourpence,	1,264	10	4
Lexington,	Eight hundred [and] seventy-three pounds one shilling and fourpence,	873	1	4
Chelmsford,	Nine hundred [and] seventy-seven pounds five shillings and sixpence,	977	5	6
Sherburne,	Six hundred [and] twenty-two pounds,	622	0	0
Sudbury,	One thousand seven hundred pounds ten shillings and twopence,	1,700	10	2
Malden,	Eight hundred [and] ten pounds three shillings and fourpence,	810	3	4
Weston,	Eight hundred [and] twelve pounds sixteen shillings and tenpence,	812	16	10
Medford,	One thousand [and] thirty-six pounds thirteen shillings and fourpence,	1,036	13	4
Hopkinton,	Eight hundred [and] twenty-eight pounds fifteen shillings and tenpence,	828	15	10
Westford,	Eight hundred [and] ninety-six pounds eleven shillings and twopence,	896	11	2
Waltham,	Seven hundred [and] eighty-two pounds one shilling and tenpence,	782	1	10
Stow,	Seven hundred [and] eighteen pounds eighteen shillings and fourpence,	718	18	4
Groton,	One thousand two hundred [and] thirty-two pounds eighteen shillings and sixpence,	1,232	18	6
Shirley,	Four hundred [and] thirty-eight pounds nineteen shillings and twopence,	438	19	2
Pepperel,	Six hundred [and] eighty-four pounds twelve shillings and eightpence,	684	12	8
Townsend,	Five hundred [and] twenty-six pounds nineteen shillings and fourpence,	526	19	4
Dracut,	Seven hundred [and] ten pounds and twopence,	710	0	2
Bedford,	Five hundred [and] sixty-eight pounds ten shillings and tenpence,	568	10	10
Holliston,	Six hundred [and] eighty-one pounds eighteen shillings and sixpence,	681	18	6
Acton,	Six hundred [and] forty-one pounds nineteen shillings and sixpence,	641	19	6
Dunstable,	Five hundred [and] ninety-three pounds seven shillings and eightpence,	593	7	8
Lincoln,	Five hundred [and] eighty-four pounds nine shillings and sixpence,	584	9	6
Wilmington,	Four hundred [and] ninety-six pounds fourteen shillings and eightpence,	496	14	8
Tewk[e]sbury,	Seven hundred [and] forty-five pounds one shilling[s] and twopence,	745	1	2
Littleton,	Seven hundred [and] ninety-six pounds seven shillings and tenpence,	796	7	10
Ashby,	Two hundred [and] twenty-eight pounds eighteen shillings and sixpence,	228	18	6
Natick,	Four hundred [and] seven pounds seven shillings and sixpence,	407	7	6
Stoneham,	Three hundred [and] seven pounds four shillings and [four] [*two*] pence,	307	4	4[2]
	Thirty-two thousand [and] sixty-three pounds eight shillings and twopence,	£32,063	8*s.*	2*d.*

IN THE COUNTY OF HAMPSHIRE.

Springfield, . .	One thousand three hundred sixty pounds seventeen shillings and tenpence, . . .	£1,360	17*s.*	10*d.*
West Springfield, .	One thousand four hundred twenty-one pounds eighteen shillings and twopence,	1,421	18	2
Wilbraham, . .	Six hundred thirty pounds twelve sh[e]l[*i*]lings and eight pence, ...	630	12	8
Northampton, . .	One thousand four hundred seventeen pounds six shillings and fourpence, ...	1,417	6	4
Southampton, . .	Five hundred four pounds eleven shillings and fourpence, ...	504	11	4
Hadley, . . .	Five hundred ninety-six pounds one shilling and eightpence, ...	596	1	8
South Hadley, .	Four hundred sixty-four pounds one shilling and fourpence, ...	464	1	4
Amherst, . . .	Six hundred sixty-nine pounds fifteen shillings and eightpence, ...	669	15	8
Granby, . . .	Three hundred nineteen pounds twelve shillings and eightpence, ...	319	12	8
Hatfield, . . .	Seven hundred ten pounds five shillings and sixpence, ...	710	5	6
Whatel[e]y, . .	Two hundred fifty pounds ten shillings and sixpence, ...	250	10	6
Williamsburg[*h*], .	One hundred eighty pounds one shilling and fourpence, ...	180	1	4
Westfield, . .	One thousand eleven pounds sixteen shillings and sixpence, ...	1,011	16	6
Deerfield, . .	Seven hundred thirty-five pounds two shillings and fourpence, ...	735	2	4
Greenfield, . .	Four hundred seventy pounds sixteen shillings and fourpence, ...	470	16	4
Shelburne, . .	Two hundred eighty pounds fifteen shillings and twopence, ...	280	15	2
Conway, . . .	Three hundred nineteen pounds seven shillings and fourpence, ...	319	7	4
Sunderland, . .	Three hundred [*and*] eleven pounds five shillings and fourpence, ...	311	5	4
Montague, . .	Three hundred eighty-five pounds fifteen shillings and eightpence, ...	385	15	8
Northfield, . .	Five hundred twenty-three pounds three shillings and tenpence, ...	523	3	10
Brimfield, . .	Eight hundred seventy pounds twelve shillings and eightpence, ...	870	12	8
So[*uth*] Brimfield, .	Five hundred twenty-one pounds one shilling and sixpence, ...	521	1	6
Monson, . . .	Four hundred fifty-one pounds seven shillings and eightpence, ...	451	7	8
Pelham, . . .	Four hundred ninety pounds five shillings and twopence, ...	490	5	2
Greenwich, . .	Four hundred eighty-eight pounds seventeen shillings and sixpence, ...	488	17	6
Blanford, . .	Three hundred fifty-eight pounds ten shillings and fourpence, ...	358	10	4
Leverett, . . .	One hundred nineteen pounds six shillings and sixpence, ...	119	6	6
Palmer, . . .	Four hundred ninety-eight pounds seventeen shillings and tenpence, ...	498	17	10
Granville, . .	Eight hundred sixty-nine pounds eleven shillings and twopence, ...	869	11	2
New Salem, . .	Four hundred thirty-seven pounds twelve shillings and fourpence, ...	437	12	4
Belchertown, . .	Five hundred fifty-three pounds nineteen shillings and fourpence, ...	553	19	4
Colrain, . . .	Three hundred twenty-one pounds five shillings and twopence, ...	321	5	2
Ware, . . .	Two hundred fifty-nine pounds three shillings and fourpence, ...	259	3	4
Warwick, . .	Two hundred seven pounds six shillings and eightpence, ...	207	6	8
Bernardstown, .	Two hundred eighty-two pounds eighteen shillings and sixpence, ...	282	18	6
Murr[*a*]yfield, .	Two hundred forty pounds, ...	240	0	0
Charlemont, . .	Two hundred thirty pounds five shillings and fourpence, ...	230	5	4

HAMPSHIRE COUNTY — *Concluded.*

		£	*s.*	*d.*
Ashfield,	Two hundred sixty-two pounds thirteen shillings and sixpence,	£262	13*s.*	6*d.*
Worthington,	One hundred thirty-one pounds four shillings,	131	4	0
Shutesbury,	Two hundred eighty-one pounds sixteen shillings and tenpence,	281	16	10
Chesterfield,	Four hundred twenty-four pounds eighteen shillings and sixpence,	424	18	6
Southwick,	Three hundred seventy-six pounds one shilling and twopence,	376	1	2
Suffield,	One thousand six hundred twenty-six pounds five shillings and fourpence,	1,626	5	4
Enfield,	Nine hundred ninety-three pounds nine shillings and fourpence,	993	9	4
Somers,	Seven hundred eighty-two pounds eighteen shillings,	782	18	0
Ludlow,	One hundred ninety-two pounds four shillings and fourpence,	192	4	4
Norwich,	Eighty pounds three shillings and twopence,	80	3	2
	Twenty-four thousand nine hundred seventeen pounds two shillings and eightpence,	£24,917	2*s.*	8*d.*

IN THE COUNTY OF PLYMOUTH.

		£	*s.*	*d.*
Plymouth,	One thousand five hundred ninety-seven pounds thirteen shillings,	£1,597	13*s.*	0*d.*
Scituate,	Two thousand two hundred [and] forty pounds fourteen shillings and fourpence,	2,240	14	4
Duxbury,	Eight hundred fifteen pounds and twopence,	815	0	2
Marshfield,	Nine hundred fifty pounds eleven shillings and twopence,	950	11	2
Bridgewater,	Three thousand two hundred seventy-three pounds six shillings and sixpence,	3,273	6	6
Middleboro[*ugh*],	Two thousand seven hundred ninety-seven pounds seven shillings and eightpence,	2,797	7	8
Rochester,	One thousand three hundred fifty-seven pounds eighteen shillings and sixpence,	1,357	18	6
Plympton,	One thousand thirty-eight pounds fifteen shillings and sixpence,	1,038	15	6
Pembroke,	One thousand one hundred eighty-nine pounds four shillings,	1,189	4	0
Kingston,	Six hundred ninety-five pounds fourteen shillings and twopence,	695	14	2
Hanover,	Six hundred forty-seven pounds seven shillings and eightpence,	647	7	8
Abington,	Eight hundred thirty-two pounds six shillings,	832	6	0
Halifax,	Four hundred twenty-five pounds fourteen shillings and tenpence,	425	14	10
Wareham,	Four hundred [and] six pounds sixteen shillings and tenpence,	406	16	10
	Eighteen thousand two hundred sixty-eight pounds ten shillings and fourpence,	£18,268	10*s.*	4*d.*

IN THE COUNTY OF BARNSTABLE.

		£	*s.*	*d.*
Barnstable,	One thousand six hundred sixty-nine pounds fifteen shillings and fourpence,	£1,669	15*s.*	4*d.*
Sandwich,	One thousand three hundred six pounds one shilling and tenpence,	1,306	1	10
Yarmouth,	One thousand one hundred seventy-eight pounds eighteen shillings and tenpence,	1,178	18	10
Eastham,	Eight hundred seventy-one pounds nine shillings,	871	9	0

Barnstable County — *Concluded.*

Harwich,	One thousand fifty-two pounds seventeen shillings and fourpence,	£1,052	17*s.*	4*d.*
Wellfleet,	Six hundred eighty-nine pounds nine shillings and tenpence,	689	9	10
Chatham,	Four hundred fifty-five pounds nineteen shillings and tenpence,	455	19	10
Truro,	Five hundred seventy-four pounds fifteen shillings and twopence,	574	15	2
Falmouth,	Nine hundred fifty-eight pounds eighteen shillings and fourpence,	958	18	4
	Eight thousand seven hundred fifty-eight pounds five shillings and sixpence,	£8,758	5*s.*	6*d.*

IN THE COUNTY OF BRISTOL.

Taunton,	Two thousand fifty-nine pounds eleven shillings and fourpence,	£2,059	11*s.*	4*d.*
Rehoboth,	Two thousand five hundred eighty-two pounds four shillings and fourpence,	2,582	4	4
Swanzey,	One thousand one hundred ninety-two pounds fourteen shillings and twopence,	1,192	14	2
Dartmouth,	Four thousand four hundred fifty-two pounds sixteen shillings and twopence,	4,452	16	2
Norton,	Nine hundred thirty-four pounds seventeen shillings and tenpence,	934	17	10
Mansfield,	Six hundred [and] eight pounds ten shillings,	608	10	0
Attleborough,	One thousand five hundred seventeen pounds four shillings and twopence,	1,517	4	2
Dighton,	Eight hundred sixty-nine pounds and fourpence,	869	0	4
Freetown,	One thousand thirteen pounds nine shillings,	1,013	9	0
Raynham,	Six hundred thirty-six pounds six shillings and twopence,	636	6	2
Easton,	Seven hundred ten pounds sixteen shillings and sixpence,	710	16	6
Berkley,	Four hundred ninety-five pounds two shillings and fourpence,	495	2	4
	Seventeen thousand seventy-two pounds twelve shillings and fourpence,	£17,072	12*s.*	4*d.*

IN THE COUNTY OF YORK.

York,	Two thousand [and] twenty-three pounds eighteen shillings and sixpence,	£2,023	18*s.*	6*d.*
Kittery,	Two thousand two hundred twenty-one pounds eleven shillings,	2,221	11	0
Wells,	One thousand five hundred seventy-nine pounds sixteen shillings and eightpence,	1,579	16	8
Berwick,	Two thousand three hundred ninety-six pounds four shillings and fourpence,	2,396	4	4
Arundell,	Seven hundred twenty pounds five shillings and fourpence,	720	5	4
Biddeford,	Eight hundred thirty-three pounds seven shillings and eightpence,	833	7	8
Pepper[*r*]el[*l*]boro[*ugh*],	Six hundred seven pounds three shillings,	607	3	0
Lebanon,	Two hundred twenty-four pounds seventeen shillings and tenpence,	224	17	10
Sandford,	Two hundred seventeen pounds six shillings and sixpence,	217	6	6
Buxton,	One hundred ninety-three pounds five shillings and tenpence,	193	5	10
Fryeburgh,	Eighty-five pounds,	85	0	0
	Eleven thousand one hundred two pounds sixteen shillings and eightpence,	£11,102	16*s.*	8*d.*

IN THE COUNTY OF DUKES COUNTY.

Edgartown,	Six hundred thirty-one pounds fourteen shillings and sixpence,	£631	14*s.*	6*d.*
Chilmark,	Seven hundred eighty pounds nine shillings and sixpence,	780	9	6
Tisbury,	Five hundred seventy-three pounds two shillings and tenpence,	573	2	10
	One thousand nine hundred eighty-five pounds six shillings and tenpence,	£1,985	6*s.*	10*d.*

IN THE COUNTY OF NANTUCKET.

Sherburne,	Three thousand fifty-eight pounds three shillings and fourpence,	£3,058	3*s.*	4*d.*

IN THE COUNTY OF WORCESTER.

Worcester,	One thousand six hundred fifty-five pounds three shillings and twopence,	£1,655	3*s.*	2*d.*
Lancaster,	Two thousand sixty-two pounds twelve shillings and tenpence,	2,062	12	10
Mendon,	One thousand five hundred thirty pounds nineteen shillings and sixpence,	1,530	19	6
Brookfield,	One thou[n][*s*]and nine hundred eighty-four pounds ten shillings and twopence,	1,984	10	2
Oxford,	Seven hundred fifteen pounds eight shillings and twopence,	715	8	2
Charlton,	Seven hundred twenty pounds,	720	0	0
Sutton,	One thousand nine hundred seventy-one pounds eleven shillings and twopence,	1,971	11	2
Leicester,	Seven hundred twenty-eight pounds seven shillings and fourpence,	728	7	4
Spencer,	Six hundred thirty-three pounds one shilling and fourpence,	633	1	4
Rutland,	Nine hundred fifty-four pounds six shillings and eightpence,	954	6	8
Paxton,	Four hundred seventeen pounds twelve shillings and tenpence,	417	12	10
Oakham,	Two hundred eighty-eight pounds six shillings and sixpence,	288	6	6
Barre,	Eight hundred thirty-seven pounds fourteen shillings,	837	14	0
Hubbardston,	One hundred sixty-six pounds and twopence,	166	0	2
New Braintree,	Six hundred fifty-seven pounds eighteen shillings and twopence,	657	18	2
Southborough,	Seven hundred thirty-seven pounds ten shillings and tenpence,	737	10	10
Westborough,	Seven hundred fifty-two pounds eighteen shillings and tenpence,	752	18	10
Northborough,	Five hundred eight pounds twelve shillings and fourpence,	508	12	4
Shrewsb[orough][*arg*],	One thousand three hundred ninety-seven pounds twelve shillings and fourpence,	1,397	12	4
Lunenburgh,	One thousand twenty-one pounds five shillings and sixpence,	1,021	5	6
Fitchburgh,	Three hundred forty-eight pounds ten shillings and fourpence,	348	10	4
Uxbridge,	Seven hundred twenty-four pounds seven shillings and sixpence,	724	7	6
Har[w][*r*]ard,	One thousand two pounds seven shillings and eightpence,	1,002	7	8
Dudley,	Six hundred forty-four pounds eight shillings and twopence,	644	8	2

WORCESTER COUNTY — *Concluded.*

Bolton,	Nine hundred sixty-one pounds one shilling and sixpence,	£961	1*s.*	6*d.*
Upton,	Three hundred ninety-four pounds three shillings,	394	3	0
Sturbridge,	Eight hundred ninety-nine pounds four shillings and twopence,	899	4	2
Leominster,	Seven hundred fifty-four pounds sixteen shillings and sixpence,	754	16	6
Hardwick,	One thousand one hundred two pounds sixteen shillings and twopence,	1,102	16	2
Holden,	Five hundred twenty-five pounds seventeen shillings and tenpence,	525	17	10
Western,	Six hundred ninety-six pounds four shillings and tenpence,	696	4	10
Douglass,	Four hundred thirty-three pounds sixteen shillings and eightpence,	433	16	8
Grafton,	Seven hundred forty-one pounds seventeen shillings and fourpence,	741	17	4
Petersham,	Seven hundred forty-eight pounds twelve shillings and fourpence,	748	12	4
Royalston,	One hundred sixty pounds twelve shillings and sixpence,	160	12	6
Westmin[i]ster,	Six hundred thirty-five pounds ten shillings,	635	10	0
Athol,	Four hundred ten pounds twelve shillings and fourpence,	410	12	4
Templeton,	Five hundred two pounds two shillings and eightpence,	502	2	8
Princeton,	Four hundred seventy pounds sixteen shillings and fourpence,	470	16	4
Ashburnham,	Two hundred twenty-six pounds four shillings and sixpence,	226	4	6
Winchend[e] [o]n,	One hundred eighty-six pounds and twopence,	186	0	2
Woodstock,	One thousand nine hundred fourteen pounds eleven shillings and tenpence,	1,914	11	10
Northbridge,	Two hundred sixty-seven pounds fifteen shillings,	267	15	0
	Thirty-four thousand four hundred ninety-four pounds one shilling and twopence,	£34,494	1*s.*	2*d.*

IN THE COUNTY OF CUMBERLAND.

Falmouth,	One thousand three hundred twenty-four pounds nineteen shillings and tenpence,	£1,324	19*s.*	10*d.*
North Yarmouth,	Nine hundred eighty-seven pounds five shillings and fourpence,	987	5	4
Cape Elizabeth,	Nine hundred eighty pounds four shillings and tenpence,	980	4	10
Gorham,	Five hundred twenty-five pounds twelve shillings and fourpence,	525	12	4
Brunswick,	Five hundred thirty-one pounds five shillings and tenpence,	531	5	10
Harpswell,	Four hundred fifty-five pounds one shilling and fourpence,	455	1	4
Windham,	Two hundred twenty-nine pounds four shillings,	229	4	0
New Glo[u]cester,	One hundred ninety-three pounds five shillings and tenpence,	193	5	10
Scarborough,	One thousand eight pounds one shilling,	1,008	1	0
Pearsontown,	One hundred sixteen pounds twelve shillings and sixpence,	116	12	6
New Boston,	Seventy-six pounds thirteen shillings and fourpence,	76	13	4
	Six thousand four hundred twenty-eight pounds six shillings and twopence,	£6,428	6*s.*	2*d.*

IN THE COUNTY OF LINCOLN.

		£	s.	d.
Pownalborough, .	Seven hundred twenty-two pounds eight shillings and sixpence, ...	£722	8s.	6d.
Georgetown, . .	Nine hundred fifty-three pounds ten shillings and fourpence, ...	953	10	4
Newcastle, . .	Two hundred eighty-nine pounds twelve shillings and eightpence, ...	289	12	8
Woolwich, . .	Three hundred [and] nine pounds eighteen shillings and fourpence, ...	309	18	4
Topsham, . .	Three hundred eight pounds six shillings, ...	308	6	0
Bowdoinham, . .	One hundred fourteen pounds thirteen shillings and twopence, ...	114	13	2
Boothbay, . .	Three hundred sixty pounds and fourpence, .	360	0	4
Bristol, . . .	Three hundred seventy-nine pounds sixteen shillings and tenpence, ...	379	16	10
Vassalborough, .	One hundred twelve pounds sixteen shillings and tenpence, ...	112	16	10
Winthrop, . .	Eighty-six pounds two shillings and fourpence, ...	86	2	4
Winslow, . .	Eighty-eight pounds eleven shillings, . .	88	11	0
Waldoborough, .	Two hundred fifty pounds and fourpence, .	250	0	4
Edgecomb, . .	Sixty-six pounds thirteen shillings and eightpence, ...	66	13	8
H[o][*a*]llowell, .	One hundred twenty-four pounds nine shillings and tenpence, ...	124	9	10
Belfast, . . .	Thirty-seven pounds ten shillings, ...	37	10	0
Warren, . . .	One hundred forty-five pounds fifteen shillings and sixpence, ...	145	15	6
Thomastown, . .	One hundred twenty-three pounds twelve shillings and twopence, ...	123	12	2
The lower town of St. Georges,	One hundred twenty-three pounds twelve shillings and twopence, ...	123	12	2
Gardnerstown, .	One hundred fifty-six pounds seventeen shillings, ...	156	17	0
Medumcook, . .	One hundred pounds nineteen shillings and fourpence, ...	100	19	4
	Four thousand eight hundred fifty-five pounds five shillings and eightpence, . . .	£4,855	5s.	8d.

IN THE COUNTY OF BERKSHIRE.

		£	s.	d.
Sheffield, . . .	One thousand eighty-six pounds six shillings and tenpence, ...	£1,086	6s.	10d.
Great Barrington, .	Four hundred fifty-three pounds ten shillings and tenpence, ...	453	10	10
Partridgefield, .	One hundred forty pounds eighteen shillings and fourpence, ...	140	18	4
Williamstown, .	Four hundred pounds one shilling and eightpence, ...	400	1	8
New Marlboro[*ugh*],	Six hundred twelve pounds five shillings and eightpence, ...	612	5	8
Lanesborough, .	Six hundred forty-three pounds twelve shillings, ...	643	12	0
Pittsfield, . .	Five hundred [and] nine pounds thirteen shillings and elevenpence, ...	509	13	11
Lenox, . . .	Two hundred ninety pounds nine shillings and eightpence, ...	290	9	8
Stockbridge, . .	Three hundred forty-six pounds thirteen shillings, ...	346	13	0
Egremont, . .	Two hundred fifty-one pounds one shilling and fourpence, ...	251	1	4
Tyringham, . .	Two hundred fifty-nine pounds fourteen shillings and twopence, ...	259	14	2*
Sandisfield, . .	Four hundred [*and*] fifty-three pounds, . .	453	0	0
Becket, . . .	One hundred eighty-one pounds eight shillings and fourpence, ...	181	8	4

* One shilling and fourpence in printed act.

Berkshire County — *Concluded.*

		£	*s.*	*d.*
Gageborough, .	Two hundred ten pounds seventeen shillings, .	£210	17	0
Hancock, . .	Two hundred eighteen pounds two shillings and eightpence, ...	218	2	8
Richmond, . .	Four hundred fifty-one pounds seven shillings and eightpence, ...	451	7	8
Loudon, . . .	Forty-eight pounds eleven shillings and tenpence, ...	48	11	10
Washington, . .	Fifty-eight pounds and tenpence, ...	58	0	10
West Stockbridge, .	One hundred seventy-three pounds six shillings and fourpence, ...	173	6	4
Alfred*, . . .	One hundred eighty-one pounds eight shillings and fourpence, ...	181	8	4
East Hoosuck, .	Two hundred [and] five pounds three shillings and sixpence, ...	205	3	6
Plantation No. 5, .	One hundred twenty-nine pounds eleven shillings and eightpence, ...	129	11	8
Plantation No. 7, .	One hundred twenty-nine pounds eleven shillings and eightpence, ...	129	11	8
	Seven thousand four hundred thirty-four pounds seventeen shillings and threepence, .	£7,434	17*s.*	3*d.*

SUMS TOTAL.

		£	*s.*	*d.*
Suffolk, . . .	Forty thousand seven hundred [and] seventy-eight pounds, ...	£40,778	0*s.*	0*d.*
Essex, . . .	Forty-three thousand five hundred [and] two pounds one shilling and eightpence, . .	43,502	1	8
Middlesex, . .	Thirty-two thousand [and] sixty-three pounds eight shillings and twopence, . .	32,063	8	2
Hampshire, . .	Twenty-four thousand nine hundred [and] seventeen pounds two shillings and eightpence,	24,917	2	8
Plymouth, . .	Eighteen thousand two hundred [and] sixty-eight pounds ten shillings and fourpence, .	18,268	10	4
Barnstable, . .	Eight thousand seven hundred [and] fifty-eight pounds five shillings and sixpence, . .	8,758	5	6
Bristol, . .	Seventeen thousand [and] seventy-two pounds twelve shillings and fourpence, ...	17,072	12	4
York, . . .	Eleven thousand one hundred [and] two pounds sixteen shillings and eightpence, .	11,102	16	8
Dukes County, .	One thousand nine hundred [and] eighty-five pounds six shillings and tenpence, . .	1,985	6	10
Nantucket, . .	Three thousand [and] fifty-eight pounds three shillings and fourpence, ...	3,058	3	4
Worcester, . .	Thirty-four thousand four hundred [and] ninety-four pounds one shilling and twopence, .	34,494	1	2
Cumberland, . .	Six thousand four hundred [and] twenty-eight pounds six shillings and fourpence, . .	6,428	6	4
Lincoln, . . .	Four thousand eight hundred [and] fifty-five pounds five shillings and eightpence, . .	4,855	5	8
Berkshire, . .	Seven thousand four hundred [and] thirty-four pounds seventeen shillings and threepence .	7,434	17	3
	Two hundred [and]fifty-four thousand seven hundred [and] eighteen pounds sixteen shillings and elevenpence, ...	£254,718	16*s.*	11*d.*

And be it further enacted by the authority aforesaid,

[Sect. 2.] That the treasurer do forthwith send his warrant, directed to the selectmen or assessors of each town or other place, within this state, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town or other place, in manner following; that is to say, to assess all male polls above the age of sixteen years, within their respective towns or other places next adjoining to them, belonging to no other town or place, including negroes and molattoes

* *Sic:* Alford.

(and such of them as are under the government of a master or mistress, to be taxed to the said master or mistress, respectively, in the same manner as minors and apprentices are taxed), at twenty shillings; and to assess the remainder of the sum set to each town (after deducting the amount of the sums assessed to the polls as aforesaid) on the inhabitants of said towns or places as aforesaid, according to the proportion of the just value of the whole real estate by each inhabitant of such town or place, respectively, possessed in his own right, or in the right of others, lying within said town or place, improved or not improved; and on the non-resident possessors of real estate, lying within said town or place, in their own right, or in the right of others, improved or not improved: *saving* all agreements between landlords and tenants, and where no agreement is, the landlord to reimburse one-half of the tax; and also on the inhabitants of such town or place, according to the proportion of the amount and just value of their whole personal estate, including money at interest more than they pay interest for, debts due to them, not on interest, monies of all kinds in hand more than they are indebted, and also the amount of the just value of all goods, wares and merchandize, stock in trade, vessels of all sorts, with their stores, appurtenances and appendages, plate, horses, oxen, and cattle of all sorts and ages, sheep, swine, grain of all sorts, and all kinds of produce of the land, and of all other property whatsoever (excepting hous[e]hold furniture, wearing apparel, farming utensils and the tools of mechanicks), of which they were possessed on the first day of November, one thousand seven hundred and seventy-seven, according to the price of such real and personal estate, on the said first day of November; and on the amount of their income from any profession, faculty, handicraft, trade or employment; and also on the amounts of all incomes and profits gained by trading by sea and on shore, and by means of advantages arising from the war, and the necessities of the community, according to the lists ordered to be taken for assessing the tax for which such lists were taken, — making such alterations therein as the present circumstances of any persons or the value of the several kinds of estate may require (or to take new lists if they shall think it necessary): likewise requiring the assessors to make a fair list of said assessments, setting forth, in distinct columns, against each person's name, how much he or she is assessed at for polls, and how much for real estate, and how much for personal estate as aforesaid; and if as guardian, or for any estate in his or her improvement, in trust, to be distinctly expressed; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collector or collectors, constable or constables, of any such town or place, and to return a certificate of the name or names of such collector or collectors, constable or constables, with the sum total to each of them committed, unto himself, some time before the thirtieth day of July next.

[SECT. 3.] And the treasurer for the time being, on receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector or collectors, constable or constables, of such town or place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collections, and to issue their accounts of the whole, at or before the first day of October, in the present year of our Lord one thousand seven hundred and seventy-eight: *provided*, that the owners of unimproved land shall pay the tax that may be assessed thereon, though the same may not be in their [im-

mediate] possession, any agreement between landlord and tenant, previous to the knowledge of this act made, notwithstanding.

Provided, nevertheless, —

[Sect. 4.] That the following persons; viz., the president, fellows, professors, tutors, librarian and students of Harvard Colle[*d*]ge, who have their usual residence there, and settled min[*n*]isters of the gospel, and gramm[e][*a*]r-school masters, are not to be assessed for their polls or their estates, unless their real estate be not under their actual management and improvement, or not in the parishes where they are settled; and also all persons who have the management and improvement of the estate belonging to Harvard Colle[*d*]ge, are not to be assessed for the same; and other persons, if such there be, who, thro'[*ugh*] age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards the public charges, they may exempt their polls or estates, or abate part of what they are set at, as they on their oath shall think just and equitable. And where no person appears to discharge the taxes on non-resident proprietors' unimproved land, to the collector, he shall publish, in all the Boston newspapers, three weeks successively, the names of all such proprietors, where they are known, with the sum of the taxes assessed on their lands, respectively, and where they are not known, the sum of the taxes on the several rights or divisions, and post the same in the town where the said land lays, for the term of one month; and if no person shall appear thereupon to discharge said taxes, in such case the constable or collector shall proceed to sell so much only of said uninproved land as will be sufficient to discharge said taxes and intervening charges; and, having given notice of the intended sale thereof, and the time and place where it will be made, in the same manner as is herein, above, directed for giving notice to the proprietors of their taxes, shall sell the same, at public sale, to the highest bidder, and shall give and execute a deed thereof to the purchaser, expressing therein the cause of such sale: *saving* to the original proprietor the right of redemption of any lands so sold, at any time within three years from the time of sale; and the same shall be reconveyed to him or them on paying, within three years, the sum such lands sold for, and twelve per cent interest on said sum.

Provided, nevertheless, —

And be it further enacted,

[Sect. 5.] That the several officers and soldiers now in the army, shall be considered as resident in the several towns and other places to which they belonged at the time of their engaging in the army, their absen[e][*s*]e notwithstanding; and the assessors of the several towns and other places in this state, shall consider such officers and soldiers as resident in such town or place, and tax them accordingly: *provided*, that such as are engaged in the Continental Army, for the term of three years, or during the war, be, and they hereby are, exempted from their poll tax.

An[*d*] *be it further enacted,*

[Sect. 6.] That the assessors of each town or other place, respectively, where new lists are to be taken, in convenient time before the making the assessment, shall give seasonable warning to the inhabitants, in a town meeting, or by posting up notifications in some public place or places in such town or other place, or notify the inhabitants some other way, to give and bring in to the assessors true and perfect lists of their polls, and of all the real and personal estate they were possessed of on the first day of November last, — viz[t]., houses, lands,

and all real estate, whether improved or not improved, and the just value of the same, — to the assessors of the town or place where such houses, lands and other real estate lay; distinguishing those in the management and possession of some other persons, as also the amount of all their personal estate, including money at interest more than they pay interest for, debts due, not on interest, more than they are indebted for; and of monies of all kinds, in hand, and also the amount of the just value of all goods, wares and merchandize, stock in trade, horses, plate, oxen, cows, cattle of all sorts and ages, sheep, swine, grain of all sorts, and all kinds of produce of the land, and of all other property whatsoever (excepting hous[e]hold furniture, wearing apparel, farming utensils and the tools of mechanick[s]), more than they were indebted on the said first day of November, according to the current price of such real and personal estate on the s[*ai*]'d first day of November; and of the amount of their income from any profession, faculty, handicraft, trade or employment; and also of the amount of all incomes and profits gained by trading by sea and on shore, and by means of advantages arising from the war, and the necessities of the community; which they are to render to the assessors, on oath, if required; which oath either of said assessors are hereby impowered to administer. And if any person or persons shall, upon such notice given, neglect or refuse to give in to the assessors the list of their polls and rateable estate, according to the d[i][*e*]scription thereof before given, which they were possessed of on the said first day of November, or shall bring in a false list and shall be convicted thereof before the said assessors, it shall [*and may*] be lawful to and for the assessors, and they are hereby directed, to assess such person or persons, according to the best judg[e]ment and estimation they can form of the real and personal estate of said person, according to the d[i][*e*]scription before given. And if any person or persons shall not bring in a list of their estates as aforesaid to the assessors, he or they so neglecting shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

[SECT. 7.] And if the person be not convicted of any falsehood in the list, by him presented, of the polls, real and personal estate, such list shall be a rule for such person's proportion to the tax which the assessors may not exceed.

Provided, nevertheless,—

[SECT. 8.] That nothing in this act shall be construed to extend so as to require any assessors to assess any person, for an estate real or personal, in his possession, that is the property of the United States, or any of them.

Provided, also. —

And be it further enacted,

[SECT. 9.] That the particular sum assessed to each town or place, shall not be considered as the exact proportion of such town or place, but, being paid into the treasury, shall be placed to their respective credit until[l] the quotas shall be finally ascertained and adjusted agreeable to the settlement upon the next valuation; and if it shall then appear that any town or place has been assessed more than its just proportion of this tax, the surplus shall be deducted out of the sum at which such town or place [shall be] [*has been*] assessed in the tax next after such surplus shall be made to appear; and if it shall appear that any town or place has been assessed at less than its just proportion, such deficiency shall be added to the tax at which such

town or place shall be assessed in the next assessment after such deficiency shall appear: said surplus or deficiency to be adjusted by the general court.

And be it further enacted,

[Sect. 10.] That where the assessors of any town shall assess the polls and estates of any person not belonging to any town, pursuant to this act, such sum so assessed shall be considered for the use of the state, and paid into the treasury, accordingly.

And be it further enacted,

[Sect. 11.] That the assessors of the towns of Worcester, Sutton, Oxford, Leicester, Walpole, Stoughton, Stoughtonham and Wrentham shall assess the inhabitants of the towns of Ward and Foxborough, and the constables or collectors of those towns, respectively, are required to collect the taxes laid on such inhabitants, in the same manner as has been heretofore done; the act for incorporating said towns of Ward and Foxborough, or any other act, to the contrary notwithstanding. [*Passed June* 20.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE SIXTEENTH DAY OF SEPTEMBER, A.D. 1778.

CHAPTER 13.

AN ACT FOR ERECTING THE WESTERLY PART OF THE TOWN OF NORTHAMPTON INTO A SEP[E][A]RATE TOWN BY THE NAME OF WESTHAMPTON.

Preamble.

WHEREAS the inhabitants of the westerly part of the town of Northampton, in the county of Hampshire, have represented to this court the difficulties they labour under in their present situation, and apprehending themselves of sufficient numbers and ability, request that they may be incorporated into a sep[e][a]rate town, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Part of Northampton incorporated.

[SECT. 1.] That the westerly part of the said town of Northampton, sep[e][a]rated by a line four miles eastward from the west line of the said town of Northampton, and para[l][l]el thereto, be and hereby is incorporated into a sep[e][a]rate town by the name of Westhampton, and invested with all the powers, priviledges and immunities, that towns in this state do or may enjoy.

And be it further enacted by the authority aforesaid,

Taxes paid.

[SECT. 2.] That the inhabitants of the s[ai]d town of Westhampton shall pay their proportion of all state, county, and town, charges already granted to be rais[e]'d in the town of Northampton, and also their proportion of the pay of the representative for the present year.

And be it also enacted by the authority aforesaid,

Warrant issued for the choice of town officers.

[SECT. 3.] That Caleb Strong, Esq[r]., be, and he hereby is, authori[z][s]ed and required to issue his warrant to one of the principal inhabitants of said town of Westhampton, authorizing and requiring him to notify and warn the freeholders and other inhabitants of the said town to meet together, at such time and place as shall be expressed in said warrant, to choose such officers as towns are authorised by law to choose, and transact other such lawful matters as shall be expressed in said warrant. [*Passed September* 29.

CHAPTER 14.

AN ACT TO SET OFF MOSES BARTLET AND OTHERS, FROM THE TOWN OF NORTHAMPTON AND TO ANNEX THEM TO THE TOWN OF SOUTHAMPTON.

Whereas, for the greater convenience of attending the public worship of God, it is found necessary to disannex Moses Bartlet, Elijah Pomeroy, Caleb Pomeroy and Experience Bartlet, with their farms on which they now live, from the town of Northampton, and incorporate them with the town of Southampton, — Preamble.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the abovesaid Moses Bartlet, Elijah Pomeroy, Caleb Pomeroy and Experience Bartlet, with their families, and the farms on which they now live, be, and they hereby are, disannexed from the town of Northampton, and annexed to the town of Southampton, and shall forever hereafter be considered as belonging thereto. Moses Bartlet, etc., annexed to the town of Northampton.

Provided, nevertheless, —

[Sect. 2.] That the several persons above named shall pay their proportionable part of all taxes which are already assessed or levied on the town of Northampton, in like manner as though this act had not been made. [*Passed September* 29.

CHAPTER 15.

AN ACT FOR ALTERING THE PLACE FOR HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE, AND INFERIOR COURT OF COMMON PLEAS, BY LAW, APPOINTED TO BE HELD AT CAMBRIDGE, IN AND FOR THE COUNTY OF MIDDLESEX, ON THE THIRD TUESDAY OF MAY, AND FOR ALTERING THE PLACE FOR HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIOR COURT OF COMMON PLEAS, BY LAW APPOINTED TO BE HELD AT GROTON, IN AND FOR SAID COUNTY, ON THE LAST TUESDAY OF NOVEMBER.

Whereas the places by law, appointed for holding the courts aforesaid have been found inconvenient; therefore, — Preamble. 1775-76, chap. 11.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the court of general sessions of the peace, and inferior court of common pleas, by law, appointed to be held at Cambridge, in and for the county of Middlesex, on the third Tuesday of May, be henceforth held at Groton, in and for said county, on the said third Tuesday of May, annually; and the court of general sessions of the peace and inferior court of co[m̄][*mm*]on pleas, by law, appointed to be held at Groton, in and for the said county of Middlesex, on the last Tuesday of November, be henceforth held at Court held at Groton, when:

— when at Cambridge.

Cambridge, in and for the said county of Middlesex, on the last Tuesday of November, annually.

Be it further enacted,

Writs, etc., returnable.

[SECT. 2.] That all writs, processes and recognizances, returnable to, and all appeals made to the said court of general sessions of the peace, and inferior court of common pleas, by law, appointed to be held at Groton, in and for said county, on the last Tuesday of November, and all matters, causes and things, that have day, or that migh[t*] have been had, moved, or done, at Groton aforesaid, in and by said courts, shall be returnable to, and may be entere[d*], prosecuted, had, moved and done in and by, said courts, at the place hereby appointed for holding the same. [*Passed September* 29.

CHAPTER 16.

AN ACT FOR PROLONGING THE TIME FOR ADMINISTERING THE OATH, OR AFFIRMATION, OF FIDELITY AND ALLEGIANCE.

Preamble. 1778-79, chap. 6.

WHEREAS, by law, it is required that the oath, or affirmation, of fidelity and allegiance be administered to all commissioned officers, both civil and military, and attorn[i]e[y]s-at-law, in this state, by the thirtieth day of September, in the present year, otherwise that such person be considered as disqualified to act in either of said offices or places; which time does not appear to this court sufficiently distant for commissioned civil officers and commissioned military officers to take said oath, by reason of many of them being called abroad into the public service, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same.

Time prolonged.

[SECT. 1.] That the time for administering the said oath, or affirmation, of fidelity and allegiance, be prolonged, for all commissioned civil officers and all commissioned military officers, to the first day of March next; and that no person be considered as disqualified from acting in any of the offices aforesaid, before the expiration of said time, although the oath, or affirmation, aforesaid be not to them administered; any law of this state to the contrary notwithstanding.

Officers qualified to act.

And be it further enacted by the authority aforesaid,

Commanding officers to enjoin underofficers to take said oath.

[SECT. 2.] That the commanding officer of each regiment in this state, require and enjoin every such militia officer under his command, to take said oath of fidelity and allegiance, by or before the first day of March aforesaid; and said commanding officer is hereby [i][e]mpowered, having first taken said oath, to administer the same to any of the officers of the regiment under his command, and directed to make return thereof into the secretary's office as soon as may be. [*Passed October* 2.

Commanding officers to administer said oath.

* Engrossment mutilated.

CHAPTER 17.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED, AND NEAR EXPIRING.

Whereas the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; viz[1]., one act made in the year of our Lord one thousand seven hundred and thirty-six, [i][*e*]ntitled "An Act to enable the overseers of the poor, and selectmen, to take care of idle and disorderly persons;" one act made in the year of our Lord one thousand seven hundred and thirty-eight, [i][*e*]ntitled "An Act to prevent the unnecessary journeying of the members of the general court;" one act made in the year of our Lord one thousand seven hundred and thirty-nine, [i][*e*]ntitled "An Act in addition to the several laws of this province relating to common roads and private ways;" one act made in the year of our Lord one thousand seven hundred and forty, [i][*e*]ntitled "An Act for expl[a][*i*]nation of, and supplement to, the act referring to the poor, &c.;" one act made in the year of our Lord one thousand seven hundred and forty-one, [i][*e*]ntitled "An Act in addition to an act [i][*e*]ntitled 'An Act for explanation of, and supplement to, an act referring to the poor;'" three acts made in the year of our Lord one thousand seven hundred and forty-two; one, [i][*e*]ntitled "An Act to prevent unnecessary lawsuits;" another, [i][*e*]ntitled "An Act in addition to the several acts for regulating the assize of casks, and preventing deceits in the packing of fish, beef and pork, for sale;" the other, [i][*e*]ntitled "An Act to prevent gaming for money or other gain;" one act made in the year of our Lord one thousand seven hundred and forty-four, [i][*e*]ntitled "An Act to prevent unnecessary expence in suits at law;" three acts made in the year of our Lord one thousand seven hundred and forty-six; one, [i][*e*]ntitled "An Act to prevent the firing of guns charged with shot or ball, in the town of Boston;" another, [i][*e*]ntitled "An Act in further addition to an act [i][*e*]ntitled 'An Act for highways:'" the other is [i][*e*]ntitled "An Act to enable the proprietors of private ways to repair them in an equal manner;" one act made in the year of our Lord one thousand seven hundred and forty-eight, [i][*e*]ntitled "An Act to prevent damage being done on the beach, and meadows in Plymouth adjoining to said beach, commonly known by the name of Plymouth Beach;" two acts made in the year of our Lord one thousand seven hundred and fifty-one; one, [i][*e*]ntitled "An Act for the better regulation of the course of judicial proceedings;" the other, [i][*e*]ntitled "An Act to [i][*e*]mpower the proprietors of the meeting-house in the first parish in Salem, where the Rev[*eren*]d Mr. John Sparhawk now officiates, and also the proprietors of the meeting-house in the third parish in Newbury, where the Rev[*eren*]d Mr. John Lowell officiates, to raise money for defreying ministerial and other necessary charges;" one act made in the year of our Lord one thousand seven hundred and fifty-six, [i][*e*]ntitled "An Act for preventing petitions to the general court, relating to licences for retailing strong drink, and keeping houses of public entertainment;" one act made in the year of our Lord one thousand seven hundred and fifty-seven, [i][*e*]ntitled "An Act for preventing the

Preamble.

Recital of laws now revived.

1736-37, chap. 4.

1738-39, chap. 25.

1739-40, chap. 12.

1740-41, chap. 20.

1741-42, chap. 4.

1742-43, chap. 19.

1742-43, chap. 20. 136 Mass., 528.

1742-43, chap. 27.

1743-44, chap. 23.

1746-47, chap. 11.

1746-47, chap. 10.

1746-47, chap. 18.

1748-49, chap. 13.

1751-52, chap. 17.

1751-52, chap. 19.

1755-56, chap. 39.

1756-57, chap. 32.

unnecessary destruction of alewives in the town of Sandwich;" one act made in the year of our Lord one thousand seven hundred and
1759-60, chap. 32. sixty, [i][*e*]ntitled "An Act to enable the town of Weymouth to regulate and order the taking and disposing of the fish called shad[d] and alewives, within the limits of that town;" three acts made in the year of our Lord one thousand seven hundred and sixty-two; one,
1761-62, chap. 26. [i][*e*]ntitled "An Act to prevent damage by fire in the town[s] of Salem, Marblehead, and other maritime towns in the province; an-
1761-62, chap. 31. other, [i][*e*]ntitled "An Act to prevent damage being done on the meadows and beaches lying in and adjoining on the north-east part of the town of Yarmouth, between Quivit Harbo[*u*]r, on the east, and
1762-63, chap. 5. Sesuit Harbo[*u*]r, on the west;" the other, [i][*e*]ntitled, "An Act for rendering more effectual the laws already made relating to shingles, and for regulating the assize of staves, hoops and clapboards;" two acts made in the year of our Lord one thousand seven hundred and
1762-63, chap. 18. sixty-three; one, [i][*e*]ntitled "An Act for the relief of poor prison-
1762-63, chap. 27. ers for debt;" the other, [i][*e*]ntitled "An Act in addition to the act made and passed in the eight[*h*] year of the reign of her late
1709-10, chap. 5. majesty Queen Ann, [i][*e*]ntitled 'An Act for regulating of drains or common shores;'" one act made in the year of our Lord one thou-
1764-65, chap. 12. sand seven hundred and sixty-four, [i][*e*]ntitled "An Act in addition to an act, [i][*e*]ntitled 'An Act providing in case of sickness;'" one act made in the year of our Lord one thousand seven hundred and
1764-65, chap. 30. sixty-five, [i][*e*]ntitled "An Act for allowing necessary supplies to the east[ern][*ward*] Indians, and for regulating trade with them and preventing abuses therein;" one act made in the year of our Lord
1770-71, chap. 4. one thousand seven hundred and seventy, [i][*e*]ntitled "An Act to prevent the obstructing and destroying of the fish called alewives, in their passage up and down Maddepayset River, within the town of Rochester;" two acts made in the year of our Lord one thousand
1770-71, chap. 28. seven hundred and seventy-one; one, [i][*e*]ntitled "An Act to impower the inhabitants of the town of Dartmouth to regulate the taking of fish, within the harbo[*u*]rs and coves of said township of [of]
1771-72, chap. 4. Dartmouth;" the other, [i][*e*]ntitled "An Act to prevent damage being done to the proprietors of the meadow, upland and beach, called Great and Little Scipuiszet, in the town of Falmouth and county of Barnstable;" one act made in the year of our Lord one thousand seven
1771-72, chap. 13. hundred and seventy-two, [i][*e*]ntitled "An Act in addition to an act, made in the fifth year of the reign of his present majesty, [i][*e*]ntitled 'An Act to prevent the destruction of oysters in the several bays and rivers, hereafter mentioned, within this province;'" one act made in the year of our Lord one thousand seven hundred and
1772-73, chap. 48. seventy-three, [i][*e*]ntitled "An Act for regulating the alewive fishery in the town of Halifax, in the county of Plymouth;" one act made in the year of our Lord one thousand seven hundred and seven-
1776-77, chap. 25. ty-six, [i][*e*]ntitled "An Act for preventing the operation of an act made in the year of our Lord one thousand seven hundred and seventy, [i][*e*]ntitled 'An Act for repealing the several laws now in force which relate to the limitation of personal actions, and the limitation of personal actions for the future, and for avoiding suits at law;'" two acts made in the year of our Lord one thousand seven
1777-78, chap. 3. hundred and seventy-seven; one, [i][*e*]ntitled "An Act to prevent the pernicious practice of distilling, into any kind of spirit whatever, cyder, wheat, Indian corn, rye, barley and oats, or either of them;"
1777-78, chap. 5. the other, [i][*e*]ntitled "An Act to oblige persons to attend and give evidence, in certain cases, in the neighbouring states,"—

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That such of the before-mentioned acts as are now expired, be revived, and such of said acts as are not yet expired, be continued, with all and every clause, matter and thing therein respectively contained, and shall be in force untill the first day of November, one thousand seven hundred and eighty-two, and from thence to the end of the then next session of the general court, and no longer. [*Passed October 5.*

Said laws to be in force until the first day of November, 1782.

CHAPTER 18.

AN ACT FOR DIVIDING AND SETTING OFF THE WESTERLY PART OF THE TOWN OF NEWTON, IN THE COUNTY OF MIDDLESEX, INTO A SEPARATE PRECINCT BY THE NAME OF THE WEST PRECINCT.

Whereas, for the greater conveniency of attending the public worship of God, and the promotion of the Christian religion, it is found necessary to divide and set[t] off the westerly part of the town of Newton into a separate pre[c]inct, —

Preamble.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the westerly part of the town of Newton shall be and hereby is set off into a separate precinct by the name of the West Precinct; and the said westerly part of the land in said town is accordingly hereby set off, by a line beginning on the bank of Charles River, at the south-easterly corner of a farm possessed by Samuel Woodward; from thence, on a direct line, to the south-easterly part of land improved by Daniel Fuller, and to continue, the same strai[gh]t course, to Watertown line; and such of the inhabitants of said town as have not petitioned to be set off, as aforesaid, that shall fall on either side of the aforesaid line, and shall choose to belong to, and be part of the precinct on the other side of said line, who shall, within six months from the date of this act, give their names into the secretary's office, of this state, they, with their estates, shall be recorded as part of, the precinct they shall so choose, and shall do duty and receive privileges accordingly; and such persons as belong to said town and are now in the army, or beyond sea, shall, within six months after their return, enjoy the same privile[d]ge.

Boundaries of the West Precinct in the town of Newton.

Inhabitants may choose which parish they will belong to.

Be it further enacted,

[Sect. 2.] That if there be any tracts or parcel[l]s of land lying in either precinct, which belong to, and are under the immediate improvement of any person belonging to the other precinct, such lands shall be taxed to that parish to which such improver belongs, so long as it shall remain under the improvement of a person under the above description, and no longer.

What lands shall be taxed.

And be it further enacted,

[Sect. 3.] That the said West Precinct shall be and hereby is invested with all the rights, privile[d]ges and immunities which, by law, other precincts enjoy.

And be it further enacted,

[Sect. 4.] That all monies already assessed by said town be col-

Taxes already

assessed, to be paid.

lected, paid and appropriated, in the same manner as if said town had not been divided.

And be it further enacted,

Jonathan Brown, Esq., to call the first meeting.

[SECT. 5.] That Jonathan Brown, Esq[r]., be and hereby is impowered to issue his warrant to some principal inhabitant of the said West Precinct, requiring him to notify and warn the inhabitants thereof to meet at such time, and place in said precinct, as by such warrant shall be specified, and then and there to choose such officers as may be necessary to manage the affairs of the said precinct; and the inhabitants qualified by law to vote, being so met, shall be and hereby are impowered to choose such precinct officers accordingly.

Provided,—

Proviso.

[SECT. 6.] That nothing in this act shall extend, or be construed to extend, to determine to which precinct a certain minister[*i*]al lot lying in the West Precinct, or any part of said lot, shall belong. [*Passed October* 7.

CHAPTER 19.

AN ACT FOR DRAWING IN THE BILLS OF CREDIT OF THE SEVERAL DENOMINATIONS UNDER SIX SHILLINGS, BEARING DATE PRIOR TO THE EIGHTEENTH OF OCTOBER, A[*NNO*] D[*OMINI*] ONE THOUSAND SEVEN HUNDRED AND SEVENTY-SIX, WHICH HAVE BEEN ISSUED BY THIS GOVERNMENT AND ARE STILL OUTSTANDING, AND FOR PROHIBITING THE CURRENCY OF THE SAME; AS ALSO FOR MAKING AND EMITTING BILLS OF PUBLIC CREDIT, FOR THE REDEMPTION THEREOF.

Preamble.

WHEREAS the currency of the small bills of credit emitted in this state before the eighteenth of October, one thousand seven hundred and seventy-six, suffers much from great numbers of them being much torn and otherwise defaced,—

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Treasurer authorized to receive the bills.

[SECT. 1.] That the treasurer of the state be and hereby is authorized and impowered to receive into the public treasury the whole and every part and parcel of the small bills of public credit emitted by this state, before the eighteenth of October, one thousand seven hundred and seventy-six, for a less sum than six shillings, and, in lieu thereof, to give to the possessor or possessors thereof an equal sum in bills of credit hereafter ordered to be emitted for that purpose.

And be it further enacted by the authority aforesaid,

Bills of several denominations, to be emitted.

[SECT. 2.] That there be forthwith stamped, on the copperplates prepa[i]red for the last emission, a number of bills of credit of this state, to the amount of twenty-eight thousand pounds, and no more; said bills to be of the following denominations; viz[t]., of twopence, of threepence, of fourpence, of sixpence, of eightpence, of ninepence, of one shilling, of one shilling and sixpence, of two shillings, of three shillings, of four shillings, and of four shillings and sixpence; and that there be stamped thirty thousand of each denomination — the form and devise on the back of each bill the same as in said last emission.

And be it further enacted by the authority aforesaid,

[Sect. 3.] That the said bills shall be paid, taken and received, at the public treasury of this state, and in all other payments whatever in this state, at the rates expressed in said bills, without abatement or discount, under the penalty of treble the value of the bill or bills so passed, and costs, to be forfeited and paid by the receiver; and may be recovered by action of debt, complaint or indictment, in any court proper to try the same; and a tender of said bills may be pleaded and have the same effect, in any action which may be brought for the recovery of any debt whatsoever, in the same manner as a tender of a like sum in gold or silver. Said bills to be received into the public treasury.

And be it further enacted by the authority aforesaid,

[Sect. 4.] That the committee hereafter to be appointed by this court, to authenticate, by signing and numbering the bills aforesaid, be, and they are hereby, directed and [i][e]mpowered to take care and make effectual provision, as soon as may be, to cause the said bills, of the several denominations aforesaid, to be printed and authenticated to the amount of the said sum of twenty-eight thousand pounds, and no more; and to deliver the same to the treasurer of this state, taking his receipt or receipts for the same, and lodge said receipt or receipts in the secretary's office; and that said committee be allowed a reasonable sum for their services. Committee to number and sign the bills, —to the amount of £28,000.

And be it further enacted,

[Sect. 5.] That the treasurer of this state be and hereby is ordered to emit and issue forth said bills for redeeming and sinking all such bills of credit, of this state, as he shall receive in the treasury, bearing date prior to the eighteenth of October, one thousand seven hundred and seventy-six as aforesaid; and the overplus, if any there be, shall be appropriated towards the payment of the debts due from this state according to the laws, resolves and orders of the general assembly.

And whereas it is necessary a suitable provision should be made for calling in and sinking said emission of bills,— Proviso.

Be it therefore enacted by the authority aforesaid,

[Sect. 6.] That there be and hereby is granted a tax of twenty-eight thousand pounds, to be levied on [*the*] polls, and estates both real and personal, within this state, as shall be agreed upon and ordered by the great and general court or assembly at their session in May, one thousand seven hundred and eighty-three, and to be paid into the public treasury some time before the last day of March then next after. Tax to be levied.

And be it further enacted,

[Sect. 7.] That if the general assembly, at their session in May, one thousand seven hundred and eighty-three, or some time before the twentieth day of September, in that year, shall not agree and conclude upon an act apportioning the sum which by this act is engaged to be, in that year, assessed and levied, that then and in that case each town and other place in this state shall pay, by a tax to be levied on pol[e][*l*]s, and estates both real and personal, within their respective limits, the same proportion of that sum as such town or other place was taxed by the general court in the tax act then last preceeding. Towns' and other places' apportionment o the tax.

[Sect. 8.] And the treasurer of this state is hereby fully [i][*e*]mpowered and directed, some time in the month of September, in the last-mentioned year, to issue and send forth his warrants, directed to the selectmen or assessors of each town within this state, and to some suitable person or persons in such place or places as are not incor- State treasurer empowered to issue forth his warrants to the selectmen, in such town, to assess, etc.

porated, requiring him or them to assess the pol[e][ł]s, and estates both real and personal, within their several towns and other places, for their respective parts and proportions of the sum before directed and engaged to be assessed, to be paid into the treasury at the time before mentioned; and the assessors, as also the persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act.

And be it further enacted by the authority aforesaid,

Repealing any previous act for the redemption of the bills of credit.

[SECT. 9.] That every matter and clause relative to the supply of the treasury, in any previous act for the redemption of the bills of credit by this act now to be called in and redeemed, be and hereby is repealed and declared null and void.

And be it further enacted by the authority aforesaid,

Possessors of the bills called upon to bring the same to the treasurer.

[SECT. 10.] That the possessor and possessors of the bills of credit of this state, emitted before the eighteenth day of October, one thousand seven hundred and seventy-six, be, and they are hereby, called upon and directed to bring the same to the treasurer on or before the first day of March, one thousand seven hundred and seventy-nine; from whom they shall be entitled to receive, in exchange, an equal sum out of the emission in this act for that purpose provided.

And, for the more speedy calling in said bills of credit, and bringing the matter to a close,—

Be it further enacted by the authority aforesaid,

Claim to cease upon neglect.

[SECT. 11.] That if the possessor or possessors of said bills shall neglect to offer the same to the treasurer, to be exchanged, by the first day of June, one thousand seven hundred and seventy-nine, all right or claim to the redemption or exchange of said bills shall cease and determine.

And be it further enacted by the authority aforesaid,

Penalty for offering the bills,

[SECT. 12.] That if any person or persons within this state, shall offer to pass, after the first day of March next, in any kind of payment whatsoever, any of the bills of public credit emitted by this state before the eighteenth of October, one thousand seven hundred and seventy-six, every person so offering or passing any such bill, shall forf[ie][*ei*]t and pay, for each offence, the sum of five pounds, one moiety thereof to the use of the prosecutor, the other moiety to the use of this state; to be recovered by bill, plaint or information, or by indictment of the grand jury, in any court proper to hear and determine the same. And if any person or person[s] shall presume to offer to the treasurer, to be exchanged, any false, forged or counterfeited bill or bills, knowing the same to be such, every person so offering any such false, forged or counterfeited bill, shall be liable to the same pains and penalties as persons are liable to who utter any forged or counterfeit bill or bills of public credit purporting to be bills emitted by this state. [*Passed October* 13.

— and such as may be counterfeited.

CHAPTER 20.

AN ACT FOR INCORPORATING THE PLANTATION CALLED EAST HOOSUCK, IN THE COUNTY OF BERKSHIRE, INTO A TOWN BY THE NAME OF ADAMS.

Preamble.

Whereas a number of the inhabitants of the plantation called East Hoosuck, in the county of Berkshire, have represented to this court the great difficulties and inconveniences they labor under in their present situation, and have earnestly requested that they may be incorporated into a town, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

How bounded.

[Sect. 1.] That the said plantation, called East Hoosuck, bounded as follows; viz., begin[*n*]ing at the south-west corner, [at] [*of*] a spruce-tree, marked T. D., I. C., O. P., and ND., 1749; from thence, runs north, ten degrees east, two thousand three hundred poles, to a white-oak tree marked ND.; thence, east, ten degrees south, sixteen hundred poles, to a beach-tree on the top of the East Mountain, marked ND.; thence, runs south, ten degrees west, two thousand three hundred poles, to a beach-tree with stones at the root, marked ND.; thence, runs west, ten degrees north, sixteen hundred poles, to the first-mentioned bounds, — be and hereby is erected into a town by the name of Adams; and that the inhabitants thereof be, and they hereby are, invested with all the powers, priviledges and immunities which the inhabitants of towns within this state do or may by law enjoy.

And be it further enacted,

Warrants to issue for calling a meeting for the choice of town officers.

[Sect. 2.] That Col[onel] Joab Stafford be, and he hereby is, [i][*e*]mpowered and directed to issue his warrant to some principal inhabitant of said town, requiring him to warn the inhabitants thereof to meet, at such time and place as shall be therein set forth, to choose all such officers as towns are, by law, required and [i][*e*]mpowered to choose in the month of March, annually; at which said meeting all the then present inhabitants upwards of twenty-one years of age shall be admitted to vote. [*Passed October* 15.

CHAPTER 21.

AN ACT FOR AUGMENTING CERTAIN FEES, ALLOWANCES AND PENALTIES, ESTABLISHED BY LAWS OF THIS STATE.

Preamble.

Whereas, by reason of the enhanced prices of the necessaries of life, the fees of the several civil officers of government, and allowances to parties, established by law, are rend[*e*]red very inadequate to their services and expences, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Augmentation of fees.

[Sect. 1.] That the several officers and persons whom the act hereafter mentioned respects, be and hereby are allowed and [i][*e*]mpowered to demand and receive for their services, respectively, three times the fees and allowances established by a law of this state,

made in the year one thousand seven hundred and seventy-eight,
1777-78, chap. 17. [i][*e*]ntitled, "An Act for the repealing one part of a law of this state, made and passed in the year of our Lord one thousand seven hundred and seventy-six, [i][*e*]ntitled 'An Act for the repealing
1775-76, chap. 23. one law of this colony, made and passed in the fourth year of the reign of William and Mary, king and queen, [i][*e*]ntitled "An Act
1692-93, chap. 37. for regulating the fees and allowances of the several officers and persons, within this colony, hereinafter mentioned,"'" instead of the fees and allowances set down in said act; anything therein contained to the contrary notwithstanding.

Provided, nevertheless,—

Proviso. [SECT. 2.] That sheriffs, coroners and constables shall not be allowed to receive more, for levying monies upon writs of execution [or] [*on*] warrants of distress, than is stated in the act above mentioned.

And be it further enacted by the authority aforesaid,

[SECT. 3.] That the several penalties and fines annexed to any offences, by any of the acts of this state, whether known by the name of province, colony, or state, laws made and enacted before the first day of January, in the year of our Lord one thousand seven hundred and seventy-eight, shall be taken to be three times as much as in the said acts they are called; and the several courts author-i[z][*s*]ed to impose or inflict any such penalties or fines, are directed to give judgment accordingly.

And be it further enacted by the authority aforesaid,

[SECT. 4.] That such courts as have now, by law, jurisdiction of any of the offences aforesaid, shall continue to have jurisdiction of the same, notwithstanding the augmentation of the said fines and forfeitures.

Said act to continue in force until the last day of September next [SECT. 5.] This act to continue and be in force until the last day of September next, and from thence to the second Wednesday of the then next session of the general court, and no longer. [*Passed October* 15.

CHAPTER 22.

AN ACT IN ADDITION TO AN ACT, [I][*E*]NTITLED "AN ACT TO PREVENT THE WASTE, DESTRUCTION AND EMBEZZLEMENT OF THE GOODS OR ESTATES OF SUCH PERSONS WHO HAVE LEFT THE SAME, AND FLED TO OUR ENEMIES FOR PROTECTION; AND ALSO FOR PAYMENT OF THEIR JUST DEBTS, OUT OF THEIR ESTATES."

Preamble. 1776-77, chap. 38. WHEREAS, in the act pass[*e*]d, A.D., one thousand seven hundred and seventy-seven, [i][*e*]ntitled "An Act to prevent the waste, destruction and embezzlement of the goods or estates of such persons who have left the same, and fled to our enemies for protection; and also for payment of their just debts, out of their estates," the judges of probate for the several counties within this state are not [i][*e*]mpowered to appoint agents to the estates of such persons as have left this state, and fled to our enemies for protection, unless it shall so appear to them by a certificate from under the hands of the major part of the selectmen or committees of correspondence of the towns where such absent persons were inhabitants; *and whereas* it is highly necessary that an[*d*] agent to every such estate be appointed,

in order that the further waste and embezzlement thereof may be prevented, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the judges of probate, within the several counties in this state be, and they hereby are, [i][e]mpowered, directed and enjoined, — as soon as it shall appear to them, by i[m][n]formation or otherwise, that any person or persons within their respective counties have left this state, and fled to our enemies for protection, since the nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy-five, leaving, within the same, real or personal estate of the value of twenty pounds, — to appoint some discreet and suitable person (not being a relation to the absent person), agent to every such estate; which agent[s], so appointed, shall be under the same rules and restrictions, in adjusting and settling said estates, and be accountable for the faithful[l] discharge of their duty, in the same manner as agents are who may or have been appointed by the act to which this is an addition.

Judges of probate empowered to appoint agents to absentees' estates.

And whereas doubts have arisen, and may arise, respecting the power of the judges of probate to appoint agents to the estates of such persons as have died since they fled to our enemies for protection; for removal of which, —

Proviso.

Be it further enacted by the authority aforesaid,

[Sect. 2.] That it shall be the duty of the judges of probate of the several counties within this state, to appoint agents to the estates of all such persons as come within the true intent and meaning of the aforerecited act, their death since their removal from this state notwithstanding.

And be it further enacted by the authority aforesaid,

[Sect. 3.] That the judge of probate in each county be, and he hereby is, authori[z][s]ed and directed to appoint three or more faithful[l] and judicious persons, as commissioners, to receive and examine the claims of the several creditors to such absentees, whether it shall appear that such absentees' estates be insufficient to pay all the debts due from them, or not; anything contained in the law to which this is in addition, notwithstanding.

Judge of probate authorized to appoint three judicious persons to examine claims of the creditors of absentees.

And be it further enacted by the authority aforesaid,

[Sect. 4.] That any agent appointed as aforesaid, or by virtue of the act aforesaid, shall have the same power and authority over the estate, real or personal, of which he is agent, if the same lies, or shall be found, in several counties within this state, as if the same had been within the county where such absentee lived. [*Passed October* 16.

Agents to have power over the estates, real and personal.

CHAPTER 23.

AN ACT FOR ANNEXING THE WESTERLY PART OF THE PLANTATION CALLED NUMBER FIVE, IN THE COUNTY OF BERKSHIRE, TO THE TOWN OF GAGEBOROUGH, IN SAID COUNTY; AND ALSO FOR CHANGING THE NAME OF THE SAID TOWN OF GAGEBOROUGH, AND CALLING IT BY THE NAME OF WINDSOR.

Whereas the inhabitants of the westerly part of the plantation called Number Five, in the county of Berkshire, have represented the difficulties they are under in not belonging to any incorporated town,

Preamble 1771–72, chap. 6.

and have requested, by their petition, to be annexed to the town of Gageborough, in the county aforesaid; which request appearing to be reasonable, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Plantation of Gageborough erected into a town by the name of Windsor.

[SECT. 1.] That the westerly part of the tract of land called Plantation Number Five, in the county of Berkshire, bounded as follows; viz., beginning at the south-east corner of the lot number twenty, joining upon Partridgefield Corner, and run[*n*]ing, a strait line, to the north-east corner of the lot number thirteen, in the second division of lands in said plantation, with one third part of the public lands in said plantation, — be and hereby is annexed to the town of Gageborough; and that the inhabitants of said annexed tract of land, and their estates included within the above bounds, shall be subjected to equal duties, and [i][*e*]ntitled to equal privile[*d*]ges, with the other inhabitants of said town, and be, in all respects, incorporated with them.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That the said town of Gageborough, together with the tract of land annexed thereto by this act, shall hereafter be considered as a town, known and called by the name of Windsor; and the inhabitants of said town are hereby authori[z][*s*]ed and directed, in all future writings, both of a public and private nature, to conform thereunto; and shall [i][*e*]njoy every privile[*d*]ge and immunity that the said town would have been [i][*e*]ntitled to if the name of the town had not been changed; anything in the incorporating act of the said town of Gageborough to the contrary notwithstanding. [*Passed October* 16.

CHAPTER 24.

AN ACT TO PREVENT THE RETURN TO THIS STATE, OF CERTAIN PERSONS THEREIN NAMED, AND OTHERS, WHO HAVE LEFT THIS STATE, OR EITHER OF THE UNITED STATES, AND JOINED THE ENEMIES THEREOF.

Preamble.

WHEREAS Thomas Hutchinson, Esq[r]., late governor of this state, Francis Bernard, Esq[r]., formerly governor of this state, Thomas Oliver, Esq[r]., late lieutenant-governor of this state, Timothy Ruggles of Hardwick, in the county of Worcester, Esq[r]., William Apthrop, merchant, Gibbs Atkins, cabinet-maker, John Atkinson, John Amory, James Anderson, Thomas Apthrop, David Black, William Burton, William Bowes, George Brindley, Robert Blair, Thomas Brindley, James Barrick, merchants, Thomas Brattle, Esq[r]., Sampson Salter Blowers, Esq[r]., James Bruce, Ebenezer Bridgham, Alexander Brymer, Edward Berry, merchants, William Burch, late commissioner of the customs, Esq[r]., Mather Byles, jun[r]., clerk, William Codner, book-keeper, Edward Cox, merchant, Andrew Cazneau, Esq[r]., barrister-at-law, Henry Canner, clerk, Thomas Courtney, taylor, Richard Clark, Esq[r]., Isaac Clark, physician, Benjamin Church, physician, John Coffin, distiller, John Clark, physician, William Coffin, Esq[r]., Nathaniel Coffin, Esq[r]., Jonathan Clark, merchant, Archibald Cunningham, shopkeeper, Gilbert Deblois, merchant,

Lewis Deblois, merchant, Philip Dumaresque, merchant, Benjamin Davis, merchant, John Erving, jun[r]., Esq[r]., George Erving, Esq[r]., Edward Foster and Edward Foster, jun[r]., blacksmiths, Benjamin Faneuil, jun[r]., merchant, Thomas Flu[*c*]ker, Esq[r]., late sec[*retar*]y for Massachusetts Bay, Samuel Fitch, Esq[r]., Wilfret Fisher, carter, James Forrest, merchant, Lewis Gray, merchant, Francis Green, merchant, Joseph Green, Esq[r]., Silvester Gardner, Esq[r]., Harrison Gray, Esq[r]., late treasurer of Massachusetts Bay, Harrison Gray, jun[r]., clerk to the treasurer, Joseph Goldthwait, Esq[r]., Martin Gay, founder, John Gore, Esq[r]., Benjamin Hallowell, Esq[r]., Robert Hallowell, Esq[r]., Thomas Hutchinson, jun[r]., Esq[r]., Benjamin Gridley, Esq[r]., Fredrick William Geyer, merchant, John Greenlaw, shopkeeper, David Green, merchant, Elisha Hutchinson, Esq[r]., James Hall, mariner, Foster Hutchinson, Esq[r]., Benjamin Mulbury Holmes, distiller, Samuel Hodges, book-keeper, Henry H[o][*u*]lton, Esq[r]., Hawes Hatch, wharf[f]inger, John Joy, housewright, Peter Johonnet, distiller, William Jackson, merchant, John Jeffries, physician, Henry Laughton, merchant, James Henderson, trader, John Hinston, yeoman, Christopher Hatch, mariner, Robert Jarvis, mariner, Richard Le[a]chmere, Esq[r]., Edw[*ar*]d Lyde, merchant, Henry Lloyd, Esq[r]., George Leonard, miller, Henry L[i][*e*]ddle, book-keeper, Archibald McNeal, baker, Christopher Mino[t][*r*], tide-wa[*i*]ter, James Murray, Esq[r]., William McAlpin[*e*], book-binder, Thomas Mitchell, mariner, William Martin, Esq[r]., John Knutton, tallow-chandler, Thomas Knight, shopkeeper, Samuel Prince, merchant, Adino Paddock, Esq[r]., Charles Paxton, Esq[r]., Sir William Pepper[*r*]el[*l*], Baronet, John Powell, Esq[r]., William Lee Perkins, physician, Nathaniel Perkins, Esq[r]., Samuel Quinc[*e*]y, Esq[r]., Owen Richards, tide-waiter, Samuel Rogers, merchant, Jonathan Simpson, Esq[r]., George Spooner, merchant, Edward Stowe, mariner, Richard Smith, merchant, Jonathan Snelling, Esq[r]., Daniel Silsby, trader, Samuel Sewall, Esq[r]., Abraham Savage, tax-gatherer, Joseph Scott, Esq[r]., Francis Skinner, clerk to the late council, William Simpson, merchant, Richard Sherwin, sadler, Henry Smith, merchant, John Semple, merchant, [and] Robert Semple, merchant, Thomas Selkrig[g], merchant, James Selkrig[g], merchant, Robert Service, trader, Simon Tufts, trader, Arodi Thayer, late mar[sha][*tia*]l to the admiralty court, Nathaniel Taylor, deputy naval officer, John Troutbeck, clerk, Gregory Townsend, Esq[r]., William Taylor, merchant, William Vassal[l], Esq[r]., Joseph Taylor, merchant, Joshua Upham, Esq[r]., William Walter, clerk, Samuel Waterhouse, merchant, Isaac Winslow, merchant, John Winslow, jun[r]., merchant, David Willis, mariner, Obadiah Whiston, blacksmith, Archibald Wilson, trader, John White, mariner, William Warden, peruke-maker, Nathaniel Mills, John Hicks, John Howe and John Fleming, printers, — all of Boston, in the county of Suffolk; Robert Auchmuty, Esq[r]., Joshua Loring, Esq[r]., both of Roxbury, in the same county; Samuel Go[u]ldsbury, yeoman, of Wrentham, in the county of Suffolk; Joshua Loring, jun[r]., merchant, Nathaniel Hatch, Esq[r]., both of Dorchester, in the same county; W[*illia*]m Brown, Esq[r]., Benjamin Pickman, Esq[r]., Samuel Porter, Esq[r]., John Sargeant, trader, — all of Salem, in the county of Essex; Richard Saltonstall, Esq[r]., of Haverhill, in the same county; Thomas Roby, trader, Benjamin Marston, merchant, both of Marblehead, in [the] said county of Essex; Moses Badger, clerk, of Haverhill aforesaid; Jonathan Sewall, Esq[r]., John

Vassal[l], Esq[r]., David Phip[*p*]s, Esq[r]., John Nutting,* carpenter,— all of Cambridge, in the county of Middlesex; Isaac Royal[*l*], Esq[r]., of Medford, in the same county; Henry Barnes of Marlboro[*ugh*], in said county of Middlesex, merchant; Jeremiah Dummer Rogers of Littleton, in the same county, Esq[*ui*]r[*e*], Daniel Bliss of Concord, in the said county of Middlesex, Esq[r]. ; Charles Russell of Lincoln, in the same county, physician; Joseph Adams of Townsend, in said county of Middlesex, physician; Thomas Danforth of Charlestown, in said county, Esq[uire] ; Joshua Smith, trader, of Townsend, in said county; Joseph Ashley, jun[r]., gentleman, of Sunderland, Nathaniel Dick[e][*i*]nson, gentleman, of Deerfield, Sam[*ue*]l Bliss, shopkeeper, of Greenfield, Roger Dickenson, yeoman, Josiah P[o][*u*]mroy, physician, and Thomas Cutler, gentleman, of Hatfield, Jonathan Bliss, Esq[r]., of Springfield, William Galway, yeoman, of Conway, Elijah Williams, attorney-at-law, of Deerfield, James Oliver, gentleman, of Conway, — all in the county of Hampshire; Pelham Winslow, Esq[r]., Cornelius White, mariner, Ed[*war*]d Winslow, jun[r]., Esq[r].,—all of Pl[y][*i*]mouth, in the county of Pl[y][*i*]mouth; Peter Oliver, Esq[r]., Peter Oliver, jun[r]., physician, both of Middleboro[*ugh*], in the same county; Josiah Edson, Esq[r]., of Bridgwater, in the said county of Pl[y][*i*]mouth; Lieut. Daniel Dunbar of Halifax, in the same county; Charles Curtis of Scituate, in said county of Pl[y][*i*]mouth, gentlem[e][*a*]n, Nathaniel Ray Thomas, Esq[r]., Israel Tilden, Caleb Carver, Seth Br[i][*y*]ant, Benjamin Walker, Gideon Walker, Zera Walker, Adam Hall, *tertius*, Isaac Joice, Joseph Phillips, Daniel White, jun[r]., Cornelius White, *tertius*, Melgar Carver, Luke Hall, Thomas Decrow, John Baker, jun[r]., — all of Marshfield, in the said county of Pl[y][*i*]mouth; Gideon White, jun[r]., Daniel Leonard, Esq[r]., Seth Williams, jun[r]., gentleman, Solomon Smith, boatman, — all of Taunton, in the county of Bristol; Thomas Gilbert, Esq[r]., Perez Gilbert, Ebenezer Hathaway, jun[r]., Lot[*t*] Strange, the third, Zebedee Terree, Bradford Gilbert,— all of Freetown, in the same county; Joshua Broomer, Shadrac[h][*k*] Hathaway, Calvin Hathaway, Luther Hathaway, Henry Tisdel[l], William Burden, Levi Chace, Shadrac[h][*k*] Cha[s][*c*]e, Richard Holland, Ebenezer Phillips, Samuel Gilbert, gentleman, Thomas Gilbert, jun[r]., yeoman, both of Berkley, in the said county of Bristol; Ammi Cha[s][*c*]e, Caleb Wheaton, Joshua Wilbore, Lemuel Bourn, gentleman, Thomas Perry, yeoman, David Atkins, labourer, Samuel Perry, mariner, Stephen Perry, labourer, John Blackwell, jun[r]., labourer, Francis Finny, labourer, and Nehemiah Webb, mariner, — all of Sandwich, in the county of Barnstable; Eldad Tupper of Dartmouth, in the county of Bristol, labourer; Silas Perry, labourer, Seth Perry, mariner, Elisha Bourn, gentleman, Thomas Bumpus, yeoman, Ephraim Ellis, jun[r]., yeoman, Edward Bourn, gentleman, Nicholas Cobb, labourer, William Bourn, cordwainer, — all of Sandwich, in the county of Barnstable; and Seth Bangs of Harwich, in the county of Barnstable, mariner; John Chandler, Esq[r]., James Putnam, Esq[r]., Rufus Chandler, gentleman, William Paine, physician, Adam Walker, blacksmith, William Chandler, gentleman, — all of Worcester, in the county of Worcester; John Walker, gentleman, David Bush, yeoman, both of Shrewsbury, in the same county; Abijah Willard, Esq[r]., Abel Willard, Esq[r]., Joseph House, yeoman, — all of Lancaster, in the said county of Worcester; Ebenezer Cutler, trader, James Eager, yeoman, both of Northb[ury][*orough*], in the same county; Daniel Oliver, Esq[r]., Richard Ruggles,

* "Knutting," in the engrossment.

yeoman, Gardner Chandler, trader, Joseph Ruggles, gentleman, Nathaniel Ruggles, yeoman,— all of Hardwick, in the said county of Worcester; John Ruggles, yeoman, of said Hardwick, John Eager, yeoman, Ebenezer Whipple, Israel Conkay, John Murray, Esq[r]., of Rutland, in said county of Worcester; Daniel Murray, gentleman, Samuel Murray, gentleman, Michael Martin, trader, of Brookfield, in the said county of Worcester; Thomas Beaman, gentleman, of Petersham, in the same county; Nathaniel Chandler, gentleman, John Bowen, gentleman, of Princeton, in the said county of Worcester; James Crage, gentleman, of Oa[c]kham, in the same county; Thomas Mull[e][*r*]ns, blacksmith, of Leominster, in the said county of Worcester; Francis Waldo, Esq[r]., Arthur Savage, Esq[r]., Jeremiah Pote, mariner, Thomas Ross, mariner, James Wildridge, mariner, George Lyde, custom-house officer, Robert Pagan, merchant, Thomas Wyer, mariner, Thomas Coulson, merchant, John Wiswall, clerk, Joshua Eldridge, mariner, Thomas Oxnard, merchant, Edward Oxnard, merchant, William Tyng, Esq[r]., John Wright, merchant, Sam[*ue*]l Longfellow, mariner, — all of Falmouth, in the county of Cumberland; Charles Callahan of Pownalboro[*ugh*], in the county of Lincoln, mariner; Jonas Jones of East Hoosuck, in the county of Berkshire; David Ingersoll of Great Barrington, in the same county, Esq[r].; Jonathan Prindall, Benjamin Noble, Francis Noble, Elisha Jones of Pit[*t*]sfield, in the said county of Berkshire, [yeoman]; John Graves, yeoman, Daniel Brewer, yeoman, both of Pit[*t*]sfield aforesaid; Richard Square of Lanesborough, in the said county of Berkshire; Ephraim Jones of East Hoosuck, in the same county; Lewis Hubb[*e*]l[e], and many other persons, — have left this state, or some other of the United States of America, and joined the enemies thereof and of the United States of America, thereby not only depriving these states of their personal services, at a time when they ought to have afforded their utmost aid in defending the said states against the invasions of a cruel enemy, but manifesting an inimical disposition to the said states, and a design to aid and abet[t] the enemies thereof in their wicked purposes; *and whereas* many dangers may accrue to this state and the United States, if such persons should be again admitted to reside in this state,—

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same, Enacting clause

[Sect. 1.] That if the said Thomas Hutchinson, Francis Bernard, Thomas Oliver, Timothy Ruggles, William Apthorp, Gibbs Atkins, John Atkinson, John Amory, James Anderson, Thomas Apthorp, David Black, William Burton, William Bowes, George Brindley, Robert Blair, Thomas Brindley, James Barrick, Thomas Brattle, Sampson Salter Blowers, James Bruce, Ebenezer Bridgham, Alexander Br[i][*y*]mer, Edward Berry, William Burch, Mather B[o]yles, jun[r]., William Codner, Edward Cox, Andrew Cazneau, Henry Canner, Thomas Courtney, Richard Clark[e], Isaac Clark[e], Benjamin Church, John Coffin, John Clark, William Coffin, Nathaniel Coffin, Jonathan Clark[e], Archibald Cunningham, Gilbert Deblois, Lewis Deblois, Philip D[a][*u*]maresque, Benjamin Davis, John Erving, jun[r]., George Erving, Edward Foster, Edward Foster, jun[r]., Benjamin Faneuil, jun[r]., Thomas Flu[*e*]ker, Samuel Fitch, Wilfret Fisher, James Forrest, Lewis Gray, Francis Green, Joseph Green, Silvester Gardner, Harrison Gray, Harrison Gray, jun[r]., Joseph Goldthwait, Martin Gay, John Gore, Benjamin Hallowell, Robert Hallowell, Thomas Hutchinson, jun[r]., Benjamin Gridley, Fred[*e*]rick W[*illia*]m

Geyer, John Greenlaw, David Green[e], Elisha Hutchinson, James Hall, Foster Hutchinson, Benjamin Mulbury Holmes, Samuel Hodges, Henry Hulton, Hawes Hatch, John Joy, Peter Johon[*n*][o][*e*]t[t], William Jackson, John Jeffries, Henry Laughton, James Henderson, John Hinston, Christopher Hatch, Robert Jarvis, Richard Lechmere, Edward Lyde, Henry Lloyd, George Leonard, Henry L[i][*e*]ddle, Archibald McNeil, Christopher Minot[t], James Murray, William McAlpin[*e*], Thomas Mitchell, William Martin, John Knutton, Thomas Knight, Samuel Prince, Adino Paddock, Charles Paxton, Sir William Pepperell, John Powell, William Lee Perkins, Nathaniel Perkins, Samuel Quincy, Owen Richards, Samuel Rogers, Jonathan Simpson, George Spooner, Edward Stow[*e*], Richard Smith, Jonathan Snelling, Daniel Silsby, Samuel Sewall, Abraham Savage, Joseph Scott, Francis Skinner, William Simpson, Richard Sh[e][*a*]rwin, Henry Smith, John Semple, Robert Semple, Thomas Selkrig, James Selkrig, Robert Service, Simon Tufts, Arodi Thayer, Nathaniel Taylor, John Troutbeck, Gregory Townsend, William Taylor, William Vassal[l], Joseph Taylor, Joshua Upham, William Walter, Samuel Waterhouse, Isaac Winslow, John Winslow, jun[r]., David Willis, Ob[e][*a*]diah Whiston, Archibald Wilson, John White, William Warden, Nath[*anie*]l Mills, John Hicks, John How[*e*], John Fleming, Robert Auchmuty, Joshua Loring, Samuel Goldsbury, Joshua Loring, jun[r]., Nathaniel Hatch, William Brown, Benjamin Pickman, Samuel Porter, John Sargeant, Richard Saltonstall, Thomas Roby, Benjamin Marston, Moses Badger, Jonathan Sewall, John Vassal[l], David Phip[*p*]s, John Nutting,* Isaac Royal[l], Henry Barnes, Jeremiah Dummer Rogers, Daniel Bliss, Charles Russel[l], Joseph Adams, Thomas Danforth, Joshua Smith, Joseph Ashley, jun[r]., Nathaniel Dickenson, Samuel Bliss, Roger Dickenson, Josiah Pomroy, Thomas Cutler, Jonathan Bliss, William Gal[l]way, Elijah Williams, James Oliver, Pelham Winslow, Cornelius White, Edward Winslow, ju[*n*][r]., Peter Oliver, Peter Oliver, jun[r]., Josiah Edson, Dan[*ie*]l Dunbar, Charles Curtis, Nathaniel Ray Thomas, Israel Tilden, Caleb Carver, Seth Bryant, Benjamin Walker, Gideon Walker, Zera Walker, Adam Hall, *tertius*, Isaac Joice, Joseph Phillips, Daniel White, jun[r]., Cornelius White, *tertius*, M[a][*e*]lgar Carver, Luke Hall, Thomas Decrow, John Baker, jun[r]., Gideon White, jun[r]., Daniel Leonard, Seth Williams, jun[r]., Solomon Smith, Thomas Gilbert, Perez Gilbert, Ebenezer Hath[*a*]way, jun[r]., Lott Strange, the third, Zebedee Terree, Bradford Gilbert, Joshua Broomer, Shadrac[h][*k*] Hath[*a*]way, Calvin Hath[*a*]way, Luther Hath[*a*]way, Henry Tisdel[l], William Burden, Levi Chace, Shadrac[h][*k*] Chace, Richard Holland, Ebenezer Phillips, Samuel Gilbert, Thomas Gilbert, jun[r]., Ammi Chace, Caleb Wheaton, Joshua Wilbore, Lemuel Bourn, Thomas Perry, David Atkins, Samuel Perry, Stephen Perry, John Blackwell, jun[r]., Francis Finny, Neh[*emia*]h Webb, Eldad Tupper, Silas Perry, Seth Perry, Elisha Bourn, Thomas Bumpus, Ephraim Ellis, jun[r]., Edward Bourn, Nicholas Cobb, William Bourn, Seth Bangs, John Chandler, James Putnam, Rufus Chandler, William Paine, Adam Walker, William Chandler, John Walker, David Bush, Abijah Willard, Abel Willard, Joseph House, Ebenezer Cutler, James Eager, Daniel Oliver, Richard Ruggles, Gardner Chandler, Joseph Ruggles, Nathaniel Ruggles, John Ruggles, John Eager, Ebenezer Whipple, Israel Conkay, John Murray, Daniel Murr[a]y, Samuel Murr[a]y, Michael Martin, Thomas Beaman, Nathaniel Chandler, John Bowen, James Crage, Thomas Mul-

* "Knutton," in the engrossment.

l[e][*i*]ns, Francis Waldo, A[u][*r*]thur Savage, Jeremiah Pote, Thomas Ross, James Wildridge, George Lyde, Robert Pagan, Thomas Wyer, Thomas Co[*u*]lson, John Wisw[e][*a*]l[l], Joshua Eldridge, Thomas Oxnard, Edward Oxnard, William Tyng, John Wright, Samuel Longfellow, Charles Callahan, Jonas Jones, David Ingersol[l], Jonathan Prindall, Benjamin Noble, Francis Noble, Elisha Jones, John Graves, Daniel Brewer, Richard Square, Ephraim Jones and Lewis Hubb[*e*]l[e], —or any other person, tho'[*ugh*] not specially named in this act, who have left this state, or either of said states, and joined the enemies thereof as aforesaid, — shall, after the passing this act, voluntarily return to this state, it shall be the duty of the sheriff of the county, and of the selectmen, committees of correspondence, safety and inspection, grand jurors, constables and tythingmen, and other inhabitants, of the town wherein such person or persons may presume to come, and they are hereby respectively [i][*e*]mpowered and directed, forthwith, to apprehend, and carry, such person or persons, before some justice of the peace within the county, who is hereby required to commit him or them to the common goal within the county, there, in close custody, to remain until he shall be sent out of the state as is hereinafter directed; and such justice is hereby directed to give immediate information thereof to the Board of War of this state. And the said Board of War are hereby [i][*e*]mpowered and directed to cause such person or persons, so committed, to be transported to some part or place within the dominions, or in the possession of the forces, of the king of Great Britain, as soon as may be, after receiving such information: those who are able, at their own expence, and others at the expence of this state; and for this purpose to hire a vessel or vessels, if need be.

If return, by whom apprehended.

Imprisoned.

Transported.

And be it further enacted by the authority aforesaid,

[Sect. 2.] That if any person or persons who shall be transported as aforesaid, shall voluntarily return into this state, without liberty first had and obtained from the gen[*era*]l court, he shall, on conviction thereof before the superio[u]r court of judicature, court of assize and general goal delivery, suffer the pains of death, without benefit of clergy.

Death if they return.

And be it [*further*] *enacted by the authority aforesaid*,

[Sect. 3.] That if the master of any ship or vessel shall, after the passing of this act, knowingly bring into any port within this state, any of the persons above named, or if any person shall wilfully or willingly harbour or conceal any of the persons above named, or d[i][*e*]scribed, after their return to this state contrary to the design of this act, such master or person so offending shall, on conviction thereof before the inferio[u]r court of common pleas in the county where the offence shall be committed, or before the superio[u]r court of judicature, forfeit the sum of five hundred pounds; one half thereof to the use of this state, and the other half to the use of him or them who shall sue for the same.

Penalty for importing or concealing.

And be it [*further*] *enacted by the authority aforesaid*,

[Sect. 4.] That the president of the council be, and he hereby is, requested to write to the several legislative assemblies in the United States, inclosing a copy of this act, and desiring them to transmit to this assembly a list of the names of all persons who have left their respective states, and joined the enemies of the United States, in order that such persons may be prevented from residing in this state.

President to send copies.

[Sect. 5.] And the sec[*retar*]y is directed to cause this act to be published in the several Boston newspapers, and also in handbills,

Secretary to publish and send to France.

and transmit five hundred copies thereof to the ministers of the United States at the court of France, as soon as may be, who are desired to cause the same to be made public as soon as may be after they shall have received the same, that so the persons named and described herein may be deterred from attempting to come within this state. [*Passed October* 16.

ACTS

Passed at the Session begun and held at Boston, on the Sixth day of January, A.D. 1779.

CHAPTER 25.

AN ACT MORE EFFECTUALLY TO PUNISH PERSONS WHO SHALL BE CONVICTED OF WILFULLY AND CORRUPTLY PASSING COUNTERFEIT BILLS OF PUBLIC CREDIT.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That any person who shall hereafter be convicted before the superiour court of judicature, court of assize and general goal delivery, of hereafter wilfully, wittingly and deceitfully passing any counterfeit bill, made in imitation of the true bills of public credit of the United States of America, or either of them, shall be fined, to the use of the government, a sum not exceeding five thousand pounds, at the discretion of the court before whom the conviction may be.

Penalty for passing counterfeit bills of public credit of the United States of America 1775-76, chap. 18. 1776-77, chaps. 44 and 47.

And be it further enacted by the authority aforesaid,

[Sect. 2.] That when any person shall hereafter be convicted of passing, deceitfully, wilfully and corruptly, any counterfeit and false bill made in imitation of the true bills of credit of the United States of America, or either of them, before the passing this act — and for which crime he shall be liable to be imprisoned or set on the gallows — and the said person so convicted shall, before sentence passed upon him, by memorial, in writing, petition the court before whom the conviction may be, that they would, instead of such imprisonment or setting on the gallows, set a fine upon him, the same court shall be fully [i][e]mpowered to omit, in their sentence, ordering such person, so convicted, to be set on the gallows or imprisoned, and to fine him, to the use of the government, in a sum not exceeding the sum of five thousand pounds. [*Passed January* 22, 1779.

Persons convicted, to sit on the gallows, or fined in the sum of £5,000.

CHAPTER 26.

AN ACT FOR SETTING OFF A NUMBER OF THE INHABITANTS OF THE TOWN OF METHUEN, IN THE COUNTY OF ESSEX, INTO A SEPARATE PARISH.

Preamble.

WHEREAS, for the satisfaction of a number of the inhabitants of the town of Methuen, in the county of Essex, with respect to their attending public[k] worship, it is found necessary to set them off and erect them into a sep[e][*a*]rate parish, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Inhabitants of the town of Methuen to give in their names to the town clerk, within six months.

[SECT. 1.] That the said inhabitants; viz[t]., Josiah Osgood, Enoch Merrill, Ebenezer Hibbard, John Wilson, Daniel Bodwell, jun[r]., David Barker, Joseph Merril[l], Jonathan Austin, James Hibbard, Ebenezer Hibbard, jun[r]., Payne Morse, John Barker, Nathaniel Pettingill, jun[r]., Nathaniel Hibbard, William Bodwell, John Tippets, jun[r]., Ebenezer Carlton, Daniel Hibbard, Samuel Pa[l][*r*]mer, John Pa[l][*r*]mer, James Pa[l][*r*]mer, William Hibbard, John Barker, jun[r]., Abel Merrill, Eliphalet Bodwell, Phinehas Pettingill, Dudley Pettingill, John Hibbard, John Hibbard, jun[r]., Jonathan Hibbard, Parker Richardson, John Cheney, Samuel Bodwell, Nathaniel Pettingill, William Cross, William Webber, William Cross, jun[r]., Jonathan Cross, Simeon Cross, Benjamin Webber, Joseph Cross, David Whittier, Samuel Cross, Nathaniel Webber, Samuel Webber, Jesse Tyler, Elisha Webber, Nathaniel Tyler, with such others of the inhabitants of said town of Methuen as shall make known their desire to join them, by giving in their names for that purpose to the town clerk of Methuen aforesaid, within the term of six months from the time of passing [*of*] this act, — all of whom, with the estates they now do or may hereafter possess in said town, be and hereby are set[t] off and made into a sep[e][*a*]rate parish; and that said parish be and hereby is invested with like powers and privileges of other[s] parishes in this state.

And be it further enacted,

Stephen Barker, Esq., to call the first meeting.

[SECT. 2.] That Stephen Barker, Esq[r]., be and hereby is [i][*e*]mpowered to issue his warrant to some principal inhabitant of said parish, requiring him to notify and warn the members thereof to meet at the meeting-house in said parish, at such time as shall be most proper for them to meet, then and there to choose such officers as may be necessary, agreeable to the laws of this state, to manage the affairs of said parish; and the members thereof, qualified by law to vote, be and are hereby [i][*e*]mpowered to choose such officers accordingly. [*Passed January* 25, 1779.

CHAPTER 27.

AN ACT IN ADDITION TO AN ACT [I][*E*]NTITLED "AN ACT AGAINST TREASON, MISPRIS[*I*]ON OF TREASON, AND CONCEALMENT OF TREASON, AND FOR REGULATING TRIALS IN SUCH CASES, AND FOR DIRECTING THE MODE OF EXECUTING JUDGMENTS AGAINST PERSONS ATTAINTED OF FELONY."

Preamble. 1776-77, chap. 32, § 6.

Whereas, in and by the same act, it is enacted and declared, that all manner of offences thereby made and declared, or which should thereafter be made and declared, by any law or statute of this state, to be treason, mispris[*i*]on of treason, or concealment of treason, which should thereafter be done, perpetrated, or committed, by any person or persons without the limits of this state, should be [i][*e*]nquired of, heard and determined before the justices of the superiour court of judicature, court of assize and general goal delivery, within such county as the supreme executive power should order and direct; from whence great inconvenience and delay may arise, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Persons guilty, to be tried before the superior court of judicature, etc., holden for the county where such person is an inhabitant. 109 Mass., 327

That any person, inhabitant of this state, who now is, or who hereafter shall be, guilty of any offence which, by any statute or law of this state, has been or hereafter shall be declared to be treason, mispris[*i*]on of treason, or concealment of treason, and which has been or hereafter shall be done, perpetrated or committed, without the limits of this state, such person shall be tried therefor before the superiour court of judicature, court of assize and general goal delivery, holden for the county whereof such person is an inhabitant, in the same manner, to all intents and purposes, as if the same offence had been done, perpetrated and committed in the same county; and shall, if thereof convicted in the same county, be adjudged and punished in the same manner as if the said offence had been therein committed. [*Passed January* 25, 1779.

CHAPTER 28.

AN ACT FOR ALTERING THE TENOR AND D[E][*O*]NOMINATIONS OF PART OF THE BILLS OF CREDIT ORDERED TO BE EMITTED BY AN ACT [I][*E*]NTITLED "AN ACT FOR DRAWING IN THE BILLS OF CREDIT OF THE SEVERAL DENOMINATIONS UNDER SIX SHILLINGS, BEARING DATE PRIOR TO THE EIGHTEENTH OF OCTOBER, *ANNO OMINI* ONE THOUSAND SEVEN HUNDRED AND SEVENTY-SIX, HICH HAVE BEEN ISSUED BY THIS GOVERNMENT AND ARE STILL OUTSTANDING, AND FOR PROHIBITING THE CURRENCY OF THE SAME; AS ALSO FOR MAKING AND EMITTING BILLS OF PUBLIC CREDIT FOR THE REDEMPTION THEREOF."

Preamble. 1778-79, chap. 19.

Whereas the copperplates are found insufficient for stamping the [the] numbers of bills required by said act, and the making and issuing out so large a number of bills of credit, of very low denominations,

as are therein ordered to be emitted, will be attended with great expence, delay and inconvenience, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Bills, of several denominations, to be emitted, to the amount of £20,000.

That the s[*ai*]d act for drawing in the bills of credit, &c., be so far repealed that twenty thousand pounds, part of the twenty-eight thousand pounds ordered by said act to be emitted, shall be emitted in bills of the following denominations; viz., one shilling, one shilling and sixpence, two shillings, two shillings and sixpence, three shillings, three shillings and sixpence, four shillings, four shillings and sixpence, four shillings and eightpence, five shillings, five shillings and fourpence, five shillings and sixpence; which bills shall be of the tenor and form following; viz[t]., —

MASSACHUSETTS STATE.

Five shillings shall be paid to the bearer of this bill, by the first day of December, one thousand seven hundred and eighty-two, agre[*e*]able to an act of the general court of said state.

— and so, *mutatis mutandis*, for a greater or less sum: which bills, to the amount of the said sum of twenty thousand pounds, shall be considered as part of the sum of twenty-eight thousand pounds ordered to be emitted by the act to which this act refers; and said bills shall be struck off, signed and redeemed as by said act is provided. [*Passed January* 26, 1779.

CHAPTER 29.

AN ACT TO PREVENT THE SALE OF GOODS AT PUBLIC AUCTION.

Preamble. 1777–78, chap. 22.

WHEREAS the selling goods at auction is found to be attended with many pernicious consequences to the public, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Persons convicted, to pay a fine not exceeding four times the value.

[SECT. 1.] That if any person or persons shall, after the publication of this act, presume to sell at auction or public vendue, either directly or indirectly, any goods, wares or merchandize, or any other article, or shall offer and sell the same in such manner as shall amount to sale by public a[u]ction, any person or persons so offending, and being thereof convicted, shall pay a fine not exceeding four times the value of such goods, wares or merchandize, so sold,

How recovered.

to be recovered by indictment of the grand jury, or by a special action of the case in any court proper to try the same; one moiety thereof to the person or persons who shall sue for or give information thereof, and the other moiety to the use of the town where the offence is committed;

Proviso.

any law to the contrary notwithstanding: *provided*, that nothing in this act shall extend to prevent sheriffs, constables, executors, administrators, or agents on the estates of absentees, or collectors of taxes, from selling goods, wares or merchandize, at vendue, in pursuance of the order and directions of law. *Provided, also*, that nothing in this act shall extend to prevent any person from selling real estate, and vessels, with their appurtenances, at public vendue.

Provided, further, —

Agents employed by Congress allowed to sell Continental stores.

[Sect. 2.] That nothing in this act shall extend to prevent agents or others employed by Congress, from selling any article, the property of the United States, at public vendue, according to the resolutions and directions of Congress.

Limitation.

[Sect. 3.] This act to continue in force until the first day of January, one thousand seven hundred and eighty, and no longer. [*Passed January* 27, 1779.

CHAPTER 30.

AN ACT FOR INCORPORATING THE PLANTATION CALLED GARDINERSTON, IN THE COUNTY OF LINCOLN, INTO A TOWN BY THE NAME OF PITTSTON; AND FOR ANNEXING CERTAIN LANDS, IN THE SAID COUNTY, TO THE TOWN OF BOWDOINHAM.

Whereas a number of the inhabitants of the plantation called Gardinerston, in the county of Lincoln, have represented to this court the difficulties and inconveniences they labour under in their present situation; and have requested that they may be incorporated into a town, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Boundaries of the plantation called Gardinerston.

[Sect. 1.] That the said plantation called Gardinerston, bounded as follows; viz[t]., beginning at the north line of the town of Pownalborough, at Kennebeck River, and to run an east-south-east course, on the said north line, five miles from the said river; from thence, to run northerly, about seven miles, more or less, to the south-easterly corner of the town of Hallowell; from thence, to run west-north-west, on the south line of the said Hallowell, to the said Kennebeck River, and across said river, and running a west-north-west course on the south line of said H[o][*a*]llowell, five or six miles, to Cobbiseconte Stream, on the west side of the said Kennebeck River; from thence, to run southerly, down the said stream and as the stream runs, to the first pond; and on said pond, or a stream, to the north line of a large lot number ten, granted by the proprietors of the Kennebeck Purchase, to the late William Bowdoin, Esq[r]., deceased; from thence, to run an east-south-east course, on the said north line of the said lot, to the said Kennebeck River; and from thence, southerly, down the said river, to the north line of Pownalborough aforesaid,—be and hereby is incorporated into a town by the name of Pittston; and that the inhabitants thereof be, and they hereby are, invested with all the powers, privileges and immunities which the inhabitants of towns within this state do or may by law, enjoy.

To be incorporated into a town by the name of Pittston; and investing the inhabitants with the powers, etc., of other towns.

And be it further enacted,

Warrant, by whom issued.

[Sect. 2.] That James Howard, Esq[r]., be, and he hereby is, empowered and directed to issue his warrant to some principal inhabitant of the said town, requiring him to warn the inhabitants thereof to meet, at such time and place as shall be therein set forth, to choose all such officers as towns are by law required and empowered to choose in the month of March, annually; at which said first meeting all the then present inhabitants upward[*s*] of twenty-one years of age shall be admitted to vote.

And whereas it is expedient that certain lots of land on the west side of the said Kennebeck River, which were understood to be within the said plantation of Gardinerston, should, untill the further order of the general court, be annexed to and incorporated with the town of Bowdoinham, in the county of Lincoln aforesaid, —

Be it enacted by the authority aforesaid,

Certain lots of land annexed to the town of Bowdoinham. 1762-63, chap. 14.

[SECT. 3.] That the said lots of land, lying between the north line of said Bowdoinham and the north line of lot number ten, aforesaid, being numbered, five, six, seven, eight, nine, and ten, respectively, and each being about one mile wide, and running west-north-west five miles back from said Kennebeck River, shall be and hereby are annexed to and incorporated with the town of Bowdoinham aforesaid, and made a part thereof; and the inhabitants of the same, in conjunction with the other inhabitants of the said town, are hereby vested with all town privileges whatsoever, agre[e]able to an act of the general court, passed in the year one thousand seven hundred and sixty-two, for incorporating the town of Bowdoinham aforesaid.

Provided, nevertheless, —

And be it enacted by the authority aforesaid,

Taxes paid.

[SECT. 4.] That the said lots shall be and hereby are subjected to pay their rateable and proportionable part of all taxes which have been hitherto, according to law, laid on the said plantation of Gardinerston, and remain unpaid; and also of any further tax which shall be laid on the said plantation (including said lots), and assessed thereon, before a new general valuation of estates throughout this state shall take place; and before such valuation the said lots shall not be subject to pay any part of any taxes on the town of Bowdoinham aforesaid.

And be it further enacted by the authority aforesaid,

Assessors empowered to assess according to law:

— to be under oath.

[SECT. 5.] That the assessors of the town of Pittston aforesaid, which shall be chosen in pursuance of this act, shall be and hereby are empowered to proportion and assess, according to law, the aforesaid taxes laid as aforesaid; and the said assessors, before they proceed to execute their office, shall be under oath for the faithful discharge thereof; which oath shall be administered to them by some justice of the peace for the county of Lincoln. [*Passed February* 4, 1779.

CHAPTER 31.

AN ACT AGAINST MONOPOLY AND FORESTALLING.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

No persons to purchase grain more than sufficient for the support of their families' use until harvest. 1776-77, chap. 14. 1777-78, chap. 6.

[SECT. 1.] That if any person (other than bakers, who follow baking as their ordinary business) shall purchase, engage or buy any Indian corn, wheat, rye, oats or barley, more than shall be sufficient, — with what grain, meal and flour such person shall have by him or her, or have engaged, at the time of such purchase, — to support his or her family and immediate dependants, until[l] the next harvest-time of such article so purchased; or that shall buy or engage any flour more than, — with what flour, corn, wheat, rye, oats, barley and meal, such

person shall have by him or her, or have engaged, at the time of such purchase,— shall be necessary for the support of such purchaser's family and immediate dependants until[l] the next wheat harvest; or that shall purchase or buy any meal more than shall be sufficient, — with what meal, flour, grain and corn such person shall have by him or her, or have engaged, at the time of such purchase, — for the support of such purchaser's family and immediate dependants, until[l] the next harvest of grain whereof such meal is made; such person so offending, and being thereof convicted, shall pay a fine of five times the value of such article or articles so purchased: and that any person who shall purchase or buy any dead meat, more than shall be necessary, — with what such person shall have by him or her, or shall have engaged, at the time of such purchase, — to support his or her family and immediate dependants, for one year from the time of such purchase, and be thereof convicted, in manner as by this act is provided, such person so offending shall pay a fine of five times the value of such meat so purchased. And if any person shall purchase live cattle, sheep, or hogs, and kill the same, and thereof store up more than shall be necessary to the support of his or her family and immediate dependants for the space of one year next after such killing, such person so offending, and being thereof convicted, shall pay a fine of five times the value of such meat so stored up.

Penalty.

Persons not to buy dead meat, more than shall be necessary for one year.

Penalty.

And be it further enacted,

[Sect. 2.] That if any person shall buy of another, who shall be bringing the same to market, or any place of common resort for selling the same, any wood, grain, flour, dead meat, meal, poultry, butter, cheese, or any provision[s] whatsoever, with design to sell the same again, and be thereof convicted, in manner as by this act is provided, such person shall pay a fine of five times the value of such article so purchased.

Persons forestalling, to pay a fine of five times the value.

And it is further enacted,

[Sect. 3.] That if any person shall sell any goods, wares or merchandize, not by him or her imported into, or manufactured in, this state, in any town within the same whereof he or she is not an inhabitant, or in which such person is not usually resident, and be thereof convicted in manner as is in this act provided, such person shall pay a fine of five times the value of such goods or merchandize so sold.

Penalty for selling goods not imported by non-residents in any town.

And it is further enacted,

[Sect. 4.] That if any person shall buy within this state any cargo or quantity of provisions, goods, wares or merchandize, by wholesale, and shall sell the same by wholesale again, or shall sell any goods, wares or merchandize, after his or her purchasing the same, without removing them into some warehouse or store occupied by such person so selling, and be thereof convicted in manner hereinafter provided, such person shall pay a fine of five times the value of such goods, wares or merchandize so sold.

Penalty for persons selling by wholesale, who have bought by wholesale.

And it is enacted,

[Sect. 5.] That no baker shall buy, or have by him (unless he imports the same), more flour than he usually bakes into bread, and disposes of in the space of three months, under the penalty, upon conviction, as by this act is provided, of paying a fine of five times the value of such flour: *provided*, that nothing in this act shall extend to agents who may be [i][e]mpowered by the overseers of the poor of any town, to purchase provisions for the poor of such town, nor to agents or commissaries purchasing any articles for the use of the public, or for the use of the army or navy.

Bakers not to have more flour by them than they usually bake into bread, and dispose of in the space of three months.

Proviso.

Mode of conviction.

[SECT. 6.] And all convictions upon this act, where the penalty does not amount to more than the sum of twenty pounds, may be, upon complaint before a justice of the peace, and in all other cases, upon indictment or complaint, before the court of general sessions of the peace, or superior court of judicature, court of assize and general goal delivery: *saving* to the party convicted, an appeal in all cases, as usual.

And it is further enacted,

Sheriffs, deputy sheriffs, or constables empowered to apprehend offenders, and to deal with them according to law.

[SECT. 7.] That when any sheriff, deputy sheriff, or constable, shall see any person sell provisions, after having purchased the same of any person who shall have brought the same to a market, or any place of common resort for selling the same, such sheriff, deputy sheriff, or constable shall, without further warrant, apprehend such offender, and carry him before some justice of the peace in the town where the offence is committed, to be dealt with as the law directs.

And be it further enacted by the authority aforesaid,

Persons to be chosen to see this act put in execution, and to prosecute violators thereof.

[SECT. 8.] That it shall and may be lawful for any town, immediately upon the publishing this act, at a town meeting duly called for that purpose, to elect and appoint one or more discreet persons, inspectors of the market (not exceeding the number of twelve for the town of Boston, nor six for any other town), whose business it shall also be to execute such powers as are herein assigned to the sheriff, deputy sheriff and constables, and also to make [e][*i*]nquiry into, and prosecute, breaches of this law, and who shall be sworn to the faithful[l] execution of this office.

Fines and penalties, how applied.

[SECT. 9.] And all fines and penalties incurred by this act shall be applied one moiety thereof to the informer or prosecutor, the other moiety to be paid into the treasury of the town where the offence shall be committed:

Proviso.

provided, that no inhabitant of any town where any of the above offences shall be supposed to be committed, shall be thereby excluded from being a witness respecting the same.

Limitation.

[SECT. 10.] This act to be in force until the twentieth day of October next, and no longer. [*Passed February* 8, 1779.

CHAPTER 32.

AN ACT TO PREVENT THE DESTRUCTION OF SALMON AND OTHER FISH IN AGAWAM OR WESTFIELD RIVER.

Preamble.

WHEREAS the salmon and other fish taken in Agawam River, have been of great service to the inhabitants of some part of this state, and still will be so if due care is taken to prevent the unnecessary destruction thereof; *and whereas*, by the constant fishing with seines, net[t]s and pots, and by erecting wears and other incumbrances there, to prevent the passage and facilitate the taking of the fish, they are greatly diminished, and there is danger of their being wholly destroyed; therefore, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Certain times allowed to catch fish.

[SECT. 1.] That no person or persons whatsoever be allowed, from and after the fifteenth day of March next, and so during the continuance of this act, to catch salmon or other fish, of any kind whatso-

ever, with seines, net[t]s or pot[t]s, in any part of Agawam or Westfield River, or in any of the rivers or streams running into said river, oftener than three days in a week: the days to be Tuesday, Wednesday and Thursday, in every week: and if any person or persons shall presume to catch fish there at any other times than hereby is allowed, each and every person so offending shall, for each offence, forfeit and pay the sum of fifty pounds; and the same ne[t]t or po[t]t used in such fishing shall be forfeited. Penalty.

And be it further enacted,

[Sect. 2.] That all wears, fence-hurdles, and other incumbrances whatsoever, now erected, or that hereafter shall be erected, in any part of said Agawam River, or in any stream running into the same, for the stopping the course of the fish, or to facilitate the taking of them by seines, net[t]s, pot[t]s, or otherwise, be deemed common nuisances, and as such shall be pulled down and demolished; and all persons that hereafter shall erect any such wears, fences, or other incumbrances, or that shall continue any such already erected, on due conviction thereof, shall forfeit and pay the sum of thirty pounds. Penalty for erecting weirs, fences and other incumbrances.

And whereas it is found that fishing at the mouth or entrance of said river Agawam into the great, or Connecticut, River, and in the mouth or entrance of the rivers and streams that run into said Agawam River, and in the ponds from which said streams issue, prevents the said salmon, shad and alewives from going into said rivers and streams, and so into the ponds above, to cast their spawn, and tends to destroy the increase of said fish; therefore, —

Be it enacted,

[Sect. 3.] That no person or persons, from and after the said fifteenth day of March next, shall, at any time during the continuance of this act, catch, or attempt to catch, any salmon, shad or alewives, with seines, net[t]s or pot[t]s, at the mouth or entrance of said Agawam River into Connecticut River, — nor in said Connecticut River, within forty rods of the south side of the mouth of said Agawam River, or within ten rods of the north side of the mouth of said Agawam River, — nor anywhere in said river Agawam, between the mouth of said river and ten rods west of Mitteneague Falls, so called, nor within twenty rods of the mouth or entrance of any river or stream that runs into said Agawam or Westfield River, nor in any of the ponds from which said streams may issue. And if any person or persons shall presume to catch any of the above-mentioned salmon, shad or alewives, otherwise than is hereby allowed, each and every person so offending shall, upon due conviction thereof, forfeit and pay the sum of fifty pounds for each offence. Penalty for breach of this act.

And be it further enacted,

[Sect. 4.] That all fines and forfeitures incurred by any breach of this act shall and may be recovered by action or information, in any of the courts of record within the county where such offence shall be committed: one moiety thereof to be paid into the county treasury, to be appropriated for the payment of the necessary charges of the county, the other moiety to him or them who shall commence the prosecution by action or information; and all offences for fishing, or obstructing the course of the fish, contrary to this act, shall and may be presented by the grand jurors for the respective counties where the offence is committed: and the said grand jurors are hereby enjoined dil[l]igently to inquire after, and duly to present such offences. How fines may be recovered.

[Sect. 5.] This act to continue and be in force five years from and after the said fifteenth day of March next, and no longer. Limitation.

[*Passed February* 9, 1779.

CHAPTER 33.

AN ACT FOR ESTABLISHING A NAVAL OFFICE AT WOOLWICH.

Preamble. 1776–77, chap. 22.

WHEREAS the port of Boothbay, in the county of Lincoln, is at a great distance from the river Kennebeck, where the principal part of the navigation in said county is carried on, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

A naval office to be held and kept at Woolwich.

That there shall be held and kept at Woolwich, in the said county of Lincoln, a naval office, by such person or persons as shall, from time to time, be appointed as is by law provided for the choice of such officers in this state; which officer shall be governed by all laws, resolves and orders which are now in being, or which shall hereafter be made, for the governing and regulating said offices, and shall have all the powers which other naval officers within this government are cloathed with. [*Passed February* 11, 1779.

CHAPTER 34.

AN ACT TO SET OFF JOHN ADAMS, JUN[R]., AND OTHERS FROM THE TOWN OF GREAT BARRINGTON, AND TO ANNEX THEM TO THE TOWN OF ALFORD.

Preamble.

WHEREAS, for the greater convenience of transacting public business, it is found necessary to set off John Adams, jun[r]., Ichabod Pope, Aaron Sperry, Nathaniel Sperry, Blodget Smith, Dan Shilwell, Elnathan Wilcocks, John Curtis and Ehud Hopkins, with their estates, including the tract of land hereafter described; viz[t]., beginning at the north-west corner of the said Great Barrington; thence, running eastwardly, in the north line of said Great Barrington, to the top of Long-Pond Mountain, so called; thence, running southerly, on the top of said mountain, to the south-east corner of the farm of Ehud Hopkins; thence, running westerly, to the south-west corner of the said farm of said Hopkins; thence, ru[n][*nn*]ing northerly, to the first bounds mentioned: so as to include the whole of the farms aforementioned, with their inhabitants, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

John Adams, jun., Ichabod Pope and others, set off from Great Barrington, to the town of Alford.

[SECT. 1.] That the aforesaid John Adams, jun[r]., Ichabod Pope, Aaron Sperry, Nathaniel Sperry, Blodget Smith, Dan Shilwell, Elnathan Wilcocks, John Curtis and Ehud Hopkins, with their estates including the tract of land above described, be, and they hereby are, set off from the town of Great Barrington, and incorporated with the town of Alford, and shall forever hereafter be considered as belonging thereto.

Provided, nevertheless, —

They to pay their taxes assessed on the town of Great Barrington.

[SECT. 2.] That the persons above mentioned shall pay their proportionable part of all taxes which are already assessed and levied on the town of Great Barrington, anything in this act to the contrary notwithstanding.

Provided, also, —

And be it further enacted by the authority aforesaid,

[Sect. 3.] That the amount of the estates aforesaid, and the number of pol[!][e]s residing thereon, as returned by the assessors of the said town of Great Barrington in the present valuation, be deducted from the return made by the said assessors, and annexed to the return made by the assessors of the said town of Alford. [*Passed February* 11, 1779.

CHAPTER 35.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF TWENTY-ONE THOUSAND FOUR HUNDRED AND FIFTY POUNDS.

Whereas it is necessary, immediately, to make provision to enable the treasurer of this state to pay the prizes of fifty dollars and upwards, drawn in the first class of the lottery ordered by a resolve of the general court, pass[e]d May first, *Anno Domini* one thousand seven hundred and seventy-eight, — Preamble. Chap. 5, *ante*, note; and chap. 42, *post*. 1779–80, chap. 45, and note.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the treasurer of this state be, and he hereby is, directed, on the credit thereof, to issue his notes, payable the first day of January, *Anno Domini* one thousand seven hundred and eighty-three, to draw interest of six per cent per annum, to be paid annually, not to exceed the sum of twenty-one thousand four hundred and fifty pounds, and that the said notes be of the tenor and form following; viz[t]., — Treasurer directed to issue his notes.

§ § § § § § § § § § § State of Massachusetts Bay, the day of , 1779. For value received, for the use of the state of Massachusetts Bay, I do, in behalf of said state, hereby promise and oblige myself and successors in the office of treasurer, to pay to the possessor of this note, the sum of , by the first day of January, one thousand seven hundred and eighty-three, with interest at six per cent per annum; the interest to be paid annually.

Witness my hand, H. G., treasurer.

A.B., C.D., } Committee. Form of notes.

— which form shall be printed on good paper, and a suitable border round the same; and when said notes are issued, a counterpart, indented, of each note, shall be kept by the treasurer.

And be it further enacted,

[Sect. 2.] That John Scollay, Esq[r]., and Mr. Edward Green, be a committee to sign blank notes, at the left hand, as by the form prescribed, before the same are filled up by the treasurer. Committee to countersign.

And be it further enacted,

[Sect. 3.] That there be and hereby is granted a tax of twenty-one thousand four hundred and fifty pounds, to be levied on the polls and estates within this state, according to such rules, and in such proportion on the several towns and places therein, as shall be agreed upon and ordered by the general court or assembly, at their sessions in June, one thousand seven hundred and eighty-two, and to be paid into the treasury on or before the twentieth day of November then Tax to be levied.

next after, and to be applied for the redemption of the notes which may be issued by virtue of this act.

And be it further enacted,

[SECT. 4.] That if the general court shall not, some time before the first day of September, in the year one thousand seven hundred and eighty-two, agree and conclude upon an act apportioning the sums which by this act are agreed to be paid in said year, then and in such case each town and other place in this state shall pay, by a tax, to be levied on the polls and estates within their limits, respectively, the same proportion of the said sum as such town or other place was taxed by the general court in the tax act then last preceeding.

Treasurer to issue his warrants to the towns, in case.

[SECT. 5.] And the treasurer of this state is hereby [i][*e*]mpowered and directed, some time in the said month of September, in said year, to issue and send forth his warrants, directed to the selectmen or assessors of each town or other incorporated place within this state, or to some suitable person or persons in such place or places therein as are not incorporated, requiring them to assess the polls and estates within their several towns and other places, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury on or before the said twentieth day of November, one thousand seven hundred and eighty-two; and the assessors, as also all persons thereby assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act.

And be it further enacted by the authority aforesaid,

Notes to be delivered to the managers as directed by the council.

[SECT. 6.] That the notes that may be issued by the treasurer by virtue of and in conformity to this act, shall, by him, upon his receiving a warrant from the council for the aforesaid sum, be delivered to the managers of the lottery aforesaid, or their order, from time to time, and in such proportions and sums as said managers may draw for. [*Passed February* 11, 1779.

CHAPTER 36.

AN ACT TO PROHIBIT THE EXPORTATION OF MASTS AND SPARS, OF CERTAIN DIMENSIONS, FOR A LIMITED TIME.

Preamble.

WHEREAS it is of great importance to prevent the enemy, as far as may be, from obtaining a supply of masts and spars, which there is reason to suppose they are at this time in great want of, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Naval officers not to clear out vessels with masts and spars without permission therefor.

[SECT. 1.] That, from and after the publication of this act, no naval officer within this state shall clear out any ship or other vessel that is or may be laden, in whole or [in] part, with masts or spars of fifteen inches diameter or more, to be convey[*e*]d to any port or place without this state, without a permission therefor under the seal of th[is][*e*] state, by the general court, or of the council, in the recess of the court; and if any ship or other vessel shall, after the first day of March next ensuing, sail from any part of this state, and destin[*e*]d to any p[o][*a*]rt or place without the same, being laden in whole or in part as aforesaid, not having a permission as aforesaid, it shall and

Armed vessels empowered to seize.

may be lawful for any armed ship or vessel, commissioned by the American Congress or any of the United States of America, to take, seize, and bring into any port within the state, such ship or other vessel laden and destined as aforesaid; and the several maritime courts in this state are hereby authorized to try the justice of such captures in like manner and form as the cases of other ships and vessels are triable in the same courts; and, in case of condemnation, to order distribution thereof: one moiety to the captors, and the other moiety to and for the use of this state.

Maritime courts authorized to try the justice of said captures.

And it is further enacted,

[Sect. 2.] That if any master or owner of any ship or other vessel, after the publication of this act (such master or owner having knowledge thereof), shall presume to convey, or attempt to convey, or in any manner cause to be conveyed, from this state, any masts or spars herein prohibited, to any port or place without the state, not having permission as aforesaid, such master or owner shall, each and every of them, upon conviction thereof before any court of general sessions of the peace, or inferior court of common pleas, who are hereby, respectively, authorized to try the same, upon action, bill, plaint or information, forfeit and pay a sum not exceeding tenfold the value of such lading; or such lesser sum as the court before which the trial is had, shall adjudge and determine, according to the circumstances of the offence: one moiety thereof to be paid to the treasurer of this state, to and for the use of the state, and the other moiety to him or them that shall inform or sue for the same: *saving*, however, to every one, the right of appeal, as in other cases.

Prohibiting the exportation of masts and spars.

Penalty.

[Sect. 3.] This act to continue and be in force until the first day of March, which will be in the year of our Lord one thousand seven hundred and eighty, and no longer. [*Passed February* 19, 1779.

Limitation.

CHAPTER 37.

AN ACT IN FURTHER ADDITION TO AN ACT [I][*E*]NTITLED "AN ACT TO PREVENT THE WASTE, DESTRUCTION AND EMBEZZLEMENT OF THE GOODS OR ESTATES OF SUCH PERSONS WHO HAVE LEFT THE SAME, AND FLED TO OUR ENEMIES FOR PROTECTION; AND ALSO FOR PAYMENT OF THEIR JUST DEBTS, OUT OF THEIR ESTATES."

Whereas it has happened that some persons who have heretofore been appointed administrators of the estates of persons who have died intestate, and others who have been executors of the last wills and testaments of persons who have died within this state, have left the state, and have joined the enemies thereof, by means whereof the estates with which such absentees have been entrusted remain unsettled, and the same circumstances may again take place; for remedy whereof, —

Preamble. 1776-77, chap. 38. 1778-79, chap. 22, and note.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That when it shall appear to the judge of probate of wills, &c., in any county within this state where letters of administration have been granted on any intestate estate, or on the will of any person deceased, and such administrator, or the executor constituted by such will, is absent out of this state, and has voluntarily joined the enemies

Empowering judge of probate of wills, etc., to grant letters of administration on absentees' estates.

thereof, such judge is hereby authorized and [i][*e*]mpowered to grant letters of administration of the estate, of such person deceased, intestate, not already administered, in like manner as though such absent administrator had been naturally dead; and also to grant letters of administration with the will annexed, in like manner as he might have done in case such absent executor was naturally dead, intestate. [*Passed February* 25, 1779.

CHAPTER 38.

AN ACT OF PARDON AND INDEMNIFICATION FOR CERTAIN OFFENCES THEREIN MENTIONED; AND FOR HOLDING A SUPERIO[U]R COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, IN THE COUNTY OF BERKSHIRE.

Preamble.

WHEREAS the situation of the county of Berkshire, during the present troubles, hath been such as induced committees and other persons to do many acts which in strict law may be deemed criminal; wherefore, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Pardoning all riots and unlawful assemblies committed since the 10th of April, 1774, in the county of Berkshire.

[SECT. 1.] That all riots, routs and unlawful assemblies, committed, commanded, acted, done, or made, within the said county of Berkshire, since the tenth day of April, one thousand seven hundred and seventy-four, and on or before the first day of February, one thousand seven hundred and seventy-nine, — and all rescues and breaches of the peace, assaults and batteries, and imprisonment whatsoever, — be and hereby are pardoned, released, indemnified, discharged and put into utter oblivion; and that all and every the person or persons acting, advising or assisting, abetting and counselling the same, be and hereby are pardoned, released, acquitted, indemnified and discharged from the same, and of, and from, all judgments, indictments, convictions, penalties and forfeitures therefor had or given, or that might ac[*c*]rue for the same; and that such indictments, convictions and forfeitures are hereby declared null and void.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That any person indicted or presented, or in any manner prosecuted, or that shall or may be hereafter indicted, presented, or in any manner whatsoever prosecuted, for any of the offences by this act pardoned, may plead the general issue, and give this act in evidence; which shall be sufficient to acquit him.

And be it further enacted by the authority aforesaid,

[SECT. 3.] That no person shall be liable to be sued or prosecuted in any action for damage, on account of any assault, battery, or false imprisonment, or for any trespass upon the property of any person, committed within the said county of Berkshire in consequence of any resolve, vote or order of any town in the same county, at a meeting of the inhabitants thereof, or committed by any selectmen or committees of inspection and correspondence of any of the same towns, or by any person or persons acting by order and direction of the same, unless leave be first had and obtained of the great and general court or assembly of this state, for that purpose.

And be it further enacted by the authority aforesaid,

[Sect. 4.] That so much of an act made in the year one thousand seven hundred and sixty-one, [i][e]ntitled "An Act for dividing the county of Hampshire, and erecting and establishing a new county in the westerly part of the county of Hampshire, to be called the county of Berkshire, and for establishing courts of justice within the same," as relates to the giving of the superio[u]r court of judicature, court of assize and general goal delivery, held within the county of Hampshire, jurisdiction of actions arising, and crimes committed, within the said county of Berkshire, and directing and [i][e]mpowering the towns in said county to send jurors to said court, be and hereby is repealed. An act made in the year 1761, repealed. 1760-61, chap. 33.

And be it further enacted by the authority aforesaid,

[Sect. 5.] That there shall be held at Great Barrington, within and for the said county of Berkshire, upon the first Tuesday of May, annually, a superio[u]r court of judicature, court of assize and general goal delivery, with the same powers and authorities as the said court hath, by law, in other counties in this state. Time fixed for holding the superior court, etc., for the future.

Provided, —

[Sect. 6.] That nothing in this act shall extend to prevent the said court, within the county of Hampshire, from taking cognizance of any civil action now pending before them, from the said county of Berkshire, by way of appeal or otherwise. Proviso.

[Sect. 7.] And that every person or persons who are already recognized, or who may be hereafter recognized, to appear at the superio[u]r court of judicature, court of assize and general goal delivery, next to be holden at Northampton, in the county of Hampshire, and for the counties of Hampshire and Berkshire, on account of, or respecting, any matter of a criminal nature, shall appear at the superio[u]r court appointed by this act to be held at Great Barrington, in and for the county of Berkshire, on the first Tuesday of May next.

[*Passed February* 27, 1779.

CHAPTER 39.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF ONE MILLION FOURTEEN THOUSAND FOUR HUNDRED AND TWENTY-TWO POUNDS SEVEN SHILLINGS AND EIGHTPENCE, UPON THE SEVERAL TOWNS AND OTHER PLACES IN THIS STATE HEREINAFTER NAMED, FOR DEFRAYING THE PUBLIC CHARGES; AND ALSO FOR ASSESSING A FURTHER TAX OF TWELVE THOUSAND THREE HUNDRED AND EIGHTY-THREE POUNDS SIXTEEN SHILLINGS AND NINEPENCE, PAID THE MEMBERS OF THE HOUSE OF REPRESENTATIVES FOR THEIR TRAVEL AND ATTENDANCE IN THE GENERAL COURT IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SEVENTY-EIGHT.

Whereas it is necessary that the aforesaid sum of one million twenty-six thousand eight hundred and six pounds four shillings and fivepence, should be raised and paid into the public treasury of this state, as soon as may be, six hundred thousand pounds of which to be appropriated for the payment of this state's quota of fifteen millions of dollars, which Congress, by their resolve of the second of January

last, ordered to be called in the present year; and the remaining sum of four hundred twenty-six thousand eight hundred and six pounds four shillings and fivepence, to defray such public charges as have arisen, or may arise, for the support of government; therefore, for the effectually drawing into the treasury the said sum of one million twenty-six thousand eight hundred and six pounds four shillings and fivepence, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That each town and other place within the state be assessed and pay, as such town and other place's proportion of the sum of one million twenty-six thousand eight hundred and six pounds four shillings and fivepence, the following sums set against them respectively; that is to say, —

	REPRESENTATIVES' [*PAY*]	BOUNTYS.	FINES.	STATE TAX.	[*SUM*] TOTAL.	
Boston, ...	£442 8*s.* 0*d.*	£2,116	–	£79,683 6*s.* 8*d.*	Seventy-eight thousand [and] nine pounds fourteen shillings and eightpence, ...	£78,009 14*s.* 8*d.*
Roxbury, . . .	74 2 0	382	–	8,926 2 8	Eight thousand six hundred [and] eighteen pounds four shillings and eightpence, . .	8,618 4 8
Dorchester, . . .	84 13 0	384	–	6,408 8 8	Six thousand one hundred [and] nine pounds one shilling and eightpence, ...	6,109 1 8
Milton, ...	89 0 0	338	–	3,947 19 4	Three thousand six hundred [and] ninety-eight pounds nineteen shillings and fourpence, .	3,698 19 4
Braintree, . . .	87 13 6	704	–	8,548 2 0	Seven thousand nine hundred [and] thirty-one pounds fifteen shillings and sixpence, . .	7,931 15 6
Weymouth, . . .	64 5 6	338	£100	4,635 16 8	Four thousand four hundred [and] sixty-two pounds two shillings and twopence, . .	4,462 2 2
Hingham, . . .	74 13 0	562	–	6,254 11 4	Five thousand seven hundred [and] sixty-seven pounds four shillings and fourpence, . .	5,767 4 4
Cohasset, . . .	37 10 6	42	400	2,111 2 8	Two thousand five hundred [and] six[*ty*] pounds thirteen shillings and twopence, .	2,506 13 2
Dedham, . . .	78 12 6	602	–	7,430 10 8	Six thousand nine hundred [and] seven pounds three shillings and twopence, ...	6,907 3 2
Medfield, . . .	83 9 0	220	–	2,991 4 0	Two thousand eight hundred [and] fifty-four pounds [*and*] thirteen shillings, . . .	2,854 13 0
Wrentham, . . .	44 14 0	560	–	4,449 3 0	Three thousand nine hundred [and] thirty-three pounds [*and*] seventeen shillings, . .	3,933 17 0
Brookline, . . .	58 5 0	120	–	2,873 10 8	Two thousand eight hundred [and] eleven pounds fifteen shillings and eightpence, . .	2,811 15 8
Needham, . . .	45 5 0	240	–	3,034 8 0	Two thousand eight hundred [and] thirty-nine pounds thirteen shillings, ...	2,839 13 0
Stoughton, . . .	81 18 0	588	–	5,380 18 8	Five thousand three hundred [and] seventy-four pounds sixteen shillings and eightpence, .	5,374 16 8
Stoughtonham, . .	39 12 6	338	–	2,693 10 0	Two thousand three hundred [and] ninety-five pounds two shillings and sixpence, . .	2,395 2 6
Medway, . . .	27 3 6	250	–	3,037 12 8	Two thousand eight hundred [and] fourteen pounds sixteen shillings and twopence, . .	2,814 16 2
Bellingham, . . .	36 6 0	120	–	1,969 13 4	One thousand eight hundred [and] eighty-five pounds nineteen shillings and fourpence, .	1,885 19 4

IN THE COUNTY OF SUFFOLK — *Continued.*

	REPRESENTATIVES' [PAY.]	BOUNTYS.	FINES.	STATE TAX.	[SUM] TOTAL.	
Hull,	£81 19*s.* 0*d.*	–	£100	£692 4*s.* 0*d.*	Eight hundred [and] seventy-four pounds three shillings,	£874 3*s.* 0*d.*
Walpole,	81 19 0	£278	100	2,480 8 0	Two thousand three hundred and eighty-four pounds seven shillings,	2,384 7 0
Chelsea,	0 0 0	90	–	1,990 4 0	One thousand nine hundred pounds four shillings,	1,909 4 0
Franklin,	30 10 0	294	–	3,073 3 0	Two thousand eight hundred [and] nine[ty] pounds thirteen shillings,	2,809 13 0
	£1,643 19*s.* 0*d.*	£8,566	£700	£163,112 0*s.* 0*d.*	One hundred [and] fifty-six thousand eight hundred [and] eighty-nine pounds nineteen shillings,	£156,889 19*s.* 0*d.*

IN THE COUNTY OF ESSEX.

Salem,	£89 19*s.* 0*d.*	£1,188	–	£27,538 12*s.* 0*d.*	Twenty-six thousand four hundred [and] forty pounds eleven shillings,	£26,440 11*s.* 0*d.*
Danvers,	89 14 0	588	–	8,637 2 8	Eight thousand one hundred [and] thirty-eight pounds sixteen shillings and eightpence,	8,138 16 8
Ipswich,	106 14 0	1,082	–	14,740 2 0	Thirteen thousand seven hundred [and] sixty-four pounds sixteen shillings,	13,764 16 0
Newbury,	132 5 0	766	–	13,677 10 0	Thirteen thousand [and] forty-three pounds fifteen shillings,	13,043 15 0
Newburyport,	190 14 6	734	–	14,072 13 4	Thirteen thousand five hundred [and] twenty-nine pounds seven shillings and tenpence,	13,529 7 10
Marblehead,	36 8 0	332	–	14,085 0 8	Thirteen thousand seven hundred [and] eighty-nine pounds eight shillings and eightpence,	13,789 8 8
Lynn,	81 10 6	330	–	6,701 12 8	Six thousand four hundred [and] fifty-three pounds three shillings and twopence,	6,453 3 2
Andover,	63 6 6	766	–	11,279 2 8	Ten thousand five hundred [and] seventy-six pounds nine shillings and twopence,	10,576 9 2
Beverly,	88 12 6	590	–	7,912 2 8	Seven thousand four hundred [and] ten pounds fifteen shillings and twopence,	7,410 15 2

Rowley, ...	57	12	0	456	–	6,418	14	0	Six thousand [and] twenty pounds [*and*] six shillings, ...	6,020	6	0
Salisbury, . . .	71	7	0	366	–	5,605	10	8	Five thousand three hundred [and] ten pounds seventeen shillings and eightpence, . . .	5,310	17	
Haverhill, . . .	53	5	6	618	–	8,069	16	0	Seven thousand five hundred [and] five pounds one shilling and sixpence, ...	7,505	1	
Glocester, . . .	89	18	0	240	–	8,675	12	0	Eight thousand five hundred [and] twenty-five pounds [*and*] ten shillings, ...	8,525	10	
Topsfield, . . .	80	0	0	180	–	3,008	10	0	Two thousand nine hundred [and] eight pounds [*and*] ten shillings, ...	2,908	10	
Almsbury, . . .	53	0	0	470	–	5,034	6	0	Four thousand six hundred [and] seventeen pounds [*and*] six shillings, ...	4,617	6	0
Bradford, . . .	41	4	0	324	–	4,539	14	8	Four thousand two hundred [and] fifty-six pounds eighteen shillings and eightpence, .	4,256	18	8
Methuen, . . .	71	3	0	310	–	3,794	12	8	Three thousand five hundred [and] fifty-five pounds fifteen shillings and eightpence, .	3,555	15	8
Boxford, . . .	50	12	0	280	–	3,803	5	4	Three thousand five hundred [and] seventy-three pounds seventeen shillings and fourpence,	3,573	17	4
W[*h*]enham, . . .	0	0	0	120	–	1,824	19	4	One thousand seven hundred [and] four pounds nineteen shillings and fourpence, . . .	1,704	19	4
Manchester, . . .	50	12	0	90	£200	2,107	17	4	Two thousand two hundred [and] sixty-eight pounds nine shillings and fourpence, . .	2,268	9	4
Middleton, . . .	0	0	0	148	–	2,481	10	0*	Two thousand three hundred [and] thirty-three pounds [*and*] ten shillings, ...	2,333	10	0
	£1,497	17*s.*	6*d.*	£9,978	£200	£174,008	6*s.*	8*d.*	One hundred [and] sixty-five thousand seven hundred [and] twenty-eight pounds four shillings and twopence, ...	£165,728	4*s.*	2*d.*

IN THE COUNTY OF MIDDLESEX.

Cambridge, . . .	£59	10*s.*	0*d.*	£398	–	£8,361	7*s.*	4*d.*	Eight thousand [and] twenty-two pounds seventeen shillings and fourpence, ...	£8,022	17*s.*	4*d.*
Charlestown, . . .	0	0	0	150	–	1,184	12	0	One thousand [and] thirty-four pounds [*and*] twelve shillings, ...	1,034	12	0
Watertown, . . .	77	16	0	180	–	3,489	0	8	Three thousand three hundred [and] eighty-six pounds sixteen shillings and eightpence, .	3,386	16	8

* Fourpence, in printed act.

IN THE COUNTY OF MIDDLESEX — *Continued.*

	REPRESENTATIVES' [PAY.]			BOUNTYS.	FINES.	STATE TAX.			[SUM] TOTAL.			
Woburn,	£80	10*s.*	6*d.*	£416	–	£5,722	3*s.*	4*d.*	Five thousand three hundred [and] eighty-six pounds thirteen shillings and tenpence,	£5,386	13*s.*	10*d.*
Concord,	51	10	0	328	–	5,228	13	4	Four thousand nine hundred [and] fifty-five pounds three shillings and fourpence,	4,955	3	4
Newton,	100	5	0	326	–	4,871	4	8	Four thousand six hundred [and] forty-five pounds seven shillings and eightpence,	4,645	7	8
Reading,	47	6	6	330	£200	5,563	8	8	Five thousand four hundred [and] thirty pounds fourteen shillings and eightpence,	5,430	14	8
Marlborough,	128	9	0	440	–	6,403	11	4	Six thousand [and] ninety-two pounds and fourpence,	6,092	0	4
Bill[e]rica,	55	2	0	354	–	4,354	0	0	Four thousand [and] fifty-five pounds [*and*] two shillings,	4,055	2	0
Framingham,	77	5	6	232	600	5,058	1	4	Five thousand five hundred [and] three pounds six shillings and tenpence,	5,503	6	10
Lexington,	68	12	6	244	–	3,492	5	4*	Three thousand two hundred [and] ninety-six pounds seventeen shillings and tenpence,	3,296	17	10
Chelmsford,	60	16	0	410	100	3,909	2	0†	Three thousand eight hundred [and] fifty-nine pounds [*and*] eighteen shillings,	3,859	18	0
Sherburne,	68	0	0	220	–	2,488	0	0	Two thousand three hundred [and] thirty-six pounds,	2,336	0	0
Sudbury,	48	10	0	546	–	6,802	9	8	Six thousand three hundred [and] four pounds nineteen shillings and eightpence,	6,304	19	8
Malden,	53	4	0	236	–	3,240	13	4	Three thousand [and] fifty-seven pounds seventeen shillings and fourpence,	3,057	17	4
Weston,	68	9	6	230	–	3,251	7	4	Three thousand [and] twenty-five pounds sixteen shillings and tenpence,	3,025	16	10
Medford,	46	8	0	240	–	4,146	13	4	Three thousand nine hundred [and] eighty-three pounds one shilling and fourpence,	3,983	1	4
Hopkin[g]ton,	0	0	0	240	–	2,315	3	4	Three thousand one hundred and five pounds three shillings and fourpence,	3,105	3	4
Westford,	69	19‡	6	254	–	3,586	4	8	Three thousand four hundred [and] two pounds four shillings and twopence,	3,402	4	2
Waltham,	71	14	6	164	–	3,128	7	4	Three thousand [and] thirty-six pounds one shilling and tenpence,	3,036	1	10
Stow,	61	19	0	180	–	2,875	13	4*	Two thousand [and] seven hundred [and] fifty-seven pounds twelve shillings and fourpence,	2,757	12	4

Groton,	61	8	0	444	–	4,931	14	0	Four thousand five hundred [and] forty-nine pounds two shillings,	4,549	2	0
Shirl[e]y,	0	0	0	120	–	1,755	16	8	One thousand six hundred [and] thirty-five pounds sixteen shillings and eightpence,	1,635	16	8
Pepperel,	47	8	6	180	–	2,738	10	8	Two thousand six hundred [and] five pounds nineteen shillings and twopence,	2,605	19	2
Townsend,	79	7	0	150	–	2,107	17	4	Two thousand [and] thirty-seven pounds four shillings and fourpence,	2,037	4	4
Dracut,	54	3	0	150	£100	2,840	0	8	Two thousand eight hundred [and] forty-four pounds three shillings and eightpence,	2,844	3	8
Bedford,	0	0	0	90	–	2,274	3	4	Two thousand one hundred [and] eighty-four pounds three shillings and fourpence,	2,184	3	4
Holliston,	34	8	0	264	–	2,727	14	0	Two thousand four hundred [and] ninety-eight pounds two shillings,	2,498	2	0
Acton,	0	0	0	220	–	2,567	18	0	Two thousand three hundred [and] forty-seven pounds eighteen shillings,	2,347	18	0
Dunstable,	30	10	0	60	300	2,373	10	8	Two thousand six hundred [and] forty-four pounds and eightpence,	2,644	0	8
Lincoln,	0	0	0	150	–	2,337	18	0	Two thousand one hundred [and] eighty-seven pounds eighteen shillings,	2,187	18	0
Wilmington,	34	18	0	120	100	1,986	18	8	Two thousand [and] one pounds sixteen shillings and eightpence,	2,001	16	8
Tewkesbury,	0	0	0	120	200	2,180	4	8	Two thousand two hundred [and] sixty pounds four shillings and eightpence,	2,260	4	8
Littleton,	72	15	0	180	–	3,185	11	4	Three thousand [and] seventy-eight pounds six shillings and fourpence,	3,078	6	4
Ashby,	0	0	0	90	–	915	14	0	Eight hundred [and] twenty-five pounds fourteen shillings,	825	14	0
Natick,	0	0	0	90	100	1,629	10	0	One thousand six hundred [and] thirty-nine pounds ten shillings,	1,639	10	0
Stoneham,	0	0	0	90	–	1,228	16	8	One thousand one hundred [and] thirty-eight pounds sixteen shillings and eightpence,	1,138	16	8
	£1,713	11*s.*	6*d.*	£8,510	£1,700	£128,253	12*s.*	0*d.*	One hundred [and] twenty-three thousand one hundred [and] fifty-seven pounds three shillings and sixpence,	£123,157	3*s.*	6*d.*

* The pence are omitted in the printed act.

† Fourpence, in printed act.

‡ Ninety-one, in the printed act.

IN THE COUNTY OF HAMPSHIRE.

	REPRESENTATIVES' [TAX.]	BOUNT[IE][Y]S.	FINES.	STATE TAX.	[SUM] TOTAL.
Springfield,	£85 13*s.* 0*d.*	£474	–	£5,443 11*s.* 4*d.*	Five thousand and fifty-five pounds four shillings and fourpence, £5,055 4*s.* 4*d.*
W[es]t Springfield,	87 14 0	262	£500	5,687 12 8	Six thousand [and] thirteen pounds six shillings and eightpence, 6,013 6 8
Wilbraham,	55 10 0	210	–	2,522 10 8	Two thousand three hundred and sixty-eight pounds and eightpence, 2,368 0 8
Northampton,	69 10 0	486	100	5,669 5 4	Five thousand three hundred and fifty-two pounds fifteen shilling and fourpence, 5,352 15 4
Southampton,	25 16 0	222	–	2,018 5 4	One thousand eight hundred and twenty-two pounds one shilling and fourpence, 1,822 1 4
Hadley,	122 2 0	236		2,384 6 8	Two thousand two hundred and seventy pounds eight shillings and eightpence, 2,270 8 8
South Hadley,	71 15 6	162		1,856 5 4	One thousand seven hundred and sixty-six pounds and tenpence, 1,766 0 10
Amherst,	52 4 0	238	–	2,679 2 8	Two thousand four hundred and ninety-three pounds six shillings and eightpence, 2,493 6 8
Granby,	0 0 0	104	–	1,278 10 8	One thousand one hundred and seventy-four pounds ten shillings and eightpence, 1,174 10 8
Hatfield,	66 12 0	236	–	2,841 2 0	Two thousand six hundred and seventy-one pounds fourteen shillings, 2,671 14 0
Williamsburgh,	0 0 0	132	–	720 5 4	Five hundred [and] eighty-eight pounds five shillings and fourpence, 588 5 4
Westfield,	17 14 0	384	–	4,047 6 0	Three thousand six hundred and eighty-one pounds, 3,681 0 0
Deerfield,	47 19 0	210	–	2,940 9 4	Two thousand seven hundred and seventy-eight pounds eight shillings and fourpence, 2,778 8 4
Greenfield,	34 12 0	120	–	1,883 5 4	One thousand seven hundred and ninety-seven pound[s] seventeen shillings and fourpence, 1,797 17 4
Shelburne,	25 11 6	118	100	1,123 0 8	One thousand one hundred [and] thirty pounds seventeen shillings and twopence, 1,130 17 2
Conway,	21 14 0	60	400	1,277 9 4	One thousand six hundred [and] thirty-nine pounds three shillings and fourpence, 1,639 3 4
Sunderland,	28 19 0	132	–	1,245 1 4	One thousand one hundred and forty-two pounds and fourpence, 1,142 0 4
Montague,	5 15 0	120	100	1,543 2 8	One thousand five hundred and twenty-eight pounds seventeen shillings and eightpence, 1,528 17 8

Northfield,	0	0	0	120	–	2,092	1.	4	One thousand nine hundred and seventy-two pounds fifteen shillings and fourpence,	1,972	15	4
Brimfield,	28	2	0	280	–	3,482	10	8	Three thousand two hundred and thirty pounds twelve shillings and eightpence,	3,230	12	8
South Brimfield,	0	0	0	150	£100	2,084	6	0	Two thousand and thirty-four pounds six shillings,	2,034	6	0
Monson,	52	2	0	150	–	1,805	10	8	One thousand seven hundred [and] seven pounds twelve shillings and eightpence,	1,707	12	8
Pelham,	0	0	0	150	–	1,961	0*	8	One thousand eight hundred [and] eleven pounds and eightpence,	1,811	0	8
Greenwich,	25	9	0	180	–	1,955	10	0	One thousand eight hundred pounds nineteen shillings,	1,800	19	0
Blanford,	36	16	0	206	–	1,434	1	4	One thousand two hundred and sixty-four pounds seventeen shillings and fourpence,	1,264	17	4
Leverett,	0	0	0	60	–	477	6	0	Four hundred and seventeen pounds six shillings,	417	6	0
Palmer,	98	14	0	206	100	1,995	11	4	One thousand nine hundred and eighty-eight pounds five shillings and fourpence,	1,988	5	4
Granvil[l]e,	68	3	6	240	–	3,478	4	8	Three thousand three hundred and six pounds eight shillings and twopence,	3,306	8	2
New Salem,	0	0	0	208	–	1,750	9	4	One thousand five hundred and forty-two pounds nine shillings and fourpence,	1,542	9	4
Belchertown,	0	0	0	236	100	2,215	17	4	Two thousand [and] seventy-nine pounds seventeen shillings and fourpence,	2,079	17	4
Colerain,	0	0	0	148	–	1,285	0	8	One thousand one hundred [and] thirty-seven pounds and eightpence,	1,137	0	8
Ware,	46	15	6	120	–	1,036	14	4	Nine hundred [and] sixty-three pounds nine shillings and tenpence,	963	9	10
Warwick,	12	12	0	120	–	829	6	8	Seven hundred [and] twenty-one pounds eighteen shillings and eightpence,	721	18	8
Be[r]nardston,	22	17	6	120	–	1,131	14	0	One thousand [and] thirty-four pounds eleven shillings and sixpence,	1,034	11	6
Murrayfield,	0	0	0	–	300	960	0	0	One thousand two hundred [and] sixty pounds,	1,260	0	0
Charlemont,	0	0	0	90	–	921	1	4	Eight hundred [and] thirty-one pounds one shilling and fourpence,	831	1	4
Ashfield,	0	0	0	180	–	1,058	14	0	Eight hundred [and] seventy pounds fourteen shillings,	870	14	0
Worthington,	0	0	0	192	–	524	16	0	Three hundred [and] thirty-two pounds sixteen shillings,	332	16	0
Shutesbury,	0	0	0	90	100	1,127	7	4	One thousand one hundred [and] thirty-seven pounds seven shillings and fourpence,	1,137	7	4

* *Sic:* 8*d*. 0*s*., in the printed act.

IN THE COUNTY OF HAMPSHIRE — *Continued.*

	REPRESENTATIVES' [*PAY.*]	BOUNT[IE][Y]S.	FINES.	STATE TAX.	[*SUM*] TOTAL.	
Chesterfield,	£71 11*s.* 6*d.*	£60	£400	£1,699 14*s.* 0*d.*	Two thousand one hundred [and] eleven pounds five shillings and sixpence,	£2,111 5*s.* 3*d.*
Southwick,	43 3 0	118*	–	1,504 4 8	One thousand four hundred [and] twenty-nine pounds seven shillings and eightpence,	1,429 7 8
Sedfield,	0 0 0	–	–	6,505 1 4	Six thousand five hundred [and] five pounds one shilling and fourpence,	6,505 1 4
Enfield,	0 0 0	–	–	3,973 17 4	Three thousand nine hundred [and] seventy-three pounds seventeen shillings and fourpence,	3,973 17 4
Somers,	0 0 0	–	–	3,131 12 0	Three thousand one hundred [and] thirty-one pounds twelve shillings,	3,131 12 0
Ludlow,	0 0 0	104	–	768† 17 4	Six hundred [and] sixty-four pounds seventeen shillings and fourpence,	664 17 4
Norwich,	30 5 0	88	–	320 12 8	Two hundred [and] sixty-two pounds seventeen shillings and eightpence,	262 17 8
Wheatly,	0 0 0	90	–	1,002 2 0	Nine hundred [and] twelve pounds two shillings,	912 2 0
	£1,355 17*s.* 0*d.*	£7,612	£2,300	£99,666 11*s.*‡ 8*d.*	Ninety-five thousand seven hundred [and] ten pounds eight shillings and eightpence,	£95,710 8*s.* 8*d.*

IN THE COUNTY OF PLYMOUTH §

Plymouth,	£65 1*s.* 0*d.*	£360	–	£6,390 12*s.* 0*d.*	Six thousand and ninety-five pounds thirteen shillings,	£6,095 13*s.* 0*d.*
Scituate,	51 0 0	480	£700	8,962 17 4	Nine thousand two hundred thirty-three pounds seventeen shillings and fourpence,	9,233 17 4
Duxborough,	65 15 0	292	100	3,260 0 8	Three thousand one hundred thirty-three pounds fifteen shillings and eightpence,	3,133 15 8
Marshfield,	24 12 6	180	100	3,802 4 8	Three thousand seven hundred forty-six pounds seventeen shillings and twopence,	3,746 17 2
Bridgwater,	76 17 0	330	1,700	13,093 6 0	Fourteen thousand five hundred and forty pounds three shillings,	14,540 3 0
Middleborough,	163 5 0	702	1,100	11,189 10 8	Eleven thousand seven hundred fifty pounds fifteen shillings and eightpence,	11,750 15 8

Rochester, . . .	77	18	0	632	–	5,431	14	0	Four thousand eight hundred seventy-seven pounds twelve shillings, ...	4,877	12	0
Plympton, . . .	71	18	0	440	£100	4,155	2	0	Three thousand eight hundred eighty-seven pounds, ...	3,887	0	0
Pembroke, . . .	65	7	6	330	–	4,756	16	0	Four thousand four hundred ninety-two pounds three shillings and sixpence, ...	4,492	3	6
Kingston, . . .	23	8	0	180	–	2,782	16	8	Two thousand six hundred twenty-six pounds four shillings and eightpence, ...	2,626	4	8
Hanover, . . .	29	0	0	210	–	2,589	10	8	Two thousand four hundred eight pounds ten shillings and eightpence, ...	2,408	10	8
Abington, . . .	68	3	6	352	–	3,329	4	0	Three thousand forty-five pounds seven shillings and sixpence, ...	3,045	7	6
Halifax, ...	0	0	0	–	400	1,702	19	4	Two thousand one hundred two pounds nineteen shillings and fourpence, ...	2,102	19	4
Wareham, . . .	0	0	0	120	–	1,627	7	4	One thousand five hundred seven pounds seven shillings and fourpence, ...	1,507	7	4
	£782	5*s.*	6*d.*	£4,608	£4,200	£73,074	1*s.*	4*d.*	Seventy-three thousand four hundred forty-eight pounds six shillings and tenpence, .	£73,448	6*s.*	10*d.*

IN THE COUNTY OF BARNSTABLE.

Barnstable, . . .	£68	18*s.*	6*d.*	–	–	£6,679	1*s.*	4*d.*	Six thousand seven hundred forty-seven pounds nineteen shilling and tenpence, . . .	£6,747	19*s.*	10*d.*
Sandwich, . . .	64	2	0	£126	–	5,224	7	4	Five thousand one hundred sixty-two pounds nine shillings and fourpence, ...	5,162	9	4
Yarmouth, . . .	73	0	0	–	–	4,715	15	4	Four thousand seven hundred eighty-eight pounds fifteen shillings and fourpence, . .	4,788	15	4
Eastham, . . .	31	12	6	126	–	3,485	16	0	Three thousand three hundred ninety-one pounds eight shillings and sixpence, . .	3,391	8	6
Harwick,¶ . . .	32	8	0	–	–	4,211	9	4	Four thousand two hundred forty-three pounds seventeen shillings and fourpence, . . .	4,243	17	4
Wellfleet, . . .	66	7	0	–	–	2,757	19	4	Two thousand eight hundred twenty-four pounds six shillings and fourpence, ...	2,824	6	4
Chatham, . . .	0	0	0	–	–	1,823	19	4	One thousand eight hundred twenty-three pounds nineteen shillings and fourpence, .	1,823	19	4
Truro, ...	0	0	0	–	–	2,299	0	8	Two thousand two hundred ninety-nine pounds and eightpence, ...	2,299	0	8

* One hundred and eighty-one, in the printed act. † Seven hundred and sixty-seven, in the printed act. ‡ Sixteen, in the printed act.

§ From this point the engrossment of this chapter appears to have been cut off, and lost or destroyed. ¶ *Sic:* Harwich.

IN THE COUNTY OF BARNSTABLE — *Continued.*

	REPRESENTATIVES' PAY.	BOUNTIES.	FINES.	STATE TAX.	SUM TOTAL.	
Falmouth, . .	£67 1*s.* 0*d.*	£56	–	£3,835 13*s.* 4*s.*	Three thousand eight hundred forty-six pounds fourteen shillings and fourpence, . . .	£3,846 14*s.* 4*d.*
	£103 9*s.* 0*d.*	£308	–	£35,033 2*s.* 0*d.*	Thirty-five thousand one hundred twenty-eight pounds eleven shillings, ...	£35,128 11*s.* 0*d.*

IN THE COUNTY OF BRISTOL.

Taunton, . . .	£67 4*s.* 2*d.*	£722	£200	£8,238 5*s.* 4*d.*	Seven thousand seven hundred eighty-three pounds nine shillings and sixpence, . . .	£7,783 9*s.* 6*d.*
Rehoboth, . . .	97 5 0	892	500	10,328 17 4	Ten thousand thirty-four pounds two shillings and fourpence, ...	10,034 2 4
Swanzey, . . .	43 5 0	514	–	4,770 16 8	Four thousand three hundred pounds one shilling and eightpence, ...	4,300 1 8
Dartmouth, . . .	77 3 0	420	–	13,358 8 6	Thirteen thousand fifteen pounds eleven shillings and sixpence, ...	13,015 11 6
Norton, ...	114 12 0	240	–	3,739 11 4	Three thousand six hundred fourteen pounds three shillings and fourpence, ...	3,614 3 4
Mansfield, . . .	15 12 0	250	200	2,434 0 0	Two thousand three hundred ninety-nine pounds twelve shillings, ...	2,399 12 0
Attleborough, . .	79 2 6	572	–	6,068 16 8	Five thousand five hundred seventy-five pounds nineteen shillings and twopence, . . .	5,575 19 2
Dighton, . . .	56 5 6	240	–	3,476 1 4	Three thousand two hundred ninety-two pounds six shillings and tenpence, ...	3,292 6 10
Freetown, . . .	29 6 6	330	100	4,053 16 0	Three thousand eight hundred fifty-three pounds two shillings and sixpence, ...	3,853 2 6
Raynham, . . .	11 8 0	150	100	2,545 4 8	Two thousand five hundred six pounds twelve shillings and eightpence, ...	2,506 12 8
Easton, ...	36 11 0	308	100	2,843 6 0	Two thousand six hundred seventy-one pounds seventeen shillings, ...	2,671 17 0
Berkley, ...	55 17 0	206	–	1,984 9 4	One thousand eight hundred thirty-four pounds six shillings and fourpence, ...	1,834 6 4
	£683 11*s.* 8*d.*	£4,844	£1,200	£63,841 13*s* 2*d.*	Sixty thousand eight hundred eighty-one pounds four shillings and tenpence, ...	£60,881 4*s.* 10*d.*

IN THE COUNTY OF YORK.

York,	£85	8*s.*	0*d.*	£634	–	£8,095	14*s.*	0*d.*	Seven thousand five hundred forty-seven pounds two shillings,	£7,547	2*s.*	0*d.*
Kittery,	48	14	6	278	£1,000	8,886	4	0	Nine thousand six hundred fifty-six pounds eighteen shillings and sixpence,	9,656	18	6
Wells,	72	19	0	330	500	6,319	6	8	Six thousand five hundred sixty-two pounds five shillings and eightpence,	6,562	5	8
Berwick,	58	19	6	678	100	9,584	17	4	Nine thousand sixty-five pounds sixteen shillings and tenpence,	9,065	16	10
Arundell,	44	9	0	210	–	2,881	1	4	Two thousand seven hundred fifteen pounds ten shillings and fourpence,	2,715	10	4
Biddeford,	24	3	0	150	100	3,333	10	8	Three thousand three hundred seven pounds thirteen shillings and eightpence,	3,307	13	8
Pepperrelborough,	24	3	0	192	–	2,428	12	0	Two thousand two hundred sixty pounds fifteen shillings,	2,260	15	0
Lebanon,	0	0	0	90	–	899	11	4	Eight hundred nine pounds eleven shillings and fourpence,	809	11	4
Sandford,	0	0	0	120	–	869	6	0	Seven hundred forty-nine pounds six shillings,	749	6	0
Buxton,	0	0	0	120	–	773	3	4	Six hundred fifty-three pounds three shillings and fourpence,	653	3	4
Fryeburgh,	0	0	0	–	–	340	0	0	Three hundred forty pounds,	340	0	0
	£358	16*s.*	0*d.*	£2,802	£1,700	£44,411	6*s.*	8*d.*	Forty-three thousand six hundred sixty-eight pounds two shillings and eightpence,	£43,668	2*s.*	8*d.*

IN THE COUNTY OF DUKES COUNTY.

Edgartown,	£0	0*s.*	0*d.*	–	–	£2,526	18*s.*	0*d.*	Two thousand five hundred twenty-six pounds eighteen shillings,	£2,526	18*s.*	0*d.*
Chilmark,	0	0	0	–	–	3,121	18	0	Three thousand one hundred twenty-one pounds eighteen shillings,	3,121	18	0
Tisbury,	0	0	0	–	–	2,292	11	4	Two thousand two hundred ninety-two pounds eleven shillings and fourpence,	2,292	11	4
	£0	0*s.*	0*d.*	–	–	£7,941	7*s.*	4*d.*	Seven thousand nine hundred forty-one pounds seven shillings and fourpence,	£7,941	7*s.*	4*d.*

IN THE COUNTY OF NANTUCKET.

	REPRESENTATIVES' PAY.	BOUNTIES.	FINES.	STATE TAX.	SUM TOTAL.	
Sherburne, . . .	£0 0*s.* 0*d.*	-	-	£12,232 13*s.* 4*d.*	Twelve thousand two hundred thirty-two pounds thirteen shillings and fourpence, . . .	£12,232 13*s.* 4*d.*

IN THE COUNTY OF WORCESTER.

Worcester, . . .	£111 4*s.* 0*d.*	£270	£300	£6,620 12*s.* 8*d.*	Six thousand seven hundred sixty-one pounds sixteen shillings and eightpence, . . .	£6,761 16*s.* 8*d.*
Lancaster, . . .	90 0 0	736	-	8,250 11 4	Seven thousand six hundred and four pounds eleven shillings and fourpence, . . .	7,604 11 4
Mendon, . . .	106 8 0	560	-	6,123 18 0	Five thousand six hundred and seventy pounds six shillings, ...	5,670 6 0
Brookfield, . . .	94 19 0	540	-	7,938 0 8	Seven thousand four hundred and ninety-two pounds nineteen shillings and eightpence, .	7,492 19 8
Oxford, ...	154 2 0	180	-	2,861 12 8	Two thousand eight hundred and thirty-five pounds fourteen shillings and eightpence, .	2,835 14 8
Charleton, . . .	148 12 0	240	-	2,880 0 0	Two thousand seven hundred and eighty-eight pounds twelve shillings, ...	2,788 12 0
Sutton, ...	146 9 0	662	100	7,886 4 8	Seven thousand four hundred and seventy pounds thirteen shillings and eightpence, . . .	7,470 13 8
Leicester, . . .	120 16 0	236	-	2,913 9 4	Two thousand seven hundred and ninety-eight pounds five shillings and fourpence, . . .	2,798 5 4
Spencer, ...	64 19 0	294	-	2,532 5 4	Two thousand three hundred and three pounds four shillings and fourpence, ...	2,303 4 4
Rutland, . . .	77 18 0	180	100	3,817 6 8	Three thousand eight hundred and fifteen pounds four shillings and eightpence, ...	3,815 4 8
Paxton, ...	60 2 0	90	-	1,670 11 4	One thousand six hundred and forty pounds thirteen shillings and fourpence, . . .	1,640 13 4
Oaxham, . . .	77 6 6	90	-	1,153 6 0	One thousand one hundred and forty pounds twelve shillings and sixpence, . . .	1,140 12 6
Barre, ...	87 14 0	60	600	3,350 16 0	Three thousand nine hundred and seventy-eight pounds ten shillings, ...	3,978 10 0
Hubbardston, . .	0 0 0	90	-	664 0 8	Five hundred and seventy-four pounds and eightpence, ...	574 0 8

New Braintree,	45	0	0	150	–	2,631	12	8	Two thousand five hundred and twenty-six pounds twelve shillings and eightpence,	2,526	12	8
Southborough,	60	0	0	–	£600	2,950	3	4	Three thousand six hundred and ten pounds three shillings and fourpence,	3,610	3	4
Westborough,	100	3	0	278	–	3,011	15	4	Two thousand eight hundred and thirty-three pounds eighteen shillings and fourpence,	2,833	18	4
Northborough,	59	15	0	90	–	2,034	9	4	Two thousand and four pounds four shillings and fourpence,	2 004	4	4
Shrewsborough,	48	13	0	426	–	5,590	9	4	Five thousand two hundred and thirteen pounds two shillings and fourpence,	5,213	2	4
Lunenburgh,	76	0	0	338	–	4,085	2	0	Three thousand eight hundred and twenty-three pounds two shillings,	3,823	2	0
Fitchburgh,	0	0	0	60	200	1,394	1	4	One thousand five hundred and thirty-four pounds one shilling and fourpence,	1,534	1	4
Uxbridge,	59	0	0	240	–	2,897	10	0	Two thousand seven hundred and sixteen pounds ten shillings,	2,716	10	0
Harvard,	42	16	6	382	–	4,009	10	8	Three thousand six hundred and seventy pounds seven shillings and twopence,	3,670	7	2
Dudley,	127	5	0	236	–	2,577	12	8	Two thousand four hundred and sixty-eight pounds seventeen shillings and eightpence,	2,468	17	8
Bolton,	54	4	6	240	–	3,844	6	0	Three thousand six hundred and fifty-eight pounds ten shillings and sixpence,	3,658	10	6
Upton,	72	7	0	150	–	1,576	12	0	One thousand four hundred and ninety-eight pounds nineteen shillings,	1,498	19	0
Sturbridge,	139	11	0	340	–	3,596	16	8	Three thousand three hundred and ninety-six pounds seven shillings and eightpence,	3,396	7	8
Leominster,	94	4	0	180	–	3,019	6	0	Two thousand nine hundred and thirty-three pounds ten shillings,	2,933	10	0
Hardwick,	45	11	0	354	–	4,411	4	8	Four thousand one hundred and two pounds fifteen shillings and eightpence,	4,102	15	8
Holden,	65	10	0	150	–	2,103	11	4	Two thousand and nineteen pounds one shilling and fourpence,	2,019	1	4
Western,	68	10	0	180	–	2,784	19	4	Two thousand six hundred and seventy-three pounds nine shillings and fourpence,	2,673	9	4
Douglass,	0	0	0	150	–	1,735	6	8	One thousand five hundred and eighty-five pounds six shillings and eightpence,	1,585	6	8
Grafton,	64	5	0	264	–	2,967	9	4	Two thousand seven hundred and sixty-seven pounds fourteen shillings and fourpence,	2,767	14	4
Petersham,	42	0	0	70	800	2,994	9	4	Three thousand seven hundred and sixty-six pounds nine shillings and fourpence,	3,766	9	4

IN THE COUNTY OF WORCESTER — *Continued.*

	REPRESENTATIVES' PAY.	BOUNTIES.	FINES.	STATE TAX.	SUM TOTAL.	
Royalston,	£26 14*s.* 6*d.*	£90	–	£642 10*s.* 0*d.*	Five hundred and seventy-nine pounds four shillings and sixpence,	£579 4*s.* 6*d.*
Westminster,	99 14 6	366	–	2,542 0 0	Two thousand two hundred and seventy-five pounds fourteen shillings and sixpence,	2,275 14 6
Athol,	15 13 0	150	–	1,642 9 4	One thousand five hundred and eight pounds two shillings and fourpence,	1,508 2 4
Templeton,	26 15 6	236	–	2,008 10 8	One thousand seven hundred and ninety-nine pounds six shillings and twopence,	1,799 6 2
Princeton,	33 12 6	116	£200	1,883 5 4	Two thousand pounds seventeen shillings and tenpence,	2,000 17 10
Ashburnham,	44 2 0	90	–	904 18 0	Eight hundred and fifty-nine pounds,	859 0 0
Winchendon,	0 0 0	90	–	744 0 8	Six hundred and fifty-four pounds and eightpence,	654 0 8
Woodstock,	0 0 0	–	–	7,658 7 4	Seven thousand six hundred and fifty-eight pounds seven shillings and fourpence,	7,658 7 4
Northbridge,	28 18 0	74	–	1,071 0 0	One thousand and twenty-five pounds eighteen shillings,	1,025 18 0
	£2,880 14*s.* 6*d.*	£9,718	£2,900	£137,976 5*s.* 8*d.*	One hundred and thirty-four thousand and thirty-nine pounds and twopence,	£134,039 0*s.* 2*d.*

IN THE COUNTY OF CUMBERLAND.

Falmouth,	£92 11*s.* 0*d.*	£794	–	£5,299 19*s.* 4*d.*	Four thousand five hundred and ninety-eight pounds ten shillings and fourpence,	£4,598 10*s.* 4*d.*
North Yarmouth,	42 6 0	412	–	3,949 1 4	Three thousand five hundred and seventy-nine pounds seven shillings and fourpence,	3,579 7 4
Cape Elizabeth,	86 15 0	270	–	3,920 19 4	Three thousand seven hundred and thirty-seven pounds fourteen shillings and fourpence,	3,737 14 4
Gorham,	63 0 0	382	–	2,102 9 4	One thousand seven hundred and eighty-three pounds nine shillings and fourpence,	1,783 9 4
Brunswick,	0 0 0	150	–	2,125 3 4	One thousand nine hundred and seventy-five pounds three shillings and fourpence,	1,975 3 4

Harpswell, . . .	46	15	0	150	–	1,820	5	4	One thousand seven hundred and seventeen pounds and fourpence, ...	1,717	0	4
Windham, . . .	0	0	0	90	–	916	16	0	Eight hundred and twenty-six pounds sixteen shillings, ...	826	16	0
New Glocester, . .	0	0	0	120	–	773	3	4	Six hundred and fifty-three pounds three shillings and fourpence, ...	653	3	4
Scarborough, . . .	57	11	0	486	–	4,032	4	0	Three thousand six hundred and three pounds fifteen shillings, ...	3,603	15	0
Pearsontown, . .	0	0	0	90	–	466	10	0	Three hundred seventy-six pounds ten shillings, ...	376	10	0
Gray, ...	0	0	0	–	–	306	13	4	Three hundred and six pounds thirteen shillings and fourpence, ...	306	13	4
	£388	18*s.*	0*d.*	£2,944	–	£25,713	4*s.*	8*d.*	Twenty-three thousand one hundred and fifty-eight pounds two shillings and eightpence, .	£23,158	2*s.*	8*d.*

IN THE COUNTY OF LINCOLN.

Pownalborough, . .	£0	0*s.*	0*d.*	£240	–	£2,889	14*s*	0*d.*	Two thousand six hundred and forty-nine pounds fourteen shillings, ...	£2,649	14*s.*	0*d.*
Georgetown, . . .	32	8	0	330	–	3,814	1	4	Three thousand five hundred and sixteen pounds nine shillings and fourpence, ...	3,516	9	4
Newcastle, . . .	0	0	0	90	–	1,158	10	8	One thousand and sixty-eight pounds ten shillings and eightpence, ...	1,068	10	8
Woolwich, . . .	0	0	0	90	–	1,239	13	4	One thousand one hundred and forty-nine pounds thirteen shillings and fourpence, . . .	1,149	13	4
Topsham, . . .	0	0	0	176	–	1,233	4	0	One thousand and fifty-seven pounds four shillings, ...	1,057	4	0
Bowdoinham, . .	0	0	0	60	–	458	12	8	Three hundred and ninety-eight pounds twelve shillings and eightpence.	398	12	8
Boothbay, . . .	0	0	0	120	–	1,440	1	4	One thousand three hundred and twenty pounds one shilling and fourpence, ...	1,320	1	4
Bristol, ...	0	0	0	–	–	1,519	7	4	One thousand five hundred and nineteen pounds seven shillings and fourpence, . . .	1,519	7	4
Vassalborough, . .	32	4	0	–	–	451	7	4	Four hundred and eighty-three pounds eleven shillings and fourpence, ...	483	11	4
Winthrop, . . .	6	0	0	–	–	344	9	4	Three hundred and fifty pounds nine shillings and fourpence, ...	350	9	4

IN THE COUNTY OF LINCOLN — *Continued.*

	REPRESENTATIVES' PAY.	BOUNTYS.	FINES.	STATE TAX.	SUM TOTAL.	
Winslow,	£0 0*s.* 0*d.*	–	–	£354 4*s.* 0*d.*	Three hundred and fifty-four pounds four shillings,	£354 4*s.* 0*d.*
Waldoborough,	0 0 0	–	–	1,000 1 4	One thousand pounds one shilling and fourpence,	1,000 1 4
Edgecomb,	0 0 0	–	–	266 14 8	Two hundred and sixty-six pounds fourteen shillings and eightpence,	266 14 8
Hallowell,	0 0 0	–	–	497 19 4	Four hundred and ninety-seven pounds nineteen shillings and fourpence,	497 19 4
Bellfast,	0 0 0	–	–	150 0 0	One hundred and fifty pounds,	150 0 0
Warren,	0 0 0	–	–	583 2 0	Five hundred and eighty-three pounds two shillings,	583 2 0
Thomastown,	0 0 0	–	–	494 8 8	Four hundred and ninety-four pounds eight shillings and eightpence,	494 8 8
The lower town of St. Georges,	0 0 0	–	–	494 8 8	Four hundred and ninety-four pounds eight shillings and eightpence,	494 8 8
Gardinerstown,	0 0 0	–	–	627 8 0	Six hundred and twenty-seven pounds eight shillings,	627 8 0
Medumcook,	0 0 0	–	–	403 17 4	Four hundred and three pounds seventeen shillings and fourpence,	403 17 4
	£70 12*s.* 0*d.*	£1,106	–	£19,421 5*s.* 4*d.*	Eighteen thousand three hundred and eighty-five pounds seventeen shillings and fourpence,	£18,385 17*s.* 4*d.*

IN THE COUNTY OF BERKSHIRE.

Sheffield,	£63 6*s.* 6*d.*	£300	–	£4,345 7*s.* 4*d.*	Four thousand one hundred and eight pounds thirteen shillings and tenpence,	£4,108 13*s.* 10*d.*
Great Barrington,	146 19 0	150	£100	1,814 3 4	One thousand nine hundred and eleven pounds two shillings and fourpence,	1,911 2 4
Partridgefield,	10 2 6	60	–	563 13 4	Five hundred and thirteen pounds fifteen shillings and tenpence,	513 15 10
Williamstown,	17 18 0	180	–	1,600 6 8	One thousand four hundred and thirty-eight pounds four shillings and eightpence,	1,438 4 8

New Marlborough,	42	10	0	264	–	2,419	2	8	Two thousand two hundred and twenty-seven pounds twelve shillings and eightpence,	2,227	12	8
Lanesborough,	54	4	0	368	–	2,574	8	0	Two thousand two hundred and sixty pounds twelve shillings,	2,260	12	0
Pittsfield,	53	18	0	264	–	2,038	15	8	One thousand eight hundred and twenty-eight pounds thirteen shillings and eightpence,	1,828	13	8
Lenox,	0	0	0	120	–	1,161	18	8	One thousand and forty-one pounds eighteen shillings and eightpence,	1,041	18	8
Stockbridge,	50	18	0	210	–	1,386	12	0	One thousand two hundred and twenty-seven pounds ten shillings,	1,227	10	0
Egremont,	21	8	6	146	£100	1,004	5	4	Nine hundred and seventy-nine pounds thirteen shillings and tenpence,	979	13	10
Tyringham,	46	4	0	176	–	1,036	5	4	Nine hundred and six pounds nine shillings and fourpence,	906	9	4
Sandisfield,	43	13	6	250	–	1,812	0	0	One thousand six hundred and five pounds thirteen shillings and sixpence,	1,605	13	6
Becket,	30	12	0	–	300	725	13	4	One thousand and fifty-six pounds five shillings and fourpence,	1,056	5	4
Windsor,	6	2	6	90	–	843	8	0	Seven hundred and fifty-nine pounds ten shillings and sixpence,	759	10	6
Hancock,	0	0	0	90	–	872	10	8	Seven hundred and eighty-two pounds ten shillings and eightpence,	782	10	8
Richmond,	16	9	0	250	–	1,805	10	8	One thousand five hundred and seventy-one pounds nineteen shillings and eightpence,	1,571	19	8
Loudon,	0	0	0	60	–	194	7	4	One hundred and thirty-four pounds seven shillings and fourpence,	134	7	4
Washington,	0	0	0	60	100	232	3	4	Two hundred and seventy-two pounds three shillings and fourpence,	272	3	4
West Stockbridge,	0	0	0	90	–	693	5	4	Six hundred and three pounds five shillings and fourpence,	603	5	4
Alford,	0	0	0	60	–	725	13	4	Six hundred and sixty-five pounds thirteen shillings and fourpence,	665	13	4
Adams,	0	0	0	120	–	820	14	0	Seven hundred pounds fourteen shillings,	700	14	0
Plantation No. 5,	0	0	0	–	300	518	6	8	Eight hundred and eighteen pounds six shillings and eightpence,	818	6	8
Plantation No. 7,	0	0	0	–	100	518	6	8	Six hundred and eighteen pounds six shillings and eightpence,	618	6	8
	£604	5*s.*	6*d.*	£3,308	£1,900	£29,736	17*s.*	8*d.*	Twenty-eight thousand and thirty-three pounds three shillings and twopence,	£28,033	3*s.*	2*d.*

SUMS TOTAL.										SUMS TOTAL.			
	REPRESENTATIVES' PAY.			BOUNTIES.	FINES.	STATE TAX.							
Suffolk, ...	£1,643	19*s.*	0*d.*	£8,566	£700	£163,112	0*s.*	0*d.*		One hundred and fifty-six thousand eight hundred and eighty-nine pounds nineteen shillings, ...	£156,889	19*s.*	0*d.*
Essex, ...	1,497	17	6	9,978	200	174,008	6	8		One hundred and sixty-five thousand seven hundred and twenty-eight pounds four shillings and twopence, ...	165,728	4	2
Middlesex, . . .	1,713	11	6	8,510	1,700	128,253	12	0		One hundred and twenty-three thousand one hundred and fifty-seven pounds three shillings and sixpence, ...	123,157	3	6
Hampshire, . . .	1,355	17	0	7,612	2,300	99,666	11	8		Ninety-five thousand seven hundred and ten pounds eight shillings and eightpence, . .	95,710	8	8
Plymouth, . . .	782	5	6	4,608	4,200	73,074	1	4		Seventy-three thousand four hundred and forty-eight pounds six shillings and tenpence. .	73,448	6	10
Barnstable, . . .	403	9	0	308	–	35,033	2	0		Thirty-five thousand one hundred and twenty-eight pounds eleven shillings, ...	35,128	11	0
Bristol, ...	683	11	3	4,844	1,200	63,841	13	4		Sixty thousand eight hundred and eighty-one pounds four shillings and sevenpence, . .	60,881	4	7
York, ...	358	16	0	2,802	1,700	44,411	6	8		Forty-three thousand six hundred and sixty-eight pounds two shillings and eightpence, .	43,668	2	8
Dukes County, . .	0	0	0	–	–	7,941	7	4		Seven thousand nine hundred and forty-one pounds seven shillings and fourpence, . .	7,941	7	4
Nantucket, . . .	0	0	0	–	–	12,232	13	4		Twelve thousand two hundred and thirty-two pounds thirteen shillings and fourpence, .	12,232	13	4
Worcester, . . .	2,880	14	6	9,718	2,900	137,976	5	8		One hundred and thirty-four thousand and thirty-nine pounds and twopence, ...	134,039	0	2
Cumberland, . . .	388	18	0	2,944	–	25,713	4	8		Twenty-three thousand one hundred and fifty-eight pounds two shillings and eightpence, .	23,158	2	8
Lincoln, ...	70	12	0	1,106	–	19,421	5	4		Eighteen thousand three hundred and eighty-five pounds seventeen shillings and fourpence, .	18,385	17	4
Berkshire, . . .	604	5	6	3,308	1,000	29,736	17	8		Twenty-eight thousand and thirty-three pounds three shillings and twopence, ...	28,033	3	2
	£12,383	16*s.*	9*d.*	£64,304	£15,900	£1,014,422	7*s.*	8*d.*		Nine hundred and seventy-eight thousand four hundred and two pounds four shillings and fivepence, ...	£978,402	4*s.*	5*d.*

And be it further enacted by the authority aforesaid,

[Sect. 2.] That the treasurer do forthwith send his warrants, directed to the selectmen or assessors of each town or other place, within this state, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town or other place, in manner following; that is to say, to assess all the male polls above the age of sixteen years, within their respective towns or other places next adjoining to them, belonging to no other town or place, including negroes and molattoes (and such of them as are under the government of a master or mistress, to be taxed to the said master or mistress, respectively, in the same manner as minors and apprentices are taxed), at three pounds twelve shillings; *provided*, that in any town or other place where the sum hereby ordered to be set on the polls therein shall exceed one-third of the tax set on such town or other place, the assessors in such town or other place shall lower the said poll tax, so as to make the sum to be raised on the polls as near as may be to one-third of the tax set on such town or other place; and to assess the remainder of the sum set to each town (after deducting the amount of the sums assessed to the polls as aforesaid) on the inhabitants of said towns or places as aforesaid, according to the proportion of the just value of the whole real estate by each inhabitant of such town or place, respectively, possessed in his own right, or in the right of others, lying within said town or place, improved or not improved; and on the non-resident possessors of real estates, lying within said town or place, in their own right, or in the right of others, improved or not improved: *saving* all agreements between landlords and tenants, and where no agreement is, the landlord to reimburse one-half of the tax; and also on the inhabitants of such town or place, according to the proportion of the amount and just value of their whole personal estate, including money at interest more than they pay interest for, debts due to them, not on interest, monies of all kinds in hand more than they are indebted, and also the amount of the just value of all goods, wares and merchandize, stock in trade, vessels of all sorts, with their stores, appurtenances and appendages, plate, horses, oxen, and cattle of all sorts and ages, sheep, swine, grain of all sorts, and all kinds of the produce of the land, and of all other property whatsoever (excepting household furniture, wearing apparel, farming utensils and the tools of mechanicks), and on the amount of their income from any proportion, faculty, handicraft, trade or employment; and also on the amounts of all incomes and profits gained by trading by sea and on shore, and by means of advantages arising from the war, and the necessities of the community; requiring the assessors in determining the quantity and number of the several kinds of property, and amount of the incomes before enumerated, to each individual belonging, to govern themselves by the return made into the secretary's office pursuant to an act intitled "An Act for enquiring into the rateable property of this state;" and to settle the value of the several kinds of property aforesaid, according to the current price thereof, in their respective towns, on the first day of February, 1779: *provided*, that if in any case the assessors shall apprehend there has been any material alteration in the property of any individual after making the above-mentioned return, before the said first day of February, 1779, they shall then call upon such individual to give in, upon oath (which oath the said assessors are hereby impowered to administer), a true list of their polls, and of all the property by them possessed on the said first day of February; and if any person so called upon shall refuse or neglect to give in, on

1777-78, chap. 29.

*See note on p. 956, *post*.

oath, such a list, or shall give in a false list and be thereof convicted before the said assessors, they shall then proceed to assess such person, according to the best judgment and estimation they can form of the several kinds of property by him possessed, according to the foregoing description. And the person neglecting to bring in his list, as aforesaid, when required thereto by the assessors, shall not be admitted to make application to the court of general sessions for an abatement of the assessment laid on him.

[SECT. 3.] But if the person be not convicted of any falsehood in the list of the polls or real and* personal estate by him presented, such list shall be a rule for such person's proportion to the tax which the assessors may not exceed.

[SECT. 4.] And the treasurer in his said warrant, shall likewise require the assessors to make a fair list of said assessments, setting forth, in distinct columns, against each person's name, how much he or she is assessed at for polls, and how much for real estate, and how much for personal estate as aforesaid; and if as guardian, or for any estate in his or her improvement, in trust, to be distinctly expressed; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collector or collectors, constable or constables, of any such town or place, and to return a certificate of the name or names of such collector or collectors, constable or constables, with the sum total to each of them committed, unto himself, some time before the fifteenth day of April next.

[SECT. 5.] And the treasurer for the time being, on receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector or collectors, constable or constables, of such town or place, requiring him or them, respectively, to collect the whole of each respective sum assessed on each particular person, and to pay in their collections, and to issue their accounts of the whole, at or before the twentieth day of May next.

Provided, *nevertheless*,—

[SECT. 6.] That the following persons; viz., the president, fellows, professors, tutors, librarian and students of Harvard College, who have their usual residence there, and settled ministers of the gospel, and grammer-school masters, are not to be assessed for their polls or their estates, unless their real estates be not under their actual management and improvement, or in the parishes where they are settled; and also all persons who have the management and improvement of the estate belonging to Harvard College, are not to be assessed for the same; and other persons, if such their be, who, through age, infirmity or extreme poverty, in the judgment of the assessors, are not able to pay towards the public charges, they may exempt their polls or estates, or abate part of what they are set at, as they on their oath shall think just and equitable. And where no person appears, to discharge the taxes on non-resident proprietors' unimproved land, to the collector, he shall publish, in two of the Boston newspapers; viz., the "Continental Journal" and "Boston Gazette," three weeks successively, the names of all such proprietors, where they are known, with the sum of the taxes assessed on their lands, respectively, and where they are not known, the sum of the taxes on the several rights or divisions, and post the same in the town where the said land lays, for the term of one month; and if no person shall appear thereupon to discharge said taxes, in such case the constable or collector shall proceed to sell so much only of said unimproved land as will be sufficient to discharge said taxes and intervening charges; and, having given notice of the

* See note on p. 956, *post*.

intended sale thereof, and the time and place where it will be made, in the same manner as is herein, above, directed, for giving notice to the proprietors of their taxes, shall sell the same, at public sale, to the highest bidder, with power to adjourn, from day to day, if necessary, to compleat said sale, not to exceed three days,* and shall give and execute a deed thereof to the purchaser, expressing therein the cause of such sale: *saving* to the original proprietor the right of redemption of any lands so sold, at any time within three years from the time of sale; and the same shall be reconveyed to him or them on paying, within three years, the sum such lands sold for, and twelve per cent annual interest on said sum, together with all intervening taxes thereon.

Provided, nevertheless,—

And be it further enacted,

[Sect. 7.] That the several officers and soldiers now in the army shall be considered as resident in the several towns and other places to which they belonged at the time of their engaging in the army, their absence notwithstanding; and the assessors of the several towns and other places in this state, shall consider such officers and soldiers as resident in such town or place, and tax them accordingly: *provided*, that such as are engaged in the Continental Army for the term of three years, or during the war, be, and they hereby are, exempted from their poll tax.

And be it enacted by the authority aforesaid,

[Sect. 8.] That if any town or plantation within this state, shall chuse to raise a larger sum than that set against such town or plantation, in every such case the assessors of every such town or plantation are hereby fully impowered to assess, upon the inhabitants, any sum agreed on in legal town meeting, over and above the sum laid on them by this act, in the same manner and by the same rules laid down in this act; and any sum so raised and paid into the treasury shall be carried to the credit of such towns or plantations, respectively.

And be it further enacted by the authority aforesaid,

[Sect. 9.] That all town and county rates that may be ordered after the passing this act, and before the passing another tax act, shall be taxed and assessed by the rules hereinbefore given.

Provided, also, —

And be it further enacted,

[Sect. 10.] That the particular sum assessed to each town or place, shall not be considered as the exact proportion of such town or place, but, being paid into the treasury, shall be placed to their respective credit until the quotas shall be finally ascertained and adjusted agreeable to the valuation now prepairing; and if it shall then appear that any town or place has been assessed more than its just proportion of this tax, the surplus shall be deducted out of the sum at which such town or place has been assessed in the tax next after such surplus shall be made to appear; and if it shall appear that any town or place has been assessed at less than its just proportion, such deficiency shall be added to the tax at which such town or place shall be assessed in the next assessment after such deficiency shall appear: said surplus or deficiency to be adjusted by the general court.

And be it further enacted,

[Sect. 11.] That the assessors of the towns of Worcester, Sutton, Oxford and Liecester, in the county of Worcester, shall tax such of the inhabitants of the town of Ward, in said county, as were inhabi-

* See note on p. 956, *post*.

tants of their respective towns before the incorporation of said town of Ward: and the assessors of the towns of Walpole, Stoughton, Stoughtonham and Wrentham, in the county of Suffolk, shall assess such of the inhabitants of the town of Foxborough, in said county of Suffolk, as were inhabitants of said town of Foxborough before the incorporation of said town of Foxborough; and the constables or collectors of those towns, respectively, are required to collect the taxes laid on such inhabitants, in the same manner as has been heretofore done; the acts for incorporating said towns of Ward and Foxborough, or any other act, to the contrary notwithstanding. [*Passed February* 27, 1779.

[NOTE. — So much of the above act (except the tables) as was included in the lost portion of the engrossment, has been carefully compared with the original bill, and the important differences noted, in the words starred above, as follows: on p. 953, the first word marked with a star is singular, in the bill, and the third word is plural, in the bill; the second starred word is omitted; the fourth starred word is "profession." On p. 494, the word "and," marked with a star, is "or," in the bill; and on p. 955, the words "in all," appear in the bill, after the starred word "days."

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE SEVENTH DAY OF APRIL, A. D. 1779.

CHAPTER 40.

AN ACT FOR INCORPORATING THE PLANTATION CONTAINING CERTAIN GRANTS CALLED "NO-TOWN," AND PART OF CHARLEMONT, LYING ON THE SOUTH SIDE OF DEERFIELD RIVER AND EAST OF NUMBER SEVEN, IN THE COUNTY OF HAMPSHIRE, INTO A TOWNSHIP BY THE NAME OF BUCKLAND.

Preamble

WHEREAS the inhabitants of the plantation called "No-town," and those on that part of Charlemont lying on the south side of Deerfield River and east of Number Seven, in the county of Hampshire, have represented to this court the great difficulties and inconveniencies they labour under in their present situation, and have earnestly requested that they be incorporated into a town, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Boundaries

[SECT. 1.] That the plantation called "No-town," and that part of Charlemont lying as aforesaid, and all bounded as follows; viz[t]., begin[*n*]ing at the [N. E.][*north-east*] corner of Number Seven, and from thence, run[*n*]ing north, nineteen degrees east, by said Charlemont, eighty-eight rods, to Deerfield River; and then, turning, and run[*n*]ing easterly, northerly, north-easterly and southerly, with the various windings and turnings of said river as it now runs, and bounding by and upon said river, till it comes to Shelburn[*e*] west line; and then, turning, and run[*n*]ing southerly, bounding easterly on said Shelburn[*e*]. till it is extended to Ashfield north line; and then turns, and runs westerly, bounding southerly on said Ashfield, till it comes to the east line of Number Seven; and then turns, and runs northerly, bounding west on said Number Seven, till it comes to the first-mentioned bounds, — be and hereby is incorporated into a town by the name of Buckland; and that the inhabitants thereof be, and they are hereby, invested with all the powers, privile[d]ges and immunities which the inhabitants of towns within this state do or may by law enjoy.

And provided, nevertheless, —

And be it further enacted,

Inhabitants of Buckland to pay their pro-

[SECT. 2.] That the inhabitants and proprietors of said town of Buckland shall pay their proportion of town, county, and state, taxes

portion of all taxes.

already set on or raised by the general court of this state, the county of Hampshire, and the town of Charlemont.

And be it further enacted.

Warrants to issue for calling a meeting for the choice of town officers.

[SECT. 3.] That David Field, Esq[r]., be, and he hereby is, directed and impowered to issue his warrant, directed to some principal inhabitant within said town of Buckland, requiring him to warn the inhabitants of said town of Buckland, qualified to vote in town affairs, to assemble at some suitable time and place in said town, to choose all such officers as towns, by law, are required and impowered to choose in the month of March, annually, and to transact all other matters and business necessary to be done in said town.

And be it further enacted.

To determine the qualification of voters.

[SECT. 4.] That the respective town clerks of the several towns to which the inhabitants of said town of Buckland have been rated, shall, before the first meeting of the said town of Buckland, deliver to the person who shall be directed and impowered, as aforesaid, to warn the inhabitants of said town, a copy of the last list of valuation of the real and personal estate of the inhabitants of said town, in order to determine the qualification of voters at said meeting; and that the inhabitants who shall appear, by said list, to be voters according to law shall be allowed to vote. [*Passed April* 14, 1779.

CHAPTER 41.

AN ACT FOR THE EXPLANATION OF AN ACT INTITLED "AN ACT FOR ENABLING TOWNS TO RAISE MONEY FOR CARRYING ON THE PRESENT WAR."

Preamble. 1776-77, chap. 41, § 1.

WHEREAS by said act, among other things, it is enacted "That when any town, plantation, district or parish, at any legal meeting of the inhabitants, shall vote any sum or sums of money for encouragement of men to engage in the army, or for procuring necessaries for carrying on the present war, the assessors of such town, plantation, district or parish, for the time being, or such other person or persons as the said town, plantation, district or parish have or may appoint for that purpose, shall have full power and authority to apportion and assess such sum or sums of money upon the inhabitants, according to the rules and methods prescribed by law for apportioning the state tax"; *and whereas* some doubts have arisen whether the aforesaid act can be construed to extend so far as to [i][*e*]mpower the assessors to tax all the rateable estates lying within said towns, plantations, districts or parishes, being the property of persons in other towns or places, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

How far the act for enabling towns to raise money for carrying on the present war, means to extend.

That the aforesaid act doth mean to extend so far as to [i][*e*]mpower the assessors to tax all the rateable estate lying within any town, plantation, district or parish, being the property of inhabitants of other towns or places, as well as the rateable estates of the inhabitants thereof, and ought always to be so construed and understood. [*Passed April* 14, 1779.

CHAPTER 42.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF EIGHTY-ONE THOUSAND FIVE HUNDRED AND SEVENTY POUNDS.

Preamble. Chaps. 5 and 31 *ante*, 1779-80, chap. 45, and notes.

WHEREAS it is necessary, immediately, to make provision to enable the treasurer of this state to pay the prizes of fifty dollars and upwards, drawn in the second and third classes of the lottery ordered by a resolve of the general court, passed May the first, *Anno Domini* one thousand seven hundred and seventy-eight, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Treasurer to borrow money.

[SECT. 1.] That the treasurer of this state be, and he hereby is, directed, on the credit thereof, to issue his notes, payable the first day of January, *Anno Domini* one thousand seven hundred and eighty-three, to draw interest of six per cent per annum, to be paid annually; not to exceed the sum of eighty-one thousand five hundred and seventy pounds: and that the said notes be of the tenor and form following; viz[t]., —

Form of a receipt he is to give.

State of Massachusetts Bay, the day of , 1779. For value received, for the use of the state of Massachusetts Bay, I do, in behalf of said state, hereby promise and oblige myself and successors in the office of treasurer, to pay to the possessor of this note, the sum of , by the first day of January, one thousand seven hundred and eighty-three, with interest at six per cent per annum; the interest to be paid annually.

Witness my hand, H. G., Treasurer.

A. B., C. D., } Committee.

— which form shall be printed on good paper, and a suitable border round the same; and when said notes are issued, a counterpart, indented, of each note, shall be kept by the treasurer.

And be it further enacted,

Committee to sign blanks.

[SECT. 2.] That John Scollay, Esq[r]., and Mr. Edward Green, be a committee to sign blank notes, at the left hand, as by the form prescribed, before the same are filled up by the treasurer.

And be it further enacted,

[SECT. 3.] That there be and hereby is granted a tax of eighty-one thousand five hundred and seventy pounds, to be levied on the polls and estates within this state, according to such rules, and in such proportion on the several towns and places therein, as shall be agreed upon and ordered by the general court or assembly at their sessions in June one thousand seven hundred and eighty-two, and to be paid into the treasury on or before the twentieth day of November then next after, and to be applied for the redemption of the notes which may be issued by virtue of this act.

And be it further enacted,

Tax to be levied

[SECT. 4.] That if the general court shall not, some time before the first day of September, in the year one thousand seven hundred and eighty-two, agree and conclude upon an act apportioning the sums which by this act are agreed to be paid in said year, then and in such case each town and other place in this state shall pay, by a tax to be levied on the polls and estates within their limits, respectively, the same proportion of the said sum as such town or other place was taxed by the general court in the tax act then last prece[*e*]ding.

Treasurer to issue his warrants for assessments.

[SECT. 5.] And the treasurer of this state is hereby [i][*e*]mpowered and directed, some time in the said month of September, in said year, to issue and send forth his warrants, directed to the selectmen or assessors of each town or other incorporated place within this state, or to some suitable person or persons in such place or places therein as are not incorporated, requiring them to assess the polls and estates within their several towns and other places, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury on or before the said twentieth day of November, one thousand seven hundred and eighty-two; and the assessors, as also all persons thereby assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last prece[*e*]ing tax act.

And be it further enacted by the authority aforesaid,

Notes to be delivered to the managers of the state lottery.

[SECT. 6.] That the notes that may be issued by the treasurer by virtue of and in conformity to this act, shall, by him, upon his receiving a warrant from the council for the aforesaid sum, be delivered to the managers of the lottery aforesaid, or their order, from time to time, and in such proportions and sums as said managers may draw for. [*Passed April* 14, 1779.

CHAPTER 43.

AN ACT FOR THE INCREASE AND ENCOURAGEMENT OF THE MARINE OF THIS STATE, AND FOR RAISING THE SUM OF FIFTY THOUSAND POUNDS FOR THAT PURPOSE.

Preamble.

WHEREAS it is necessary, at a time when the coasts of this state are infested by the enemies' privateers and other armed vessels, further to encourage the officers and seamen in the service of this state, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

What part of prizes shall be adjudged to captors.

[SECT. 1.] That all armed cruizing-vessels in the service of the enemies of the United States, having commissions to capture American vessels, taken and brought in by any armed vessel[*s*] now, or that hereafter may be, in the service of this state, together with their sea stores and military appurtenances, and one-half the merchandize on board, shall be adjudged to the sole use of the captors.

And whereas it is necessary to increase the naval force of this state, for the better defence of its coast, and security of its trade, —

Be it further enacted,

To empower the Board of War to fit out for the sea two armed vessels.

[SECT. 2.] That the Board of War be, and they [*are*] hereby [are], [i][*e*]mpowered and directed, either by themselves or their agents, to purchase, and immediately fit for the sea, two such vessels as they shall judge proper, to be [i][*e*]mployed as guards to the coasts of this state: *provided*, that a sum of money sufficient for this pur[cha][*po*]se be furnished by subscription on loan to this state.

Proviso.

And, in order to enable the Board of War to carry this act into execution. —

Be it further enacted,

Treasurer to issue his notes.

[SECT. 3.] That the treasurer of this state be, and he hereby is, [i][*e*]mpowered to issue and deliver to the Board of War, his promissory notes, in form following, to the amount of fifty thousand pounds: —

State of Massachusetts Bay, the day of , 1779. Form of a receipt.
Borrowed and received of , the sum , for the use and service of the state of Massachusetts Bay; and, in behalf of said state, I do hereby promise and oblige myself and successors in the office of treasurer, to repay to the possessor hereof, by the first day of May, A. D. 1780, the aforesaid sum of , with interest of six per cent per annum.
Witness my hand, H. G., Treasurer.
A. B., C. D., } Committee.

And be it further enacted,

[Sect. 4.] That Ezekiel Price and John Scollay, Esq[*ui*]r[*e*]s, be a committee to sign blank notes, at the left hand, as by the form prescribed, before the same are filled up by the treasurer. Committee to countersign.

And be it further enacted by the authority aforesaid,

[Sect. 5.] That there be and hereby is granted a tax of fifty thousand pounds, to be levied on the polls, and estates both real and personal, within this state, according to such rules, and in such proportions on the several towns and other places in this state, as shall be agreed upon and ordered by the general court or assembly at their session in May, one thousand seven hundred and seventy-nine, to be paid into the public treasury on or before the first day of April, which will be in the year of our Lord one thousand seven hundred and eighty. Tax to be levied.

And be it further enacted by the authority aforesaid,

[Sect. 6.] That if the general court or assembly, at their sessions in May, one thousand seven hundred and seventy-nine, and some time before the first day of August, in that year, shall not agree and conclude upon an act apportioning the sum which by this act is engaged to be in that year assessed and levied, that then and in such case each town and other place in this state shall pay, by a tax to be levied on the polls, and estates both real and personal within their limits, the same proportion of the said sum as such town or other place was taxed by the general court in the tax act next preceeding.

[Sect. 7.] And the treasurer of this state is hereby fully [i][*e*]mpowered and directed, some time in the month of August, in the same year, to issue and send forth his warrants, directed to the selectmen or assessors of each town within this state, or to some suitable person or persons in such places as are not incorporated, requiring him or them to assess the polls, and estates real and personal, within their several towns and other places, for their respective parts and proportions of the sum before directed and engaged to be assessed, to be paid into the treasury at the aforementioned time; and the assessors shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last prece[*e*]ding tax act. Treasurer to issue his warrants to the towns.

And be it further enacted,

[Sect. 8.] That the said sum of fifty thousand pounds, when so borrowed, shall be appropriated to the sole purpose of fitting out armed vessels for the defence of the sea-coasts of this state. [*Passed April* 19, 1779. How to be appropriated.

CHAPTER 44.

AN ACT TO INCORPORATE THE COMMITTEE OF THE CHURCH AND CONGREGATION IN THE TOWN OF WARWICK, FOR CERTAIN PURPOSES.

Preamble.

WHEREAS the church and congregation in Warwick have humbly supplicated this court, set[*t*]ing forth that, by subscriptions, they are now possessed of the sum of one thousand pounds, and pray for liberty to sell the ministry right of land in Warwick, and to add the money arising by the sale of said right of land to the above-mentioned sum raised by subscription, so as to make out a capital sum of twelve hundred pounds in the whole; and that the same may be placed at interest, and the income thereof be forever appropriated to the use of supporting a learned Protestant Congregational minister in the town of Warwick, and that this court would invest the committee or trustees of the said Congregational church and society with the powers needful[l] for those purposes, —

Be it therefore enacted by the Council and House of Representatives, in General Court assembled, and by the authority of the same,

Congregational society in Warwick incorporated.

[SECT. 1.] That Ezra Conant, James Ball, Medad Pomeroy, Samuel Williams and Joseph Mayo, present trustees of said Congregational society, and those which shall be, annually, hereafter, forever, chosen by said society to the same office, shall be and are hereby declared a body corporate, by the name of the Trustees of the Congregational Society in Warwick, and they are hereby incorporated to this special purpose; viz[t]., to receive all the donations, subscriptions, securities and mon[*i*]e[y]s, now in the hands of said Congregational society, and also with full power to sell at public auction, the ministry right of land in Warwick, and to make and execute good and lawful deeds of the said lands to the purchasers thereof, and add the mon[*i*]e[y]s that shall be raised by the sale of said right of land to the above-mentioned mon[*i*]e[y][*s*] subscribed by said Congregational society, so as to raise a capital sum of twelve hundred pounds lawful money of this state; and all bonds, mortgages, or other lawful securities, made to the said Ezra Conant, James Ball, Medad Pomeroy, Samuel Williams and Joseph Mayo, or to their successors aforesaid, by the corporate name aforesaid, shall be and are hereby declared valid and good; and they and their successors, or the major part of them, by the said name, may appear and plead, sue and defend, in any court within this state, in all matters touching such securities.

And be it further enacted,

£1200 to be raised for the support of the minister.

[SECT. 2.] That the said sum of twelve hundred pounds, when raised, shall be, by the said trustees, put to interest on good securities, and the interest, annually, arising from the same shall be paid to a minister of the Congregational church, resident, and officiating in the work of the ministry, within the said town, forever. And if it shall ever, after the sum of twelve hundred pounds is raised, so happen that there be no minister of a Congregational church settled within the said town for the space of one year, in every such case the interest arising shall be put out to interest on new securities, and all such increased capitals shall be ordered and managed according to the directions hereinbefore given, respecting the said principal sum of twelve hundred pounds. And the said Ezra Conant, James Ball, Medad Pomeroy, Samuel Williams and Joseph Mayo, and their suc-

cessors aforesaid, are, with respect to the said sum of twelve hundred pounds, and all such increased capitals, are fully incorporated, [i][e]mpowered and directed in manner aforesaid.

And be it further enacted,

In case, etc. [SECT. 3.] That when it shall so happen that there should be another regular, Protestant church erected and organized in Warwick, with a learned, pious, Protestant minister settled in the same, that then the trustees, or their successors, of the first church and society, shall pay to the person or persons belonging to the new-erected church, that shall be lawfully authorised to receive the same, that church's proportion of the interest of the mon[*i*]e[y]s raised by selling the ministry right of land in Warwick, agre[*e*]able to the state tax.

And be it further enacted,

Upon neglect the committee to be vested with certain powers. [SECT. 4.] That if, at any time, the said society shall, at their annual meeting in March, neglect to choose a society committee, the committee then last before chosen shall continue vested with all the powers and privile[d]ges aforesaid, until new ones be chosen.

And be it further enacted,

[SECT. 5.] That the said trustees and their successors shall be accountable to the said society, and may, by them, for any misdemeanor in their office aforesaid, be removed from the said trust, and new ones appointed in their stead.

And be it further enacted,

Trustees directed to call an annual meeting. [SECT. 6.] That the said trustees, and their successors in trust, are hereby directed to call a meeting of said society, yearly, and every year, on the third Wednesday in March, annually, to choose trustees, and transact any necessary business of said society; the articles to be acted upon, to be inserted in a notification for said meeting: said notification to be posted up at the meeting-house in Warwick, at least ten days before the meeting. [*Passed April* 20, 1779.

CHAPTER 45.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT TO PREVENT THE SALE OF GOODS AT PUBLIC AUCTION."

Preamble. 1778-79, chap. 29. WHEREAS it is found, by experience, that the good purposes intended by the aforesaid act are in great measure frustrated by the indulgence given to the Continental agents, to sell the effects of the continent, indiscriminately, at public auction, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

No persons allowed to sell goods, etc. That, from and after the publication of this act, no Continental agents, or any person for or under them, be permitted to sell any goods, wares or merchandize, by public auction, other than vessels, with their appurt[a][*e*]nances; and every person offending, shall be subject to the same pains and penalties as are set forth in the said act; anything to the contrary notwithstanding. [*Passed April* 23, 1779.

CHAPTER 46.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF TWO HUNDRED THOUSAND POUNDS.

Preamble.

WHEREAS it is necessary, immediately, to make provision to enable the treasurer of this state to pay the sums that will be due to the officers in the Continental Army, on the fifteenth of April and fifteenth of July, ordered by a resolve of the general court, pas[t][*s'd*] February the sixth, *Anno Domini* one thousand seven hundred and seventy-nine, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Treasurer directed to issue notes.

[SECT. 1.] That the treasurer of this state be, and he hereby is, directed, on the credit thereof, to issue his notes, payable the first day of January, one thousand seven hundred and eighty, to draw interest at six per cent per annum; not to exceed the sum of two hundred thousand pounds: and that the said notes be of the tenor and form following; viz[t]., —

Form of notes.

State of Massachusetts Bay, the day of , [one thousand seven hundred and seventy-nine] [*1779*].

For value received, for the use of the state of Massachusetts Bay, I do, in behalf of said state, hereby promise and oblige myself and successors in the office of treasurer, to pay the possessor of this note, the sum of , by the first day of January, one thousand seven hundred and eighty, with interest at six per cent per annum; interest to commence on the day of , one thousand seven hundred and seventy-nine.

Witness my hand, H. G., Treasurer.

A. B., C. D., } Committee.

— which form shall be printed on good paper, and a suitable border round the same; and when said notes are issued, a counterpart, indented, of each note, shall be kept by the treasurer.

And be it further enacted,

Committee to countersign.

[SECT. 2.] That Mr. Stephen Minot and John Mascaren[*c*]e, Esq[r]., be a committee to sign blank notes, at the left hand, as by the form prescribed, before the same are filled up by the treasurer.

And be it further enacted,

Tax to be levied.

[SECT. 3.] That there be and hereby is granted a tax of two hundred thousand pounds, to be levied on the polls and estates within this state, according to such rules, and in such proportions on the several towns and places therein, as shall be agreed upon and ordered by the general court or assembly at their sessions in May, one thousand seven hundred and seventy-nine, and to be paid into the treasury on or before the first day of November then next after, and to be applied for the redemption of the notes which may be issued by virtue of this act.

And be it further enacted,

[SECT. 4.] That if the general court shall not, some time before the first day of August, in the year one thousand seven hundred and seventy-nine, agree and conclude upon an act apportioning the sums which by this act are agreed to be paid in said year, then and in such case each town and other place in this state shall pay, by a tax to be le[i]v[*i*]ed on the polls and estates within their limits, respectively,

the same proportion of the said sum as such town or other place was taxed by the general court in the tax act then last preceeding.

Treasurer to issue his warrants to the towns.

[SECT. 5.] And the treasurer of this state is hereby [i][*e*]mpowered and directed, some time in the said month of August, in said year, to issue and send forth his warrants, directed to the selectmen or assessors of each town or other incorporated place within this state, or to some suitable person or persons in such place or places therein as are not incorporated, requiring them to assess the polls and estates within their several towns and other places, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury on or before the said first day of November, one thousand seven hundred and seventy-nine; and the assessors, as also all persons thereby assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act.

And be it further enacted by the authority aforesaid,

Notes to be delivered to the Continental officers.

[SECT. 6.] That the notes that may be issued by the treasurer by virtue of and in conformity to this act, shall, by him, upon his receiving a warrant from the council for the aforesaid sums, be delivered to the officers in the Continental Army aforesaid, or their order, from time to time, in such proportion and in such sums as by the aforesaid resolves of the general court are directed.

And be it further enacted by the [authority] *aforesaid*,

Notes to draw interest.

[SECT. 7.] That the notes to be issued in manner before directed, shall draw interest from their respective dates.

When to be paid.

[SECT. 8.] And the treasurer is hereby directed to cause the notes to be issued, as aforesaid, to pay the first moiety of the sums engaged to be paid as aforesaid, to bear date the fifteenth of April, one thousand seven hundred and seventy-nine, and the other moiety, the fifteenth of July, one thousand seven hundred and seventy-nine. [*Passed April* 23,* 1779.

CHAPTER 47.

AN ACT FOR PROLONGING THE TIME FOR ADMINIST[*E*]RING THE OATH, OR AFFIRMATION, OF FIDELITY AND ALLEGIANCE.

Preamble. 1778-79, chap. 16.

WHEREAS, by law, it is required that the oath, or affirmation, of fidelity and allegiance be administ[*e*]red to all commissioned officers, both civil and military, in this state, by the first day of March, in the present year, otherwise that such person be considered as disqualified to act in either of said offices or places; which time does not appear to this court sufficient for commissioned military officers to take said oath, by reason of many of them having been called abroad into the public service, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Prolonging the time for administering the oath of allegiance, etc.

[SECT. 1.] That the time for administ[*e*]ring said oath of fidelity and allegiance, be prolonged, for all commissioned military officers, to the first day of December next; and that no person be considered as disqualified from acting in any military office, as aforesaid, before the

* Passed April 22, according to the printed act.

expiration of said time, although the oath aforesaid be not to them administ[*e*]red; any law of this state to the contrary notwithstanding.

And be it further enacted by the authority aforesaid,

Militia officers required to take said oath, on or before the 1st of December next.

[SECT. 2.] That the commanding officer of each regiment of militia within this state, require and enjoin every militia officer under his command, to take said oath of fidelity and allegiance, by or before the first day of December aforesaid; and said commanding officer is hereby [i][*e*]mpowered, having first taken said oath himself, to administer the same to any of the officers of the regiment under his command, and required to make return thereof into the secretary's office, as soon as may be. [*Passed April* 30, 1779.

CHAPTER 48.

AN ACT TO CONFISCATE THE ESTATES OF CERTAIN NOTORIOUS CONSPIRATORS AGAINST THE GOVERNMENT AND LIBERTIES OF THE INHABITANTS OF THE LATE PROVINCE, NOW STATE, OF MASSACHUSETTS BAY.

Preamble.
1 Mass., 381.
2 Mass., 284.
9 Mass., 367.

WHEREAS the several persons hereinafter mentioned, have wickedly conspired to overthrow and destroy the constitution of government of the late province of Massachusetts Bay, as established by the charter agreed upon by and between their late majesties William and Mary, late king and queen of England, &c., and the inhabitants of said province, now state, of Massachusetts Bay; and also to reduce the said inhabitants under the absolute power and domination of the present king, and of the parli[*a*]ment of Great Britain; and, as far as in them lay, have aided and assisted the same king and parli[*a*]ment in their endeavours to establish a d[i][*e*]spotic government over the said inhabitants, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Persons named who have justly incurred the forfeiture of all their property, rights and liberties.

[SECT. 1.] That Francis Bernard, Baronet, Thomas Hutchinson, Esq[r]., late governors of the late province, now state, of Massachusetts Bay; Thomas Oliver, Esq[r]., late lieut[*enant*]-governor; Harrison Gray, Esq[r]., late treasurer; Thomas Flu[*c*]ker, Esq[r]., late secretary; Peter Oliver, Esq[r]., late ch[ei][*ie*]f justice; Foster Hutchinson, John Erving, jun[r]., George Erving, William Pepper[*r*]ell, Baronet, James Boutineau, Joshua Loring, Nathaniel Hatch, William Browne, Richard Lechmere, Josiah Edson, Nathaniel Rea Thomas, Timothy Ruggles, John Murray, Abijah Willard and Daniel Leonard, Esq'rs, late mandamus coun[c][*s*]ellors of said late province; William Burch, Henry Hulton, Charles Paxton and Benjamin H[o][*a*]llowell, Esq'rs, late commissioners of the customs; Robert Auchmuty, Esq[r]., late judge of the vice-admiralty court; Jonathan Sewall, Esq[r]., late attorney-general; Samuel Quincy, Esq[r]., late solicitor-general; Samuel Fitch, Esq[r]., sol[l]icitor, or counsellor-at-law, to the board of commissioners, — have justly incurred the forfeiture of all their property, rights and liberties, holden under, and derived from, the government and laws of this state; and that each and every of the persons aforenamed and described, shall be held, taken, deemed and adjudged, to have renounced and lost all civil and political rela-

tion to this and the other United States of America, and be considered as aliens.

Be it enacted by the authority aforesaid,

Estates so forfeited, to be for the use of the government and people of this state.

[Sect. 2.] That all the goods and chattels, rights and credits, lands, tenements and hereditaments, of every kind, of which any of the persons hereinbefore named and described were sei[s][z]ed or possessed, or were [i][e]ntitled to possess, hold, enjoy or demand, in their own right, or which any other person stood or doth stand seized or possessed of, or are or were [i][e]ntitled to have or demand, to and for their use, benefit and behoof, shall escheat, annure and accrue to the sole use and benefit of the government and people of this state, and are, accordingly, hereby declared so to escheat, [a][e]n-[n]ure and accrue; and the said government and people shall be taken, deemed and adjudged, and are, accordingly, hereby declared, to be in the real and actual possession of all such goods and chattels, rights and credits, lands, tenements and hereditaments, without further enquiry, adjudication, or determination hereafter to be had; anything in the act [i][e]ntitled "An Act for confiscating the estates of certain persons commonly called absentees," or any other law, us[u]age, or custom to the contrary nothwithstanding: *provided*, *al*[l]*ways*, that the escheat shall not be construed to extend to, or operate upon, any goods, chattels, rights, credits, lands, tenements, or hereditaments, of which the persons aforenamed and described, or some other in their right, and to their use, have not been seized or possessed, or [i][e]ntitled to be seized or possessed, or to have, or demand, as aforesaid, since the nineteenth day of April, in the year of our Lord one thousand seven hundred and seventy-five.

1778-79, chap. 49.

Proviso.

And be it further enacted by the authority aforesaid,

Debts due before the 19th of April, 1775, to be paid out of their estates.

[Sect. 3.] That all debts justly due from any of the persons aforenamed and described, to any subject of the United States of America, before the said nineteenth day of April, A.D. one thousand seven hundred and seventy-five, shall be payable out of their respective estates.

And be it further enacted by the authority aforesaid,

The widows of persons described, to have the improvement of one third of their husbands' estates. 11 Allen, 174.

[Sect. 4.] That where the wife, or widow, of any of the persons aforenamed and described, shall have remained within the jurisdiction of any of the said United States, and in parts under the actual authority thereof, she shall be [i][e]ntitled to the improvement and income of one third part of her husband's real and personal estate (after payment of debts), during her life, and continuance within the said United States; and her dower therein shall be set off to her by the judges of probate of wills, in like manner as it might have been if her husband had died intestate and a liege subject of this state.

And be it further enacted by the authority aforesaid,

Judge of probate empowered, in certain cases.

[Sect. 5.] That if any person whose estate is by this act adjudged to have escheated, as aforesaid, shall not have any wife, or widow, [i][e]ntitled to any part thereof by virtue of this act, shall have any relations (collateral kindred excepted) who may not be of sufficient ability to support themselves without some allowance out of the estate of such person to whom they stand related, as aforesaid, that the judge of probate of wills, who shall have the right of appointing agents for such estate, be, and he hereby is, authori[z][s]ed and directed to fix a competent allowance, from time to time, for the comfortable support of all such relations, having respect to the value of such estate. [*Passed April* 30, 1779.

CHAPTER 49.

AN ACT FOR CONFISCATING THE ESTATES OF CERTAIN PERSONS COMMONLY CALLED ABSENTEES.

Preamble. 1 Mass., 360. 2 Mass., 236, 244. 4 Mass., 299.

WHEREAS* every government hath a right to command the personal services of all its members whenever the exigencies of the state shall require it, especially in times of an impending or actual invasion, no member thereof can then withdraw himself from the jurisdiction of the government, and thereby deprive it of the benefit of his personal services, without justly incurring the forfeiture of all his property, rights and liberties, holden under and derived from that constitution of government to the support of which he hath refused to afford his aid and assistance; *and whereas* the king of Great Britain did cause the parliament thereof to pass divers acts in direct violation of the fundamental rights of the people of this and of the other United States of America, particularly one certain act to vacate and annul the charter of this government, — the great compact made and agreed upon between his royal predecessors and our ancestors, — and one other act, declaring the people of said states to be out of his protection; and did also levy war against them for the purpose of erecting and establishing an arbitrary and d[i][*e*]spotic government over them; whereupon, it became the ind[e][*i*]spensable duty of all the people of said states forthwith to unite in defence of their common freedom, and, by arms, to oppose the fleets and armies of the said king; yet, nevertheless, divers of the members of this and of the other United States of America, evil[*l*]y disposed, or regardless of their duty towards their country, did withdraw themselves from this and other of the said United States, into parts and places under the acknowledged authority and dominion of the said king of Great Britain, or into parts and places within the limits of the said states but in the actual possession and under the power of the fleets or armies of the said king, thereby abandoning the liberties of their country, seeking the protection of the said king, and of his fleets or armies, and aiding or giving encouragement and countenance to their operations against the United States aforesaid, —

† *Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,*

Persons who have aided and assisted the enemy since the 19th of April, 1775, and have withdrawn themselves, to be considered as aliens.

[SECT. 1.] That every inhabitant and member of the late province, now state, of Massachusetts Bay, or of any other of the late provinces or colonies, now United States of America, who, since the nineteenth day of April, *Anno Domini* one thousand seven hundred and seventy-five, hath levied war, or conspired to levy war, against the government and people of any of the said provinces or colonies, or United States, or who hath adhered to the said king of Great Britain, his fleet or armies, — enemies of the said provinces or colonies, or United States, — or hath given to them aid or comfort, or who, since the said nineteenth day of April, *Anno Domini* one thousand seven hundred and seventy-five, hath withdrawn, without the permission of the legislative or executive authority of this or some other of the said United States, from any of the said provinces or colonies, or United States, into parts and places under the acknowledged authority and dominion of the said

* *Sic:* "as," or "since," omitted.
† § 1. The sections noted in the margin are from the engrossment.

king of Great Britain, or into any parts or places within the limits of any of the said provinces, colonies, or United States, being in the actual possession and under the power of the fleets or armies of the said king; or who, before the said nineteenth day of April, A[*nno*] D[*omini*] one thousand seven hundred and seventy-five, and after the arrival of Thomas Gage, Esq[uire], late commander-in-chief of all his Brit[t]an[*n*]ic[k] majesty's forces in North America, at Boston, the metropolis of this state, did withdraw from their usual places of habitation within this state, into the said town of Boston, with an intention to seek and obtain the protection of the said Thomas Gage and of the said forces then and there being under his command, and who hath died in any of the said parts or places, or hath not returned into some one of the said United States and been received as a subject thereof, and, if required, taken an oath of allegiance to such states, shall be held, taken, deemed and adjudged to have freely renounced all civil and political relation to each and every of the said United States, and be considered as an alien.

* *And be it further enacted by the authority aforesaid*,

[Sect. 2.] That all the goods and chatt[*l*]e[l]s, rights and credits, lands, tenements and hereditaments, of every kind, of which any of the persons hereinbefore described were seized or possess[*e*]d, or were entitled to possess, hold, enjoy or demand, in their own right, or which any other person stood or doth stand seized or possess[*e*]d of, or are, or were, entitled to have or demand, to and for their use, benefit and behoof, shall escheat, enure and accrue to the sole use and benefit of the government and people of this state; — and are accordingly hereby declared so to escheat, enure and accrue. Estates of persons described, shall escheat, enure and accrue to the full use and benefit of the government and people of this state.

Provided, *always*, —

[Sect. 3.] That the escheat shall not be construed to extend to, or operate upon, any goods, chatt[*l*]e[l]s, rights, credits, lands, tenements [or] [*and*] hereditaments, of which the persons aforedescribed, or some other in their right, and to their use, have not been seized or possessed (or were intitled to be seized or possessed of, or to have or demand as aforesaid), since the nineteenth day of April, *Anno Domini* one thousand seven hundred and seventy-five, and at or after the time of the offence committed. Proviso.

And whereas it is necessary that some mode of trial should be instituted whereby to determine what estates are forfeited and do escheat by force of this act, and whereby those persons who may be accused of offences in this act described may have their property defended in the best manner that their situation will admit of, —

† *Be it therefore enacted by the authority aforesaid*,

[Sect. 4.] That the attorney-general of this state, or such other person as he shall especially appoint for that purpose, may and shall exhibit to the justices of any inferior court of common pleas, for any county within this state wherein such estate lies, a complaint against any person who hath offended in manner, before, in this act, described, and who, at the time of such offence committed (or at any time, whereby the same is or may be forfeitable, according to this act), owned or held any lands, tenements or chattels-real, whatsoever, within such county, therein setting forth, clearly and plainly, the offence such person is charged with, and a full and true description of the estate in such complaint demanded as forfeited and escheated; and the justices of the same court shall thereupon continue the same suit to the Attorney-general to exhibit to the justices of inferior courts of common pleas within this state, complaints against persons so described.

* § 2. † § 3.

then next court, and shall order their clerk to make out a notification thereof, containing description of the lands and tenements alledged to have escheated, and to be forfeited, as aforesaid, and shall cause the sheriff of the same county, his undersheriff or deputy, or any constable of the town wherein such lands or tenements lie, to leave an attested copy thereof at the mansion-house on the premis[s]es demanded, or, in case there be no mansion-house thereon, to post up the same in some public place in the towns, district or plantation in which such lands and tenements lie; and shall also cause an attested copy of such notification to be left, as aforesaid, at the last and usual place of abode of the person charged, if any he had within this state, thirty days at least before the sitting of the court to which the same suit shall be continued.

An attested copy to be left at the mansion-house, or, in case.

No person appearing, the cause to be continued, unless.

[SECT. 5.] And if no person shall then appear to take upon him the defence of the suit, the court shall further continue it to the then next court, where the same shall be tried, unless the court shall then have good and sufficient cause again to continue the same suit; and, before they proceed to the trial of the same, shall cause proclamation to be made for any person or persons who have claim to the same estate, in such complaint mentioned, described and demanded, either in their own right, or on the part and behalf of the person accused, or of any person whomsoever, to come and defend the same suit; and such court shall admit as a party, any person or persons who shall appear to take the defence of the same upon him or them, as aforesaid: and the issue shall be tried by a jury, in the known and ordinary course of law, used and approved in this state, to try whether such estate demanded, or any part of it, is forfeited, and ought to escheat, by force of this act; and if such jury shall return their verdict that they find the same estate, or any part thereof, forfeited as aforesaid, the court shall proceed to give judg[e]ment thereon, and issue a writ of *habere facias possessionem* in behalf of the government and people, to cause them to be seized and possessed of the same.

The issue to be tried by a jury.

Provided, nevertheless, —

* *And be it further enacted by the authority aforesaid,*

Proviso.

[SECT. 6.] That an appeal shall be allowed from the judgment of any inferior court of common pleas, to the superior court of judicature, court of assize and general goal delivery, as in other real actions.

And be it further enacted by the authority aforesaid,

The question in consequence of forfeiture.

[SECT. 7.] That when judgment shall be given by the superio[u]r court of judicature, court of assize and general goal delivery, for the forfeiture of the estate of any person charged as aforesaid, that in all prosecution[s] for other parts of such person's estate, in that or any other county, the only question shall be, whether the premis[s]es demanded are the property of the person a part of whose estate hath been adjudged forfeited, as aforesaid; and all complaints, pleas and issues shall be regulated accordingly; and no evidence of such adjudication shall be allowed, other than the record of the same, or an authenticated copy thereof.

Provided, always, —

† *And be it further enacted by the authority aforesaid,*

Proviso.

[SECT. 8.] That all the debts justly due before the time of the offence committed, to any subject of the said United States, from any of the persons aforedescribed, shall be payable out of their respective estates.

* § 4. † § 5.

And be it further enacted by the authority aforesaid,

[SECT. 9.] That where the wife, or widow, of any of the persons aforedescribed, shall have remained within the jurisdiction of any of the said United States, and in part[s] under the actual authority thereof, she shall be entitled to the improvement and income of one third part of her husband's real and personal estate (after payment of debts), during her life and continuance within the said United States; and her dower therein shall be set off to her, by the judges of probate of wills, in like manner as it might have been if her husband had died, intestate, within the jurisdiction of this state. The wife, or widow, to be entitled to one-third of the improvement of her husband's estate. To be set off by the judge of probate.

* *And be it further enacted by the authority aforesaid*, Enacting clause.

[SECT. 10.] That if any person whose estate shall be adjudged to have escheated as aforesaid, and who shall not have any wife, or widow, entitled to any part thereof by virtue of this act, and shall have within this state any relations (collateral kindred excepted) who may not be of sufficient ability to support themselves without some allowance out of the estate of such person to whom they stand related, as aforesaid, that the judge of probate, etc., who shall have the right of appointing agents for such estate, be and hereby is authori[z][s]ed and directed to fix a competent allowance, from time to time, for the comfortable support of all such relations as are aforementioned, having respect to the value of such estates.

† *And be it further enacted by the authority aforesaid*,

[SECT. 11.] That nothing in this act contained shall be construed to prevent the full operation of the act entitled "An Act against treason and mispris[i]on of treason, and for regulating trials in such cases, and for directing the mode of executing judgments against persons attainted of felony," but every part thereof shall be and remain in as full force and effect as if this act had never been made. 1776-77, chap. 32.

[*Passed May* 1,‡ 1779.

CHAPTER 50.

AN ACT FOR DIVIDING AND SETTING OFF THE SOUTHERLY PART OF THE FIRST PRECINCT IN THE TOWN OF CAMBRIDGE, IN THE COUNTY OF MIDDLESEX, INTO A SEP[E][A]RATE PRECINCT BY THE NAME OF THE SOUTH PRECINCT.

WHEREAS, for the greater conveniency of attending the public worship of God, and the promotion of the Christian religion, it is thought necessary to divide and set off the southerly part of the first precinct in Cambridge into a sep[e][a]rate precinct, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the inhabitants of the first precinct in the town of Cambridge, living on the south side of Charles River, with all the lands in said town laying on the south side of said river, be and hereby is set off into a sep[e][a]rate precinct, as the river runs, by the name of the South Precinct. Boundaries of the South Precinct in the town of Cambridge.

* § 6. † § 7. ‡ Passed April 30, according to the printed act.

Provided, nevertheless, —

Samuel Sparhawk, and others, exempted from taxes in the South Precinct until they choose which precinct to belong to.

[SECT. 2.] That Samuel Sparhawk, John Gardner, Joanna Gardner, Moses Griggs, and their present estates, shall be exempted from all ministerial taxes to said South Precinct, so long as they shall live or reside within the same, or until[l] they, or either of them, shall give their names into the secretary's office of this state, desiring that they, with their estates, may be considered as part of said South Precinct; then in that case they, with their estates, shall be considered as part of said South Precinct, and shall do duty and receive privile[d]ges accordingly.

And be it further enacted,

[SECT. 3.] That the said South Precinct shall be and hereby is invested with all the rights, privile[d]ges and immunities which, by law, other precincts enjoy.

And be it further enacted,

Taxes already assessed, to be paid.

[SECT. 4.] That all monies already assessed by said first precinct, shall be collected, paid and appropriated, accordingly, in the same manner as if said first precinct had not been divided.

And be it further enacted,

Jonathan Brown, Esq., to call the first meeting.

[SECT. 5.] That Jonathan Brown, Esq[uire], be and hereby is [i][e]mpowered to issue his warrant to some principal inhabitant of the said South Precinct, requiring him to notify and warn the inhabitants thereof to meet at such time, and place in said precinct, as by such warrant shall be specified, and then and there to choose such officers as may be necessary to manage the affairs of said precinct; and the inhabitants qualified by law to vote, being so met, shall be and hereby are [i][e]mpowered to choose such precinct officers accordingly.

And be it further enacted,

Expenses of the committee to be paid by the first precinct.

[SECT. 6.] That the expences of the committee of this court, appointed to view the aforesaid premis[s]es, shall be paid by the first precinct aforesaid, in the same manner in which the charges of said precinct were paid previous to the division made by this act. [*Passed May* 1, 1779.

NOTES. — The sessions of the General Court this year were held at Boston. The second session was held after a prorogation and several adjournments. The third and fourth sessions were held by adjournment. In the printed resolves the date of the beginning of the fourth session is erroneously given as Wednesday, April 6th, whereas Wednesday fell on the 7th, which corresponds with the date as given in the journals of both branches.

All the acts of this year were printed — chapters 12 and 39 separately; and the engrossments of all are preserved, those from chapter 17 onward (except chapter 39, part of which is missing) being on parchment. All the engrossed bills were signed by fifteen or more of the Council.

The following is the title of the only private act passed this year: —

"An Act for Naturalizing Peter Landais, Esquire."— [*Passed October* 15.

Chap. 1. On the thirtieth of January, 1766, sundry inhabitants of Wrentham, Stoughtonham and Walpole presented a petition to the General Court, "Setting forth that by Reason of their distance from any place of public worship, they have erected the frame of a Meeting House, for their better Accommodation. And praying that they may be erected into a seperate town, District, or Precinct, according to certain Bounds mentioned, in their said Petition, by which means Seventy three Families, will be so accommodated, as that only three or four of them, will be above three miles distant from the Centre, where the sd Frame is erected." *

On this petition, which has not been found in the state archives, an order of notice was issued to the town of Stoughton, and the other places above mentioned, returnable on the second Thursday of the next session of the Legislature.

The town of Wrentham, agreeably to an article in the warrant for the March meeting of its inhabitants, voted, at the meeting held March 7, 1766, "to choose a committee to espouse the town's cause with respect to the aforesaid petition," and Messrs. Jabez Fisher, Jeremiah Day and Lemuel Kollock were chosen for that purpose. At an adjourned meeting, on the 17th of March, the town passed the following vote: —

* Council Records, vol. XXVI., p. 147.

"Voted that the Comtee Chosen to make answer at the General Court on the Second Thursday of their Next Sessions, to the Petiti of Samuel Pettee and others be Directed to observe the following directions: and if the petitioners will Comply to the following proposals, not to make any answer to said Petition. Otherwise to give the following Reasons together with such others as may appear to said Comtee to be Reasonable.—

1st that said petitioners take no more of the Inhabitants of this town than such as are Willing to go—

2ly that they return Such Money as the Town have Expended on said tract of land so petitioned for since their Annextion to this Town—

3ly that they take no part of the Publick Money of this Town—

4ly that they take the poor if any their be that Originated on said tract of land—

5ly that if they go of to a District or Parish that they be not Called of this Town—

6ly that the line so Petitioned for Come not two near the Meeting House in the first Parish in this Town." — *Wrentham Town Records, vol.* IV.

On the fifth of June, following, the above petition, together with the answers which had been received thereto, was referred to a joint committee, and two days later, upon the report of this committee the petition was dismissed.

On the tenth of June, 1768, another petition, was presented by "Samuel Pettee and others inhabitants of Wrentham, Stoughtonham and Walpole," setting forth, "That by reason of their situation they are put to great difficulties to attend the public Worship in the several Towns they respectively belong to, they living from four to eight miles distant. And praying that they may be incorporated into a separate Town or District by certain metes and bounds in said Petition mentioned; and that as all the Lands within the said Bounds were originally a part of Dorchester, further praying that they may have their proportionable part of the public monies & Lands originally belonging to the said Town." *

Notice upon this petition, the original of which has not been found, was ordered to be served upon the places named, returnable on the second Wednesday of the next session of the Assembly.

Before this application was made to the General Court, William Hewes and others had requested of the town to be set off "according to their former petition (exclusive of the money they then asked for) as a township, district or precinct, or to join with them in sending for a court's committee to settle the affair as they shall see fit," and the town at an adjourned annual meeting held March 8, 1768, passed the following vote, an article upon the subject having been inserted in the warrant: —

"the Petition of William Hews & others being again brought under Consideration—

Voted that a Comtee of five men be Chosen, to Consider the prayer of the petitioners &c —

for the Comtee were Chosen, Capt Simon Slocom, Mr Samll Lethbridge, Mr Ezra Blake, Mr Asa Whiting Levt John Hancock—

then the Meeting was adjourned for half an hour: & then met again & Voted that Capt Simon Slocom & others a Comtee Chosen to wait upon William Hews & others, who pray the Town to set them of as a Township District or Precinct, & Consider the prayer of their petition, Vew the Bounds prayed for, & desire the Petitioners to Asceartain the Same, Vew the lands affeted by said Bounds, make Such proposals to the petitioners Respecting said Bounds, or any other matter or things that may Affect the Town in that Case, & also hear any proposals made by the petitioners Relating to the premises, & make report to the Town at the Annual Meeting in May Next for the Towns Acceptance." — *Ibid.*

At the time appointed the inhabitants reassembled and the committee chosen as above made to them the following report: —

"To the inhabitants of the Town of Wrentham Assembled in town Meeting this Sixteenth day of May 1768

Pursuant to your Votes of the 8th day of March 1768. whereby your were pleased to make Choice of us the Subscribers to take under Consideration the Petition of William Hews & others, to Vew the Bounds prayed for & to desire the petitioners to Asceartain the Same, Vew the lands Affected by Said Bounds, & to make Such proposals to the petitioners Respecting said Bounds, or any other matter or thing that may Affect the Town in that Case, also hear any proposals made by the petitioners Relating to the premises, & make report to the Town at the Annual meeting in May next, for the Towns Acceptance—

We have accordingly attended Said Service, & on the first monday in April met with the petitioners on the lands prayed for, Vewed the Bounds prayed for, & after taking the affair under Consideration Informed the petitioners who were present by their Comtee that we Could not by any means, report to the Town in favour of the Bounds prayed for, & that because we thought it Came too near the Meeting house in the first Precinct in this Town, for as it appears to us by the plans that from the Meeting House in Wrentham first Precinct to flints Corner one of the Bounds prayed for, is but one mile & an half, but from flints, Corner to dark Swamp Meeting House is two miles & forty Rods, Whereupon Agreable to our Instructions we proposed to the petitioners a line which we thought might be more Agreable provided the Town Should think proper to Set them of, Viz, from Attleborough Corner a Strait line to Walpole Corner Which is East of flints Corner half a mile & twelve rods which makes it two miles & twelve rods from Wrentham Meeting House to the new proposed line, & from dark Swamp Meeting House one mile & an half & twenty eight rods—then the petitioners objicted against this new proposed line because it took mens Habitations on one Side & left part of their farms on the other Side which would make Difficulties in time to Come to Solve which this proposal was made Viz that

* Council Records, vol. XXVII., p. 343.

if the line Should run thrº any persons home farm that the whole Should do duty on that side the line on which the mans Habitation fell, which was left with the Petitioners for their Consideration, but on the tweluth Instant the Petitioners Desired a Meeting, which we Attended & then Informed us that they Could not Consent to our Proposed line but Propose then to run from Attleborough Corner to the Croched Oak Standing by the Side of the way that leads by Thomas Mans to Stoughton & from said Oak to Walpole Corner—

Which line as appears by the Plan is Eighty Eight rods east of flints Corner & one mile & three Quarters & eight rods from Wrentham Meeting House, & from dark Swamp one mile & three Quarters & Thirty two rods—

and upon the whole we are humbly of the Opinion that the Petitioners ought to be Incoraiged in their Indevours to Settle the gospel among them. & that the Town Signify their Willingness that the Petitioners be Set of into a Seperate District by Either of the lines menshoned that the Towns Shall think best, But are humbly of the Opinion that the line to run Strate from Attleborough Corner to Walpole Corner is most Equal & just & if the Town Shall think proper to Set the petitioners of as a Seperate District, that they take Ithamir Hills as their part of the poor of the Town—

All of which is Humbly Submited
to the Town by us SIMON SLOCOMB, SAMLL LETHBRIDGE, EZRA BLAKE, JOHN HANCOCK, ASA WHITING." — *Ibid.*

Upon this report the following vote was passed: —

"Proposed to the Town, to Set of William Hews & others whose petition has been read to the Town, by Some line which the Town Shall hereafter discribe, that they may be incorperated, Together with others that may join with them, into a Township or District & the Vote passed in the Affirmative." — *Ibid.*

After an adjournment for half an hour the voters reassembled, some debate ensued, and the following vote was passed: —

"Voted that William Hews & others praying that they may be Set of from this Town to join with a Number of Inhabitants of other Towns, to be Incorporated into a Township or District be accordingly Set of for that purpose, by the following line. Viz—Begining at the Northeast Corner of Attleborough thence a Strait line to a Croached Black oak Standing on Dochester old line, by a Corner of Mr Brastows fence thence to Walpole Corner or Dedham Rock So Called, & provided this line Shall divide or Cut any mans lands, that those lands Shall be held to do duty on that Side the line that the propriator Dwells, and Said new proposed Township be held to maintain Ithamir Hills who is a neady poor person

further it is Voted that if they be Set of as a Township or a district, that they be not Annexed to nor Called of this Town." — *Ibid.*

For some reason not discovered in the records, no further proceedings in this business seem to have taken place until April 6, 1771, when it appears that "the petition of Samuel Pettee and others" was revived in the House and a new notice thereon, and on the petitions of Eleazer Robbins and others, and William Paine and others, was ordered to be served upon the parties adversely interested, returnable on the second Wednesday of the next session. At a meeting of the inhabitants of Wrentham, duly warned, and held May 20th, Mr. Jabez Fisher was empowered, as agent of the town, "to give reasons before the General Court why the prayer of the petition of Samuel Pettee and others should not be granted, except the petitioners comply with the conditions on which the town voted them off."

On the fifth of June, 1771, the above petition, and the answers thereto, were read and referred to a joint committee, upon whose report, the next day, this petition, also, was dismissed.

In the May session of 1773, the subject was again brought before the Assembly, by the following petition: —

"Province of the Massachusetts Bay } To his Excellency Thomas Hutchinson Esqr Captain General and Governour in Chief in and over his Majestys Province of the Massachusetts Bay in New-England to the Honble his Majesties Council and house of Representatives in General Court Assembled in their session in May 26 AD 1773

The Petition of a Number of Inhabitants of Wrentham, Walpole, Stoughton & Stoughtonham most humbly shews, That your Petitioners together with their families have long Laboured under many & Great Difficulties and hardships in attending the Publick worship of GoD in the Respective Towns & parishes to which we Respectively belong, That we have twice petitioned the General Court heretofore for relief, but have failed of success, not for want of the attention of your Excellency & Honours to our request, or the Candour of yᵉ several Towns to which we belong Especially the Town of Wrentham who have by their vote shewn their willingness That such of our Number as belong to that Town should be set of with others into a Seperate Township or District, but we apprehend our ill success is owing to yᵉ opposition of persons living within the limits that we are Desirous should be Made a Township which we Greatly regret, & hope that upon further Consideration they will be willing to Join us, or at least Cease any further opposition to our Desires, and in strong hopes of success we once more address your Excellency & honours and Humbly Request that you would be pleas'd to appoint a Committee to Come (at our Cost & charge) and view our scituation and Circumstances, & hear all the parties Concern'd & set off your petitioners into a Distinct Township or District with the following Bounds viz Begining at the Northeast Corner of Attleborough Thence Northwardly by a strait Line to a Crotched Black oak Tree standing in Dochester old Line by the road leading from Wrentham to Stoughtonham Thence Northeasterly upon Dochester old line to Walpole Line or Dedham Rocks So called (This being yᵉ Line agreed

upon by y^e^ Town of Wrentham and your petit^rs^) and from Dedham Rock the same Course Extending so far by Dochester old line as to include y^e^ farm of the Hon^ble^ Isaac Royal Esq^r^ and from the East Corner of said farm a strait Line to where the Brook Crosses y^e^ road near the Dwelling House formally Belonging to Cap^t^ Elkanah Billing and from said Billings's Brook a strait line to a Dam made over Ceder swamp Brook (so Called) from thence to the parrallel line which is between M^r^ Hezekiah Gays and Eliphelet Roger which is the Northeastward Bounds of the 44^th^ Lott upon said parrallel Line over Cow hill to the Colony Line and by the Colony Line to Attleborough Corner first mentioned which Bounds include about Eighty families who mostly live within three miles of y^e^ Centre of y^e^ Bounds above Discribed where is Erected a meeting House Large Enough for a Large parish the out side well finish'd Excepting Glazing all which was done by subscription by a number of your petitioners who hereby promise to Give s^d^ House & four acres of Land round the same to y^e^ Inhabitants of the new proposed Parish free of Cost provided the prayer of this petition be granted, or grant to your petitioners any other Bounds or privileges under Any Restrictions Exemptions &c as your Excellency and Honours shall see Meet, and as in Duty Bound shall Ever pray.

WILLIAM HEWES	JOSIAH PEARY	ASA MORSE 2^d^
SAM^LL^ BILLING	NATHANIEL CLARKE	SETH ROBBINSON
ELI WOOD	JOSEPH RHODES	DANIEL ROBBINSON
LEVI WOOD	JOSEPH RHODES JN^R^	JOSIAH MORSE
SAMUEL BILLING JUNER	JOSIAH ROBBINS	LEMUEL PAINE
SWIFT PAYSON	JACOB COOK	JOSEPH PAINE
WILLIAM PARTRIDGE	SOLOMON MORSE	JOSEPH COMEE
AMOS MORSE	SOLOMON MORSE JU^R^	JOHN RICHORDSON
ADAM MORSE	JOHN SUMNER	JOB WILLIS
JAMES PLIMPTON	JACOB LEONARD	SAMUEL FORRIST
SIMON MORSE	JOHN PAINE	TURIL GILLMORE
TIM^O^. STEVENS	DAVID PAINE	SAMUEL BAKER
SAMELL PIERCE*	THOMAS RICHARDSON	JOSIAH VINEL
STEPHEN PETTEE	EDWARD PAINE	NEHEMIAH CARPENTER
WILLIAM PETTEE	SPENCER HODGES	JEREMIAH HARTSHORN
JEDIDIAH MORSE IN^R^	JAMES PAINE	MOSES MORSE
JEDIDIAH MORSE	JACOB PANE	RICHARD STRATTON
THOMAS PETTEE	ASA MORSE first	JACOB SHEPARD
JAMES PERREGO	WILLIAM CLARK	JOSEPH SHEPARD JUN^R^
NATHAN SMITH	NATHAN CLARK JUNER	STEUEN COOK
MELATIAH VANE	JOHN COMEE	FRANSES DANELS
BENJAMIN PETTEE	ZEPHAH WOOD	JOSEPH HEWES."—*Mass. Archives*, *vol.* 14, *p.* 702.

On the eleventh of June, a joint committee, consisting of Messrs. Spooner, of the Council, and Rawson and Thayer, of the House, was appointed "to view the premises petitioned for, at the cost and charge of the petitioners, after notifying all parties interested to be present, if they see cause, and fully to hear them and report to the Court what may be proper to be done thereon." This committee reported, Feb. 11, 1774, "their opinion, that the prayer of the petition be so far granted that the lands included in the said petition, with the inhabitants thereon, be incorporated into a separate township, with certain reservations mentioned in said report." This report, the original of which seems to have been lost from the files, was read and accepted in the Council who voted that the petitioners have leave to bring in a bill accordingly. The House nonconcurred in this vote, and ordered the report to be referred to a joint committee, to take it "under consideration, together with the petition of Josiah Hodges and others, and report." The Council concurred in this order. To this joint committee was also referred, on the 17th, the petition of Joseph Everett and others, "praying that they may not be included in the district or town petitioned to be erected." The last two petitions have not been found in the archives.

The next movement for the passage of this act that has been discovered, was the revival of the petition of 1773, which was done by vote of the House, Feb. 5, 1778; and a joint committee was thereupon appointed, consisting of Messrs. Holten, of the Council, and Kimball and Singletary, of the House," to inquire into the subject matter thereof, and report what is proper to be done thereon. On the seventh, this committee reported, "as their opinion, that the further consideration of said petition be referred to the second Tuesday of the next sitting of the General Court"; which was done, on the same day, by a concurrent resolve.

In the mean time the inhabitants of Wrentham met (March 9th), and voted that their representative "be instructed to move in the General Court that this town be notified before that the petition of William Hewes and others praying to be set off from this town as a township, district or precinct, be any further passed upon."

The next record of proceedings relative to setting off the petitioners is the following from the minutes of the Council: —

"Apr. 14, 1778. Ordered—That Daniel Hopkins Esq with such as the Hon'ble House shall join be a Committee to consider the Petition of a Number of y^e^ Inhabitants of the Town of Stoughton and the Papers accompanying the same, hear the Parties who are now attending & report what is best to be done thereon Sent down for Concurrence came up Concurred with an amendment at A & Col^o^ Peck, & Cap^t^ Kimbal are joined

* * * * * * *

The Vote of the Freeholders of the Town of Wrentham in Town meeting assembled

* The name is doubtful.

read & Committed to the Committee on the Petition of a Number of Inhabitants of Stoughton with the Papers accompanying the same. Sent down for Concurrence came up Concurred with an amendment at A read & Concurred." — "*General Court minute book*."

The amendment proposed by the House changed the former of the above votes so as to include, in the reference to the committee thus appointed, a petition "from a number of inhabitants of Wrentham, Walpole, Stoughton and Stoughtonham."

This committee reported to the Council, "That a committee should be appointed by this court to repair, at the expense of the petitioners, to the premises, hear all the parties concerned, and report to the next General Court, on the second Wednesday of their next session, the propriety or impropriety of the said incorporation; and that the said petitioners serve all the towns and parties concerned, with a copy of this order, on or before the first day of May next; and that the petition of Eleazer Robbins and others, praying that they may be incorporated with the town of Mansfield, be referred to the consideration of the General Court, on the second Wednesday of their next session." This report the Council refused to accept; but ordered that the petitioners "have liberty to bring in a bill for the purposes mentioned" in their petition. In this the House concurred, and accordingly, a bill, with the title of this act, was brought down from the Council, to the House, April 27th, with a memorandum endorsed thereon, that it had been passed to be engrossed. After giving this bill two readings, the House ordered it to be "referred for consideration to the next session of the General Court."

On the third of June, 1778, the bill was "read a first time," in the lower branch of the new Assembly, and, on the next day, it was read a second time, and referred to a committee. On the fifth, it was read a third time, passed to be engrossed, and sent up for concurrence, and, on the tenth, it was passed to be enacted.

On the 5th of September, 1778, a warrant was issued for a town meeting to be held in Wrentham, on the 21st, to choose committees for the following among other purposes: under article 6, to settle with Foxborough the proportion, for which each town should be responsible, of the men hired or to be hired into the Continental service, and the cost of their families; under article 7, to ascertain what was due to the town of Foxborough on account of what was paid by the west precinct of Wrentham towards building a meeting-house, by their vote of March, 1764, and to repay the money; under article 14, to run the line between the two towns, in conjunction with the selectmen or others appointed for that purpose by the town of Foxborough. The following votes were passed at the meeting so called; and at an adjournment thereof, on the 29th, the consideration of article 14, was dismissed: —

"Voted that Mr. Bejamin Day Capt. Oliver Pond & Capt. Samll. Fisher be a Comtee to Settle with the town of Foxborough what shall be their proportion of the men that has or Shall be hired by this town to goe into the Continental Service for three years or during ther war, and what Shall be their proportion of the Cost of the families of those men who went into the Continental Service for the town of Wrentham—

Voted that Deac. Thomas Mann Mr. Benjamin Day & Capt. Samuel Fisher be a Comtee to assertain the sums, that is become due to any of the inhabitants of Foxborough on account of what they paid towards building the meeting house in this town, according to a Vote of the first Precinct in Wrentham passed at their meeting on the twelveth day of March 1764." — *Wrentham Town Records, vol. IV.*

At a town meeting warned February 6th, and held March 1, 1779, the following report was read and accepted: —

"Pursuant to the 5th Article the Comtee reported as follows Viz. We the Subscribers being appointed a Comtee by the town of Wrentham at a meeting on the 21st of September 1778 To Assertain the sums which are become due to any of the inhabitants of Foxborough on account of what they paid towards building the meeting house in this town according to a Vote of the first Precinct in Wrentham passed at their meeting on the twelvth day of March 1764 and we find due to the Several persons hereafter menshoned the sum set against their particular names—

Francis Daniels	£1 : 5 : 3 : 3	Stephen Pettee	0 : 2 : 7 : 1
Joseph Everet	4 : 18 : 2 : 3	James Perigo	0 : 3 : 1 : 3
John Everet	1 : 15 : 0 : 0	John Shepard	3 : 6 : 3 : 0
William Hews heirs	4 : 13 : 7 : 3	Doct. Timo: Stephens heirs	0 : 17 : 0 : 1
Josiah Man	1 : 15 : 5 : 3	Melatiah Ware	0 : 18 : 9 : 1
Samuel Pettee	1 : 18 : 6 : 2	Jedediah Morse	0 : 3 : 1 : 3
Benjamin Pettee	1 : 17 : 2 : 2	Swift Payson	0 : 3 : 1 : 0
William Pettee	1 : 3 : 6 : 1		
		Total	£26 : 0 : 10 : 3

Wrentham
Feb: 9. 1779

THOMAS MAN
SAMUEL FISHER } Comtee." — *Ibid.*
BENJAMIN DAY

Chap. 2. The bill of this chapter was brought in to the House, on leave, by Col. Pope, June 8th, and three days later was passed to be enacted.

Chap. 3. The grant of the township of Pearsontown (now Standish, Maine) was made to the petitioners as a reward for services in the expedition against Louisbourg, and is as follows: —

"Apr. 20, 1750. In the House of Representves Voted that a Township of the Contents of Six Miles square on the northwest Side of the Line from Sabago Pond to the Head of Berwick against Gorham Town & Number One, be, & hereby is granted to Capt. Humphry Hobbs & Company, & to Capt. Moses Pierson & Company, & those who have signed

his Petition, Provided that they take Associates of the Cape Breton Soldiers, so called, not excluding the Representves of such as are dead, so as to make the whole Number of Grantees, One hundred & twenty; Sixty of wch to Settle in distinct Families on said Township within three Years from this Time, & Sixty more within Seven Years of the same Time, each Settler or Grantee to give Bond to the Treasurer of this Province for the Time being, within twelve Months of this Time, in the Sum of Twenty Pounds, conditioned that he will (if of the first Settlers) by himself, or some others Person build an House on his Share eighteen feet long, Sixteen wide, & seven feet Stud, bring to, & fit for plowing or pasturing five Acres of Land within three Years from this Date; And if (of the second Settlers) to perform the same Conditions within seven Years of the same Time, & cause a suitable Meeting House for the publick Worship of God to be built in the Township, & a learned orthodox Minister of good Conversation to be settled among them within five Years: The whole Township to be in One hundred & twenty three equal Shares; One for the Ministry, one for the School, & one for the first Settled Minister; The rest in equal Shares among the Grantees: And in Case any Proprietor should fail of performing his part of the Condition, to be expressed in his Bond aforesaid; The Treasurer of the Province for the Time being, shall & he is hereby impowered & directed in his own Name, for the Use & by Order of the Governmt to put such Delinquents Bond in Suit; And the Share of such Delinquent Proprietor is hereby Declared & made liable to an Extent of Execution for the Satisfaction of any Sum that may be by said Treasurer recovered on the Settler aforesaid, where other Estate is not to be found; Any Conveyance of such delinquent Proprietor's Share to any other person or persons that may have been then made notwithstanding: The said Township to be laid out in as regular Form & with as little prejudice to the other Province Land as may be, a Plan thereof to be taken by a Skilfull Surveyor & Chainmen on Oath, & returned to this Court within twelve Months for Confirmation; And that Jabez Fox, Ezekiel Cushing & Enoch Freeman Esqrs be a Committee to take the said Bonds & transmit them to the Treasurer of this Province: The Charge thereof to be born by the Petitioners.

In Council; Read and Concur'd— Consented to by the Lieut. Governr." — *Council Records, vol. XIX., p.* 188.

Although the actual settlement of the place is said to have begun in 1760, the proprietors commenced levying assessments for public charges as early as June, 1752. A fort eighty feet square, with two flankers measuring, respectively, thirty feet square and fourteen feet square, was completed by them in May, 1754, at their expense, and in this fort, for several years, a garrison of eight men was maintained at the expense of the proprietors.

From 1765 to 1768, assessments were voted by the proprietors, for the purpose of building a meeting-house and for paying the Rev. Edward Russell and the Rev. Timothy Brown, for preaching to the inhabitants. In October, 1768, the Rev. John Tompson began his ministry at Pearsontown. He accepted a call upon the vote of the proprietors offering, besides other grants of land and money, a salary of £80 per annum "from the time he shall be settled a Congregational minister there" until "there shall be fifty families there"

The following voluntary agreement was also signed by inhabitants of the township, towards the same object: —

"Pearsontown Septr 26. 1768

Wee the Subscribors Inhabitents of sd Pearsontown do hereby Severally Oblige our Selves to pay or Cause to be paid to Mr Ephraim Jones Treasurer of ye Proprietors of Sd Township or his Successors in Said office the Respective Sums assigned to our names toward the Salary of Mr John Tompson Should he Settle there in the Ministry — —

N. B: the payment made by us the Subscribors is as follows: viz — one half in our Labour, one quarter in Provitions, the Rest in marchant Lumber; this to Continue during our abode in Said Town untill the Town Should be Incorporated —

Ebenezer Shaw	£1	5	0	Jonathan Philbrick 20/	£1	0	0
Josiah Shaw 20/	1	0	0	John Ayer	–	15	–
George Freeman	1	10	–	Michal Philbrick	–	10	–
John Pirce Jur	–	10	0	Shargant Shaw	–	15	–
Daniel Cram	1	0	0	Jonathan Sanborn	–	6	8
John Wood	1	–	–	David Sanborn	–	5	0
John Meservy	1	–	–	Daniel Sanborn	1	5	0
John Partrage	–	10	0	Peter Moulton	–	10	0
Ruben Freeman	1	–	–	John Pirce	–	10	0
Clement Meservy Jur	1	–	–	James Moody	–	15	0
Bartholeme Thorn	–	15	0	John York	1	5	0
Timothey Crocker	1	–	–	Moses Lowell	–	6	–
Jonathan Beane	–	10	–	Israil Thorne	1	0	0
	12	0	–	John Hall	1	0	0
					10	2	8
					12	0	0
					£22	2	8

Attest. Ephm Jones Proprio: Treasr."—
Mass. Archives, vol. 181, *p.* 311.

Before the last of April, 1776, fifty families were actually settled in the township, as shown by the following list: —

"The following is a list of such Inhabitants as were settled at Pearsontown before the Town of Falmouth was burnt in October 1775. viz —

1	Ephraim Jones.	25	Jon[a] Bean Jun[r]	49	Sergeant Shaw
2.	Ebenezer Shaw	26	Ephraim Rowe	50	Peter Moulton
3.	John Dean	27	Josiah Bean	51	Peter Moulton Junr.
4.	Jona Philbrook	28	Daniel Hasty	52	John Ayres
5	Josiah Shaw	29	[illegible]		
6.	James Moody	30	David Richardson		Families settled there since
7	Daniel Cram	31	Moses Richardson	53.	Benj[a] Mussey
8	Bartholomew Thorn	32	Will[m] Hall & Mother	54	Jabez Dow
9	George Freeman	33.	Eph[m] Batchelor	55	Thomas Bradbury
10	John Wood	34	Caleb Rowe	56.	Seth Hinkley
11	Lydia York	35	Michael Philbrook	57	[illegible]
12	Abraham York	36	Ebenr Shaw Junr	2 deducted	James Hasty has a good Farm
13	Israel Thorn	37	Edmund Fogg	—	there, tho not
14	Richard Hind	38	David Sanborn	55 in all	married—
15	John Sanborn	39	Christopher Noble		
16	John Pierce	40	Philip Campbell	Besides several young men who have begun to clear & fence their lands & will soon have houses &c viz	
17	John Pierce Junr.	41	Daniel Harmon		
18	John Megill	42	Jon[a] Sanborn		
19	Dominicus Mitchell	43	John Hall		
20	John Cookson	44	John Decker	Thos Thompson	
21	Reuben Cookson	45	Stephen Sanborn	Peter Sanborn	
22	John Strout	46	Moses Lowell	David Sanborn Junr.	
23	John York	47	Joseph Butterfield	Dan[l] Cram Junr.	
24	Jonathan Bean	48	Daniel Sanborn	John Sawyer	
				Jon[a] Lowell." — *Ibid.*, *p.* 310	

This, the proprietors claimed, terminated their obligation to raise money for the salary of a minister, under their vote of October, 1768; but as they desired the continuance of the Rev. Mr. Tompson in the work of the ministry at Pearsontown, they voted, June 25, 1776, to direct their treasurer to pay him £25, lawful money, out of the tax voted at their meeting in March, previous, provided he would continue to officiate until April 29, 1777. At the same time they granted to the inhabitants, "for a place of public worship," the meeting-house, which, though not completed, had been erected at the expense of the proprietors.

The inhabitants, dissatisfied with this action of the proprietors, presented to the Legislature the following petition: —

"State of the)
Massachusetts Bay)

To the honorable Counsell & the honorable House of Representatives of s[d] State at Watertown in general Court assembled — the Inhabitants of Pearson-Town in the County of Cumberland & State afores[d] humbly shew — That in October 1768—17 Years after the Grant of Pearson-Town to it's Proprietors—s[d] Proprietors were pleas'd to settle a Minister in s[d] Township, & Voted to pay him his Salary till there should be 50 Families in s[d] Pearson-Town. In Consequence of the Destruction of Falmouth, a Number of it's Inhabitants fled from the Flames to s[d] Pearson-Town & helped the Proprietors to their 50 Families — Consequently in March last at a Proprietors Meeting they voted to support the Gospel in this Place no longer than till the 29[th] of April following, & further to distress us neglected to make the usual Provision for Repairing Roads. Your Petitioners therefore being reduced to this hard Alternative, either to be deprived of a preached Gospel; & endanger our Limbs & Lives by travailing over broken Bridges & unrepair'd Roads or to take upon ourselves an unsupportable Burden earnestly Pray that such Method may be Taken to oblige s[d] Proprietors to do their Duty, & redress the Grievances above mention'd as you in your Wisdom shall see best—And your Petitioners as in Duty bound shall ever pray—

Pearson-Town Nov[r] 8[th] 1776 — JOHN DEANE, DOMINICUS MITCHELL, PETER MOULTON,) In the Name & by the Desire of the Inhabitants of Pearson Town."—*Ibid.*, *p.* 307.

Notice for a hearing upon this petition was ordered, Nov. 29, 1776, to be given to the proprietors, returnable on the second Wednesday of the next sitting of the General Court.

In the mean time (December 26th) the proprietors met and appointed a committee, consisting of Ephraim Jones and Theophilus Bradbury, to prepare an answer to the above petition of the inhabitants, and to request Jedediah Preble, Samuel Allyne Otis, Samuel Freeman and Joseph Noyes to present the same and to appear at the General Court, in their behalf. Under another article in their warrant, the proprietors voted to prepare a petition for an act of incorporation of their township. The advocacy of this petition they intrusted to the same committee — Noyes and Preble being then representatives from the town of Falmouth, and Freeman clerk of the House, and all of them proprietors of Pearsontown.

The following is the answer sent in by the proprietors: —

"State of the)
Massachusetts Bay—)

To the honorable the council & house of Representatives of said State in general court assembled

The proprietors of Pearsontown in the county of Cumberland in answer to the petition of the Inhabitants of said township humbly beg leave to say.

That although seventeen years elapsed after the grant of the township before a minister was settled there, yet no culpable neglect is justly chargeable upon them. Because, instead of building a house for public worship which would probably have been immediately destroyed by the Indians, they were obliged very soon after the township was granted to build at their own expense a strong fort eighty feet square with two large flankers one of which was thirty feet square & designed for a place of public worship and

to rebuild it again, it having been burnt before it was quite finished, & to support a number of men in it, in addition to the garrison placed there by the province which was a safeguard not only to the settlers, but to all the inhabitants of this part of the country against the indians who had committed hostilities, tho war was not yet declared, nor was the township free from danger untill the peace in 1760, which not only retarded the settlement but renderd it imprudent to build any other house of public worship and considering the great expense before mentioned & the inconsiderable number of settlers occasioned by y^e^ danger of living there, it would not be reasonably expected that the Propr^s^ should procure a preacher. But altho a minister was not settled till October 1768 yet the Propr^s^ built a meeting house and expended near one hundred pounds for preaching before that time, & have since given the meeting house to the Inhabitants. They also gave the revd^d^ M^r^ Thompson the present Minister to encourage his settlement, twenty acres of good land mostly improved near the centre of the settlement and twenty six pounds thirteen shillings & four pence in Money and voted him eighty pounds sallery a year untill fifty families should be settled in the township & he moreover acquired a right through the township as the first settled minister and another right during his ministry, so that by the assistance of the propr^s^, & in consequence of their settling him, *principally*, he has acquired a very valuable farm there with a good house & barn upon it. And although the said inhabitants subscribed & promised the proprietors at the time of M^r^ Thompsons Settlem^t^ to pay them Twenty two pounds 2/8 yearly to ease them in part of the burthen of his sallery yet they never paid more than £34··3··8 in the whole, except which, the whole burthen fell on the proprietors.

The Inhabitants in their petition go on to say that y^e^ number of fifty families was made up by those who fled from the flames at Falmouth (which was in Oct^o^ 1775.) & that in March 1776 The Propr^s^ voted to support the Gospel in Pearsontown no longer than 29^th^ April 1776.—To this the proprietors answer that fifty families were settled in Pearson town before Falmouth was burnt, and that none who fled there, (on that account) were reckoned to make up that number & they cannot recollect more than three or four families now there who went from Falmouth after the burn^g^ of the town.—And that at said Meeting in March 1776 they not only voted six months sallery more than they were held to pay him by their contract made at his settlement, but also at an adjournment of that meeting voted him twenty five pounds more to encourage him to preach another year from & after April 29. 1776. & sent a committee to the Inhabitants to see if they would contribute anything towards his further support, but they discoverd very little disposition to do any thing about it, and have not since subscribed more than eighteen or twenty pounds as the Proprietors are informed.

The Proprietors are further complained of for not making the usual provision in March 1776 for repairing the roads. To this they answer that they had before that time expended large sums upon the roads, & that it was not with a design to distress the inhabitants, as they unkindly assert, but because they had done as much as they ought to do, & because they thought it but just the inhabitants who hitherto had done little or nothing, should take this burthen upon themselves. that they did not vote any more money for that purpose—Your Respondents further beg leave to add that so far from having a disposition to discourage or distress the settlers at Pearson town, they have on all occasions manifested a forwardness to encourage & help them. they have already raised & expended to bring forward the settlement no less a sum than two thousand one hundred & six pounds lawfull Money which is seventeen pounds & Eleven shillings to each right a larger sum than many of them lately sold for or would probably now fetch. seven hundred & seventy pounds of which have been expended to support the Gospel & several hundred pounds upon roads.

The Fort meeting house & incidental charges have consumed the rest. Moreover, besides many lots given away by private proprietors, The proprietors have granted away several hundred acres at least to encourage settlers. And perhaps, no other proprietors in this state have done & expended so much towards encouraging & promoting a settlement.

They farther beg leave to add that many of the settlers at Pearson town are forehanded men, have good farms & are good livers, and there are but few of them but what are freeholders with thirty acres at least, and if they are unable to pay so large a sallery as M^r^ Thompson reed from the propr^s^ yet y^e^ propr^s^ think them able to pay as much as he at present ought to be content with; and as the Proprietors are now drawing the last division of their lands, &·have already done so much, they humbly apprehend they ought not to be compelled to do any more.

They trust this honorable court, being a legislative Body, will not judge upon a contract made by the Proprietors with the minister of Pearsontown, nor compel them to make a new one with him, and that they will not lay a tax on their lands for his support or for mending of roads, more especially at this time when many non resident proprietors & others engaged in the service of their country will be in danger thereby of having their lands sold at vendue when it may not be in their power to prevent it & perhaps when they cannot know of it. But on the contrary they hope your honors will be convinced of the propriety & necessity of the immediate incorporation of said Township agreeable to the Petition of the proprietors herewith to be presented, which they humbly pray may be done & the Petition of s^d^ Inhabitants dismissed— And as in duty bound said Proprietors will ever pray &^c^.

BENJ TITCOMB. Prop^s^ Clerk in the name & by Order of The Proprietors."—*Ibid.*, *p.* 320.

With this answer, the clerk of the proprietors wrote to Samuel Allyne Otis, who was a representative from Boston, and whose father was a proprietor of Pearsontown, that the time fixed was uncertain, "because the meeting of the General Court yesterday is only a continuation of the same session and not the beginning of a new one," and that "if next

Wednesday is the time," the proprietors would be unable to prepare their evidence. He also gave other reasons why the hearing should be postponed, and added that the proprietors had "informed the Rev Mr. Tompson, agent for the inhabitants, that they cannot make and support answers before February 19th, next, and also that they intend to petition for the incorporation of the township and get the inhabitants notified to make answer at that time, so that by deferring both petitions to that time expense and trouble may be saved to both parties."

The hearing upon the petition and the above answer was accordingly postponed to Feb. 19, 1777, "if the court be then sitting, and, if not, on the second Tuesday of the next meeting of the General Court." To the same time, also, was made returnable an order of notice to the inhabitants of Pearsontown, upon the following petition: —

"State of the } To the honorable council & honorable house of Representatives
Massachusetts Bay— } of said State in general Court assembled.

The Petition of the Proprietors of Pearsontown in the county of Cumberland humbly sheweth.

That they have at great expense, built and given the inhabitants of said township, a house for public Worship settled and supported a gospel Minister among them, cleard out roads & made Bridges & amended & repaired them, & done as much as they ought or were able to do to promote the settlement of the township; That there are now settled there between fifty and sixty Families most of whom are Freeholders and many of them have good farms & are forehanded farmers & good livers & well able to pay their minister a competent Sallery if not so large an one as he has received from the Generosity of the proprietors, yet such an one as he ought at present to be content with untill said Inhabitants shall be able to increase it, considering he has already principally by the proprietors assistance, acquired a very good estate in the township.— That the last division of lands there is more than half drawn already and y^e^ draught of y^e^ whole will soon be completed, so that they will be proprietors of common lands there but a little while longer and the Business of the propriety as such will soon be finished & closed.

Having therefore done as much for said Inhabitants as they ought or are able to do, The Proprietors humbly pray that the said Inhabitants may be obliged to support the Gospel there amend the roads & bear the burthens incident to towns corporate & that they may also be intituled to the privileges of such.and for these purposes the Proprietors humbly pray that said Township may be incorporated, and they as in duty bound will ever pray—

BENJ^a^ TITCOMB Props^s^ Clerk in
the Name & by Order of the Proprietors." —*Ibid.*, *vol.* 182, *p.* 44.

The third session of the General Court was adjourned Feb. 8, 1777, so that the business went over to the next sitting. It is impossible to ascertain precisely what further was done relative to this business, by the Assembly of 1776-77; but the following answer by the inhabitants remains in the archives: —

"The Inhabitants of Pearson-Town beg Leave to Object to the Incorporation of s^d^ Township for the Follow^g^ Reason The Proprietors have n^t^ fulfilled the Conditions of the Grant of their Township, there are but 54 Families & a No of them have no Estate—several at Pres^t^ resident here wait only for convenient opportunity to remove & of the Residue many are very poor & very few able to pay a Tax without being Distresst. there never has been raised Provisions enough for the Support of y^e^ Inhabitants the Proprietors have not built a Meeting House they have indeed put up a Small House 40 by 32, but it is neither wholly glaized Clapboarded nor the Floor laid. & Noth^g^ done within to render it comfortable to meet in for publick worship. They have indeed voted to give this Shell to the Inhabitants but on this Express condition that we use it for an house of Publick Worship so that if we find it Necessary to build a larger House we forfeit this— consider'g therefore the Negligence of y^e^ Proprietors in not building a Meeting-House, nor Introducing 60 Families into the Township—nor building a Griss-Mill. — & also the utter Inability of the Inhabitants to bear the Burden conseq^t^ upon an Incorporation we earnestly pray that the Incorporation may be delayed MICHAEL PHILBRICK, JOSIAH SHAW, PETER MOULTON } Committee of the Inhabitant." — *Ibid*, Pearson-Town Feb^y^ 10^th^ 1777

vol. 181, *p.* 326.

It would seem also by the following petition that leave was given to the proprietors, in March, 1777, to bring in a bill, but that no bill was brought in that session and that the matter remained unsettled at the opening of the next General Court: —

"State of the }
Massachusetts Bay }

To the honorable Council & hon^ble^ House of Representatives of s^d^ State in general Court assembled

The Petition of Jn^o^ Tompson of Pearson-Town in the County of Cumberland & state afores^d^ Clerk humbly sheweth that in November last the Inhabitants of s^d^ Pearson-Town prefered a Petition to the general Court praying that the Proprietors of s^d^ Township might be obliged to support the Gospel maintain Roads &c in s^d^ Township. as usual. By order of Court s^d^ Proprietors were notified to shew cause (sometime in January last) why s^d^ Prayer should not be granted. Your Petitioner agent for s^d^ Inhabitants set out for Boston to support s^d^ Petition, but met a Request from s^d^ Proprietors to delay the Matter till the 19 of February: previous to which Time, they would petition the general Court for an Incorporation of s^d^ Township & give the Inhabitants Timely Notice to answer. The Delay was agreed to. Accordingly s^d^ Inhabitants were notified to shew cause on s^d^ 19 of Feby (if the Court was then sitting & if not on the 2^d^ Tuesday of their then next Meeting) why s^d^ Township should not be incorporated your Petitioner again took his Journey & travaild between 20 & 30 Miles when he obtain,d Information of the Adjourn.

ment of the Court. this being the Case the Matter was to have been taken up about the 18th of March—Your Petitioner being then necessarily detained by sickness in his Family in his Turn, prayed the Proprietors to postpone these Matters to the Day after Election. to which they consented; & the Proprietors Agent engaged his Influence to this Purpose. Notwithstanding this Engagement, the Petition for an Incorporation was taken in Hand, the Incorporation urged, & the absence of your Petitioner used as an argument to proue the actual Consent of the Inhabitants to be incorporated & I am informed by sd Agent that leave was obtained to bring in a Bill for the Incorporation but that it is not yet done. Your Petitioner in the Name of sd Inhabitants prays that an Act for an Incorporation may not pass; not only because we, have never had an Hearing but also for the following Reasons Viz. sd Proprietors have not fulfilld the Conditions of the Grant of sd Township, which were to settle 60 Families build a Meeting House & settle a Minister. all within 5 years. It is now about 26 years & there are but few more than 50 Families reckoning Refugees from Falmouth. No Minister settled in 17 years after sd Grant. & he, (then settled) voted out of a living more than a year ago. The Meeting House cant be sd to be built; nor is the Fraim large enough for that Purpose. It is 40 by 32 Feet not wholly clapboarded Glaized nor the Floor laid. given (it is true) to the Inhabitants. But upon the express Condition that it be for an House for Publick worship, therefore forfeited, if found too small & appropriated to any other Use. The Inhabitants are absolutely unable to bear the Expence incident to Towns corporated. many are very poor, few able to pay any Tax without being really distresst. Your Petioner for the above Reasons earnestly prays that the Incorporation of sd Township may be delayed till sd Proprietors shall have ful filled the Conditions of the Grant of sd Township; & it shall appear to this Honorable Court upon a thorough Knowledge of the Matter, that the Inhabitants are able to bear the Burthen Consequent upon an Incorporation. & your Petitioner as in Duty bound shall ever pray —

Boston May 30 1777 JOHN TOMPSON." — *Ibid.*, *p.* 327.

The above petition appears to have been presented June 2d, and ordered to lie. On the fifth, it was referred to a committee, consisting of Messrs. Spaulding, Whitney and Lewis, who submitted the following report, which was accepted: —

"The Committee Upon the Petition of the Settlers of Pearson Town & the Petition of the Proprietors of Said Pearson Town have taken the Same Under Consideration together with their Several Answers. And beg leave to Report—they Are of Opinion that it might be for the peace, growth, & well being, of the Plantation for it to be incorporated, Provided the Inhabitants Are Sufficiently Secured that their Assessors Shall be impowered for the Space of four years to make a land tax of a half penny ℔' Acre ℔' year on all the lands within the Township, with Sufficient Authority to collect the Same, to be for & towards the Support of the Gospel & repair of the roads, as it Shall be ageed upon from time to time by the Inhabitants After incorporation, the Agents for the proprietors Agreing to the Above proposals,—the Committee Submiting it to the Determination of the Honbl House whether it may not be left for the Consideration of the Settlers Until the second Tuesday of the next Siting of the General Court, As there is Some doubt with respect to the power of their Agent

June 10. 1777." — *Ibid.*, *p.* 328.

This report elicited the following adverse petition from the inhabitants: —

"To the Honb'e Council & Honble House of Representatives of the State of the Masschusetts Bay in General Court assembled

Whare-as a Committee in June last appointed By the Honorable House of Representives of this State to take under Consideration the Petition of the inhabitents of Pearsontown and a Petition of the Proprietors of sd Township together with Several answers have reported it as their oppiaion that it would Be best to have the Town Ship incorporated provided a tax of one half peney pr acre might Be annally levyd for the Space of four years on all the lands in Pearsontown leaveing it to the Consideration of the inhabitents to the Next Sitting of the general Court. the inhabitents have taken sd Reopt under Consideration and Beg leave to replye that with difference to the oppiaion of the Respectable Committee we Cant think it reasonble to incorporate the Township at the request of the Proprietors. Contrary to the desire of the inhabitents to releave Sd Proprietors of a Burden which they ought in Justice and are Bound By Compact to bare,and lay it on the Shouklers of the inhabitents. it is Just that they Should pay a Consideration for their lands and this thay Contracted to do and till this is done we humbley Concive thay Cant with a good face Desire the incorporation thay Contracted to Settle 120 Familyes Build a meeting house and Settle a Minister allwhich ought to have been Done Ninteen years ago aCording to their own account of the matter. they have not settled half that number of Familevs. the meting house has nothing done with in and not finished with out their minister they Seported Seven years and an a half and then Voted that they ware nolonger held to Seport hijn. and have totally with holden his Salery and not with with standing sd Propiotors have done so little towards fullfiling the Condisions of the grant of sd Towship in their answer to a former Petition of the inhabitents they are pleased to inform the great and general Court that they have Done as much as thay are able or ought to do. it is Strange that thay should say thay have done as much as thay ought to do when thay dont pretend thay have done half so much as their grant requires thay Surely must be able while thay hold the town ship, thay have indeede repesented the Township as not worth so much as they have paid. Declare in the aboue mentoned answer that they have paid Seventeen pounds Eleven shillings, upon a right, and that Rights will not sel for much more than half that sum. when thay speak of Rights upon which thay have paid such a tax thay must surely be understood to meau whol Shares, when thay speak of rights sold thay must mean nothing but Comon and undevided lands after two divisions of the Best land, for it is Certain that the lowest that thirty acre lots have

been sold for. for Sumtime Past is Eighteen pounds which is more than the whole Expence of a right and some allthough uncultivated have been sold for thirty pounds hundered acre lots have been sold for fifty and sixty pounds thay Close their anwer aboue refered to, with observing that thay had Near Done Deviding Land, and so Closed their Bussness as a proprioty and seeme Puzzled to levey taxes in future if y^ is a plea of sofient wate thay might have injoyed their Township and Saved nearely the whole Expence if thay had been so happy as to have Compleated their Division twenty years ago to Conclude these Remarks we humbley submit to this Honourable Court whether the Township ought to Be incorporated at the request of the Proprietors Because thay are unable or ought not in Justice to be at aney more Expence. with regard to our Selves we beg leave to observe that though an incorporation is accompanied with maney Priviliges yet we Cannot Conseive that it would be for the groth peece and wellbeng of the Township to Be incorporated in our infante State and take a Burden which those grown to maturity say thay are unable to Bare a incorporation would prevent our groth groth on two accounts first it would Dirve some of the inhabitents out of the Town Ship to ascape so heaver a tax and prevent others Coming in. Secondly it would Reduse the remaining inhabitents to great strates to repair and maintain Roads which have been Neglected By the proprietors tow years past Seport the gospel and pay other Town Charges Beside County and State taxes, and we are threatned By the back settlers that we shall be imeadetly presented upon the incorporation for the Neglect of the high-wayes. we have Ever With Chairfullness and dispatch furnished our quota of of Soldiers Since the Commensment of the unnatural war and are Disposed to pay our proportion of the public Expence But Cant so Chairfulley pay a Consideration for land, which the pro prietors enjoy therefore again request that the incorporation be posponed that the Prayer of our former Petition may be granded that the proprietors may be obliged to maintain the gospel and repare Road as usual however Relying upon the wisdom and integrity of the great and General Court Chairfulley hope to find Releafe and as in duty Bound Shall Ever Pray

Pearsontown
Sept^r 8^th^ 1777

BENJA HUSSEY
JONATHAN PHILBRICK
JN^O^ DEANE
} Committee." — *Ibid.*, *p.* 329.

The above petition was read, September 30th, and committed to Messrs. Williams, Mills and Jenkins. On this committee Messrs. Johnson and Coffin were substituted, Feb. 4, 1778, for Messrs. Williams and Mills; and on the 19th, Messrs. Davis and Boardman took the places of Johnson and Jenkins, who were absent.

On the 23d of February the committee reported, verbally, "that a bill be brought in for the incorporation of that place," and this report was accepted.

Notwithstanding this vote, no bill for incorporating the town appears to have been reported. The subsequent action of the proprietors justifies the inference that they were disposed to accept a bill less objectionable to the inhabitants than an act of incorporation but which would relieve them from the operation of the act of 1753-54, chapter 1, which made the first explicit provision for calling meetings of proprietors of common lands not belonging to townships, and for authorizing such proprietors to raise money for public charges. This act required assessments to be laid, proportionately, on the shares or rights of the proprietors; and as most of the proprietorship of Pearsontown had ceased to be an estate in common, by reason of partitions and subdivisions by conveyance in severalty, the method of assessment provided by the existing law was not conveniently applicable to the circumstances of the township.

The proprietors made the following application to the next General Court for the passage of a bill containing the provisions of this chapter: —

"State of the Massachusetts Bay.

To the honorable the Council and honorable the house of Representatives within and for said state in great and General Court assembled

The petition of the proprietors of a new township called Pearsontown in the county of Cumberland humbly sheweth.

That notwithstanding the considerable sums by them already expended, they have still occasion to raise monies for the support of the Gospel, making & repairing roads and bridges, running & marking the lines of their lots & other necessary Charges of compleating the settlement of that township; but that by reason of their having divided most of their lands there into lots & drawn the same, their former method by law prescribed, of laying taxes upon their several *rights* is become inconvenient, and where the same rights are owned by several persons, in several lots, may in many cases work injustice.

Wherefore your petitioners humbly pray, that they may be impowered to lay and raise a yearly tax not exceeding one penny per acre upon every lot of land there, except lots belonging to the minister appropriated to the ministry, or the use of a school, & every lot of which five acres shall be cleared & brought to fit for mowing or ploughing, for the purposes aforesaid for the term of five years next ensuing of which the present year to be accounted one— And your Petitioners as in duty bound shall ever pray &c

BENJ TITCOMB
{ Prop^rs^ Clerk in their name & by their order."—*Mass. Files: Bills*, 1778.

This petition was presented June 3, 1778, and referred to a committee, consisting of Messrs. Phinney, Whitney and Metcalf, who reported, on the fifth, that the petitioners have leave to bring in a bill. On the next day, the bill was introduced and passed, in the House, to be engrossed, and on the 13th, it was passed to be enacted.

Chap. 4. The bill of this act was reported by a committee of the House, consisting of Messrs. Rawson, Tyler and Greenough.

Chap. 5. The first draught of the following resolve* was, on the first of May, referred to a joint committee consisting of Messrs. Crane, Davis of Boston, and Wales, of the House, and Spooner and Palmer of the Council, "to consider the same and also the resolve for setting on foot a lottery, to sit immediately and report as soon as may be": —

"State of Massachusetts Bay In the House of Representatives. May 1st 1778—

This Court impressd with a Sence of the Noble Exertions of our Brethren in the Army For the Defence of this and the United States, and with the feelings of Humanity for their Fatigues & Hardships; to encourage them with chearfullness and Spirit to persue the Rightious Cause— do—

Resolved, that for the Present Incouragement of The Army, there be paid out of the publick Treasury of this State by the first day of December, next as a Gratuity to Each Field officer of the fifteen Battalions Raised In this State, and who were in Camp on or before the Fifteenth day of August Last, or to their order. The Sum of one hundred & Fifty dollars And to Each Capt Subaltern & Staff officer or their order, The Sum of one hundred and Twenty dollars. They produceing a Cirtificate from The Colo or Comanding officer of the Rigmt to which they belonged, Certifying their haveing been in Camp as above and that, their be paid to Each Non Commission officer & private Soldier, in the above Fifteen Battalions or to their order, the Sum of one hundred Dollars, on their produceing a Cirtificate, From their Capt or Comanding officer of the Company to which They belong, of their haveing been in Camp, as above & Not absent since Except on Ferlough—

In Council May 1st 1778 Read & Sent down JNO AVERY Dy Secy

In the House of Representatives May 1st 1778 Read & pass,d Sent up for Concurrence J PITTS Spkr P Tem

In Council May 1'. 1778 Read & Concurred JNO AVERY Dy Secy

Consented to" — [Signed by seven of the Council]. — *Mass. Archives, vol.* 218, *p.* 420.

The resolve † referred to "for setting on foot a lottery," was brought in the same day. No report of the above committee has been found; but both the following and foregoing resolves were passed on the same day on which they were introduced: —

"State of Massachusetts-Bay. In the House of Representatives May 1st 1778.

Whereas this Court have, this day, passed a Resolve for paying certain Gratuities to such Officers & private Soldiers who inlisted into the fifteen Continental Battalions raised by this State, & who inlisted before the 15th day of August last, for the term of three Years or during the War, And as it is thought expedient that a Lottery or Lotteries should be set on foot for raising a Sum of Money for the purpose aforesd

Therefore Resolved, That a Sum, not exceeding Seven Hundred & fifty Thousand Dollars be raised by a Lottery or Lotterys, by a Deduction of fifteen ℔ Cent upon the Amount of the Ticketts

That Oliver Wendell Esqr Mr Henry Hill, Thomas Crane Esqr Caleb Davis Esqr & Mr Ezekiel Lewis, or any three of them, shall be Managers of Said Lottery or Lotteries, & who shall be Sworn to the faithful discharge of said trust, & Shall give Bond to the Treasurer of this State, in the Sum of One thousand pounds each for the performance of the trust hereby reposed in them: which said Managers shall make, & publish in the Boston & Worcester News-Papers, & also in the Hartford Paper a Scheme for said Lottery or Lotteries, as soon as may be, agreeable to this Resolve; & they shall also therewith publish all necessary rules & regulations for the Management thereof; That all Prizes of Fifty Dollars & upwards, shall be paid by Treasurers Notes for the amount of Such Prizes, bearing date the last day of drawing said Lottery (or each of 'em, if two), & payable, with Six ℔ Cent ℔ annum Interest, on the first day of Jany A D: 1783 —; also, that all smaller Prizes shall be paid by said Managers in Money; & also that all Prizes shall be paid without any deduction.

In Council May 1'. 1778. Read & sent down JNO AVERY Dy Secy

In the House of Representatives May 1. 1778 Read & pass,d Sent up for Concurrence JOHN PITTS Spkr P Tem.

In Council May 1: 1778 Read & Concurred JNO AVERY Dy Secy

Consented to" [Signed by seven of the Council]. — *Ibid., p.* 419.

See, further, chapters 35 and 42, and notes thereto, *post.*

Chap. 7. "To the Honorable Counsel and Representatives of the State of Massachusetts-Bay.

The petition of the Settlers of a Place called New-Boston in the County of Cumberland humbly sheweth

That whereas your Petitioners having undergone great difficulties in erecting an House for divine worship, and settling a Minester of the Gospel in this Place, and are still attended with peculiar embarresments in their endeavours to finish sd House and support sd Minester, together with many other difficulties arising form the want of Town-priveliges.—

These are therefore humbly to pray your Honors to take our distressing Circumstances under your wise Consideration and graint us the Priveliges of an incorperated Township—

And your Petitioners as in duty bound Shall ever pray—

Dated at New-Boston August ye 1777

N. B. The number of Families exceed Sixty.

SAMUEL TOMPSON	REUBEN NOBEL	SAMUEL NASH
JAMES RUSSELL	THOMAS WHITE	JABEZ MATHEWS
RICHARD MERRILL JUR	JOSEPH CUMMINGS	JONAS STEUENS
JAMES HUMPREY	NICHOLS MAINS	WILLIAM WEBSTER

* Printed resolves of the April session, 1777–78, chapter CLI. † *Ibid.*, chapter CLIX.

DAVID ORNE	CLAMENT HAYDEN	JOHN NASH
DANIEL HEANEY	JEREMIAH HOBBS	JEREMIAH HOBBS JNR
RICHERD MERRILL	JOEL STEVENS	JOSEPH STEVENS
ISAAC FOSTER	ABRAHAM YOUNG	JOSEPH WEEKS
NATHL YOUNG	JOHN JINKS	DANIEL CUMMINGS
ELIJAH JORDAN	MARK MERRILL	GEORGE DOUTY
NATHAN MORSE	RICHARD HAYDEN	JAMES DOUTY
NATHAN KNIGHT	JOHN MORS	NATHAN MERRILL
	WILLIAM GRELE	DANIEL LIBBY." — *Mass. Archives, vol.* 183, *p.* 92.

The foregoing petition, described in the House Journal as the petition of "Samuel Nash and others," was read in the House Sept. 23, 1777, and committed to Messrs. Ellis Gray, Joseph Simpson and David Jeffries, who reported verbally, October 21st, that the petitioners have leave to bring in the bill they prayed for. This report was accepted, but the bill did not have its first reading until June 18, 1778, and the next day it was passed to be enacted.

Chap. 8. The bill of this chapter was read a first time in the House, June 17, 1778, and was passed to be engrossed the same day. The next day the Council passed it, in concurrence, to be engrossed with an amendment striking out from the first and second lines of the preamble, as orginally reported the words "in the 4th year of William and Mary," and inserting instead thereof the reference to the Christian era, as it stands in the act.

Chap. 9. The following petition, and the record of the action of the General Court thereon, are given in full, because they were the foundation of proceedings under the act of 1776–77, chapter 48, which led to the enactment of the present chapter, confirming, defining and extending the application of chapter 32 of the acts of the same year: —

"To the Honourabel Councel and Hous of Representives of the State of the Masachusets Bay Now setting at Boston We Beg Leave to Represent the affare and Circumstanc of our Town in Regard to the unfrindly Pasons to this and the other uniteed stats of Amarica Whare as many of them at or abonte the time of the Benington Battel obsconded from their Places of abode and Joyned the Eneny as we shall Go on to Shew—viz

Clark Gardner
Phelemon Lee
Ebenezer Franklen — Gone and Joyned the Regalers
George Gardner
Robbert Car
Caleb B Gardner
John Nichols
frances sweet — Taken upon suspetion and Cared to Bennington and Concined fron thair to Barrington Goal for Trial
Edward Carr, Ezekiel Whitford — made thare Escape in the Enemis Retrect and Come home Confesed that thay had Ben within the Enemies Brest work in time of Battel—
Thomas Draper, Jeremiah Green, Russel Green, Richerd Brodway, Abel Brodeway — was Taken by our souts as thay was Going to the Enemy Nere the Lines
Richmond Car
Thomas Rogeers
Elijah Cunningham
John Cunningham
James Raynolds
Thomas Whitman
Martyn Townsen Ju
Elijah Brown
John franklen
Simeon franklen
Benᵃ Gardner
John Gardner
Robbert sweet
Gideon Clark
Abraham Havins all Taken within the Enemies Lines in Time of the Battel Except Clark & havens in the Enemis Retreat made thare Escape and went to Rhodisland wich senc hes ben taken and Confined
Clark Rogers
David Vaughn
Wᵐ Brown
Peleg Car
Samˡˡ Roggers

Now we the select men & Commetee for the Town of Hancock Beg Leave to Inquer of the Honnourable Counsel and House of Representives Concearning this matter and Humbley Pray that your Honnours would Give us sum Instructions hou we shall Conduct in this matter. thair is many of these Parsons that was Prosesed of Considerable Estats Both Real and Parsonel. We would informe the Honnourable Asembley that we have taken an Invontary of thair Parsonell Estate. the Chattels hoorses and sheep we are obliged to Keep under Gard. be fore We took that method the Torcys took the advantage the Desarts west of us and stole away the Chattel by Night so that we Cannot keep them no other way but By a Guard. and as thare hes allredy a Grate Deal of Charges arose for gaurds Harvisting Grane &c we Humbley pray that your Honnours would Direct us how we shall farther Proceed and as Asa Douglas Esq hes ben at Considerable Expenc in Keeping some of the Prisnors at his house and finding a gaurd to Gaurd them to Nothhamton we humbly pray that your Honnours would informe whare he shall Lay his Bill in order for Pay and Likewise another Bill for sending to Rhodisland and thare Confineing the with in mentioned havens & Clark and as your Honnours may want further Information Concearning this matter pray Call upon on our Agent the Barer so we Rest the affare on your Honnours wise Councel for Instruction as we In Duty Bound may Ever Pray

JOHN GROVER } Charman

In the House of Representatives October 2 1777
Read & thereupon Orderd That Mr Baker & Mr Barlow with such as the Hon Board

shall join be a Committee to consider the same & report what is proper to be done thereon. Sent up for Concurrence— J WARREN Spkr
In Council Oct'. 2d. 1777 Read & Concurred & Jabez Fisher Esq. is joined.
JNO. AVERY Dy Secy." —

Mass. Archives, vol. 154, *p.* 182.

"The Comtee of both Houses on ye petition of the Selectmen & Committee of Corrispondance of the Town of Hancock have attended that Service & Beg leave to Report as follows viz

* Whereas it appears to this Court That a Number of Persons Belonging to the Town of Hancock in the County of Berkshire have Lately gone over & Joined ye Enemy several of which number were Kill'd in ye Battle near Bennington & others taken prisoners and several persons belonging to said Town have since been Committed to Goal in said County being strongly suspected of Giving aid & assistance to ye Enemy, & two persons viz Edward Car & Ezekiel Whilford who Confessed they were within ye Enemies Lines in the Time of the Battle & upon ye Enemies Retreat Deserted them and returned to their homes in said Town of Hancock, Therefore Resolved That the said Edward Car & Ezekiel Whilford be A *Immediately apprehended and Committed to* Close Jail at Great barrington in said County there to remain untill they shall be Discharged by Due Course of Law or by order of ye Council or ye General Court, and those persons which have been Committed on suspicition of Aiding & Assisting ye Enemy, shall Likewise remain in safe Costody untill Discharged in like manner

and it is further Resolved That the selectmen & Committee of Corrispondance of the said Town of Hancock be & they are hereby Directed & Impowered untill the further order of the General Court to take under there Care all the Estates both real and personal belonging to the several persons of said Town who have gone over and joined the Enemy, and such as were slain in Battle while in ye Enemies service & those that were taken prisoners & those that have been Committed on suspision of aiding & Assissting ye Enemy & also ye Estates of those that Deserted the Enemies service & returned to their homes in said Town and to apply such partt hereof as is Neccessary for ye support of the several Families of the aforesaid persons, and the Remainder of said Estates to secure in ye most prudent manner they Can, and to make Beef and Pork of such Cattle & Swine as are more profitable to kill this fall than to keep thro' ye Ensuing winter, and to sell such articles as are perishable in their Nature, keeping fair accounts of all their proceedings & Lay ye same before ye General Court for their inspection and allowance when Called upon for that purpose and whereas some Expence has arisen Respecting some of the aforesaid prisoners for victualling & for guards, it is hereby ordered That such persons as have any Demands on yt account Lay ye same before this Court for allowance
In Council Oct'. 4'. 1777 Read & Accepted
Sent down for Concurrence JNO. AVERY Dy Secy
In the House of Representatives October 6. 1777 Read and concurrd with an amendment at A — viz
At A dele 'immediately apprehended & committed to' and insert 'detain'd in' — Sent up for Concurrence J WARREN Spkr
Consented to" — [Signed by sixteen of the Council]. — *Ibid.*, *p.* 180.

There was necessarily great delay in bringing to trial these and other persons committed for, or charged with, treasonable practices. Political dissensions which, during the Revolution, divided the people in Hampshire and Berkshire Counties more equally than in most other parts of the province, were attended, particularly in the latter county, with such acts of lawlessness as to disorganize the courts from the beginning of the popular resistance to Governor Gage. The April term of the Superior Court, at Northampton, in 1774, was attended by two justices, only, who, for want of a quorum, adjourned the court, by writ, under their hands and seals, to the following September; but the court did not sit again until a year from the time to which it was adjourned, — and at that and the subsequent sessions, which were not regularly held, but little business was done. The courts of general sessions of the peace were also entirely discontinued for a time, which caused the General Court to pass a resolve, in February, 1777,† directing the justices to hold their regularly appointed sessions, and recommending the people "to do all within their power to aid and support the civil magistrates in the execution of their offices."

On the tenth of May the necessity, for some purposes, of holding the regular sessions of the peace was obviated by the enactment of chapter 48 of the acts of 1776–77 which authorized the holding of special sessions for the trial of such town inhabitants as should be charged with being inimical to the safety of the state.

After the surrender of Burgoyne, the revolutionary committees in Berkshire, began to move more vigorously for the enforcement of the laws against the king's abettors and sympathizers. On the first of December, a memorial of Asa Douglass, in behalf of the selectmen and committee of correspondence of the town of Hancock, praying for the appointment "of a special court, to try a number of persons confined in the jails at Great Barrington and Northampton, for joining the enemy in the late battle near Bennington," was read in the House, and referred to a joint committee, consisting of Messrs. Porter and Clapp, of the House, and Sever, of the Council, "to consider the same, and report." This committee reported, a fortnight later, that the memorialist "have leave to withdraw his petition," which was accepted, and a vote was passed in accordance with the report. A month later, "Benjamin Gardner and a number of others, inhabitants of Hancock, now prisoners in Northampton jail," prayed the General Court that they might be liberated upon giving bond; but their petition was dismissed. These were among the prisoners ordered to be detained in custody by the resolve passed on the sixth of October.

* Printed resolves of the September session, chapter XCVII.
† *Ibid.*, January session, chapter CXXXVII.

In the mean time five persons were convicted under the act of 1776-77, chap. 48, by the verdict of a jury, at a special sessions of the peace held at Great Barrington, on the thirteenth of December. Two of these, — Elisha and Edward Martindale, had been arrested under the fifth section of the act, upon the complaint of the selectmen of Lenox, to William Whiting and Charles Goodrich, two justices of the peace, *quorum unus;* two others — John Borghardt and James Tyler, had been brought to trial upon the vote of the inhabitants of Great Barrington, under the first four sections of the act; and the fifth — Gideon Smith of Stockbridge, had been apprehended under the fifth section of the act, upon complaint made to Timothy Edwards and Jahleel Woodbridge, justices, *quorum unus*, by Samuel Brown, jr., and others. After conviction, the accused were sentenced to be sent to the Board of War, to be by them dealt with as provided in the fourth section of the act.

The release of these prisoners, by the Board of War elicited the following representation and petition: —

"To the Honourable the Council & house of Representatives of the State of Massachusetts Bay — We your Complainants for ourselves & in behalf of a large Number of People in the County of Berkshire beg leave by way of Complaint, to communicate our Sentiments respecting a Number of Persons, who not long since were apprehended in said County as Dangerous Persons, they had a fair & impertial Trial before a Special Court of the General Sessions of the Peace & a very respectable Jury for that Purpose, were found guilty after a lengthy deliberate & expensive Trial of such base, Wicked & inimical Conduct, that their residence any longer with us was judged to be Dangerous, wherefore by one certain Law of this State, made & provided for Transporting inimical Persons, The Court upon the Verdict of the Jury ordered Edward Martindale & Elisha Martindale, John Burgheadt 3d Gideon Smith & James Taylor to be conducted to the Board of War, under a proper Officer & a Sufficient Guard for that Purpose, now while we were Solacing ourselves, that Justice had taken Place & that the Sentence would soon be put in execution, & those dangerous Enimies restrain'd of their Liberty; we were at once surprised with the Disagreeable News of those Persons & a great number of others under like Circumstances being at full Liberty in the Capatal of this State, where their helish splean might have its full latitude, & while we were ruminating on the very disagreeable Tidings, behold a number of these Persons make their Personal Appearance in this County, we are surprised & in this Alarm are constrain'd to observe that we the People of Berkshire, by some of our former Representatives have been stigmatized & branded as being a Lawless and disobedient part of this State, while we essert that the hand of Violence was never lifted so high in opposition to the Legislative & executive Authority of this State as by those Diebolical emisaries who were sent to the Board of War, who are a disgrace to Humane Nature, Religion, Reason & every thing that is Honourable & praise Worthy in God's World of Intellegences, & all this in the Face of our supreme Authority, & those who are the vilest of Men escape with Impunity and unnoticed for aught we know; Now as faithfull Friends to the Cause of our Bleeding Country, we are constrain'd in this Way to call on the Wisdom & Segacity of our General Court, & we flatter ourselves we shall be heard in that behalf; We beg leave to give a fair but imperfect account of several Crimes, that some if not all of those Persons are guilty of, beyond the least possibility of a doubt, by a Number of Witnesses whoes truth & veracity will not be disputed. In the first place some of them are guilty of braking open Continental Stores & Stealing large quantitys of goods, to the amount of five or six Hundred Pounds & attempting to justify their Conduct by saying we had taken the same Goods from *their* King, & that they had as good or a better right to them than we, and also in a most private & designing manner with a Number of their Associates, collected in Great Barrington, when Arming themselves & disfiguring & painting their Faces, this Banditti entered the House of Timothy Youngloye, by Force, where there was a guard for the safe keeping of a number of inimical Persons who were legally apprehended, they assaulted the Guard, resqued the Prisoners & in the Scurmish, badly wounded the Officer, and many other enormities done & parpetrated by those Cruel and Blood thusty Tools of the Tyrant of Great Britain, and in this Alarming Situation, viewing ourselves neglected, have no other alternitive left, but to put forth every Manly exertion to restrain those Wicked & designing Men from puting into execution their Wicked & Cruel Combinations & to prevent their further disturbing the Peace & Tranquility of the People of this County, untill Law & the Civil Authority be found Sufficient to bring them & others to condign Punishment, which we most earnestly desire may be our speedy Situation, We have further to inform your Honours, that one of the Persons above mentioned, namely said John Burgheadt, has since his Absconding from the Board of War gone over to the Enemy & has since been taken in Taritown upon Hudsons River, in arms against us, of which Town the Enemy are now in possession & from late intellegence passing up the River And being in this Alarming Situation have taken up, Elisha Martindale above mentioned & restrain'd him of his Liberty, for the present, to prevent him from acting the same Villinous Part with the said Burgheadt; A Number of People from fifteen Towns in this County, being collected and now at the Town of Stockbridge appointed by their respective Towns, to consider upon the expediency or inexpediency of holding said Martindale in Custody & in what way & manner. And in the several Opinions & Debates, mention was made, that Justice Edwards would upon Complaint order said Martindale to be committed, the Question being asked, Esqr. Edwards, answered that he should decline doing anything in the matter for the present, on account of certain Intellegence that there was a perticular act of the General Court requiring the Justices as well as all other Civil & Military Officers, to take the Oath of allegience by the twentieth of March last,* but he declared at the same time, he was ready & willing to take said Oath (if there was such a one) & then to proceed in his

* Compare the letter of Asa Douglass, in note to 1777-78, chap. 25, *ante.*

Office, for which reason among others, it was determined by a large Majority said Martindale should be retain'd in the Custody of the People, and viewing all those embarris ments & Distresses which your Petitioners labour under, We most earnestly implore in this our broken & imperfect Petition that your Honours in your great Wisdom would prescribe & direct some mode of proceeding to releve the fears & distresses of your Petitioners in particular & the good People of this State in General which shall opporate speedily & effectually —

And your Petitioners as in Duty bound shall ever Pray and when called upon by your Honours will fight our external as well as internal Enimies— Sign'd by order of the Convention chosen by the People at large

Stockbridge April 9th 1778. WM GOODRICH
ISAAC MARSH
WM WALKER." — *Ibid., vol.* 218, *p.* 423.

The above petition was referred, April 11th, to a joint committee, consisting of Messrs. Wood, Ely, Dix, Kimball and Pynchon, of the House, and Artemas Ward, Thomas Cushing, Joseph Palmer and Benjamin Austin, of the Council; and, on the first day of May, the following resolve* was passed, apparently, as reported by the committee: —

"State of Massachusetts Bay In the House of Representatives May 1st 1778

Whereas it has been represented to this Court that a number of Persons in the County of Berkshire that have been convicted as inamical to the United States and sent to the Board of War; have returned to the towns to which they respectively belong, Which causeth a very great uneasiness in the several towns in said County Therefore

Resolved that all such Persons in the County of Berkshire as have been Condemned and sent to the Board of War, as persons inamical to this and the other United States; and are now at large be and hereby are directed to be immediately taken up and confined in Close Custody By any of the Committes of Corespondence &c in any town in said County, 'till the further order of the General Court and the said Committes are also hereby directed to Continue in Close Custody all such persons condemned as aforesaid which they have confined without any law or order of the General Court untill the further order of the General Court. And the Clerk of the Court of Special Sessions before which such persons were tryed & condemned is hereby directed to transmit to the Sheriff of the County of Berkshire a List of all such persons as were Sentenced & committed by virtue of any Judgment of the Court of Sessions aforesaid And the keeper of the Goal in said County, is hereby directed to receive into his Custody all such persons condemned as aforesaid & retain them 'till the further order of the General Court." — *Ibid., p.* 421.

Before the passage of the above resolve, the Legislature made the following provision for bringing to trial, before the Superior Court of Judicature, the persons whom, in October previous, on the petition of the selectmen and committee of Hancock, they had ordered to be detained in jail until released by due course of law, or by order of the Council or of the General Court, and for the trial of whom, they had, in December, refused to appoint a special court, upon the petition of Asa Douglass: —

"State of Massachusetts Bay In Council April 14'. 1778

† Whereas there is now Confined in the Goals in the Counties of Hampshire & Berkshire Sundry persons who were taken with with our Enemies & in Armes against the United American States. And it being of great importance to these States that such Parricides should Receive Adequate Punishment Therefore

Resolved that the Attorney General of this State be and he hereby is diricted At the next superior Court of Judicature &c to be holden at Northampton within & for the Counties of Hampshire & Berkshire to bring forward Process for High Treason Against all such persons Inhabitance of this State as have been taken in Armes with the Enemies of the United States, and are now Confined in the Goals in the Counties of Hampshire & Berkshire. And the Justices of the said Court are hereby directed to hear and determine thereon Agreeable to the act of this State Against Treason &c Sent down for Concurrence JNO AVERY Dy Secy

In the House of Representatives April 15th 1778 Read & concurrd

J PITTS Spkr P Temp

Consented to" — [Signed by sixteen of the Council]. — *Ibid., p.* 18.

On the same day on which the General Court directed the recommitment of the prisoners released by the Board of War, the following resolve ‡ was passed confirming the clause in the resolve of October, which authorized the seizing and disposing of the real and personal estate of those who, by that resolve, were ordered to be detained as prisoners: —

"State of Massachusetts Bay. In the House of Representatives May-1-1778

on the Petition of Capt. Daniel Goodrich, in behalf of the Committee of safty &c. for the Town of Hancock in the County of Berkshire, for the year 1777. praying for direction, with regard to the real & personal estates of a number of the Inhabitants of said Town of Hancock, which said Committee took into their Custody, pursuant to a resolve of the General Court, passed the fourth day of October Last,

Resolved, that the persons, who were Select Men, and Committee of safty, &c, for the Town of Hancock, in the County of Berkshire for the year 1777. Be, and hereby are impowered & directed, to keep in their possession all the real & personal Estate of such persons, inhabitants of said Town, who had joined the Enemy, which said Committee have now in their possession, by virtue of a Resolue of the General Court of the fourth of october Last— And that said Committee be & hereby are impowered & directed to pro-

* Printed resolves of the April session, 1777-78, chapter CLIII.
† *Ibid.*, chapter XLVI.
‡ *Ibid.*, chapter CXLIX.

ceed with said real & personal Estates, according to said resolve, other persons being since chosen Select men,& a Committee for said Town, notwithstanding The said persons to be accountable to the General Court for their Conduct, agreable to the tenor of the aforesaid Resolve— Sent up for Concurrence J PITTS Spkr P Tem
In Council May 1'. 1778 Read & Concurred JNO AVERY Dr Secy
Consented to"— [Signed by seven of the Council]. — *Ibid.*, *p.* 429.

In the first session of the next Assembly, the bill of the present chapter was introduced. The design of the act appears to have been to remove all doubt as to the validity of the appointment of the term for the trial of the prisoners held on the charge of treason, &c. The act of 1776–77, chapter 32, § 6, provided that the court should be held "within such county as the supreme executive authority of this state shall order and direct," and though there could be no question of the power of the whole Assembly to make this appointment, it was not so certain that the Council alone had sufficient authority.

The bill was read a first time, in the House, June 12, 1778, and there, four days later, it was passed to be engrossed. It was then sent to the Council, for concurrence, where, on the 19th, it was passed, in concurrence, to be engrossed, with seven amendments by which the name of Berkshire County was added to that of Hampshire wherever the latter appeared in the bill; and on the 20th, it was passed to be enacted.

At the appointed term, twelve indictments were tried under the act above mentioned; and of these, the following; viz., Daniel Peirce and Richard Huddleston, of Tree's Grant, near Williamstown; Elijah Cunningham, Elijah Brown, Martin Townsend, John Franklin, Simeon Franklin, Thomas Rogers, John Gardiner, and Benjamin Gardner, all of Hancock; and Joseph Vaughan of Williamstown, — were acquitted, but severally ordered to be put under bonds for their good behavior, in from £400 to £800 penalty. John Pell of Sheffield, who had been indicted at the April term previous, and whose case had been continued to this term, was convicted of having "endeavored to persuade Asa Hiscock and Eli Lyon to enlist in the enemy's ranks," and was sentenced to be set in the pillory, at Springfield, one hour, at Northampton, one hour, and to suffer two years' imprisonment, and pay the costs of prosecution.

Chap. 11. On the 17th of June the House ordered Messrs. Bacon, Wales and Greenough to bring in a supply bill. On the same day a bill was reported, which passed through its several stages, to engrossment, during the two following days, and was sent up to the Council, for concurrence, with a blank left in the third section, for the date on which the tax of 1782 was to be paid into the treasury. On the 19th, the House sent for the bill, and returned it to the Council on the 20th, with a proposal to fill this blank with the words "the first day of July, seventeen hundred and eighty-three," according to the records of the Council. This however appears to be a clerical error, for the original bill shows the amendment to have been the substitution of the form in which the clause stands in the act, for the clause as originally reported.

Chap. 12. This tax act provided for raising the remainder of the $820,000.00 called for by the resolve of Congress of Nov. 22, 1777, the first instalment of which was raised by the tax act of 1777–78, chapter 26, as shown in the note to that chapter, *ante*.

Congress having required the fifteen battalions of the Continental troops from Massachusetts to be filled up by draught, the General Court, April 20, 1778, passed a resolve* for raising, "by drafts from their militia or some other way" two thousand men, who, by the same resolve, were apportioned among the several towns; and, on each town which should be deficient in its quota, a fine of £100 was ordered to be laid, in a subsequent tax act, for every man wanting to make up the number required. Besides the reinforcement thus ordered to be raised, thirteen hundred men were ordered to be detached from the militia to rendezvous at Peekskill, on the Hudson, and two hundred more to march to Providence, for the relief of Rhode Island.† To encourage the towns to raise their respective quotas, a resolve was passed granting £30 for each man so enlisted on or before May 20th, — the whole amount of this allowance to be deducted from their respective proportions of their next state tax.‡ Provision for effecting this deduction out of the tax laid by this chapter, was made by another resolve,§ passed on the 20th of June.

On the 18th of June, a bill for levying a tax of the amount ordered to be apportioned and assessed by this chapter,— the same to be paid before October 1st, 1778,— was ordered to be prepared and brought in by Messrs. Noyes, Gray and Wood; and, accordingly, on the same day, the bill of this chapter was reported, and was read a first time — the printed act of the previous year (chap 26) being used for the purpose, with the necessary alterations. On the 19th, it was passed to be engrossed, and sent up for concurrence. On the same day, it was passed to be engrossed by the Council; and, on the 20th, it was passed to be enacted by both branches.

"State of Massachusets Bay In the House of Representatives June 23d 1778.
‖ Whereas Doubts have arisen respecting the true Intent & meaning of the Word Inhabitant in the late Tax Acts—
Resolved that all male Persons from sixteen Years old & upwards residing & doing Business in any Town within this State shall be considered within the true Intent & meaning of these Acts & the Assessors are directed to proceed to assess them A accordingly—
Sent up for Concurrence SAML FREEMAN Spk P T
In Council June 23d 1778 read, and concurd with the following amendment, viz at A insert for their Trade and Faculties exercised there, and for their Polls if not taxed elsewhere. Sent down for Concurrence JNO AVERY Dr Secy

* Printed resolves, chapter LXVII. † *Ibid.*, chapter LXVI. ‡ *Ibid.*, chapter XCIX.
§ *Ibid.*, chapter CXIII. ‖ *Ibid.*, chapter CXXI.

In the House of Representatives June 23 1778 Read and Concurred
SAMLL FREEMAN Spk P T
Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 219, *p.* 211.
"In the House of Representatives October 16 1778
* Whereas it appears to this Court that by some Mistake there was set on the Town of Tewksbury in the County of Middlesex two Hundred Pounds in each of the two last Tax Acts more than their Proportion of said Taxes
Resolved that the Treasurer of this State be & he is hereby directed to send his Warrant directing the Assessors of the said Town of Tewksbury to Assess the Polls & Estates in said Town Agreable to the last Tax Act for the sum of three Hundred & forty five Pounds one shilling & two Pence Instead of Seven Hundrd & forty five Pounds one shilling & two Pence that was set on said Town in said Act— Sent up for Concurrence
JOHN PICKERING Spkr
In Council Octr 16'. 1778 Read & Concurred JNO AVERY Dy Secy
Consented to" — [Signed by fifteen of the Council]. — *Ibid., vol.* 220, *p.* 130.

Chap. 13. "State of Massachusetts Bay Hampshire ss— } To the honorable the Council & the honble House of Representatives in Genl Court assembled at Boston in May 1778—most humbly shew

The Subscribers Inhabitants of the westerly part of the Town of Northampton in the County of Hampshire— That all of your Petitioners live at a greater Distance than six Miles from the Meeting house in Northampton altho' they are so situated with Respect to one another that they may be well accomodated with a Place for publick Worship— That the Inhabitants of the Town of Northampton in a legal & full meeting have unanimously voted their Consent that all the Lands lying within four miles of the West Line of the sd Town of Northampton together with the Inhabitants living on the said Lands shall be sett off into a separate Town—

Your Petitioners therefore most humbly pray your Honors that a Tract of Land in Northampton aforesd bounded as follows viz Westerly by the dividing Line between the Town of Northampton & the Towns of Norwich & Chesterfield northerly by a Line that seperates the sd Town of Northampton from the Towns of Chesterfield & Williamsburgh easterly by a Line parallel with the west Line of the Town of Northampton at the Distance of four miles therefrom & southerly by the dividing Line between Northampton & Southampton together with all the Inhabitants living on the sd Tract of Land may be incorporated into a seperate Town by the Name of Westhampton & be vested with all the Powers Priviledges & Immunities which Towns in this State are by Law entitled to—

All which is most humbly submitted & as in Duty bound shall pray
Northampton June 2d 1778

NOAH STRONG	TIMOTHY THAYER	STEPHEN TYLER
EPHRAIM WRIGHT JUNR	EBENEZER CLARK 3D	ELIAS THAYER
SETH BURK	NATHAN TYLER	ASA THAYER
ELI FRENCH	ZACHARIAH CURTIS	TIMETHY PHELPS
SAMUEL KINGSLEY	JONA WALES	ELEZER STEARNS
JOHN STRONG	JOHN BAKER JUNR	AZARIAH LYMAN
SYLVESTER JUDD	ABIATHAR FRENCH	REUBEN WRIGHT
EBENEZER GEE	ABIATHAR FRENCH JUNR	PETER MOUNTAGUE
JONATHAN FROST	NOAH HAYWARD	SAMUEL EDWARDS JUNR
WILLIAM BARTLET	SKELTON FELTON	JOSEPH KINGSLEY
RUFUS LYMAN	JONA CLARK	AARON FISHER
MARTIN CLARK	ELIHU CHILSON	JONATHAN FISHER
NOAH EDWARDS	NATHAN CLARK	OLIVER POST
NOAH PARSONS	JOHN PARSONS JUNR	ELIHU BARTLET
ABNER CLAFLIN	DAVID PARSONS	THOMAS ELWELL
JUSTIN EDWARDS	ELIJAH TYLER	JOEL BARTLET

JOSEPH CHILSON."–*Mass. Files: Bills*, 1778.

"At a legal Town meeting Held at Northampton on Monday the ninth day of March Anno Domini 1778

On a Petition of the Inhabitant of the Westerly part of the Town of Northampton the Town Voted their Consent that all the Lands lying within four miles of the West line of the sd Town of Northampton together with the Inhabitants living on the sd sd Lands Should be set off from the sd Town of Northampton & be Incorporated into a Seperate Town or District Attest ELIJAH HUNT Town Clerk of the Town of Northampton." — *Ibid.*
June 2d 1778

The foregoing petition was read, in the House, September 16th, and committed to Messrs. Kollock, Davis and Cutts, who reported it back on the 18th, together with the accompanying certificate by the town clerk of Northampton, and a recommendation that the petitioners have liberty to bring in a bill as prayed for. The report was accepted forthwith, and, September 21st, the bill of this chapter was read a first time, in the House. On the 22d, the bill was read a second time, and on the 24th, it was passed, by both branches, to be engrossed, and on the 29th, was passed to be enacted.

Chap. 14. "State of the Massachusetts Bay Hampshire ss To the honorable Council & the honble House of Representatives in Genl Court assembled at Boston in May 1778 most humbly shew

The Subscribers Inhabitants of the Town of Northampton in the County of Hamp-

* Printed resolves of the September session, chapter CLXV.

shire that your Petitioners live at the Distance of six Miles from the Meeting House in Northampton & not more than three Miles from the Meetinghouse in Southampton That the Inhabitants of Northampton in a legal Town Meeting have Voted their Consent that your Petitioners with their Farms on which they live should be set off from Northampton & be annexed to Southampton, That the Inhabitants of Southampton in a like legal Meeting have declared their Consent that your Petitioners should with their Farms be annexed to & become a Part of their Town—

Your Petitioners therefore most humbly pray your Honors that they with the Farms they live upon may be annexed to Southampton & forever hereafter be considered as belonging thereto— And as in Duty bound shall pray

MOSES BARTLIT CALEB POMROY
ELIJAH POMROY EXPERIENCE BARTLIT." — *Mass. Files: Bills*, 1778.

"At a legal Town Meeting held at Northampton on Friday the 22d day of May Current by adjournment

The Town Voted That they did Consent that Moses Bartlit Elijah Pomeroy Caleb Pomeroy & Experience Bartlit with their families & Farms Should be Set off from the Town of Northampton & be Annexed to the Town of Southampton

Northampton May 23d 1778 Test ELIJAH HUNT Moderr. at sd meeting
A true Copy Attest ELIJAH HUNT Town Clerk of sd Town of Northampton." — *Ibid.*

"At a Legal Meeting of the Inhabitants of Southampton holden upon the Eleaventh Day of May Anno Domini 1778. the following Vote was passed. Viz.

To Accept Elijah Pomeroy, Moses Bartlett & Caleb Pomeroy Junr. to join with this Town in Case they can get a Discharge from Northampton.—

Southampton May.29th 1778. A true Copy from record
Test JONA JUDD JUN Dr Town Clerk." — *Ibid.*

The foregoing petition was read, in the House, and committed to Messrs. Kollock, Davis and Cutts, Sept. 16, 1778, and two days later this committee returned the petition and the accompanying papers, with a report that the prayer of the petition be granted and that the petitioners have leave to bring in a bill accordingly. This report was at once accepted, and on the 21st, the bill of this chapter was read a first time, in the House. On the 24th, it was passed, by both branches, to be engrossed, and on the 29th, it was passed to be enacted.

Chap. 15. "Middlesex ss: At a Court of General Sessions of the Peace and Inferior Court of Common Pleas held at Cambridge in and for the County of Middlesex on the third Tuesday of May Anno Domini 1778

Henry Gardner, Josiah Stone, Oliver Prescott, Eleazer Brooks & Jonathan Brown Esqrs are desired by the Courts, to apply to the General Court of this State for a Law to hold the Court of General Sessions of the Peace & Inferior Court of Common Pleas, which by Law are now to be holden at Groton on the last Tuesday of November to be holden at that Time at Cambridge, and that those Courts now to be holden at Cambridge on the third Tuesday of May be hence forth holden at that Time at Groton.

Attt. TEAD MASON Cler." — *Mass. Files: Bills*, 1778.

A memorandum of the foregoing request of the court of sessions of Middlesex is filed with the bill, which originated in the Council. No record of any petition or proceeding relative to this act has been found earlier than the second session of the General Court. After two readings, and having been passed to be engrossed, the bill of this chapter was sent down to the House, September 21st, where it was read a first time, on the same day, a second time, on the 22d, and was passed to be engrossed, on the 23d. It was passed to be enacted, on the 29th, by both branches.

Chap. 16. "Sept. 24, 1778. ORDERED, That Mr. *Gorham*, Mr. *Choate* and Maj. *Goodman* be a Committee to bring in a Bill for lengthening the Time in which the Oath of Allegiance may be taken by the Officers within this State; and the Committee are directed to insert therein a Clause directing the Brigadiers to see that the said Oath is tendered to the Military Officers." — *House Journal, p. 53.*

In accordance with the foregoing order, the bill of this act was reported to the House, and there passed to be engrossed, September 26th, and was immediately sent up for concurrence. On the 29th, the Council concurred in the bill, with two amendments by which the last three lines of the preamble were added, except the first word "for" (which, in the bill as first reported, was followed by the words "that purpose," — stricken out by this amendment); and ten words were inserted after the word "prolonged," in the third line of the first section. The House concurred in these amendments, on the same day, and, on the second of October, the bill was passed to be enacted.

Chap. 17. On the 19th of September, the House passed an order for a joint committee, "to examine the temporary laws, and report a bill for reviving and continuing such as are expired and near expiring;" but the Council had already prepared such a bill, which, on the same day, having passed to be engrossed, was sent down for concurrence. The bill was read a first time, in the House, September 21st, and was passed, in concurrence, to be engrossed, October 2d, and, three days later, was passed to be enacted.

Chap. 18. On the 15th of June, 1713, six families in Newton, "lying next to the south part of Roxbury," were, by order of the General Court, released from ministerial charges in Newton, so long as they should continue to attend and contribute towards the support of regular worship in Roxbury.

In 1775, a similar movement was begun in the westerly part of Newton by the presentation of the following petition: —

"To the Honorable Council and House of Represent^{s} of the Massachusetts Bay in General Court Assembled at Watertown the 29th Day of November A D. 1775.

The Petition of the Subscribers Inhabitants of the Westwardly Part of the Town of Newton. Humbly Sheweth

That Your Petitioners and many others in s^{d} Westwardly Part Live at a great Distance from the old Meeting House (so Called) in said Town Who, with their Predecessors, had for many Years been put to Extraordinary Difficulty in attending the Publick Worship of God in s^{d} House Especially in Winter Seasons and they and their Families often Detain'd therefrom by Storms & bad Travelling, and in Order that they might oftner & with more Convenience attend Publick Worship, they Built a Meeting House at their own Cost more than Eleven Years ago, and Supported Preaching therein every Winter Since, and in Private Houses Chief of the Winters for about Thirty Years before which has been very Burthensome; and what has Added to their Burthen is their being Obliged to Pay their Proportionable Part of the Ministerial Taxes which a Number of Families at the Southwardly Part of the Town have been Exempted from more than Forty Years past who do not Live so Remot from s^{d} old Meeting House as a greater number of Your Petitioners; The which is Humbly Conceived to be a Cruel hardship, and Deprivation of a Privilege which they have been Compelled to allow to others

Your Petitioners while Labouring under these Difficulties and Burthens (too hard to be Borne) and Desirous that Peace and Unanimity might Continue in the Town, have Repeatedly applied to the other Inhabitants for Relief, humbly Requesting that they would bear a Part of said Burthens, but the Majority of them being so attached to their own Interest and Regardless of the Interest & Welfare of Your Petitioners that no help could be obtain'd, notwithstanding their Enjoyment of greater Privileges to Enable them (and their Superior Abilities, in general) to bear Publick Charges, as there now Remains no other Means to Obtain Justice but by applying to this Honorable Court Your Petitioners therefore most humbly Pray that Your Honors would be Pleased to Encourage their Enjoying that Invaluable Privilege of having the Gospel Dispensed to them at all Seasons of the Year for the Future, by Ordering the s^{d} Town of Newton to Grant a Tax Yearly for Defreying the Charge of Preaching in the Meeting House Built by your Petitioners as aforesaid in the Months of December, January, February & March annually, or otherwise as in your Wisdom shall be thought most Expedient, and Your Humble Suppliants (as in Duty Bound) shall Ever Pray.

ALEXANDER SHEPPARD JOHN PIGEON
ABRAHAM FULLER PETER DURELL." — *Mass. Archives, vol.* 157, *p.* 352.

Upon this petition the Council, in which branch it was first read, ordered notice to the inhabitants of Newton, to appear on the 26th of December, and shew cause why the prayer thereof should not be granted; but other urgent business of the session prevented further action at that time.

The project was renewed three years later, by the following petition: —

"To the Honorable the Council, & House of Representatives, of the State of Massachusetts Bay, in General Court Assembled at Boston January 14th 1778

The Memorial of the Subscribers, Freeholders & other Inhabitants of Newton in the County of Middlesex & State aforesaid Humbly Sheweth—

That your Memorialists & their Predecessors, being Settled in the Westerly part of said Newton, have labored under great difficulty for more than a Century past in Attending the Public Worship of God in the old Meeting House (so called) from the situation of the old meeting House aforesaid; being but one mile & 120 rods from the South East line of said Town, as appears by a Plan taken by order of said Town; and also by reason of the badness of Travelling being chiefly by lanes, which in Winter seasons are frequently rendered impassible—

Your Memorialists in early Day, being but few in Number, their Pacific Inclination prevented a Complaint of their burthens, about the year 1737 they being increased in Number; hired a learned Protestant Minister (by Subscription) to preach the Gospel to them during the Winter season; which method was pursued with Intermissions untill the Year 1762 without complaining or seeking redress—at which time their Numbers being greatly increased, did enter into a more firm *Union* for the support of the Gospel; did then engage the Rev^{d} Samuel Williams now Pastor of a Church in Bradford, for Two Winters—but a difficulty then arising, of obtaining a suitable place for Public Worship; which before had often been the case—led your Memorialists to consider of the Expediency of building a House suitable for said Service; as they were then so greatly increased in Number that no private House could conveniently contain them—did therefore in 1764 at their own cost & Charge; Erect a Convenient House for that purpose; on much the largest road thro, said Town—And nearly the same distance from the North-west Boundary; that the old Meeting House is from the South East Boundary of said Town; & as near the *Centre* of said Town into 70 Rods—as appears by a report of a Committee chosen for that purpose — who examined the Plan aforesaid in which meeting house they have had *learned* Protestant Ministers to dispense the Gospel to them every Winter since —

Your Memorialists being burthened as aforesaid and the Extraordinary expence of Supporting the Gospel, which for Sixteen Years last past; has been more than that of all the other Parts of the Town— did in November A.D. 1775 present a Petition to the Great and General Court then Assembled at Watertown Praying for some Relief of their great Burthen; having no other mean to obtain it—which Petition was read & an order Passed that the Petitioners serve the adverse party with a Copy that they Shew cause if any they have: why the prayer of of the Petition should not be granted—but important Public Business prevented a further examination—

Your memorialists being very unwilling to trouble this Hon^ble Court with a decision of a Matter (as we humbly conceive) so plain & obvious—did on the 8^th day of Decr last petition to the Town again for some relief but were again denied by a very Small Majority (as has usually been the case)—at this time we beg leave to observe that the Ministerial Taxes in said Town is not Two farthings on the Poll each Sabbath; and had we obtained the Prayer of our Petition would not have raised the Poll Tax to Three Farthings as aforesaid—the foregoing are facts we are ready to prove— And now having no other means whereby we may hope for redress, from our great Burthens; but the Interposition of this Honorable Court—

Therefore most humbly Pray, that your Honors would be Pleased to order, that a sufficient sum of Money be paid Annually out of the Town Treasury of said Newton; for the support of the Gospel in said Westerly part; or that our Ministerial Taxes & also the the Ministerial Taxes of such as live nearer the new meeting House aforesaid & usually congregate in said Meeting House be abated & that they be impowered to Tax themselves for the support of the Gospel—or that your Memorialists with those living within them may be set off from s^d Newton with Parish Priviledges— Or that your Honors would be pleased to Grant us such other Relief as to you in your great wisdom & Tenderness shall think most Expedient— & as in duty bound, shall ever Pray—

EBEN^R SEGER
JON^A WILLIAMS
NATHAN FULLER
SAM^L JENKS
JOHN FULLER
JOSIAH KNAP
GEORGE BACON
JOHN PARKER JUN^R
JOSEPH ADAMS JUN^R
WILLIAM UPHAM JUN^R
WILLIAM CHENEY JUN^R
DANIEL CHENEY
PHILEMON WOODWARD
JOHN LEWIS
STEPHEN HASTINGS
JOSHUA FULLER
JOSIAH FULLER
LAZ^S ANDREWS BEAL
JOHN BOGLE
MARY DANA
JOSEPH HIDE JUN
MOSES HIDE
AARON BOND
ALEX^R SHEPARD JUN^R
MAREY JACKSON
JOSHUA JACKSON
DAVID FULLER
AARON HASTING
SAMUEL CHILD
JOHN HASTINGS
ABIGAIL BARBER
JOSEPH JACKSON
PHINEHAS BOND
SAM^L WOODWARD
EBENEZER WILLIAMS
JOS^H BULLOUGH*
NATH^L GREENOUGH
ABIJAH ABBOT
HANNAH WHEAT
ANNA FULLER
RICH^D FULLER
JOHN ANDREWS
MARY MILLER
HENRY SEGER
DANIEL FULLER
BINA PARKER
JOSEPH ADAMS
ELISHA SEAVERNS
WILLIAM M^C INTOSH
BENJAMIN PRENTICE
AMOS HIDE
SAMUEL JACKSON
JOSIAH SEGER
NATHANIEL SEGER
ISAAC CORY
JOHN PARKER
WILLI^M HOOGS
DAV^D HAGER
DANIEL JACKSON
PHILIP HIDE
NATHAN MORSE
PETER DARALL
JOSHUA JACKSON JUN^R
EDWARD JACKSON
JONATHAN SHEPARD
SAMUEL CRAFT
JOSIAH FULLER JUN."—

Ibid., *vol.* 217, *p.* 11.

This petition was read, in the House, January 30th, when notice† to the "adverse party" was ordered, as on the former petition, returnable on the "second Tuesday of the next sitting" of the General Court. On the second of February this order was concurred in by the Council.

A committee chosen by the inhabitants of the westerly part of Newton, and consisting of several of the signers of the above petition, presented a memorial, the day before the hearing, setting forth the fact of the presentation of the petition aforesaid and reciting the order of notice thereon, and concluding as follows:—

"Your Memorialists have Complied with the aforesaid Resolve and served the Town Clerk of said Newton with a Copy thereof as directed But by said Resolve the parties are to attend this Hon^ble Court At the place where the Court shall then be Assembled; which place your Memorialists humbly conceive will not be so likely to obtain facts Relative to the premises, as it would be if the parties were to be heard in said Town of Newton—from these motives— Your Memorialists most humbly pray, that a Committee may be appointed (at the Cost & Charge of your Memorialists) to hear the parties in said Newton upon the Day before appointed, at such Place in said Town, as said Committee shall think most proper & as In Daty bound ever pray.—

JON^A WILLIAMS
JOSEPH JACKSON
NATHAN FULLER
WILLI^M HOOGS
ALEX^R SHEPARD JUN^R
NATH^L GREENOUGH
BEN PARKER

} Committee for the Inhabitants of the Westerly part of Newton."—*Ibid.*, *vol.* 218, *p.* 37.

Upon this memorial the House ordered that Mr. Ely bring in a resolve granting the prayer thereof, who, accordingly, prepared a resolve, which was accepted by both branches, in concurrence, appointing Messrs. Hall and King, of the House, and Whetcomb, of the Council, a committee to view the premises, hear the parties, and thereupon report to the General Court.

This committee proceeded, at once, with their duties. Meanwhile a committee chosen by the town of Newton to oppose the aforesaid petition, appeared, on the day appointed for the hearing, and filed the following objection:—

"To the Honorable Council and House of Representatives of the State of Massachusetts Bay, in General Court Assembled, April 14^th A: D; 1778,—

We the Subscribers being a Committee Chosen by the Town of Newton to appear at the General Court in the behalf of the Town to make answer to the Petition of Sundry of the Inhabitants of the Westwardly part of the Town beg leave to Say;—

* This name is obscure. † Printed resolves, chapter CII.

That we Humbly Conceive that a Draught out of the Treasury or to abate their Ministeral Tax would be unreasonable as it would Draw money from a great number of the Inhabitants of Said Town who live at a greater Distance from the old meeting house than many of the Petitioners Do,—and have Equal reason to ask the Same favour— Furthermore we Conceive the Estate of the petitioners is not one fifth part of the town,—we therefore apprehend that to grant the Prayer of the Petition would be greatly Detremental to the Peace and Unity of the Town which we Doubt not your Honors have So much at heart that it will have its Due weight with you—therefore we Pray that the petition may be Dismiss,d;—

BENJA HAMMOND JOHN WOODWARD JEREMIAH WISWALL." — *Ibid.*, *p.* 35.

The following request was also made by certain inhabitants of the westerly part of the town: —

"This may Certify whom it may Concern that we the Subscribers inhabitants of the westwardly part of Newton living Intermix'd with those who have Petitioned the Honourable Court of this State to be Set off as a Parish—that we are against the Motion and pray that we and our Estates may not be Set off,—

JOSEPH WARD	JOSEPH CRAFT	STEPHEN WHITE
AMARIAH FULLER	†ROBERT BULL	SAMUEL BURRIDGE
EDWARD FULLER	†EBENEZR HINDS	THOMAS BEAL
		MARY DURANT."—*Ibid.*, *p.* 36.

Two days later, the committee last chosen by the General Court, made their report as follows: —

"The Committee of both Houses, on the petition of Alexander Shepard Junr & others, Inhabitants of the westerly part of the Town of Newton—Praying, that they may be impowered to draw out of the Treasury of said Newton, a sum of Money, sufficient to support the Gospel in said westerly part of said Town—be abated their ministerial Taxes, or be set off a parish—

Having been to said Town, heard both parties by their Respective Committees, & viewed the premises, beg Leave to Report, as our oppinion, That the petitioners, with their estates, be set off a parish and Endow'd with all Parish priviliges, together, with such other persons, & their estates, who are intermixed with them, & shall desire it, within six months, after the said petitioners, be set off as aforesaid— All which is submited

JOHN WHETCOMB pr' order

In Council April 16' 1778 Read & Accepted and thereupon Ordered that the Petitioners have Liberty to bring in a Bill for the Purposes mentioned in the Above report Sent down for Concurrence JNO AVERY Dr Secy

In the House of Representatives April 16. 1778 Read & concurr'd

J WARREN Spkr

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 34.

The General Court was prorogued on the first of May, without further action upon the subject of this chapter; but the matter was brought up in the next Assembly by a bill with the same title as this chapter, which was read, in the House, a first time, June 22d, and, on the next day, was passed to be engrossed, and sent up for concurrence. The prorogation of the Assembly, on the 23d of June, ended the business for that session; but at the second session it was revived by the following memorial: —

"To The Honorable the Council of the Massachusetts State Assembled at Boston September 16th 1778.— The Memorial of Alexander Shepard Junr Nathan Fuller Nathaniel Greenough and Benjamin Parker a Committee chosen by the Inhabitants of the Westerly part of the Town of Newton— Humbly Sheweth—

That said Inhabitants obtained leave of the General Assembly of this State, to bring in a Bill for setting of the said Westerly part of Newton into a Seperate Parish— In drafting which Bill *great* care was taken not to include any person, nor the Estate, or any part of the Estate of any person against their Will; whereby they should be Subject to a Tax in said Precinct— In drawing the line Your Memorialist began on one extreme part of the Petitioners for said Parish and run on a direct line to the other extreme of said Petitioners as no other line could be drawn without a very great Number of very different Courses,—We have included no one Farm or Family but such as were Intermixed with the Petitioners aforesaid, but had that been the Case and we had included Twenty More Families — we humbly conceive it would have been no other injury to any of the Inhabitants of said Town, but that of Lodging their Names in the Secretarys Office and the including non-Residents Lands, the former of which could be no great hardship, and the latter none at all—as not more than one third part of said Town is included in said Parish— Your Memorialists in a late conference with the Honble Abraham Fuller Esqr (whom we consider as one of our greatest opposers) requested that Gentlemans advice relative to said Bill—but he utterly refused it and said, 'I will have nothing to do with it; I dont choose to have my Land Taxed to the Parish, bring in a Bill agreeable to the Resolve & I have no objection' and at the same time acknowledged it, as his opinion, if we Formed the Bill agreeable to the Resolve we could not Tax the non Residents Lands; which we Esteem a Great Priviledge allowed to Parishes by a law of this State— If therefore we had complied with the letter of said Resolve, (with due defference) we conceive we should have run counter to the Spirit —

Your Memorialist's have offered the Comittee on the part of the Town a Conference in order to a Mutual settlement of disputes (if any) but they Evade it— from which we cannot but conclude the intent of the adverse party in endeavoring to protract the progress of the Bill, is, that they may obtain another Ministerial Tax on the aforesaid Petitioners—

As it is the wish of your Memorialists not to retain any Person in said Precinct contrary to their Inclination if there is any defect in said Bill whereby any Person who live

on the East side of said line, or any part of their Estates may be subject to a Tax on the West side of said line, or any Part of the Estates of any of those on the West side of said line may be subject to a Ministerial Tax on the East side of said line— Your Memorialist most humbly Pray that your Honors would be pleased to make such Amendments or Proviso, to said Bill as may give free Liberty of Conscience to each party— And as in Duty bound ever Prays—

ALEXR SHEPARD JUNR BEN PARKER
NATHL GREENOUGH NATHN FULLER."—*Mass. Files: Bills*, 1778.

This memorial, together with a petition, hereunder given, from the town of Newton, was read, in Council, September 23d, and referred to a joint committee, consisting of Benjamin White, of the Council, and Messrs. Greenleaf, and Phillips of Andover, of the House, to consider the same and the accompanying papers, "hear the parties, and report what may be best to be done thereon."

The petition of the town of Newton, and the accompanying papers referred to above, were as follows: —

"To the Honorable Council and House of Representatives of the State of Massachusetts Bay in General Court Assembled Sepr 16th A: D 1778,

We the Subscribers being a Committee Chosen by the Town of Newton to make answer to the Petition of Sundry Inhabitants of the westwardly Part of Said Town Relative to there being Set off into a Separate Precint begg leave to Object against a bill Exhibited to this Honorable Court in June last for the Purpose afforesaid

1 Because we apprehend Said bill is not Agreeable to the report of the Committee and Resolve of this Honorable Court upon the Same,

2d as it will Take in large Tracts of land belonging to men Living on the East Side of the line fixt in Said bill And as the bill now Stands we Apprehend Said Land is liable to be taxt to Said Precint which we View as a grievance,

3d As it takes in a Valuable woodlot Call,d the Church Lot which we Apprehend ought to be Exempt out of Said Precint, and no Provision is made therefor in Said Bill,

For these and other Reasons we Begg the favour of being heard by this Honorable Court before Said bill passes Into a Law. BENJA HAMMOND } Committee." — *Ibid.*
JOHN WOODWARD }

"To the Honble the General Assembly of the State of Massachusetts Bay— Sepr 16 1778

Whereas at the Request of a Committee chosen by the Town of Newton to defend a Petition preferred to the General Court by a number of the Inhabitants of the Westerly part of said Town— I the subscriber signed a Request, that I might not be set off with the Westerly part as a Parish but after mature deliberation, not knowing but my husband may be alive— Pray your Honors would consider said Request as, if I had not signed it and that I with my Estate may be set to that Parish which your Honors shall think most convenient and as in Duty Bound ever Prays— MARY DURANT."—*Ibid.*

"To The Honorable the Council and House of Representatives of the State of Massachusetts Bay in General Court Assembled at Boston Sepr 16th 1778

We the subscribers not having an Opportunity to sign a Memorial presented to the Great & General Court in January last by the Inhabitant of the Westerly part of Newton, Praying that they may be sett off from said Town as a Parish — being intermixed with said Inhabitants, We Pray that we may be annexed to said Parish & enjoy the same privileges as if we had signed the Memorial aforesaid — and as in Duty bound ever prays &c

FRANCIS WRIGHT	JOHN BROWN JUNER	JOHN SEAGER
ELIJAH HOUGHTON	WM PARK	BENJAMAN ADAMS
MICHEL WELSH	ROGER ADAMS	JOHN SHEPARD
ROBERT BULL	SMITH ADAMS	ABIEL TURNER
		MOSES CRAFT." — *Ibid.*

"The following is a true List of All the Persons in the Westerly part of the Town of Newton, who have appeared, to oppose said Westerly part being Set off as a seperate Precinct—with their last Ministerial Taxes Respectively affixed to their Names taken from the Last Tax Bill— Sepr 23d 1778— Vizt.

	£	s	d	qr		£	s	d	qr
STEPHEN WHITE	£0	11	11	1	THOMAS BEAL		5	7	3
Capn AMARIAH FULLER		12	4	2	JOSEPH CRAFT	1	5	5	2
Capn EDWARD FULLER		10	4	1	JOSEPH WARD		8	6	–
SAMUEL BURRIDGE,		3	6	3		£3	17	10	–". — *Ibid.*

On the 26th, Benjamin White, in behalf of the committee last appointed, reported that the committee had attended the service entrusted to them, and asked leave to report the bill of this chapter. On the same day, this bill was passed in Council, to be engrossed, and sent down for concurrence. On the 28th, it was read a first time, in the House, and read a second time, October 2d. On the 3d, it was read a third time, and passed, in concurrence, to be engrossed. On the 6th, it was passed to be enacted, by the House, and, on the 7th, by the Council.

The following list of persons who desired to avail themselves of the privilege granted in the first section of the act was filed in the secretary's office April 7, 1779: —

"Whereas, in and by a late Act of the General Assembly of this State, entitled an Act for dividing & setting off the Westerly part of the Town of Newton in the County of Middlesex into a Separate Precinct by the name of the West Precinct Liberty is granted to those who live in the East Precinct to join with those in the West Precinct—

We the Subscribers living on the East side of the dividing line of said Precincts, most

humbly pray, that we with our Estates may be annexed to the West Precinct, there to do duty & receive Privileges
Newton April 6th 1779
To the Honble Secretary
of Massachusetts State

JOHN CLARKE
JONA CRAFT
SAMUEL SEGER
FRANS MARSHALL
JOHN BROWN JUNR

For a House & Land lying in the East Precinct—JOHN WALDO
JONATHAN WILLIAMS JUN."—*Mass. Archives, vol.* 157, *p.* 419.

Chap. 19. In the fifth session of the previous year, a bill entitled "An act for calling in the bills of credit under six shillings, made and emitted by this state, bearing date June 18, 1776, and for making and emitting other bills of credit under six shillings, to redeem the same," was read twice, in the House, and on the second of February it was "ordered to lie."

This bill was reported in accordance with an order recommitting the following report of the committee appointed on the 16th of January, and referred to in the note to 1777–78, chapter 7, *ante*:—

"State of Massachusetts Bay. In the House of Representatives Janv. 22 1778

The Committee appointed to take into consideration a Resolve of Congress, recommending to the legislature of the several States to refrain from further emissions of Bills of credit, small bills for change under a dollar excepted,—report as their opinion, that it would be advantageous to the State to emit, as soon as may be, ten thousand pounds in bills of the twelve lowest denominations in the emission last made by this State."—*Mass. Archives, vol.* 216, *p.* 324.

This bill provided for the issue of 14,572 bills of credit, of the same denominations as required by the present chapter and amounting in value to £13,600. 1*s*. 8*d*. for the redemption of all the Massachusetts bills of credit bearing date June 18, 1776, and under the denomination of six shillings; for which the treasurer was also authorized to give bills of credit of the United States. These bills were to be printed from new plates, with a "handsome border;" and the value of each bill was to be expressed on its face "in several places;" and on its back, the value was also to be printed, with "suitable ornaments, in metal type." A new committee was to be appointed to sign these bills. The bill also embraced provisions similar to those of sections 6, 7 and 8, and the clauses in sections 3 and 4 relative to the receiving the bills into the public treasury in all public payments; and to the delivery of the bills, when printed, to the treasurer, and to the compensation of the committee. The provisions of the last four sections of the present chapter, however, were not included in the bill.

The subject does not appear to have been again brought forward until September 21st, when the House appointed Col. Brown, Col. Coffin, and Mr. Whitney of Sherborn, a committee "to consider what is proper to be done respecting the small bills of credit emitted when the Court sat at Watertown." This committee reported to the House, Sept. 26, 1778; whereupon Messrs. Gorham, Bliss and Pope were appointed a committee to bring in a bill "for calling in all such bills, excepting those that were emitted on the last plate."

On the fifth of October, the bill of this chapter was read a first time, in the House, and on the 7th,* having been read three times, it was there passed to be engrossed, and sent up for concurrence. In the Council it was passed, in concurrence, to be engrossed, on the 9th, and passed to be enacted, on the 13th, by both branches.

"State of Massachusetts Bay In the House of Representatives October ye 16, 1778

† Whereas the Act passed the present session of this Court for Drawing in and sinking the Bills of publick Credit issued by this State under ye Denomination of six shillings & for emitting other Bills in their Sted makes no provision for Striking off numbering & signing sd Bills

Resolvd That Thomas Dawes, George Partridge, John Greenough, Richard Cranch & Jonathan Brown Esquires be and they are hereby appointed a Commtee To cause the Plate mentioned in sd Act to be properly prepared and suitable Paper provided and the Bills to be struck off under the inspection of one of sd Commtee to number and sign sd Bills and to pay them to the Treasurer of this State According to sd Act and lodge the Plate when the Bills are Compleated with the Treasurer—sd Commtee to be under Oath for the faithful Discharge of their Duty—each Bill to be signed by one only of sd Committee

Sent up for Concurrence JOHN PICKERING Spkr.
In Council Octr 16'. 1778 Read & Concurred JNO AVERY Dy Secy
Consented to"—[Signed by sixteen of the Council].—*Ibid., vol.* 220, *p.* 142.

For provisions respecting a supply of paper for the bills under this chapter see note to 1777–78, chapter 7, p. 814, *ante*. The following resolves relate to § 11 of this chapter:—

"State of Mass^{s} Bay— } In the House of Representatives May 28. 1779

‡ Whereas in & by an Act intitled 'An Act for drawing in the Bills of Credit of the Several Denominations under six shillings bearing date prior to the eighteenth of October Anno Domini one thousand seven hundred & seventy six which have been issued by this Government & are still outstanding & for prohibiting the currency of the same as also for making & emitting Bills of publick credit for the redemption thereof' it is provided that if the Possessor or Possessors of any of the Bills, ordered by said Act to be taken out of

* By the House Journal it appears that all proceedings in the House, on this bill, took place on the 8th. This, however, does not agree with the memoranda on the bill.
† Printed resolves of the September session, chapter CLXIV.
‡ *Ibid.*, chapter III.

circulation shall neglect to offer the same to the Treasurer to be exchanged by the first day of June one thousand seven hundred & seventy nine all right or claim to the Redemption or exchange of said Bills shall cease & determine— And whereas the time for such exchange is near elapsed and many persons possessed of such Bills may not have opperfunity to offer the same to be exchanged within said time —

Resolved that the Treasurer of this State be & he is hereby impowered & directed to receive of any Persons offering the same any of the Bills ordered to be drawn in by the aforesaid act & to give other Bills in exchange therefor agreeably to the directions of said Act, which shall be brought into the Treasury on or before the First Day of October next any thing in said act limitting the time for receiving said Bills to be drawn in to the first Day of June 1779, notwithstanding Sent up for Concurrence JOHN HANCOCK Spkr

In Council May 28th 1779 Read & Concurred JOHN AVERY D Secy

Consented to" — [Signed by fifteen of the Council]. — *Ibid., vol.* 222, *p.* 335.

"State of Massachusetts Bay In House of Representatives October 7th 1779

* Whereas there was a Resolve passed this Court May 28th 1779 for lengthning the time for receiving into the Treasury of this State the Several Bills of Credit Emitted by this State of the denominations under Six shillings, and for exchanging the same. and whereas the time limited by Said Resolve for Exchanging Said Bills has expired: and it being Represented to this Court, that there is still a considerable number of Said Bills in the hands of Individuals: who have not had oppertunity to exchange the Same.—

Therefore Resolved that the Treasurer of this State be and He hereby is impowered and directed to receive of any person offering the same any of the Bills afore Said and to give others in exchange for the Same untill the First Day of June next Any Law or Resolve of the General Court to the contrary notwithstanding Sent up for Concurrence

JOHN HANCOCK spk

In Council Octr 7th 1779 Read & Concurred JOHN AVERY D Secy

Consented to" — [Signed by fifteen of the Council]. — *Ibid., vol.* 224, *p.* 366.

Chap. 20. On the 19th of April, 1749, the General Court appointed a committee, consisting of Timothy Dwight, John Choate and Oliver Partridge, to lay out two townships "near Hoosuck." By the following October the committee had attended to this duty, and had caused a plan of one of the townships so laid out, to be prepared by Nathaniel Dwight, surveyor. On this plan were designated, as monuments marking the corner bounds of the township, the trees mentioned in this chapter as bearing the initials of the surveyor and of the several members of the committee. The township thus projected was, in form, a parallelogram, 2300 poles in length and 1600 poles in width, — allowing "one rod in twenty, for stray chain," — and contained, therefore, almost precisely the area required by the order of the General Court, which was "of the contents of six miles square."

This territory was sold by the province, in 1762, to Nathan Jones, John Murray and others, and a settlement was begun there in 1765. In a petition presented to the General Court, in 1772, by John Murray, in behalf of himself and his associates, it is alleged that the western line of the township had never been run, notwithstanding the doings of the committee in 1749. Upon this petition Messrs. Bigelow of Worcester, Ingersoll and Day were appointed "to repair to the township," etc., "and run the westerly line of said township, and any other lines that may be thought doubtful, and make report of their doings at the next sitting of the General Court; provided the petitioners desire the same, and shall engage to pay the expense thereof in case it shall appear that said township is of the full contents of six miles square, exclusive of former grants: provided, also, that if it shall appear, upon running the lines, that there is more than the contents of six miles square, the overplus shall be returned to the province." No further proceedings upon this petition have been discovered.

In June, 1774, Eliel Todd and others, of "East Hoosuck," applied to the General Court for an abatement, and stay of execution for the levy, of certain province taxes laid on that plantation, and for an act of incorporation into a town. Their petition was referred to Messrs. Ingersoll, Williams of Stockbridge, and Dwight, who, according to the House Journal, made a report, on the 15th of June, favorable to the petitioners, and Col. Jones was thereupon appointed to bring in a resolve, which was adopted, and is printed in the note to the act of 1774, chapter 8, *ante*. Notwithstanding the House Journal shows that this committee reported verbally, their written report remains in the archives † by which it further appears that they recommended that the petitioners have leave to bring in a bill for the incorporation prayed for. The Journal, moreover, shows that such a bill was read, a first time, on the 13th of June, — two days before the record of the verbal report above mentioned, — and that, on the 14th, this bill had been read, in the House, three times, and passed to be engrossed. This bill remains in the archives, and bears a memorandum showing that, on the 17th, it was read, twice, in the Council, and there passed, in concurrence, to be engrossed, "as taken into a new draught," and was thereupon sent down for concurrence. The sudden dissolution of the Assembly, on that day, probably prevented the enactment of the bill.

This bill is unprecedented in some of its features, and it sets forth so many facts of interest relative to the purchase and settlement of the township, that it has been deemed worthy to be printed here. It is as follows: —

"Anno Regni Regis Georgii Tertii &c Decimo Quarto

An Act for incorporating The plantation Caled East-Hoosuck in the County of Berkshire into a Town by the Name of

Whereas it has been made To appear To This Court. That the plantation Caled East

* Printed resolves of the September session, chapter CXCVIII.

† Vol. 118, p. 840.

Hoosuck in the County of Berkshire, is so Competently filled with Inhabitants as To Render it Necessary, That the said Plantation be Incorporated, into a Town

Be it Therefore Enacted by the Governour Council and House of Representatives, That the said plantation of East Hoosuck, be and Hereby is Incorporated into a Town by the Name of and That The Inhabitants Thereof, be and hereby are Incorporated, with all the Powers, priviledges and Immuities That The Inhabitants of Other Towns, Within This Province may by Law enjoy—And Whereas Nathan Jones Esq^r purchased the Lands of The said Township from the Province for himself and Elisha Jones and John Murrey Esq^r in equal Shares and have Laid out, The greatest part Thereof into Lots, and Divided Them into Severalty, and in Order to bring forward and Compleat The settlement of the Same Lands, and for the fulfilment and performance of the Conditions of The Grant Thereof—The said purchasers, have each of Them been disposing and Conveying such Lots, To persons Who have engaged to settle Thereon And have Covenanted with said Origenal purchasers respectively and Their Assigns To do the duty of setlers and to pay Certain proportions, of the Cost and Charge of Building a meeting-House setling a Minister and making necessary Roads There,

Be it Enacted, That the Inhabitants of said Town, such of Them as have undertaken To Settle such Rights, and To Contribute any part or proportion, Towards the Building a Meeting-House, and Setling a Minister and Making Roads as Aforesaid, Together with such of The Origenal purchasers of Said Lands, Who have not engaged a sufficient Number of Setlers, in proportion To Their share in said Town be, and They are hereby impowered, at a meeting to be Called for that purpose agreeable to the Direction of an Act of This province, made in the Twelfth year of the Reign of her late majesty Queen Anne intitled an act directing how meetings of proprietors of Lands Lying in Common may be Called, To Choose a Clerk, Treasurer, Assessors, Collector, and Committe, and any other Officer or Officers, That proprietors of Common Lands may Choose. The Votes always To be Collected according To the Intrest, and at Such meeting or any future meeting Called agreable to the directions of the act aforesaid, may agree upon and grant any Sum or Sums of money They may Think Needfull for any of the purposes aforesaid, To be Assessed on the several Original purchasers or Their Assigns of The Lands There as Aforesaid, according To Their severall Intrest Therein, and the Contracts and Obligations They have made Thereabout

And To the end That the proportions of The Several purchasers aforesaid in said Lands, and the Assignees to Whom they have respectively Conveyed any part of the same under Contract of doing any Share of the setling duties aforesaid, may be the better known—

Be it enacted That each and every of the Origenall purchasers aforesaid, Their agents or Attorneys, Shall file with the Clerk of the Town within Three months after his Choice and acceptance of said office, an account of each Origenall proprietors share—and a List of the names of The severall persons, To Whom he has Conveyed any part of his Lands There, under Contract of doing any setling duties There, With an account of What proportion of such duties each Assignee has engaged To perform, and That Such account and List shall be the rule, by Which the Assessors Shall proceed in making Such Assessment against any persons or Assignees of any Origenall purchasers, and if any Such Origenall purchasers There, Their agents or attorneys Shall not make return, to such Clerk, of such Number of Assignees engaged to do and perform Such duties of Settlement, as Shall be his proportion of duties according To his share of Said Lands There The Assessors shall assess What remains on his own Lands, Till such Origenall purchasers, his agent or attorney Shall make further Return To such Town Clerk of any Other or New assignee, of any of his Lands, Who shall have engaged the performance of any part of his Duty of Settlement in Which Case such part for the future Shall be set upon such Assignees —

And be it further enacted, That if any such origenal purchaser, or any of Their Assignees Shall refuse or neglect to pay any Taxes, That may be Set on Them or Their Lands agreable to this act, for either of the purposes aforesaid, The Assessors of such Taxes, That shall be from Time To Time, Shall be and are hereby impowred To make Sale of any Such delinquents Lands, There for the payment Thereof, They Conforming Therein to the directions and regulations Specified and contained in an act of This Province now expired That was made in the second year of his present Majesty^s Reign Entitled an act To subject the unimproved Lands Within This province To be Sold for payment of Taxes assessed on Them by Order of the General Court, and Votes and agreements of The proprietors Thereof, and to enable proprietors of New plantations, To Levy Province and County Taxes Laid on Them. Reserving To all The Said proprietors, Whose Lands may be Sold as aforesaid :—whether living within This Province or Otherwise Their Heirs and Assigns, a Liberty of redemtion of Such Their Lands, They paying for the purposes in This act mentioned, Within one year from and after such sale made, the sums for which such Lands Shall have been sold, with Double damages untill The same shall be Redeemed—

and To prevent any Injustice To any of the Inhabitants of The said Town, or Other proprietors of Lands There, by means of any false return against him (by any Origenal purchaser) as his Assignee, Liable and subject by Contract To do any duty of Settlement, Which he has not undertaken and Thereby being subjected To an unreasonable assessment upon him in Consequence of such false Return—

Be it Enacted, That if any such Origenal purchaser shall falsely return any person as his Assignee of any Lands in said Town, as Liable and Engaged To do any duty of Settlement on his behalf, Which such person is not Liable or engaged To perform, and such person Shall by Such means, be subject to any, unjust, Assessment against The True design of This Act, and Shall suffer any damage or Loss Thereby, he shall be, and is hereby entitled To Treble Damages, he shall so suffer, To be recovered with Costs against such Origenal purchaser, by action of Debt, to be brought by Virtue of This Act. —

And be it further Enacted, That Joseph Bennet Esqr be and hereby is impowered, To Issue his warrant directed To some principal Inhabitant of said Town Requiring him To Call a Meeting of said Inhabitants at such place as he shall appoint in Order To Choose Such Officers as Towns are by Law impowered To Choose in the month of March Annually, at Which said first meeting all the Then present Inhabitants Shall be admitted To Vote." — *Mass. Archives, vol.* 118, *p.* 842.

On the fifth of October, 1778, the following petition was read, in the House, and committed to Messrs. Bacon of Barnstable, Stafford and Parks, with orders to bring in a bill for incorporation, as prayed for: —

"East Hoosuck April 24th AD 1778

To the Honourable the General Assembly of the Massachusetts State, Setting att Boston April &c. We the Subscribers, Inhabitants of Said East Hoosuck So Called, in the County of Berkshire in Said State, Humbly Shew, That it is now Thirteen Years since the Settlement of this Town Began, and the inhabitants are Considerably increased, and altho' we have made repeated Application to the General Court for Incorporation; as yet Have not obtained it, and as we have & do Still Suffer Greatly for want of Said privilage. Would humbly request of this Honourable Court to grant Us Town privilages: with the name of Adams And whereas this Honourable Court hath Seen fit for Several years past to Call for State taxes from the Inhabitants of this Township, which are not yet paid. We humbly request of this Honourable Court to forgive Said taxes, to the time of our incorporation—And whereas the General Court in the Sale of this Township Reserved three Sixty third parts Thereof For publick use, we Can find only two or three hundred Acres of the poorest of the Land Sequestered by the Proprietors for publick use; while they have Converted all The most valuable Lands to their own use, We humbly request of this Honourable Court to take Cogniscence of and give orders Concerning Said Lands, That they may be found, and we may have the Benefit of them, as bound in duty Shall Ever pray

ASEPH COOK	JEDEDIAH HURD	STEPHEN IVES
AMASA IVES	AMBRUS PARKER	DAVID IVES
DIDEMUS PARKER	NATHANIEL PARKER	JUSTUS HOLT
BARNARD HAILE	JOSIAH MIX	DAVID HOUGH
ISAAC HATHAWAY JUNR	SAMUEL COOK	JEREMIAH F GREENE
SAMEL PERRY	ENOS PARKER	JONATHAN MOFFATT
SAMLL TODD	GILES BARNS	ANDREW PARKER—*Mass. Files: Bills*, 1778.
SAMUEL MARSHALL	LEMUEL LEAVENWORTH	

A bill was reported, accordingly, the same day, and, on the 12th and 13th, it had its several readings, and was passed to be engrossed and sent up for concurrence. On the 14th, it was passed to be enacted, in the House, and on the 15th, in the Council.

On the second clause of the petition the committee made the following supplementary report; but no action thereon by the Legislature has been discovered: —

"the Committe on the Petition of a number of the Inhabitants of the Plantation of East Hoosuck Beg leave further to Report that a Committe be appointed to Repair to Said plantation in the Recess of this Court at the Expence of the Inhabitanst thereof and to make particular Enquirey Into the Subject matter of Said petition and to Report to this Court=whether the three Sixty third parts of Said plantation (for Quantity and Quallity) are Laid out and appropriated to publick uses agreable to the true Design and meaning of the Great & Genl Court that Granted and Sold the Same to the origanal of Said plantation proprietors and if any failure thereof has been made on the part of Said proprietors—then to Report to this Court at their next Session what they may think proper for this Court further to Do thereon." — *Ibid.*

Chap. 21. October 10, 1778, Mr. Freeman of Falmouth, and Messrs. Crane and Starkweather were appointed, by the House, a committee "to consider the fee-table, and report what is proper to be done," and the same day the bill of this chapter was read a first time. On the 12th, it was "read a second time and committed to Mr. Lowell." On the 13th, it was again read, in the House, passed to be engrossed, and sent up for concurrence. On the 15th, the House sent a message to the Council, proposing, as an amendment to the first section of the bill, the insertion, after the title of the act of William and Mary, of the words, "instead of the fees and allowances set down in said act;" and as another amendment to the bill as originally drawn, the insertion of the second section of this chapter. The Council agreed to these amendments, and the bill, having already been passed, by the Board, in concurrence, to be engrossed, was passed to be enacted, by both branches.

The fees of officers and others in maritime cases not having been established either by this act or the previous acts therein referred to were regulated by the following resolve,* which was reported on the fifth of February, 1779, by Messrs. Freeman of Falmouth, Phillips of Boston, and Brooks, who had been appointed a committee for that purpose, on the thirtieth day of January: —

"State of Massachusetts-Bay In the House of Representatives Febr 8th 1779

Resolved That the Fees to be hereafter demanded and receiv'd in the Maritime Courts within this State shall be as follows, viz—

To the Constables for warning a Town Meeting, and drawing Jury Men—Ten Shillings—

For summoning each Juror or Witness, Two shillings & sixpence—

To the Sheriff or Constable for every Miles Travel from the Place of Abode to the place of Trial in making a Return of Warrant or Summons One Shilling—

To each Juror or Witness for every Miles Travel from the Place of his abode to the Place of Trial—one shilling

To every Witness for Attendance ℔ Day twenty shillings

* Printed resolves of the January session, chapter CLI.

For the Attendance of the Foreman of the Jury in each cause,—fifteen shillings—
For the attendance of each of the other Jurors in each cause Twelve shillings—
For the Clerks Attendance in each Cause forty shillings
For the Sheriff or Constables Attendance, in each cause twelve shillings—
To the Clerk for recording the proceedings of the Court; for every Page containing twenty-four Lines of eight words in a Line—two shillings—
For all attested Copies two shillings, per page as above
For taxing the Bill twelve shillings—
To the Judge for receiving Information, twenty shillings
—For every warrant twelve shillings
—For his Services in each Cause, upon a Libel, against any Vessel or other Goods libell'd as Prize, Six Pounds—
For notifying or advertizing, exclusive of the Expence to the Printers—Twelve Shillings—
For every Summons for one or more witnesses three shillings—
Sent up for Concurrence JOHN PICKERING Spkr
In Council Feby 9.' 1779 Read & Concurred JOHN AVERY D Secy
Consented to"— [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 221, *p.* 26.

Chap. 22. A committee, consisting of Messrs. Clap, Sumner and Coffin, was appointed, Dec. 2, 1777, to revise the act to which the present chapter is in addition, "and report what addition or amendment is necessary to be made thereto." Thirteen days later, a resolve which had passed the Council was sent down for concurrence, "authorizing and directing the selectmen of the several towns to appoint some person to prosecute such persons as have been or may hereafter be guilty of making great strip and waste in the real estates of absentees." This resolve was concurred in by the House, "as taken into a new draught," and thereupon sent up for concurrence. The Council concurred, and the resolve, which is given in full in the note to 1776–77, chapter 38, *ante*, was passed the same day.

The subject of preventing waste on the estates of absentees seems not again to have engaged the attention of the Legislature, until April 29, 1778, when a bill with substantially the title of this chapter, was brought down for concurrence, from the Council, where it had passed to be engrossed. This bill was "read and the consideration thereof referred to the next session."

Early in the first session of the next Assembly (May 29th), Messrs. Sumner, Pope and Wood, of the House, were appointed a committee, "to revise the law respecting the estates of absentees, and report if they think any alteration necessary," but nothing seems to have been done by this committee. Another committee, "to revise the law for appointing agents to absentees' estates, and report what provision is further necessary to be made," was appointed, September 19th, by the House. This committee, originally consisting of Messrs. Freeman, Sumner and Angier, was enlarged, on the 26th, by the addition of Messrs. Gray and Crane, and, on the 28th, the bill of this chapter was read a first time, in the House. On the 2d of October, the bill was read again, in the House, and "ordered to lie." On the 12th, a committee was appointed "to consider what public business was necessary to be acted upon the present session," who reported that this bill be taken up; and, accordingly, the afternoon of that day was assigned for its consideration, when the bill was read and committed to Messrs. Lowell, Gray and Bliss. On the 15th, the House having assigned the afternoon for the third reading of this bill, it was read and passed to be engrossed, and sent up for concurrence, and the engrossment was concurred in by the Council. On the next day it was passed to be enacted by both branches.

On the 8th of February, 1779, the agent on the estate of Doctor William Paine, late of Worcester, an absentee, was directed by resolve * to put Levi Shephard in possession of one-half of a shop in Worcester, the property of said Paine; and on the 10th, Edward Jones, agent for the estate of Ezekiel Lewis, late of Boston, an absentee, was empowered by resolve † to sell two-fifths of a house in Long Lane (Federal Street) in that town, which was the estate of which Jonathan Clarke, the grandfather of said Ezekiel, died seized — the agent giving security for the proper disposal of the proceeds of the sale.

The following is a part of the chapter of resolves passed Feb. 19, 1779, numbered CXCV. in the printed resolves: —

"* * * * * * *

Resolved That the Committee of Sequestration of the Town of Boston be & they are hereby directed to Cause, to be forthwith returned to them all the Sequestered Goods they have lent to any Person or Persons, of their own accord or by order of Government, excepting those delivered to the Honorable General Gates and to the Adjutant General of this State And the sd Committee are hereby directed to sell at Public Auction all the Sequestered goods so returned and also all Goods of the kind above described, which they have on Hand; and if any Person or Persons shall refuse or Neglect immediately to return such Goods when ordered sd Committee are directed without delay to report to this Court their Names & the Articles they detain.

Resolved that all Committees of Correspondence Inspection & Safety or other Committees who have under their care any effects belonging to any Person who hath left this State since the nineteenth of April A D 1775 & joind the Enemy thereof, or who left the State before the sd Nineteenth of April & have Since Joined the Enemy and have not had Liberty from the General Assembly of this State to return to the same again, and on which no Agent hath been appointed by any Judge of Probate for any County in this State be & they are hereby directed to Sell at Public Sale all the Personall Estate now in their actual Possession belonging to any Such Person.

* Printed resolves of the January session, chapter CXXXIX. † *Ibid.*, chapter CLVI.

And it is further Resolved that the Board of War Committee of Sequestration, Committees of Correspondence &c and other Committees as aforesd be & they are hereby required to pay in circulating currency into the Public Treasury all monies which they Shall receive for Goods Sold in consequence of these resolves or which they have before received for any such Goods or Estate belonging to such Absentees which they have heretofore Sold and also all moneys they have received for any Rents of such Real Estates & which have not been before accounted for with the General Assembly of this State taking two recipts of the sd Treasurer of the same Tenor and date one to be by such Person Committee of Sequestration or Correspondence immediately lodged with the Secretary of this State said moneys to be paid into the Treasury at or before the fifteenth Day of March next on Pain of Forfeiting the Penalty of One pr. Cent on all monies either of them Shall detain beyond the Time here Limited, for every week Such Money shall be so detained, unless Sufficient Reason can be given for such detention. And the said Board of War Committee of Sequestration & Committees of Correspondence &c or other Committees shall return into the Secretarys Office a true account of their Proceedings on all such Goods & Estates with the Expences that have arisen thereon in order that the General Assembly may determine thereon and make such allowance & Payment for Such Expences as may appear to be reasonable & just. And in all the beforementioned Cases Notice shall be given of Such sales in the Boston Gazette & independent Chronicle (and where the Sale is to be in the County of Worcester, in the Paper Printed at Worcester) and also by Posting up Notifications thereof in the Town where the Sale is to be made & in the three Towns next adjoining thereto. such Notice to be given one Week at least before the sale of any articles so adverticed to be sold

And be it also Resolved that the several Agents on the Estates of Absentees that have been appointed by any Judge of Probate in this State, Be and they are hereby required directed and strictly enjoind Immediately to exhibit Inventories of the Estate of which they are respectively appointed Agents to the Judge of Probate by whom they were appointed, provided they have not already done it, and to make up their Accounts with the Judge aforesaid with all possible Expedition, and after deducting or delivering such Allowance to the Wife or Widow and Family of such Absentee as the Judge shall have ordered agreeable to Law, to pay the Ballce remaining in their Hands to the Treasury of this State according as the Law, Impowering the Judge of Probate to appoint Agents upon the Estates of Absentees directs." — *Mass. Archives, vol.* 221, *p* 146.

The following resolves, subsequently passed by the Legislature, extending the provisions of this act to cases not contemplated by the act itself and establishing rules for leasing the estates of absentees, and for securing payment of the rents and profits thereof into the public treasury, are inserted here as appropriate to this chapter: —

"State of Massachusetts Bay In Council Feby 16.' 1779

* Whereas there are in this State divers Houses & Lands owned by Persons, Subjects of Great Britain, and who have not been Inhabitants of this State or any of the united States of America which Houses & Lands are now liable to Waste & Trespass for want of some sutable persons to take care of the same

Resolved that the Judges of Probate in their respective Counties be & they hereby are impowerd upon application therefor to appoint some sutable person or persons as Agents to take care of & lease out to the best Advantage such Houses and Lands before described as lay within the respective Counties of the sd Judges, and the sd Agents in their own Names are also hereby impowerd to bring all necessary Actions for Rents and for any Strip Waste or damage to the same as fully to all Intents & purposes as tho they owned the same—the said Agents to give Bond with sufficient Sureties to the sd Judges for the faithful discharge of their said Office and to account for their proceedings when thereto required, and to pay what monies may be in their hands with the Interest thereof to such person or persons as the Genl Court may hereafter order A

Sent down for Concurrence JOHN AVERY D Secy

In the House of Representatives Feby 19 1779 Read & concurrd with an amendment at A. viz At A Add 'Provided that nothing in this Resolve shall be construed to extend to have Agents appointed for such Estates for which Agents have been appointed by the respective owners & which are under the care of such Agents—

Sent up for Concurrence JOHN PICKERING Spkr

In Council Feby 19.' 1779 Read and Nonconcurred and the Board adhere to their own Vote Sent down for Concurrence— JOHN AVERY D Secy

In the House of Representatives Feby 20th 1779 Read & concurrd

JOHN PICKERING Spkr

Consented to"— [Signed by fifteen of the Council]. — *Ibid., p.* 143.

"State of Massachusetts Bay In the House of Representatives Feby 17th 1779

† Resolved that all Agents on the Estates of Absentees that have been appointed by any Judge of Probate for any County within this State and all Committees of Correspondence &c or Other Committees, where Agents have not been appointed, that have the Care of the Estates of Persons who have left this State and joind the Enemy thereof, be and they are hereby directed & strictly enjoind and impowered to Lease out at Public Auction for circulating Currency to be paid by the Lessee before he enters thereon all the Real Estates of such Absentees, except what the Judge of Probate allows for ye necessary Support of the wife & Family of such Absentee in the following manner viz:

First to give Notice of the Time & Place of of such Auction in the Boston Gazette and Independent Chronicle (and where the Estates lay in the County of Worcester in the Paper Printed in Worcester) and also by Posting up Notifications in Some Publick Place in the Town where such Estate lays and in three of the next adjoining towns, fourteen

* Printed resolves, of the January session, chapter CCX. † *Ibid.*, chapter CXCIV.

Days at least before such Auction, and that such Estates Shall be leased out at or before the first Day of April next. And that for one year only from that time

Secon'd the Agents or Committees shall lease out said Estates in such convenient Farms Lots or Parcels as they with the Advice of the Select men of the Town shall Judge will be most Beneficial to the Public & least prejudicial to the Estates.

Third — The said Agents or Committees shall make two Leases to be interchangeably Signd one of which to be kept by such Committee or Agent, and in said Lease shall Oblige the Lessee to deliver up the Estate at the Expiration of the Term ending the first of April aforesaid in as good tenantable repair both Buildings Lands & Fences as He found them and to Oblige the Lessee to improve the same himself and not to lease it to another nor to take in more Families into any House than what is particularly agreed upon & specified in the Lease taking especial care that the wood on such Estates be not wasted or the manure carried off

Fourth, The Agents or Committees shall every Year after the Present (in case s[d] Estate should not be sold by order of y[e] General Assembly) Lease out said Estates again in the manner before described, saving that said Leases shall be made one month at least before y[e] Expiration of the last Term and Notice shall be given of such Auction six weeks at least before the Time of such Auction in the same manner as is above described

Fifth the Agents or Committees shall Pay all the Monies arising from such Rents unto the Treasurer of this State A within thirty Days after the Time of receiving it on pain of forfeiting One pr Cent for every week He or they shall detain y[e] same unless some reasonable excuse be made for such detention. Saving that the Agent or Committee shall detain in their Hands so much to Compensate him or them B for their Trouble & expence as shall be allowed by y[e] Judge of Probate for the same County an exact account of which certified by the Register of Probate for s[d] County, and the agent or Committees and of what the Estates rented for & to whom, sworn to before some Justice of y[e] Peace for y[e] same County shall be immediately Lodged, in the Secretarys office of this State together with a receipt of such money so paid the Treasurer under the Treasurers Hand, C that the General Assembly may determine and act thereon as they may think Proper

And it is further Resolved that all such Agents or Committees as are mentiond in this Resolve be & hereby are impowered & directed to Bring all necessary Actions for any strip waste, Trespass or Dammage done on such Estates, of which they respectively have the Care, either by y[e] Lessees or any other Person or Persons and for all Rents that are or may be due in as full & ample a manner as if such Agents or Committees were y[e] Lawfull owners thereof

And it is further resolved that the Agents or Committees aforesd in their Leases oblige the Lessees to pay all Public Taxes A

Sent up for Concurrence JOHN PICKERING Spk[r]

In Council Feb[y] 18.' 1779 Read & Concurred with Amendments at A. & from B to C — Sent down for Concurrence JOHN AVERY D Sec[y]

At A insert *taking Duplicates Receipts therefor* dele from B. to C and insert for their Trouble & Expence as shall be Allowed by the Judge of Probate for the same County; Judges of Probate being hereby authorized to settle and pass the Acc[ts] of Committees exhibited by the Chairman or any one Member thereof, who shall be authorized by a Majority of the Committee to settle the Same And such agents or Committees shall immediately lodge in the Secretary's Office a Copy of the Settlement so made, attested by the Register, together with the Treasurers Receipt for the Money paid to him —

In the House of Representatives Febry 19. 1779 Read & concurr'd, & the House propose a further amendment at *A* viz At *A* add

'Provided nevertheless, that nothing in this Resolve shall restrict the Agents to the Estates of Thomas Flucker and Francis Waldo Esq[rs] from leasing out the Farm at Thomaston in the County of Lincoln call'd the Fort & Block House Farm including the Lime Works belonging to the Heirs of Brigadier Samuel Waldo dec[d] in the same manner in which it has been heretofore leased' Sent up for Concurrence

JOHN PICKERING Spk[r]

In Council Feb[y] 19th 1779 Read & Concurred JN[O] AVERY D Sec[y]

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 137.

"State of Mas[s] Bay

In the House of Representatives April 19 1779

* Whereas a Resolve passed Feb[y] 20th 1779 impowering the Judges of Probate in their Respective Counties to appoint Agents for leasing out divers Houses & Lands owned by persons Subject to the King of Great Britain and which lay within the respective counties of the said Judges.

It is further resolved, that any Agent appointed by virtue of the resolve aforesaid, shall have the same power and authority over the Estate Real or Personal of which he is Agent if the same lies or shall be found in several Counties within this State, as if the same had been within the County where the person appointed Agent lives.

Sent up for Concurrence JOHN PICKERING Spk[r]

In Council April 19'. 1779 Read & Concurred JOHN AVERY D Sec[y]

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *vol.* 222, *p.* 28.

"State of Massachusetts Bay In the House of Representatives April 30 1779

† Whereas it has been represented to this Court, that there are several Agents for the Estates of Absentees who are not able fully to comply with the Resolves of the General Court relative to the leasing s[d] Estates By Reason that those who are in Possession of

* Printed resolves, chapter LV. *Ibid.*, April session, chapter CXX.

them Refuse to give Possession to the Persons who have hired them agreable to the Order of the Court —

Therefore Resolved that the Agents be & they hereby are directed to warn the present Possessors to leave the Premises within Ten Days from the Time of Warning—& in Case they refuse & insist on keeping Possession The Sheriffs, their Under Sheriffs or Constable within their several Districts are hereby directed & impowered to go with the Agent & put the Lessee into full & quiet Possession of the Premises by him hired agreable to the Order of the General Court. Sent up for Concurrence JOHN PICKERING Spkr
In Council May 1.' 1779 Read & Concurred JOHN AVERY D Secy
Consented to" — [Signed by sixteen of the Council]. — *Ibid.*, *p.* 219.

"State of Massachusetts Bay In the House of Representatives, May. 1. 1779

* Whereas by a Resolve of this Court Passd the 19th of Feby Last, the Agents who have been appointed on the Estates of Absentees, the Committees of Corespondence &c & the Committee of Sequestration where No Agents have been appointed, were directed To Lease out, the Severall Estates under their Care at publick Auction, & pay the Monies Ariseing from such Sale Into the Treasury. & No Appropriation being Made of Said Money—Therefore, Resolved the Treasurer of this State be & he hereby is Directed to Call on said Agents & Committees, to pay In said Money, without delay, agreable to said Resolve— And the Treasurer afores[d] is further Directed to pay out said Money In Discharge of Warrants Drawn on him for the Gratituties to that part of the Continential Army, Raised in this State and to Give the Preference to Mr William White—Who is now Waiting to Recive the Gratuities for the Regement Lately Comanded by Colo. Alden Now at Chery Valley Sent up for Concurrence JOHN PICKERING Spkr
In Council May 1'. 1779 Read & Concurred JOHN AVERY D Secy
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 241.

"State of Massachusetts Bay In the House of Representatives May 3[d] 1779

† Resolved that the Treasurer of this State be & he hereby is Impowered & directed to Call on all agents who have been appointed on the Estates of absentees & all Committees of Corspendence &c who have Such Estates in their hands to pay into his office immeadietly all Such Sums of money as they have Recived for the Rents or Profits of Such Estates, any Bonds which Such Agents may have given to the Judges of Probate Notwithstanding.
and it is further Resolved, that, the Treasurer afores[d] is hereby Impowered & directed to prosecute all Such Persons who may Neglect to pay In Such monies Agreable to the Direction given them in the Resolve for Leasing Said Estates passed the Nineteenth Day of February last — Sent up for Concurrence JOHN PICKERING Spkr
In Council May 3[d] 1779 Read & Concurred JOHN AVERY D Secy
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 293.

Chap. 23. The following is the record of the original sale of the territory known as Number Four, afterward Gageborough: —

"June 11, 1762. N[o]. 4. A Township lying East of New Framingham to begin at the Northeast corner of New Framingham, thence Southerly on the Line of said Township until it meets with the line of Ashuelot Equivalent so called; thence in the line of said Equivalent to the Northeast corner thereof; thence East twenty degrees South so far as to make the Contents of six miles Square, to Noah Nash for Fourteen hundred and thirty pounds, and have received of him twenty pounds and taken his Bond together with Oliver Partridge Thomas Morey, William Williams and Josiah Chauncy for Fourteen hundred and ten pounds." — *Council Records, vol. XXIV., p.* 423.

The legislative proceedings seconding the efforts of the proprietors to hasten the settlement of the township, referred to in the note to 1771–72, chapter 6, *ante*, are given hereunder in full: —

"To his Excellency Francis Bernard Esq[r] Captain General & Governour in chief in & over his Majesties Province of the Massechusetts Bay in New England and Vice-Admiral of the Same—

To the Honorable his Majesties Council & the Honorable House of Representatives of the S[d] Province in General Court Assembled at Boston on the last Wednesday of May 1765.— The Petition of Noah Nash of Hatfield in behalf of himself & Associates most humbly sheweth; that in the year 1762 he was purchasor of the Township No 4 then sold by the Government: and that he admitted sundry Associates with him who called Meetings & raised Taxes & have laid out near half the Township into Lots in Order to bring forward the Settlement, have also cut a Road thro' the Township & made Bridges and have done considerable labour on S[d] Lots, & have agree'd to give out Lands for the Encouragement of Building Mills & other Purposes to advance the Settlement of the Town. Yet so it is, May it Please y[r] Excellency & Honors that our Settlement is greatly delayed partly by Reason of our not being able to make any Grants of the Land or Enforce the Payment of the Taxes agree'd upon & partly by the Extream Scarcity of Money in the Country: tho' many Persons are disirous of setling in the Township, they cannot sell what they have so as to be able to Remove. And also the great Opening of Townships in New-Hampshire & New York has rendered the Settlement of our new Towns much more Difficult than was Expected by any. I therefore humbly beg in behalf of the Proprietors of S[d] Township that y[r] Exellency & Honors would Enable us legally to Raise & Enforce the Payment of Taxes on the Proprietors & also to grant Lands for the Encouragement of the Speedy Settlement of the Town. Part of the Purchase Money about 400 Dollars has been paid, beside the Money advanced upon the Sale. But by Reason of the very great Scarcity of Money the Proprietors cannot raise the Money yet

* Printed resolves of the April session, chapter CXXIII. † *Ibid.*, chapter CXXXV.

due, so soon as they hear it is expected, even tho' they should sell their Paternal Inheritances. I therefore humbly request of yr Excellency & Honors in behalf of Sd Proprietors that a further Time may be allowed for the Payment of the purchase Money. And as in duty bound Shall ever pray. NOAH NASH

In the House of Repves June 14 1765 Read and Resolved that the Petr and his Associates be and hereby they are impowered to dispose of and convey such part of the lands in the Township mentined as may be necessary effectually to bring forward the speedy Settlement of the same, and that the proceedings of the Proprs of said Township at their several Meetings be and they are hereby ratifyed and confirmed, and Said Propr's are further impower'd to call Meetings and transact the affairs relative to said Township as the Propr's of other new Townships by Law are impowered. And that the Province Treasurer be directed A *not to put in suit the Bond given for the purchase of said Township until the further order of this Court upon their paying the interest annually*

Sent up for concurrence S: WHITE Spkr.

In Council June 15. Read and Concurred with the Amendment at A.

Sent down for Concurrence A OLIVER Sec

In the House of Repves June 20 1765: Read and concurd S: WHITE Spkr.

Consented to— FRA BERNARD

A Dele and Insert—To forbear putting in Suit the Bond given for the purchase of said township for the term of two years they paying the Interest due thereon annually." — *Mass. Archives, vol.* 118, *p.* 93.

In the note to 1779–80, chapter 33, *post*, is printed, a petition of the inhabitants of the town of Gageborough, dated Jan. 9th, 1777, and signed, by Joseph Hascall, town clerk, praying that the plantation of New Providence may be joined to Gageborough and that the two communities may be incorporated, by the name of Cheshire, for two reasons, the second of which was, "Because the present name, Gageborough, may serve to perpetuate the memory of the detestable General Gage.*" This town, also, was one of the towns named in the title of a bill introduced in the House, Feb. 5, 1778, for changing the names of sundry towns, for patriotic reasons; but that bill having gone over to the next year, after the passage of the present chapter, the name of Gageborough was stricken out.

The inhabitants signified their preference for the name of "Winsor," as follows: —

"At a Town meeting in Gageborough worned & held at Jonothan Trusdils on ye 10 Day of September 1778 At three of Clock after noon Voted that the Town of Gageborough Shall be Called Winsor —

A Trew Coppy Attest JOHN BROWN Town Clerk."—

Mass. Files: House, no. 294.

On the same day they prepared a petition in conjunction with the proprietors of the adjoining township Number Five (most of which is embraced in the present town of Cummington) who had passed the following vote a week before: —

"At a meeting of the Proprictors of ye Township No 5 the 3d Day of Septr 1778 sd Proprietors Voted to Set of the west Part of sd Township to Gageborough Begining at the South East Corner of Lot No 20 Joyning upon Partridgfield Corner and Runing a Strait Line to the north East Corner of Lot No 13 in the Second Devision in sd Township with one third Part of the Publick Lands in sd Township

WILLIAM WARD Prop—Clark."— *Mass. Files: Bills*, 1778.

The joint petition is as follows: —

"To the honle the great and Genl Court of the State of the Massachusetts Bay —

The Petition &c of the Town of Gageborough and of Plantation No 5 in the County of Berkshire humbly Sheweth —

That by Reason of a large Mountain about one third Part of said Plantation is disconnected with the other in such a Manner yt it is extreemly difficult passing and repasing from the one Part to the other, add to this yt the one third Part hereby Petitioning lies in the County of Berkshire and the other two thirds in the County of Hampshire by all which Means' tis very difficult doing the necessary Business of the Plantation, and would be more so in Case the whole was incorporated into a Town —

Your Petitioners beg leave further to observe that said Plantation No 5 never having been incorporated have not hitherto paid any publick Taxes for the support of the War &c

These are therefore humbly to request your honrs to annex too and incorporate said one third Part of said Plantation No 5 Viz that Part lying in the County of Berkshire with the town of Gageborough by which Means only your Petitioners Inhabitants of said one third Part of Plantation No 5 can be accomedated and enjoy Town Privileges A Plan of the Premises will be herewith exhibited — And as in duly bound your Petitioners will ever Pray —

September 10th 1778 —
by order of the Town

WM CLARK
LEICESTER GROSVENOR
ELISHER BROWN
JOSEPH PARCE
JOHN COLE
} Select-Men of Gageborough

NATHAN HARWOOD, EBENEZER HARWOOD, JONATHAN BEARCE
DAVID STEVENS, ASA STEVENS, JOHN REED
JONATHAN RIPLEY, THADDEUS GILBERT, JOSHUA BEALL
MOSES GLEASON, WILLIAM SMITH, PETER HARWOOD
MARSTON CABOT, DAVID READ, AMOS PRESTON
WILSON PRESTON." — *Ibid.*

This petition was read, in the House, Oct. 9, 1778, and committed to Messrs. Goodman, Stafford and Brown. The bill of this chapter was read a first time, in the House, on the

* See, also, Holland's History of Western Massachusetts, vol. II., p. 616.

14th; passed to be engrossed, and sent up for concurrence, on the 15th; and, on the 16th, it was passed to be enacted.

Chap. 24. The act of 1776-77, chapter 45, which, by chapter 10 of the present year was continued in force until June 20, 1779, provided only for the arrest and restraint of persons whose liberty the Council should deem dangerous to the safety of the state. The act of 1776-77, chapter 48, provided for banishing disaffected persons, after trial and conviction, upon penalty of death in case of their return. This act expired Jan. 1, 1778, and between the latter date and the enactment of chapter 18 of the year 1777-78, which was Feb. 3, 1778, there was no law in force for deporting this class of offenders. The last-named act, however, — establishing an oath of allegiance, which, while all persons to whom it was regularly tendered were obliged to take it upon pain of being sent out of the state as public enemies, was denied to the class above mentioned, — put the persons so excluded in the category of persons refusing, and made their voluntary return after banishment a capital crime. Even this act did not expressly forbid the return of those who were intended to be excluded from the benefit of citizenship by reason of their adherence to the king, but left them the chance of escaping detection through the forbearance of their neighbors, or of persons in authority, and only subjected those who did not so escape, to the risk of being expelled, under the extreme penalty provided for a return after such expulsion.

The object of the present chapter was to lessen the chances for evading arrest and banishment, of certain individuals and a particular class, who, from their prominence as citizens under the ministerial administration of the province, or from their zeal for the king, were deemed peculiarly obnoxious, and whom it was thought necessary to deprive of all opportunity to foment dissensions, by their presence in the state.

Shortly after the expiration of the act of 1776-77, chapter 48, and before the enactment of chapter 18 of 1777-78, representations were made to the Assembly that some of the refugees who left the province at the evacuation of Boston, were returning; and the following resolve* was brought in to the House, by Messrs. Davis, Hancock and Pickering, who, on the same day, had been appointed a committee for that purpose: —

"State of Massachusetts Bay In the House of Representatives Jan^{y} 14th 1778

Whereas it has been represented to this Court that many persons inemical to the Cause of the American States who went off from this State with Gen^{l}. How at the avacuation of Boston, or at other Times to our enemies are attempting to Come into this State from places now in Possession of our enimies, therefore to prevent the Evills which may arise from Such attempts being put in execution it is — Resolved that the Hon^{ble} Councill be & they are hereby desired to write to Govern^{r} Cooke of the State of Rhod Island & to Gen^{l}. Spencer Commanding the Troopes in the service of the american States doing duty there, desiering them to prevent any person from returning into this State who Left it as aforementioned — without the Leave of the General Court of this State, and that the Hon^{ble} Councill be further desiered, to take all Such further Steps to prevent the Return from any other place whatever, of any person who Left the State as aforesaid, unless Such return be by the Leave or permission of the General Court

Sent up for Concurrence J WARREN Spk

In Council Jan^{y} 15. 1778 Read & Concurred JN^{o} AVERY D^{y} Sec^{y}

Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 216, *p.* 270

On the 15th, the Council appointed Moses Gill and Daniel Hopkins a committee to take the foregoing resolution under consideration, and report. The committee accordingly reported the following draught of a letter, which was read and accepted on the 20th: —

"State Massachusetts Bay Council Chamber Jan^{y} 19 1778

Sir it having been represented to the General Assembly of this State that many persons inimical to the American States who went off to the Enemy at the time of the Evacuation of Boston, as well as at Other times are attempting to return into this State it is the earnest request of the Council that you wou^{d} be pleased to take order in such manner as you shall Judge proper effectually to prevent all such persons as are above Discribed from returning into this state, from the Island of Rode Island or any Other place in the possession of the Enemie — who shall not produce an Authenticated Certificate of their having the leave and Consent of the General Assembly of this State for that purpose

The Assembly at whose special Instance this Letter is written have this precaution much at Heart, as it is Apprehended that great Evil may arise especally at this Critical Junture from such a practice In the Name and behalf of the Council

I am sir your Humble Serv^{t}

To his Excellency Gov. Cook & Gen^{l} Spencer." — *Ibid., vol.* 198, *p.* 400.

The Council also issued the following order, which was ordered to be published in the Boston papers and was printed in the "Boston Gazette" of the 2d of February: —

"State of M B Council Chamber Jan 29 1778

It having been represented to this Board that Persons inimical to the United States, who went off from this State when the British Troops under the Command of General Howe abandon^{d} the Town of Boston & at other times, are meditating a return into America; and whereas the return of such Persons into this State may be highly dangerous to the publick Safety

It is therefore resolved & orderd that all Persons before describd or any of them be & they are hereby forbidden to enter into any Part of this State; without special Leave obtaind therefor from the General Assembly upon pain of what shall fall thereon. and the good People of this State are hereby cautiond against receiving or entertaining any such

* Printed resolves, chapter XXIII.

Persons who shall not produce an authenticated Certificate of their having obtained Leave as aforesaid and all officers of this Government civil & military are hereby required to make due returns of the Names of such Persons as they shall find transgressing this order or any Part thereof, to this Board. that further order may be taken thereon

In Council Jany 29.' 1778 read & Accepted JN.º AVERY Dy Secy."— *Ibid.*, *vol.* 168, *p.* 164.

On the 24th of September, a joint committee, consisting of Messrs. Hancock, Pope, Cross, Goodman and Dunsmore, of the House, and Thomas Cushing, Benjamin Austin, Daniel Hopkins and Eleazer Brooks, of the Council, was appointed "to consider what further provision is necessary to be made to prevent the return to this state of all persons who have left the same and gone over to our enemies, and report." The House enjoined the members of this committee from their body to sit immediately and sent to the Council a message on the 2d, and another on the 5th, of October, requesting them to issue the same injunction to the members of the committee appointed from the Council. On the 12th, the House appointed a committee, consisting of Messrs. Freeman, Hancock, Goodman, Aspinwall and Washburn, "to consider what is proper to be done to prevent the Tories who have joined the enemy, from returning to the state, and also to consider what is proper to be done respecting Tories within the same." On the 13th, the bill of the present chapter was read twice, and on the 15th, it was read a third time, and passed to be engrossed by a majority of 66 out of 69, and was sent up to the Council, for concurrence, by a committee of thirteen of the leading members,with Gen. Hancock at their head. The Council, on the same day, gave the bill two readings and passed it to be engrossed, in concurrence, with the following proposed amendment after the first section: —

"*Provided, nevertheless*, that if either of the person or persons above named or referred to, shall upon his or their being found in this state, be indicted for treason against the same, or any other capital crime, he or they shall be tried according to law, and suffer the punishment by law annexed to his or their crime, anything in this act to the contrary notwithstanding."

The bill with this amendment was sent down to the House, for concurrence, when it was read and unanimously rejected, and the House voted to adhere to its own vote.

On the 16th, the Council concurred in the bill without the amendment, whereupon the following proceedings took place: —

"Mr Gray came up with a Message from the Honble House to inform the Board that they propose an Amendment in the Bill to prevent the return to this State of certain Persons therein named and Others who have left this State &c. Viz.t to insert in said Bill, Nehemiah Webb of Sandwich in the County of Barnstable, Mariner; Thomas Danforth of Charlestown in the County of Middlesex; Nathanael Mills, John Hicks, John Howe and John Fleming of Boston, Printers.

Benjamin Austin Esq.r went down with a Message to the Honble House to inform them that the Board agreed to the proposed Amendment referred to in the foregoing Message." — *Council Records, vol. XXXIX., p.* 13.

The bill was then passed to be enacted, by both branches, and was signed by fifteen of the Council.

Before the bill was passed to be engrossed, sundry alterations were made in the names and additions of the persons proscribed. Originally Mather Byles and Henry "Canner," were each described as "Episcopalian, D. D.," and John Troutbeck and William Walter, as "Episcopalian minister." The following persons were designated barristers-at-law; viz., Sampson Salter Blowers, Samuel Fitch, Benjamin Gridley, Samuel Quincy, Samuel Sewell and Joshua Upham. William Coffin was described as apothecary; Sylvester Gardiner, as surgeon; Nathaniel Perkins, as physician; John Gore, as painter; Adino Paddock, as coach-maker; John Sargent, as trader; Archibald Cunningham, as shopkeeper "of groceries, &c.;" John Knutton, as starch-maker and tallow-chandler; Richard Clark, John Erving, jun., George Erving, Joseph Green, Thomas Hutchinson, jun., Elisha Hutchinson, Henry Lloyd, John Powell, Jonathan Simpson, Jonathan Snelling, Gregory Townsend, Edward Lyde and Joseph Scott, were called merchants — the two last, "hardware merchants." Richard Lechmere, distiller, and Joshua Loring, were described as *mandamus* councillors; Benjamin Hallowell, as "commissioner;" and Henry Hulton and Charles Paxton as "commissioners of customs;" Robert Hallowell, as "comptroller;" and Nathaniel Coffin, as "cashier deputy;" William Martin, as "captain of artillery;" and Joseph Goldthwait, as "deputy barrack-master;" Foster Hutchinson, as "late judge of probate for Suffolk;" and Nathaniel Hatch, as "clerk of the Superior Court;" Arodi Thayer was called "clerk to Paxton;" and the following were called clerks; viz, Samuel Hodges, "to a merchant;" Henry Leddle, "to a shopkeeper;" Daniel Silsby "to a store;" Henry Smith, "to Henry Lloyd." The following names were cancelled in the bill; viz., John Martin, William Wentworth, Arthur Savage,—"deputy surveyor and searcher at Plymouth;" Joshua Smith, Elisha Jones of Weston, "Esquire," and Sir William Pepperrell "of York, in the county of York, Baronet." The name of Arthur Savage, Esq., was subsequently interlined, together with those of Sir William Pepperrell, Joshua Smith, Samuel Porter, Josiah Pomroy and Thomas Cutler, and those inserted by the amendment proposed by the House.

The following proceedings relative to exempting certain persons from the operation of this act seem proper to be inserted here: —

"To the honorable the Council of the State of the Massachusetts Bay.

Francis Johonnot most humbly sheweth

That by the Death of his Father Mr. Francis Johonnott distiller of this Town in March 1775 he found himself necessitated to remain in Boston during the seige of this Town, in Order to preserve the real Estate of his said Father from Waste & Destruction.

That during the whole Time of the Seige he 'a no Instance shew himself an Espouser of

the British Interest, was not an Associator, Addressor, or in the least Degree an Assistant to the Designs of the Enemies of this his native Country. Unless his vending Liquors indiscriminately to the Soldiers as well as to the Inhabitants of the Town, & which it was not in his power to have refused, can put him in that Predicament.

That when the Seige was raised, he was unfortunately prevailed upon by the Advice of Persons who he had been used to looking up to for Advice, being then under Age, to quit the Town & remove With the British Army. This step he took purely from Motives of Timidity & not with the most distant View of ever lending a Hand to subjugate or Distress his Country. When his Youth & Inexperience are considered, he hopes this step will not be construed as an Act of deep or unpardonable Criminalty.

That soon after his Arrival at Halifax he sailed for England where he was soon taken sick & confined for seven Months, & then took a Passage to Russia; as the only Remedy left for his Recovery was supposed to be a Sea Air. That he returned from Russia in October 1777 & continued in London during the last Winter, the Reason of which was to be assistant to, & if possible to Effect the Escape of his brother Capt. Henry Johnson then a Prisoner in England. That upon hearing of his Escape, he took the earliest Opportunity of getting over to France & from thence to America, with a View of being restored to his Country, & to be happy in participating in her Distresses & to lend all his little aid to her Protectors.

That during his Absence he has never failed to enquire out & as far as in his Power lay to relieve his American Brethren; ample Vouchers of which he can produce whenever called upon—

All these Facts he stands ready to verefy & prove whenever he may be admitted so to do; He therefore most earnestly prays your Honors to take his Circumstances into your wise Consideration, & while you pity an unfortunate young Man so long exil'd from his Country, Relations & Friends by Inexperience & unsound Advice, You will admit him once more to the Protection of this Country, by permitting him to take the Oath of Allegiance, or give him such a Hearing as may clear up his Character & give him the Privileges of An American Citizen, or take such other Order on the Premisses as to your Wisdom & Goodness shall seem most proper —

And your Petitioner as in Duty bound shall ever pray FRANCIS JOHONNOT

Boston State of the Massachusetts Bay Octr. 19th 1778

NB. he arrived in Portsmouth from France, in the Providence Ship of War, Abraham Whipple Esqr. Commander Thursday the 15th Instant, and was Enter'd on board said Ship in France in July last— FRANCIS JOHONNOT."— *Mass. Archives, vol.* 184, *p.* 273.

The following petition was signed by John Avery and 157 others: —

"To the honorable the Council & the honorable the House of Representatives in General Court assembled — at Boston January 1779 —

We the Subscribers, Inhabitants of the Town of Boston most respectfully beg leave to recommend to your Honors, as constituting the supreme Legislature of the State, the peculiar Case of our unfortunate Townsman Francis Johonnot, who has, for several Weeks been in close Custody, upon the Charge of having returned to his native Country without first obtaining Permission for so doing.

We humbly conceive the Circumstances of this ill fated young Man so materially differ from the Conduct of those Tories against whom the Vengeance of the State is justly directed, that he ought not to be considered as one of the infamous Number. We therefore recommend him to the honorable Court as a Person who we wish to have restored to our Country & admitted to the Privileges of a Citizen: And earnestly sollicit your Honors to take such Order in his behalf as shall effectually operate in his Favour, & deliver him from his present distressed Situation. And as in Duty bound shall ever pray."—*Ibid., p.* 314.

"We recommend to your Consideration the Case of Mr Francis Johonnott, who is now Confined in Goal in Boston as a person included in the Act intitled 'An Act to prevent the return to this State of certain Persons therein named and others who have left this State or either of the United States and joined the Enemies thereof.' The Peculiar Circumstances of this Person are fully represented in two Petitions he preferred to the Council— It appeared to the Council that his Conduct during his Absence & since he fled from Great Britain had been such as that in Case he should be sent out of this State as by the Act beforementioned is directed, he would be liable to be Apprehended as a Traitor to the King of Great Britain and to suffer the Punishment Persons of such a Character are by the Laws of Great Britain Exposed to, we therefore thought that his being Sent off under such Circumstances would be deemed, by every Candid Person, as a Species of Cruelty unworthy of Americans & bring such a stain upon the Character of this Government as could not easily be wiped off, we therefore directed the Board of War to Pospone the Sending him off Untill he could have an opportunity to lay the State of his Case before the General Assembly, so that if it was thought reasonable & Proper he might be restored to the Rights Priviledges & immunities of an Inhabitant of this State." — *Extract from message of the Council to the House, Jan.* 6, 1779: *ibid., vol.* 158, *p.* 130.

"In the House of Representatives Janv. 9th 1779.

* Whereas it appears to this Court that Francis Johonnott now a prisoner in the Town of Boston, exhibited a very humane and friendly disposition to American prisoners when in England by affording them Aid & Comfort when under a cruel Imprisonment that he made an explicit Renunciation of all Allegiance to the British Crown before he embarked for America & that afterwards he entered a Volunteer in the Service of the United States—And Whereas it appears to this Court that the said Johonnott does not fully come

* Printed resolves, chapter XV.

within the Intendment & Meaning of the Act (commonly called the exclusion Act) upon which he stands committed—

Therefore Resolved that the Keeper of the common Goal in the Town of Boston be & hereby is directed to discharge from the Goal Aforᵈ the said Francis Johonnott after he shall have taken the Oath of Allegiance to this State, (which any Justice of peace for the County of Suffolk is hereby impowered to Administer) the said Johonnot paying Goalers Fees & other Charges arising in Consequence of his Commitment

Sent up for Concurrence JOHN PICKERING Spkr
In Council Janʸ 9.' 1779 Read & Concurred JNº AVERY D Secʸ
Consented to" — [Signed by fifteen of the Council]. — *Ibid*, *vol.* 220, *p.* 186.

"State of Massᵗˢ Bay } To the Honᵗˡᵉ the Council and the Honᵗˡᵉ the House of Repre-
} sentatives sitting at Boston September 1779. —

The Petition of Elizabeth Whittington in Behalf of her Husband William Whitington now confined in Goal Humbly Shews. —

That at the time the Inhabitants were obliged to leave the Town of Boston, and go into the Country by the Town's being blockaded, her said husband applyed for a Pass for himself and Family to go into the Country, with their Effects, and obtained one from General Gage; that he procured Boats to transport his Effects, but could not pass the Admiral without a Permit from him, who would grant one only for himself & Family, taking Nothing with them but Bedding & necessary wearing Apparel; That having a large Stock of Liquors by him, together with other valuable Effects, he did not incline to leave them behind but chose to Tarry in Town to secure his Interest, sending his Wife & Children into the Country, where they remained untill the Town was evacuated by the British Troops; that after the Battle at Bunker-Hill he was anxious to go out of Town, and applyed for a pass and was denyed one, which obliged him to remain in the Town untill the Troops went away, and he with many others not less attached to the Cause of America than himself through Timidity went off with them, to New York; that your Petitioner about twelve months Ago went from here by Permission to her said husband, in order to persuade him to return, when she arrived at New York, they consulted which would be the most likely way to return; and hearing that it was generally supposed by the British Troops that they would not be able to winter in Philadelphia, they concluded to take Passage to that place, thinking if Philadelphia was evacuated, they might chance to be left there, and by that means they would have an Opportunity to return; which turned out to his expectation; (they would observe that while he was in Philadelphia he had little or Nothing to do with the Troops, that contrary to his Will they quartered about Sixty Soldiers upon him) having taken the Oath of Allegiance to the united States of America when our People entered the City, he was permitted to reside there with his Family unmolested, untill the latter End of August last, at which time he with his Family and Effects set off for this place, and arrived here in September then next following, and immediately upon his arrival was committed to Goal by order of the Committee of Correspondence of the Town of Boston: which Commitment your Petitioner apprehends was tottaly illegal, as he knows of no law of the State giving them Power to imprison without judgment of Law: and this was the less justifiable in them as your Petitioner was desirous and ready to prove himself innocent of the Charge of being inimical to his Country, and that he was not within the Spirit or Letter of the late Act for preventing certain persons, therein named and described, from returning into this State; he was however prevented from doing himself this Justice by the aforesaid Conduct of the Committee: he wishes to be considered as he really is, a good & faithful Subject of this State, a cordial Friend to the Liberties of America and a well wisher to the Cause in which she now is engaged: he therefore prays your Honors to take the Matter under Consideration and upon due enquiry into the Circumstances of his Case, order him to be set at Liberty, or take such other Order thereon for his relief as to your Honors shall seem wise & just — And as in Duty bound shall ever pray ELIZABETH WHITTINGTON." — *Ibid.*, *vol.* 185, *p.* 312.

"State of Massachusets Bay — In the House of Representatives Janʸ 13ᵗʰ 1780.

* On the Petition of Elizabeth Whittington, in behalf of her Husband, William Whittington, praying, for reasons set forth in sᵈ Petition, that her sᵈ. Husband, may be set at liberty & permitted to tarry in this State —

Resolved, that William Whittington be discharged from the Bonds he is under to leave this State, & be set at liberty & permitted to tarry in the same, provided he first take the Oath of allegiance, to this & the United States of America, before some magistrate in the Town of Boston duly authorized to administer the same, according to a law of this State — Sent up for Concurrence JOHN HANCOCK spk
In Council Janʸ 13ᵗʰ 1780 Read & Concurred JOHN AVERY D Secʸ
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 314.

"State of the Massachusetts Bay } To the Honbˡᵉ the Councill & House of
Cumberland ss — } Representatives of sᵈ State:

Stephen Longfellow late of Falmouth in sᵈ County Esqʳ humbly shews—that his Son Captˡ Samˡ Longfellow late of sᵈ Falmouth having return'd from Sea just before the burning of that Town the Vessell whereof he was Master being hali'd into the wharf was burnt at that Time, by means whereof & Navigation being then Dull he was thrown out of Business and continued so untill the latter End of the Year 1777 at which Time having obtained Letters of Recommendation from some Gentlemen in Falmouth to Mr Cornelius Durant of the Island of St. Croix in the West Indies Merchᵗ he took Passage there in Order to get Business he was soon put in Mate of a Vessell—made one Voyage and

* Printed resolves of the December session, 1779, chapter CXVI.

return'd to St. Croix again and was then put in Master of a small Sloop & cruis'd among the West India Islands. After this vizt. in the fall of the Year 1778 he got to be Master of another Sloop and went to Virginia & has been constantly imploy'd from Virginia to the West Indies ever since till last Cristmas saving when he was driven on Shore or taken by the British Vessells which has happend two or three Times, last Christmas he came to Virginia very sick & remain'd so all last Winter and Spring insomuch that his Physicians advised him to come to the Northward for his Health but as he was bound hither he had the misfortune once more to be taken by the Britons and carried into new York & there he now is a Prisoner very weak and Low if alive—But it so happens that notwithstanding he has I am persuaded never so much as had the least intention to go over to or Join the Enemy yet his name is inserted in the Law of this* made against those that have—His Case is very singular by the Britons he is taken and treated as an Enemy and kept a Prisoner *there;* and by the Authority of this State accus'd of having joind them & the severest punishments awaits him here—I think I can truly say that there is no Judicious Person this Way that has heard of his Transactions since he left Home but think his Names being inserted among those who had joind the Enemy was an Error—Wherefore I humbly request he may have permission from your Honours to return Home for recovery of his Health and to make his Innocence appear and as in Duty bound will ever pray— STEPHEN LONGFELLOW JNR

Gorham Augt. 10th 1780 in Behalf of his Father—

In Council Sept. 12'. 1780 Read & Ordered that Samuel Niles Eq with such as the Hon'ble House shall join be a Committee to take into Consideration this Petition together with the Papers accompanying the same & to report what may be proper to be done thereon

Sent down for Concurrence JOHN AVERY D Sey

In the House of Representatives Sept. 13. 1780 Read & concurrd & Majr Goodman & Brigr Preble are join'd JOHN HANCOCK spk

The Committee of both Houses to whome was referrd the Petition of Stephen Longfellow in behalf of Samuel Longfellow report the following resolve †

SAML NILES for Order

State of Massts Bay In Council Septemr 14th 1780.

Whereas the Name of Samuel Longfellow was inserted in an Act passd the 16th of October 1778. intitled an Act to prevent the return to this State of certain persons therein Named, and others, who have left this State, or either of the United States and joynd the Enemies thereof, and whereas it appears to this Court by a Deposition Certificate and other papers that Said Name was inserted thro' a mistake,

Therefore Resolved that Samuel Longfellow be and hereby is permitted to return to this State from New York, where he is now detained as a Prisoner of this State, the Exclusion Act aforesaid Notwithstanding— In Council Sept. 14.' 1780 Read & Accepted

Sent down for Concurrence JOHN AVERY D Sey

In the House of Representatives Sept 14th 1780 Read & concurr'd

JOHN HANCOCK spk

Consented to "—[Signed by fifteen of the Council].—*Ibid., vol.* 229, *p.* 36.

On the third of January, 1780, a joint committee, consisting of Messrs. ["Genl"] Warren and Paine, of the House, and Samuel Adams, of the Council, was appointed "to consider and report a draught of a letter to the general assembly of Rhode Island, requesting that they would not permit any person to reside within that state who has been excluded from this state by an act of the government thereof." On the fifth, the following draught, in the handwriting of Samuel Adams, was reported in accordance with this order, and accepted by both branches, who concurred in requesting the president of the Council to sign the letter: —

"State of Massachusetts Bay Jany 5th 1780

Sir The General Assembly of this State, conceiving that great Evil may arise to the United States, from permitting Persons inimical to our Common Cause, to reside within them; and having Reason to apprehend, that certain Persons of such Character, who by an Act of Government are excluded from this State, are meditating a Design to obtain a Residence within the State of Rhode Island, have thought it necessary to address you on the Subject, and request that you would be pleasd to communicate their Sentiments to your General Assembly.

It is, in the Opinion of this Assembly, highly criminal, for a Citizen to be an indifferent Spectator of the Miseries of his Country—much more so, to desert her while struggling for Liberty—and still more, to seek Refuge in the very Time of her Conflict, in the Arms of her cruel & inveterate Enemies. It cannot then be thought strange, that those who love and reverence their Country, feel an Indignation against the Men, who have held her Safety, her Liberty and her Honor at so cheap a Rate.

The Injury which this State unavoidably sustains, from the Acts of too many internal Enemies, hath been a sufficient Caution against receiving into their own Bosom, those, who have withdrawn their Persons and their Aid in the Time of Distress; and there is less Reason for others to expect Favor and Forgiveness, who, having basely betrayd a Diffidence in the Wisdom & Fortitude of their Country, and the righteous Cause she was contending for, have imagind themselves more secure under the Power of its Invaders, and fled to them for Protection.

It is indeed much to be regretted, that the greatest Vigilance is insufficient to detect the most virulent Enemies of the publick Liberty and bring them to condign Punishment. This Government, however, hath taken every Measure which Prudence dictated to effect so necessary a Purpose Notorious offenders have been proscribd by the Laws and forbidden to return from their voluntary and shameful Exile. Mutual Interest, and mutual

* *Sic:* "state" omitted. † Printed resolves, chapter XXI.

Friendship most strongly remonstrate against such Persons being permitted to reside within any of the Sister States.—While we are embarkd in the same Cause,—while we are actuated by the same Principles & Views,—while we partake of the same publick Feeling, and are confederated for the same great Purpose of mutual Safety & Defence, Honor and Justice forbid us to entertain a Suspicion that the State of Rhode Island would afford Shelter & Protection to those who have forfeited the Rights of Citizens in the United States.

In the Name & behalf of the General Assembly I am &c

His Excellency the Governor of the State of Rhode Island & Providence Plantations." —*Ibid., vol.* 202, *p.* 22.

Chap. 25. Before the following resolve by the Continental Congress was passed, the Assembly of Massachusetts had already enacted chapter 18 of the acts of 1775-76, by which forging or altering bills of credit of the United Colonies, or either of them, or the uttering of such forged bills, subjected the offender to ignominious punishment, to incapacity to hold office, and to the payment of treble damages to the person defrauded: —

"*Resolved*, That it be recommended to the several legislatures of the United Colonies to pass laws for punishing, in such manner as they shall think fit, persons who shall counterfeit, or aid or abet in counterfeiting, the continental bills of credit, or who shall pass any such bill in payment knowing the same to be counterfeit." — *Journals of Congress: June* 24, 1776.

This resolve was forwarded to the Assembly, together with the resolve recommending the passage of laws for the punishment of treason (printed in the note to 1776-77, chapter 32. *ante*), in a letter from John Hancock, dated June 25; and on the fifth of July, was referred to a joint committee consisting of Messrs. Palmer, Sergeant of Haverhill, and Mayhew, of the House, and John Winthrop and Francis Dana, of the Council, whose report, if they made one, has not been found.

By chapter 44 of the acts of 1776-77, passed more than ten months after the above resolve of Congress, it was made felony in Massachusetts to forge public bills of credit, and uttering or altering such bills was made punishable by setting in the pillory, cutting off an ear and the end of the thumb of the right hand, whipping and imprisonment. Chapter 47, passed May 10, 1777, did not change these penalties, but avoided all conveyances by offenders, made after conviction, as against the claims of parties injured and the claims of such persons as were entitled to rewards for the detection of the counterfeiters, and also as against the lien for costs and penalties. The provision of 1776-77, chapter 44, against utterers of counterfeit bills did not appear in the printed act — the word "uttering," which appears both in the original bill and in the engrossment, being changed in the print to "altering." It would seem, therefore, that it was supposed that the only law which prescribed a penalty against uttering bills of credit was chapter 44 above referred to, the insufficiency of which, as printed, called for further legislation.

On the third of June, 1778, Mr. Lowell, Col. Freeman and Col. Pope, of the House, were appointed a committee "to revise the laws for preventing the counterfeiting and depreciating the bills of credit of the United Colonies, and report what is proper and necessary to be done thereon." No report of this committee has been discovered, but on the seventh of January, following, Judge Sullivan had leave "to bring in a bill for more effectually punishing persons guilty of passing counterfeit money." On the 11th, the bill of this chapter was read a first time, in the House; on the 15th, it was read a second time; and, on the 18th, it was passed to be engrossed and sent up for concurrence. In the Council the bill was passed, in concurrence, to be engrossed, on the 19th, with an amendment changing the amount of the fine in the second section, from five thousand pounds to thirty thousand. The House refused to concur in this amendment, on the 20th, and voted to adhere to their own vote, whereupon the Council receded, and concurred with the House, on the 21st, and, on the 22d, the bill was passed to be enacted.

Chap. 26. "State of *Massachusetts-Bay.*

To the *Honorable Council* and *House* of *Representatives*, in General Court assembled.

The Pettition of a Number of the Inhabitants of the Town of Methuen humbly sheweth, that we whose names are under written, and Others; being dissatisfied with the Revd Mr. Sargeants Doctrine and Manner of Dissapline, or Church Government, have withdrawn ourselves from his Ministry, and have built us a Meeting-House, and, have called, Obtained, and settled a Gospel Minister amongst ourselves upon our own Cost and Charge, who was ordained over Us November 25th 1772. Nevrtheless, we have been taxed to Support the Revd Mr. Sargeant from that Time untill now.

Therefore, your humble Petitioners pray You (If you in your Wisdom shall think fit) To sett off Those of Your humble Petitioneres whose Names are under Written, from paying to the support of the Reverend Mr. Sargeant, and such others whose Names shall be made to appear at Court at any Time prefixed, or agreed upon by the Great and General Court or Town of Methuen; And Incorporate them into a Society, that they may be Able to Suport the Gospel among themselves? Otherwise, leave your Petitioners, as you in your Wisdom shall think fit? And as your Petitioners, *in Duty Bound*, shall ever Pray.—

JOSIAH OSGOOD	EBENEZ CARLTON	SAMUEL BODWELL
ENOCH MERRELL	DANIEL HIBBERD	NATHANIEL PETTINGIL
EBENEZER HEBBERD	SAMUEL PALMER	WILLIAM CROSS
JOHN WILLSON	JOHN PALMER	WILLIAM WEBBER
DANIEL BODWELL JUNR	JAMES PALMER	WILLIAM CROSS JUNR
DAVID BARKER	WILLIAM HIBBERD	JONATHAN CROSS
JOSEPH MERRILL	JOHN BARKER JR	SIMEON CROSS

JONATHAN AUSTEN	ABEL MERRIL	BENJ WEBBER
JAMES HIBBERD	ELIPHALET BODWELL	JOSEPH CROSS
EBENEZER HIBBERD JUR	PHINEAS PETTINGILL	DAVID WHITTIER
PAIN MORSS	DUDLY PETTINGILL	SAMUL CROSS
JOHN BARKER	JOHN HEBBERD	NATHANIEL WEBBER
NATHANIL PETTENGILL JUR	JOHN HEBBERD-JUNR	JESSE TYLER
NATHANIEL HIBBERD	JONATHAN HEBBERD	SAMUEL WEBBER
WILLIAM BODWELL	PARKER RICARDSON	ELISHA WEBBER
JOHN TIPPETS	JOHN CHENEY	NATHANEIL TILER." —

Mass. Files: Bills, 1778-79.

The foregoing petition was read, in the House, Jan. 8, 1778, and referred to a committee consisting of Messrs. Perry, Whitney and Wales. The report of this committee was accepted on the 19th, and was probably a draught of the order of notice, which on that day was adopted by a resolve of both branches, and which the petitioners were required to serve upon the town clerk of Methuen, fifteen days before the second Wednesday of the next sitting of the General Court, that the inhabitants might then show cause why the prayer of the petition should not be granted. The General Court was subsequently prorogued to the first of April, but no action upon this petition has been discovered among the doings of that session, nor of the first session of the next Assembly. In the second session of 1778-79, the secretary was ordered by the House to lay this petition upon the table, together with the papers accompanying the same. The only papers on file with the bill, are the petition and order of notice aforesaid, and the following copy of a vote of the town: —

"At a Leagul Town meeting in Methuen on Thursday Febury 12th 1778 the fourth article in said meeting was to see what the Town would vote Respecting the Copey of a petition sent from the Great & Genaral Court of a number of the Inhabetent of said Town attending publick worship at the Red Mr Chapmans meeting House who have Ben Taxed for the support of the Red Mr Sargeant to shew Cause if any they have why the prayer of the petitioners should not be Granted the Question being put and the Town voted not to shew any Cause why the petition should be Granted

Methuen March 30th 1778 a True Copey pr

JONATHAN SWAN Clark of said Town." — *Ibid.*

The petition was read in the House, September 18th, and the petitioners were granted liberty "to bring in a bill for the purposes mentioned in their petition." On the 21st of January, 1779, this bill was read a first time, and a second and third time on the two succeeding days and was then passed to be engrossed and sent up for concurrence. It was passed, in concurrence, to be engrossed in the Council on the 23d, and, on the 25th, it was passed to be enacted by both branches.

Chap. 27. This act was passed to avoid the inconveniences arising from the existing law relative to the trial of persons charged with committing acts of treason without the limits of the state. Chapter 9 of the acts of this year, in the note to which some account is given of the trial, at Great Barrington and Springfield, of certain persons charged with treasonable conduct, was special, and limited to the particular cases, and to the term, therein mentioned; while the present chapter gave a general jurisdiction to the Superior Court in all such cases.

The bill of this chapter which was read a first time, on the 12th, and was passed to be enacted on the 25th of January, originally contained the following final clause, which was struck out before it had passed, in the House, to be engrossed; viz., "unless the supreme executive power of this state shall order such person to be tried in some county whereof he is not an inhabitant."

By chapter 38 of the acts of this year, one term of the Superior Court was ordered to be held, annually, at Great Barrington, in and for the county of Berkshire, thus establishing a forum for the trial of inhabitants of that county charged with the offences described in this act and the act to which it is in addition.

Chap. 28. On the 7th of January, 1779, the committee appointed to sign the bills of credit ordered to be emitted by chapter 19, were appointed a committee "to bring in a bill for repealing so much of the said act as they shall judge necessary, and for procuring another plate for the impression of said bills." No report of this committee has been discovered, but, on the 19th, the bill of the present chapter was read, a first time, in the House. It was read a second time on the 20th, and was passed, in the House, to be engrossed, on the 21st, and on the 25th, was passed to be enacted, by both branches.

On the 4th of February, Messrs. Sexton, Tyler and Cutts were appointed a committee "to consider what is proper to be done to enable the treasurer to exchange the small bills of credit, agreeable to a late act of court, and report," but no report of this committee has been discovered.

For further proceedings relative to the bills of credit referred to in this chapter, see the note to chapter 19, *ante*.

Chap. 29. On the 3d of June, 1778, a joint committee, consisting of Messrs. Gray and Dana, of the House, and Mr. Josiah Stone, of the Council, was appointed "to consider of the laws restraining the sale of goods at vendue, and report what is proper to be done thereon." No report by this committee has been discovered, but on the 9th of October — the act of 1777-78, chapter 22, for reviving the act to prevent the selling of goods at public vendue, having expired, by its own limitation, on the 14th of September—a committee of the House, consisting of Messrs. Ward, Gorham and Parker, was appointed "to consider the expediency of suppressing vendues, and, if they think it expedient, to bring in a bill for that purpose."

On the 20th of January, 1779, a bill with the title of this chapter, and containing all its provisions except sections 2 and 3, and the clause in the fourth and fifth lines of section 1 prohibiting sales amounting to sales by auction (which clause was substituted for the words "excepting vessels with their appurtenances, and houses and lands," in the original draught) was read a first time.

This bill seems to have been reported by a committee consisting of Messrs. Gray, Sullivan, Barrell, Goodman and Wales, appointed January 9th, to bring in a bill "more effectually to prevent forestalling and regrating, and for suppressing vendues."

On the 21st, this bill was read a second time, and recommitted,—probably to be amended in the particulars above named,—and, on the 27th, it was passed to be enacted.

Chap. 30. As early as Dec. 4, 1775, a petition from the plantation of "Gardinerstown," praying to be incorporated into a township by the name of Hancock, was read in the House, and committed to Messrs. Thompson, Pettingale and Gates. Neither this petition nor a report of the committee above named has been found; but the next Assembly passed a resolve (June 20, 1776) empowering the committee of Gardinerstown "to act in their capacity, in all cases whatsoever, as though said town was incorporated."

On the 25th of February, 1778, the following petition was read, in the House, and committed to Messrs. Tobey, Woodbury and Snow: —

"To the Honorable Council and House of Reprisentatives of the State of Massachusetts-Bay

The Petition of a Number of the Freeholders and others Inhabitant of the Plantation now called Gerdinerston in the County of Lincoln within the State afore-Said, humbly sheweth,

That there is now more then fifty Families Settled within the Said Plantation called Gerdinerston who in their present Setuation Labour under many Difficultics, and are desirous of enjoying the Priviledges that will arise to them by being incorporated into a Town,

Your Petitioners therefore pray that they may be incorporated into a Town by the following Bounds. Viz. Beginning upon Kennebeck River at the North Line of the Town of Pownalborough, and to run an East South East Course on Said North Line five miles from Said River; from thence to run Northerly about Seven miles more or less to the South Easterly Corner of the Town of Hallowill; from thence to run west North West on the South Line of the Town of Hallowill to Said Kennebeck River, and across the River on said Line, and also running from Said River a west North west Course on the Said South Line of Hallowill, five miles on the west Side of Said Kennebeck River, from thence to run Southerly, a Course as that it may Strick the Southwesterly Corner of the North Line of the Town of Bowdoinham, and from thence to run an East South East Course, on the Said North Line of Bowdoinham to Said Kennebeck River, from thence up the River on the west Side to Lott Nº. 10 belonging to Willm Bowdoin Esqr Hirs then acros the River to the Bounds first mentioned; and that they may be invested with all the Powers Privilidges and Immunities which the Inhabitants of any of the Towns within this State respectively do or by Law ought to enjoy. and whereas a Tax has lately been laid upon the Inhabitants of Said Plantation, which your Petitioners humbly conceive is more than their just Proportion and which they are unable at present to pay; and have no proper officers in Said Plantation to assess or collect the Same; neither have they any authorcty to choose any; they therefore Pray that your Honurs would take the Same into Consideration, and abate Such a part thereof as to your Honurs Shall See meet, and your Pitioners as in Duty bound Shall ever pray &c.

JOSEPH NORTH	PHILIP NORCROSS	SAMUEL BERRY
GIDEON GARDINER	THOS PHILBROOK	JOHN DOOR
THOMAS AGRY	JAMES STACKPOLE	BENIAR DORR
REUBN COLBURN	ELEZAR TARBOX	JOHN DENI
SAMUEL OAKMAN	JOSEPH HEALEY	OLEUR COLBORN
BENJA. COLBURN	NATHL BERRY	RICHARD THOMAS SENNER
HEMAN ROBBENS	ANDREW GOODIN	EBEN THOMAS
DENES JENKINS	ENOCH MOFFAT	HENRY SMITH
SAMUEL NORCROSS	his	WILLIAM USHER
NATHANIEL COLE	ANDREW + MCCASLEN	HENRY MCCAUSLAND
SAMUEL NORCROSS JUNR.	mark	JOSEPH BURNS" — *Mass. Files*: *Bills*, 1778–79.

On the 5th of March, the committee last named reported that the prayer of the above petition be so far granted as that they have leave to bring in a bill for the purpose set forth in the petition. Nothing further, however, seems to have been done in this business by the petitioners or the Legislature until the 12th of January, 1779, when a bill for incorporating Gardinerstown was read, in the House, a first time. The name proposed for the town, in this bill, was "Randolph," and the boundaries given therein differed from those in the act, in the following particulars; viz., beginning after the word "River" in the seventh line of the first section of the act, the description of the territory proceeded thus: — "and across the River on Said line, and also running from Said River, a west north west course, on Said South line of Hallowell, five miles, on the west Side of Said Kennebeck River from thence to run Southerly to the Northwesterly corner of the Town of Bowdoinham, and from thence, to run an East South East course on Said North line of Bowdoinham to Said Kennebeck River, from thence, up the River on the west side, to lott Nº 10, belonging to the heirs of Willm Bowdoin Esqr then across the River to the bounds first mentioned." — *Ibid.*

The last three sections of the act, and the preamble to section 3, were not in this bill, which had its two subsequent readings on the 13th and 15th, respectively, and on the latter day it was passed to be engrossed and sent up to the Council, for concurrence. On the 23d, the Council passed it, in concurrence, to be engrossed, "as taken into a new draft."

This new draught was in the form of the present chapter, and, on the 29th, the House concurred in this vote of the Council, and on the 4th of February the bill was passed to be enacted.

Chap. 31. The result of the conference of committees of the New-England states and the state of New York, which was held at Springfield July 30, 1777, was a recommendation to the several legislatures to repeal all clauses of acts for preventing monopoly and oppression so far as they related to establishing the market price of commodities (see note to 1777–78, chap. 6, *ante*). Although public opinion in Massachusetts was divided on the question of the expediency of attempting to establish a schedule of prices by act of the Legislature, the prevailing sentiment coincided with this result of the Springfield convention, and the Assembly went no further than to make the provision for relief of the families of non-commissioned officers and privates, in the state quota of soldiers in the Continental Army, which is embodied in the resolves of October 10th, of that year.

The prices of all commodities continuing to increase as the currency depreciated, the Continental Congress, by the following resolve, attempted to apply on a larger scale the remedy which the New-England states and New York had found ineffectual, both in their domestic trade and in their commercial intercourse: —

"*Resolved*, That it be recommended to the legislatures, or in their recess to the executive powers, of the respective states of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence plantations, Connecticut, New-York, New-Jersey, Pennsylvania and Delaware, respectively, to appoint commissioners to convene at New-Haven in Connecticut, on the 15th day of January next; and to the states of Virginia, Maryland and North-Carolina, respectively, to appoint commissioners to convene at Fredericksburgh in Virginia, on the said 15th day of January; and to the states of South-Carolina and Georgia, respectively, to appoint commissioners to convene at Charlestown on the 15th day of February next; in order to regulate and ascertain the price of labour, manufactures, internal produce, and commodities imported from foreign parts, military stores excepted; and also to regulate the charges of inn-holders: and that on the report of the commissioners, each of the respective legislatures enact suitable laws, as well for enforcing the observance of such of the regulations as they shall ratify, and enabling such innholders to obtain the necessary supplies, as to authorise the purchasing commissaries for the army or any other person whom the legislatures may think proper, to take from any engrossers, forestallers or other person possessed of a larger quantity of any such commodities or provisions than shall be competent for the private annual consumption of their families, and who shall refuse to sell the surplus at the prices to be ascertained as aforesaid, paying only such price for the same." — *Journals of Congress: Nov.* 22, 1777.

Notwithstanding the experience of Massachusetts, these resolves of the Continental Congress were duly considered by a joint committee of the Assembly, appointed for that purpose on the 8th of January, 1778, and consisting of Messrs. Gray, Wetmore and Sumner, of the House, and Spooner and Hopkins, of the Council. This committee the next day reported, as their opinion, that "three gentlemen be now appointed by this court, to meet in convention at New Haven, agreeable to said resolution of Congress, and that they be instructed by this court when chosen," which report was adopted, and Messrs. Thomas Cushing, Robert Treat Paine and John Pickering were chosen by the joint vote of both branches. On the 10th, Mr. Pickering having resigned the office, Mr. Elisha Porter was chosen in his stead. Meanwhile Messrs. Davis and Greenough, of the House, and Benjamin Greenleaf, of the Council, were appointed a committee to prepare a draught of instructions to the commissioners, which was reported on the 12th, and accepted by the Council; but the House nonconcurring, this draught was ordered to be recommitted, and the committee was enlarged by the addition of Messrs. Washburn and Wood, from the House, and Walter Spooner and Daniel Davis, from the Council. Col. Leonard was also appointed by the House, in the place of Caleb Davis who was absent.

The committee thus reconstituted reported, on the same day, that they had "carefully revised the draft of instructions accompanying this order, and, being unanimously of the opinion they cannot alter them for the better, take leave to present them without any alteration." This draught was, therefore, adopted, and a vote was passed requesting the president of the Council "to sign three fair copies of the same in the name of the General Assembly." The following are the instructions thus prepared: —

"To The Hon^{ble} Thomas Cushing Robert Treat Paine & Elisha Porter Esquires —
Gentlemen

Reposing special Trust & Confidence in your Wisdom Prudence & Fidelity, We have in pursuance of a Resolve of the Hon^{ble} Continental Congress passd the 22^{d} of Nov^{r} last appointed you Commissioners, And do accordingly authorise you or any two of you to meet the Commissioners from the States of New Hampshire Rhode Island & Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania & Delaware, at New Haven on the 15th day of this Instant January, and with them or a majority of them deliberate upon and devise the most prudent & effectual measures possible for the promoting those valuable purposes mentiond by the Hon^{ble} Congress and which not only they but all good men most earnestly desire, namely, that our Army may be furnishd with sutable cloathing & other Necessaries, and have the satisfaction of feeling that full Justice is done to them & their families, from whence we may hope for the most happy Consequences — That all Monopolisers, Oppressors, Sharpers, Forestallers & Extortioners may be discountenanced & suppress'd, that so it may no longer be in their power to distress the Public or destroy a great part of the Individuals that compose it — And you will carefully attend to everything that may have a Tendency to promote the Wellfare & happiness of the whole & of every part of the Community, which from the nature of your

Appointment is proper for your Consideration — You will make return of your doings as soon as it can be done with Conveniency." — *Mass. Archives, vol.* 142, *p.* 123.

The commissioners from Massachusetts reported to the Assembly, on the 9th of February, in the form of a journal of the doings of the commissioners from all the states mentioned except Delaware, which was not represented. This journal shows that the commissioners from New Hampshire, Rhode Island and Providence Plantations, and Connecticut, assembled on the day appointed, and continued their meetings, by adjournment, until the 20th, when, being joined by all the commissioners from Massachusetts, and a quorum of the delegates from New York and New Jersey, they proceeded to business, and chose Thomas Cushing, president, and Henry Daggett of New Haven, secretary, and, after filing their credentials, that they adjourned to the 21st, when they were joined by the commissioners from Pennsylvania. On the 22d, they resolved that in determining all questions, the votes should be taken by states — each state giving one vote. On the 23d, the question "whether this convention will take measures for regulating the price of labor, &c., in pursuance of a resolution of Congress of the 22d of November last" was decided in the affirmative. On the 28th, Roger Sherman, Robert Treat Paine, Nathaniel Peabody and Benjamin Huntington were appointed a committee "to draw up a report of the doings of the convention," and the next day Thomas Cushing, William Denning and John Cleves Simmes were appointed a committee "to draught a letter to the Hon. Continental Congress, relative to the proceedings of this convention." On the 30th, the draught of the report was presented and discussed, "paragraph by paragraph," and approved by the convention.

The report which follows the minutes of proceedings in this journal begins with a long preamble in which the commissioners say that they have met "in pursuance of the requisition of Congress, and while attending to the injunctions of their commissions they have not been insensible of the principles upon which an opposition to the regulation of prices, by law, is founded"; that it is evident that those principles had been "fully considered by the Grand Council of America, that they viewed the reducing the quantity of circulating medium, by stopping the currency of the bills of the particular states, and supporting future expenses by taxation and loaning, as the essential remedy and as what, in time, must work the desired effect, * * * but that our present exigencies require an immediate reduction of prices, which, though by those who are actuated by no better principle than contracted self love, may be considered as infringing the principles of trade and liberty, is nevertheless a salutary measure in connection with the others, and practised by all the states." The report concluded with the following resolves: —

First Resolved that the various kinds of labour of farmers, Mechaniks and others be set and affixed at rates not exceeding Seventy five ℔ Cent advance from what their respective Labour was in the same places in the several States aforesaid through the various Seasons of the year 1774 —

Second That the price of teaming, & all kinds of land transportation shall not exceed the rate of five twelveths of a Continental dollar for the Carriage of twenty hundred neat weight ℔ Mile including all expences attending the same —

Third. — That all kinds of American manufactures & internal produce, not perticularly mentioned & regulated by this Convention be estimated at rates not exceeding 75 ℔ Cent advance from the prices they were usualy Sold at in the several parts of the respective States aforesaid in the year 1774 excepting only, Salt, Cordwood, Charcoal, Mutton Lamb, Veal, small meats, & Poultry of all kinds, Roots & Vegetables, the price of which may better be regulated by the respective Legislatures, if they shall Judge it expedient, than by this Convention —

Fourthy That the price of Hemp, Flax, Sheeps Wool, all kinds of Wollen & Linen Cloths Hosiery of all kinds, felt hatts, Wire, and Wool cards, Manufactured in America shall not exceed the rate of cent ℔ cent advance from the price they bore in the several parts of the States aforesd in the year 1774 —

Fifthly That the price of all kinds of European Goods, Wares, & Merchandize imported from foreign parts, or brought into these States by Capture, or otherwise shall not exceed the rates of a Continental dollar for each shilling Sterling prime Cost of such goods in Europe exclusive of all other charges when sold from the importer or captor, excepting only the following articles, Viz, all kinds of Woollen & Linen goods & cheks suitable for the Army, drugs & medicines, Duck of all kind, Cordage, Tin plates, Coperass, Files, Allum Brimstone, felt hatts, Nails, Window Glass, Salt, Steel, Wire, Wool & Cotton Cards Naval & Melitary Stores —

Sixthly. That all Woollen Cloths, Blanketts, Linen, Shoes, Stockings, hatts & other articles of Clothing suitable for the Army heretofore imported which are or shall be seized & taken by order of Authority for the Use of y^e^ Army shall be estimated at the above Rate with the addition of the stated allowance for land carriage if any there be to the place where taken —

Seventhy That the price of the following articles at the first port of delivery or place of manufacture within these States shall not exceed the rates to them affixed respectively, viz, Good West India Rum three dolls ℔ Gallon by whole-Sale Good marchantable New England Rum two dollars ℔ Gall^n^ by wholesale Best Muscavado Sugar Thirty three dolls & one third of a dollar p^r^ hundred gross weight & all other sugars in usual proportion according to the quality Best Mollasses One dollar & a half ℔ Gall^n^ by wholesale Coffee not to exceed three fourths of a dollar by the hundred — Good marchantable Geneva Two dollars ℔ Gall^n^ Good Marchantable Brandy two dollars ℔ Gall^n^ Good marchantable Whiskey one dollar and one Sixth ℔ Gall^n^ All other distilled Spirits not herein enumerated not exceeding two dollars ℔ Gallon —

Eighthy That no Trader, Retailer, or Vender of foreign Goods, Wares, or Merchandizes, shall be allowed more than at the rate of twenty five ℔ Cent advance upon the price of such Goods, Wares & Merchantdize are or shall be first Sold for by the importer

or Captor agreeable to this regulation with the addition only of the cost & Charge of Transportation by land at the rate of five twelveths of a dollar ℔ Mile for transporting twenty hundred neat weight from the first port of delivery to the place where the same shall be sold & delivered by retail —

Nineth^ly That inholders be not allowed more than fifty ℔ Cent advance on the wholesale price of all liquors or other foreign articles herein stated, and by them sold in small Quantitys allowing as afores^d for Charges of transportation and for all other articles of Entertainment, Refreshment & forage not to exceed 75 ℔ Cent advance on the prices the same were at in the same places, in the year 1774

Tenthly That the articles enumerated in the following table shall not be sold or disposed of at higher prices in the respective States & places therin named than at the rates set down & affixed to such articles respectively with the addition only of the stated allowance for Land carriage if any there shall be the s^d sums being Estimated in Lawful money at Six Shillings ℔ dollar

Viz—	State of New-Hampshire	State of Massachusetts Bay	Rhode Island & Providence plantations	States of Connecticut	New York	New Jersey	Pensylvania
Good Merchantable Wheat Pease & White Beans P^r Bushel	13/	12/			9/9		
Merchantable Wheat flower ℔ hund gross weight	36/	33/4			27/		
Marchantable Rye or Rye meal Pr Bushel	7/6	7/			6/6		
Merchantable Indian Corn or Indian Meal ℔ Bushel	5/6	5/3			4/6		
Merchantable Oats ℔ Bush^l	3/9	3/6			3/		
Pork well fatted & weighing from 100 to 150 lbs ℔ hogg ℔ lb	8^d	7¼^d			5½^d		
Ditto weighing from 150 to 200 lbs ℔ hogg ℔ lb	8¼^d	7½^d			6^d		
D^o weighing more than 200 lbs ℔ hogg ℔ lb	9^d	8^d			6¼^d		
American made Cheese of y^e best quality	10^d	10^d	9^d		9^d		

Through all the States above named—

Best Grass fed Beef with hide & tallow	35/	℔^r hund^d Weight & in Proportion for that of an inferior quality—
Best Stall fed Beef with hide & Tallow	48/	Pr hundred weight & in Proportion for that of an inferior quality until y^e 1^st day of July next
Good Butter ℔ the Firkin or cask	1/3	℔ lb
ditto by y^e single lb or smaller quantity	1/4	℔ lb
Raw Hides	4½^d	℔ lb & skins in usual proportion
Good well tanned Sole Leather	2/	℔ lb skins & all kinds of curried leather in due proportion—
Mens neat leather Shoes of the best Common Sort.	12/	℔ Pair —
Mens Calf skin Shoes of the best quality	15/	℔^r pair Weomens & Childrens shoes in due proportion
Bloomery Iron at the Place of Manufacture	£48 " 0 " 0	℔^r Ton & in proportion for a less quantity
Refined Iron at the place of Manufacture	£56.—	℔^r Ton and in proportion for a less quantity
Pig Iron at the place of manufacture	£18 —	℔^r Ton —
Best American manufactured steel fit for edge Tools	2/	℔ lb —
Common steel manufactured in America	1/4	℔ lb —

Eleventhly That it be recommended to the several Legislatures of these States that they cause the Laws they may enact to carry these Resolves into execution to be in force from & after the 20th day of March next with such penalties anexed as they may Judge effectual." — *Ibid.*, *vol.* 144, *p.* 68.

A draught of a letter to Congress was also reported and approved, and ordered to be signed by the president of the convention, as follows: —

"New Haven, Janʸ 30 1778

Sir The Commissioners appointed,by the several States of New Hampshire, Massachusetts Bay, Rhode Island, & Providence plantations Connecticut, New York, New Jersey & Pensylvania in pursuance of a resolution of the Honˡ Congress of the 22ᵈ of Novemʳ last have convened at New Haven in Connecticut and proceeded upon the Business assigned them of regulating the price of Labour &c We now enclose a Copy of our proceedings, the Congress must be sensible that it is almost impossible to fix the price of Labour Produce & foreign Commodities in such a manner as to give satisfaction to the many persons interested, hence must arise great jealousies, disputes and Contentions, and there will be great danger that the end & design of such a measure will be frustrated unless the other measures recommended by Congress are adopted we are therefore sincerely Glad that Congress have accompanied the resolution above referred to, with sundry others which if complied with must produce the happiest Effects particularly that Congress have thought it necessary that the Quantity of money in Circulation should be reduced & for this purpose have recommended to the United States to effect this salutary & necessary measure by Taxation by refraining from any further Emissions of Bills of Credit & by calling in by Loan or Taxes & cancelling the paper money they have already emitted, Permit us to express our Sentiments upon this occasion that unless these three last Measures are strictly complied with & Vigorously carried into Execution the regulation of the prices of Labour produce & marchandize will be fruitless, it will be to no purpose, in short it will be impossible to carry it into execution no truth being more evident, as the Congress justly observes, than that where the quantity of money of any denomination exceeds what is usefull for a medium of commerce, its comparative Value must be proportionably reduced, consequently the price of Goods must proportionably rise, & in Case Government under such circumstances and when the Medium of Trade is in such a fluctuating situation should, without taking any other measures to give stability to the medium, fix the prices of Goods, the People would Justly complain, as in effect it would be obliging them to sell their produce & Merchandize for less than the real Value, Our proceedings therefore in regulating Prices are founded on a *full dependance* that the other measures aforesaid will be *immediately* complied with by the several States & we beg leave to submit it to the Consideration of Congress whether it will not be necessary for this purpose to renew & enforce their recommendations to the United states to exert themselves immediately to stop the currency of all the paper bills emitted by them respectively & which are not upon interest & to redeem them by giving treasurers notes upon Interest & by Taxes, to refrain from making any further Emissions & by Taxation to reduce the quantity of Continental Bills as fast as possible — We beg leave to observe that in the Course of our deliberations we have found ourselves under the necessity of deviating from the Letter of the fth resolve of Congress of the 22ᵈ of Novʳ last by excepting out of the regulation Certain articles of foreign produce, Our reasons are as follows —

The Charge & risk of importing them is so great, various, & uncertain, as to render it very difficult to fix their prices & tho' it appeared to Congress that Military stores only should be excepted, yet many of those articles we have excepted being absolutely necessary for the Army, such indeed as the Army cannotˢ possibly do without, and as some few others of them are so necessary for the good people of these States, that in order the better to reconcile them to the regulations we have recommended we thought it indispensably necessary that every encouragement should be given & every impediment to the importation of them removed & we hope it will meet with your approbation —

Permit us to mention that the Convention have been informed of some abuses in the departments of the Commissary Quarter Master & Forage Masters, many deputies being despersed throughout the Country, It has been suggested that they are idly interfering with each other in purchases, One bidding on the other, & by no means so industrious and careful in securing and saving from waste the articles purchased as they ought to be —

Before we conclude we beg leave to mention that the public have never yet been notified when the Continental Bills are to be redeemed, except the two first emissions, their being at an uncertainty about this matter has been complained of as having a tendency to lessen the Credit of the bills, whereas if they were to be ascertained when they were to be redeemed, especialy if it was at a short Period it would give them a confidence in the money and greatly tend to establish its Currency — In the name & by order of the Convention — I am Your most Obedᵗ Humˡᵉ Servᵗ,

THOMAS CUSHING Presᵗ.

The Honˡᵉ Henry Laurens Esqʳ" — *Ibid.*, *p.* 72.

The state of Delaware, which had not been represented in this convention, was notified of its doings by a copy of the proceedings which was ordered to be sent to the speaker of the house of representatives of that state, together with a letter from the president of the convention from which the following is an extract: —

"The Commissioners have directed me to transmit you a Copy of their proceedings which I now enclose they have omitted to regulate the prices of Labour &c in your State but doubt not from your zealous attachment to the Common Cause that similar measures will be immediately adopted by you — I am with sentiment of respect

Sʳ your most Humˡ Servᵗ." — *Ibid.*, *p.* 77.

From the time the journal or report was brought down to the House, until the 5th of March, when it was referred to a joint committee of the whole Assembly, the consideration of it was many times assigned to a particular time and as often postponed. On the 6th

of March, a memorial was received from "Isaac Smith and a number of others, merchants in the town of Boston and other places, praying, that before the court proceeds to pass any law to establish the prices of any kind of goods imported from abroad, they be heard by their committees on the floor of the House" — and referred to the committee of the whole; and on the 7th, this committee reported "that it is expedient to appoint a committee to bring in a bill for regulating the prices for labor, produce, &c., &c., &c." This report was assigned to the 10th, for consideration, when it was accepted, and a joint committee, consisting of Messrs. Stone, Lovell, Wadsworth, Singletary and Thomas, of the House, and Thomas Cushing and Joseph Palmer, of the Council, was appointed to bring in a bill accordingly.

A report by this committee was prevented by the prorogation of the General Court on the 13th, by reason of the prevalence of the small-pox in Boston.

The subject was renewed on the second day of the next session (which began at Roxbury, April 1, 1778), by the reading, in the House, of the following memorial: —

"To the Hon^{ble} Council & House of Representatives for the State of Massachusetts Bay in General Court assembled—

The Memorial of the Inhabitants of the town of Boston, Humbly sheweth—

That their distresses are great, on account of the very exorbitant price of every necessary of life from the Country; that altho' the charge of raising the produce of the Land, is but a little greater on any account than heretofore, nor so great with respect to the principal article labour, if we advert to the general Custom the farmer has been in, of paying one bushel of Corn for a days Work whereas now the nominal sum is 18/. LM^{y}, yet three pecks of corn will pay it; & altho' the blessing of Heaven has produced an unusual abundance yet they are pain'd to observe, they are Obliged to give eight times as much for their provisions, as they formerly were, & considering the sacrifice they have made, of their trade & substance to the general good but which can easily be proved to have opperated Hitherto intirely for the good of the land holder, they are constrained to say this cruel conduct is without a parallel in the history of Mankind, —

Your Memorialists would by no means extend this at large to the Country indiscriminately as there are some instances of brotherly kindness happy for this Town, were they more common.

Your Memorialists are sure their uncommon sufferings, are greatly increased by the more than brutal Conduct of those Wretches within a few miles of this Capital known in the Odious Character of Forestallers, who lost to the feelings of humanity, purchase from those at a distance & retail it out to these unhappy distrest Inhabitants at a price suiting to their unfeeling hearts, & many of them add insult to their Extortion.—

Your Memorialists apprehensive 'twill be impossible for them to submit unless a stop is put to so merciless & destructive a practice, Pray your Honours that an effectual Law may be enacted against this Species of Wretches & the Town thereby receive some alleviation to their particular distress. —

In behalf of the Town—
March 23^{d} 1778

JOHN SCOLLAY
SAMUEL AUSTIN
HARBOTTLE DORR
THO^{s} GREENOUGH
JON^{A} WILLIAMS
JN^{O} PRESTON
} Selectmen of Boston."

— *Ibid., vol.* 184, *p.* 39.

This memorial was forthwith committed to Messrs. Sumner, Wales and Hancock, "to consider the matter at large."

On the 4th, the House assigned the next Tuesday morning (the 7th), for choosing "a committee to bring in a bill for regulating the prices of labor, manufactures, internal produce and commodities imported from foreign parts," when the subject was postponed to the 10th, at which time the House passed an order for the appointment of a joint committee for this purpose, consisting of Messrs. Peck, Ely, Crane, Lovell and Guild, of the House, with such as the Council should join; but the Council nonconcurred in the order. On the 11th, a committee of conference was appointed, consisting of Messrs. Peck, Bliss, Goodman, Hosmer and Wetmore, of the House, and Powell, Ward, Fisher, White and Austin, of the Council.

The House passed an order, on the same day, for the appointment of a joint committee to bring in a bill "for regulating the price of labor, &c.," in which the Council concurred, with an amendment, inserting after the word "regulating," the following: "and stipulating the prices at which all such articles and stores necessary for the supply of the officers and soldiers belonging to the Continental regiments, raised in this state, shall be delivered and sold to said officers and soldiers in camp" instead of the words in the order. This proposed amendment was rejected by the House, whereupon the two branches voted to adhere to their former votes, respectively. The vote of the Council signifying its nonconcurrence with the vote of the House rejecting the amendment was communicated to the House, on the 17th, by message.

On the 23d, a bill "to regulate the prices of labor, produce, manufactures and commodities within this state," was read a first time, in the House, and on the next day it was read a second time and referred to a joint committee consisting of Messrs. Bliss, Goodman and Stone, of the House, and Oliver Prescott and Abraham Fuller, of the Council. The report of this committee being read in the Council and sent down on the same day (the 24th), was read in the House, and accepted, as follows: —

"The Com^{tee} of both Houses upon the regulating Bill have Considered the same and are of the opinion that as the measure hath been Recommended by the Hon^{le} Congress and adopted by Some other of the united States, it is most prudent for this State to Comply with the Same, and that the Bill Should take place on the 10th of June next.

which is Submitted— OLIVER PRESCOTT p^{r} order." — *Ibid., vol.* 218, *p.* 304.

The Council thereupon nonconcurred, and voted that the report be recommitted, in which vote the House concurred, and the committee again reported, on the 25th, as follows: —

"The Committee of both Houses appointed to consider of a Regulating Bill have attended that Service and after deliberating upon the matter are humbly of Opinion that as the people in General are so devided in their sentiments upon this subject, that it will be impracticable to carry such an Act into Execution, & are apprehensive if it should be attempted would at present be attended with the most fatal Consequence beg leave therefore to report the annexed draft of a Letter to Congress giving the reasons that prevailed with the Assembly to refrain from passing such an Act and further Report that a Copy of the same should be transmitted to the several States who sent Commissioners to New-Haven in January last— OLIVER PRESCOTT pr_ Order." — *Ibid.*, *p.* 297.

This report having been accepted in the Council, with the following order thereon; viz., "Ordered that the President of the Council be and he hereby is desired to sign said letter and transmit the same to the Honorable President of the Congress," was sent down to the House, together with the original draught of the letter referred to. The House now assigned the afternoon of the 25th, for the consideration of this report, when, after debate, they voted that a letter be sent to Congress, "agreeable to said report," and thereupon committed the report to Messrs. Stone, Partridge and Perry, for the purpose of having it amended. On the 27th, this committee reported, and thereupon the vote of the Council ordering the letter to be signed and transmitted was concurred in, by the House, "as taken into a new draught." In this vote of the House the Council concurred, and the letter was adopted in the following form, and transmitted to Henry Laurens, President of the Congress: —

"State of Massachusetts Bay Roxbury Apr_ 27th 1778

Sr_ The Genl_ Assembly of this State in pursuance of a Resolution of Congress of yr 22d of Novr last appointed Commissioners to meet those which might be appointed by the States of New-Hamshire Rhoad-Island Connecticutt New York New-Jersies Pensilvania & Delaware at Newhaven on ye 15th of January last for yr purpose of devising ye most prudent & effectual measures for promoting those valuable purposes mentioned in sd_ Resolve of Congress. the Commissioners met accordingly & Reported that it was expedient yt Laws should be made Regulating the prices of Labour produce &c and their proceedings have been laid before this Assembly who were much divided in their Sentiments with Respect to the measures; many apprehending (from a Recent & unhappy experiment of a Regulating Act) that ye carrying such an Act into execution was impracticable. however upon mature Deliberation (as it was Recommended by Congress) a Vote was obtained appointing a Commtee to prepare a Bill for that purpose, but before the Commtee Could prepare & Report it, the small pox broke out in Boston and this Court obliged suddenly to rise. — the Consideration of this matter has been Reassumed yr present session & a Bill reported; tho, the Assembly were not less divided than before, it is Still urged that if a Regulating Act should be attempted yt the effect would be so far from aiding ye other measures proposed by Congress for giving Stability & value to the Contin_ Bills that it would render those measures fruitless, for the possessors of goods would thereby be induced to part with them on no terms but those of Barter, & thereby the Circulation of the Bills being obstructed they would become (in a great measure) useless in the Hands of the needy Possessor who, having nothing else wherewith to purchase ye necessaries of Life, would at last in a private manner offer any sum which he might suppose would tempt the possessor to part with his Corn &c which the buyer needs; & further that these Objections are not built on mere Speculation but upon unfortunate experiment

Should the mode pointed out by Congress for Reducing the Quantity of circulating money be punctually comply,d with in the several States (which we presume it will) it is conceived it will have a happy tendency to give Stability to yr Currency & to Reduce ye prices of Articles both of Produce & merchandize —

This Government has (agreeable to ye Spirit of the Resolves of Congress) put a final Stop to the Currency of all ye Bills emitted by this State small Change under a Dollar only excepted. & being fully apprised of ye bad Consequences which would accrue by any further emissions of money have levied a Tax of £300,000 L. M.y upon ye People to be paid into the Treasury by yr first Day of January 1778 & have since levied another tax of about £250,000 L. M. to be paid in by the first of June next & are determined to to support the War by taxation as far as the Abilities of the People will admit. these measures have already had some happy effect by lowering the price of imports, & had not the Troops of the Convention been Quartered in this State, it is presumed the price of our produce would have been reduced proportionably upon the whole this Assembly & the people at Large were so much Divided on this Question — the fixing ye price of produce Labour &c so as to give Satisfaction to the various parts of this state was so very Difficult. — but above all the Danger of Obstructing the Circulation of the money, and thereby reducing its value to such a Degree as greatly to affect the common Cause, was so exceeding great — & fearing least the evils which we feel should be increased instead of being removed by the measure, we have upon a full discussion & consideration of the Subject thot_ proper to suspend passing such an Act for yr present, & inform Congress of the motives which influenced us so to do accordingly we have candidly & Justly Related in few words the mode of our Proceedings, & the principle motives which have influenced us to suspend passing the Bill, which we submit to the Consideration of Congress & hope that if it should be their oppinion that our Objections are not sufficient to suspend passing such An Act that they will take the earliest opportunity to give us the information which will be immediately attended to by the Genl Assembly." — *Ibid.*, *p.* 305.

On the same day that the above letter was adopted, the "consideration of the bill for regulating prices was referred to the next session of the General Court."

Early in the next session the following letter, which had been received from Governor Trumbull of Connecticut, was read in the Council and sent down to the House: —

"Hartford May 19th 1778 —

Sir As it is of the utmost Importance in the great Contest in which we are engaged, that Unanimity and harmony should subsist and be maintained, and a Similarity of measures be pursued, by the respective States: It is with great Anxiety and concern we hear that your State, with any other, have hitherto declined acceeding to those necessary and salutary measures reported by the Convention at New Haven, in compliance with, and pursuance of a Resolution of Congress, recommending the same: And tho' many Objections and difficulties lie in the way, and much delicacy seemed to attend; yet Considering it was the United voice of these States, that pointed out the Expediency, Utility and Necessity of the Measure: and being the only means that could be devised, for giving an immediate Check to the rapid depreciation and Extortion, which like a Deluge, seemed to threaten us with immediate Ruin, unless restrained by some Sovereign Act, untill the more effectual and Radical, but slower remedies of Taxation &c. could be applied, felt and perceived; which when effected, and the Tide once changed, the Regulating System, having thus answered the end designed, would of course fall to the ground, as a useless Machine — Impress'd with these Ideas, this State were induced to comply fully with the Measures Recommended, confiding in our Sister-States, that they would do the same, and not break that Union, and interupt that Harmony, on which our safety so much depends. And tho' no State is perhaps more affected in it's Relative Interest, by the Regulation, than this, As the Army have drawn, and still continue to draw their chief supplies, especially of the Meat kind from hence: yet every partial View has been obliged to give way to the Voice of the Convention, the Voice of Congress, and the general Good.

Pensylvania, New-Jersey and New-York, we understand, have adopted the Measures, and are determined to inforce them; with whom we shall fully co-operate: and had the Eastern States done the same, we cannot but Immagine we should have seen e'er this, very happy effects therefrom. But your neglecting it, has thrown us into great embarressments, and proves very Injurious to those States that have come into the Measure, and must eventually tend to Ruin and defeat the whole. We must beg Leave therefore, to call your immediate attention to this Important Object, and to request your determination thereon, that we might be enabled to take such further Measures as may be found Requisite. At the same time we cannot but flatter ourselves, from your former Readiness to Join in such Measures as have heretofore been tho't necessary for the general Good, that you will cheerfully co-operate with us, in this most salutary and important Plan —

I am with esteem and regard (in behalf of the Assembly of the State of Connecticut)
Your Honors most Obedient Humⁱ Servᵗ. JONᵀᴴ TRUMBULL

Hon: Jere; Powel Esqʳ. ". — *Ibid., vol.* 199, *p.* 159.

On the 4th of June, the above letter, having been sent down from the Council at the request of the House, an order was introduced in the House for the appointment of a joint committee to prepare an answer thereto and Messrs. Lowell and Greenough, of the House, and, the next day, Daniel Hopkins, of the Council, were chosen as that committee, and on the 6th, the following draught was submitted by them and accepted: —

"June 5, 1778. Letter to His Excellency Governor Trumbull, in Answer to one received from him in behalf of the Assembly of the State of Connecticut; June Sixth Seventeen hundred and Seventy Eight.

Sir, This State acknowledge the honor done them by your Excellency's Letter of the Nineteenth of May last, accompanied by so respectable a Committee. At the last Session of the General Assembly of this State a Letter was written to Congress, in which the Difficulties that occurred to us, in our attempt to form a regulating Bill, were stated; a Copy of which Letter was ordered to be sent immediately to your State. By some Accident, this Copy was not forwarded until a few days before the arrival of your Committee. As we have therein given the reasons of Our delaying to pass an Act stating the price of Labour, &c. we must beg leave to refer you to that Letter.

However, other Causes have occurred to induce us to delay this measure at present— We have Advice that Congress have reassumed the Consideration of the matter, and a Committee have recommended a suspension of those Acts in the Northern States. We have also information from the Purchasing Commissary of the Continental Army, that if the measure is continued he cannot possibly supply Provisions for the Troops, and that great and immediate ill effects must take place.

We Wish always to concur with our Sister-States in measures for the Public Good; and we have the highest opinion of the friendship of the State of Connecticut, and of their zeal in adopting measures for that Good. We hope our exercising, on this Subject, the right of Debate, and considering of the Report of Our Committee as open to rejection as well as Acceptation, will have no tendency to interrupt this friendship, or destroy a Union which must ever give weight and importance, as well as Comfort to these States. The power of Consideration, on this Subject, must be entirely taken away from us, if the contrary Construction be admitted. For we are told the Committees, when met, held themselves restricted, by their Commissions, from discussing the expediency of such a Bill, and supposed they had a right only to frame one; Restrictions very different from what we had in contemplation when we appointed our Commissioners.

We have not, however, come to a final determination on this matter. We have only deferred the consideration of it, untill we receive an answer from Congress to our Letter; at which time we propose again to resume it, and conclude the Business. I am, with esteem and regard (in behalf of the Assembly of the State of Massachusetts-Bay)—

Your Excellency's humble Servᵗ.

His Excellency Jonᵃ. Trumbull, Esqʳ. JERᴴ. POWELL, President—

In the House of Representatives. Read and Accepted — And the President of the Honble Council is hereby requested to sign the above Letter in the name and behalf of this Assembly. In Council Read and Concurred. Consented to by Fifteen of the Council." — *Council Records, vol. XXXVIII., p.* 542.

Meanwhile (June 3), the House voted "that the propriety and expediency of an act for regulating the necessaries of life and articles of merchandise be considered" the next Monday, at which time the secretary was "directed to lay on the table the recommendation of Congress, to the several states, on the subject of a regulating act, as also the commission of the gentlemen who repaired to New Haven, on the part of this government, and their report," which was done, accordingly. The House then cut short their debate on the expediency of passing a regulating act, by the following order: —

"June 4, 1778. *Ordered*, That the further Consideration thereof be referr'd until an Answer may be received from Congress to the Letter sent them by the last General Court." — *House Journal, p.* 16.

While the Assembly was thus occupied, Congress was expressing its agreement with the views of Massachusetts in the following preamble and resolve: —

"Whereas by a change of circumstances in the commerce of these states, the regulation of prices lately recommended by Congress may be unnecessary; and the measure not being yet adopted by all the states; therefore

Resolved, That it be recommended to the legislatures of the several states that have adopted it, to suspend or repeal their laws made for that purpose." — *Journals of Congress: June* 4, 1778.

Thus ended the last scheme to fix and regulate prices by legislative intervention, in Massachusetts. Those of her citizens who had faith in the efficacy of combinations to prevent the increase of prices, or, in other words, to check the depreciation of the currency, assembled in town meeting or convention, and adopted schedules of prices to which they bound themselves to adhere by mutual pledges, and passed resolutions for the coercion of others. Some account of these combinations is given in the note to 1779–80, chapter 13, *post*.

Congress, however, still continued to regard this kind of legislation with favor, and November 19, 1779, recommended a general convention of the states to be held at Philadelphia, to adopt a uniform system of prices to be enforced by more stringent measures.

The fixing a standard list of prices having been thus disposed of, another subject, which had engaged the attention of Congress; namely, that of preventing the engrossing and forestalling of provisions necessary for the subsistence of the army, was taken up by the Assembly.

An embargo had been laid by Congress on the 8th of June, upon the exportation of wheat, flour, rye, Indian corn, rice, bread, beef, pork, bacon, live-stock and other provisions, to be in force from the 10th of June to the 15th of November. On the 2d of October, this embargo was continued, and stringent regulations were recommended to the authorities of the several states for its enforcement until the last day of January, 1779, or "until such time as Congress shall give notice to the respective states that sufficient supplies have been obtained for the operations of the army and for the French squadron." At the same time, the following preamble and resolve were passed: —

"Whereas the scantiness of crops of wheat & other grain in the States of New York, New Jersey, Pensylvania, Delaware, Maryland & Virginia, & the wicked arts of speculators, forestallers, & engrossers, who infest every quarter of the country & are industriously purchasing up grain & flour at the most exorbitant prices, render it impracticable to obtain timely & sufficient supplies for the operations of the army & navy, unless the most vigorous measures are without delay adopted to restrain practices so destructive of the public weal:

Resolved, That it be earnestly recommended to the legislative or where vested with sufficient power to the executive authorities of the States above mentioned, to authorise & direct any civil magistrate within their respective jurisdictions on an information given by the commissary or quarter master general, or by the deputy commissary or quarter master general of the respective districts of any extraordinary quantity of grain or flour being purchased & in the possession of individuals, forthwith to issue his warrant impowering the informant to seize the same for the public use paying for the same such price as may to the respective legislatures appear proper to prevent the practice of engrossing those articles in future, not exceeding six dollars per hundred for flour, & in proportion for grain which may be found in the hands of engrossers. * * * * * *

Resolved, That it be farther recommended to the legislatures of the several States to pass laws for the seizure & forfeiture of all grain & flour purchased up or engrossed, with such exceptions & under such limitations & restrictions as they may think most expedient." — *Mass. Archives, vol.* 220, *p.* 152.

The foregoing resolves were transmitted to the President of the Council of Massachusetts, together with the following letter: —

"In Committee of Congress } Circular.

Philadelphia 11th November 1778.

Sir The great & increasing difficulties in the Quarter Master & Commissary Generals departments, have induced Congress to adopt the Resolution, of which we have the Honor to enclose you a Copy. Among the measures immediately necessary, for placing these matters on a proper Foundation, is the acquiring knowledge of the proper Resources of these States.— The Articles of Consumption which we would most particularly be informed of, are Flour, Wheat, Rye, Barley, Oats, Corn & Rice, Beef, Pork, working Oxen & Horses, Cyder & Vinegar. The Ignorance & the Interests of mankind, oppose so strongly our wishes in this respect, that after every Effort & every prudent Precaution, our Information will perhaps be of far less importance than could be wished. It is however our Duty to aim at it, and we have no reason to doubt your Excel-

lency's Concurrence in the steps necessary to attain what we have in view: especially when it is considered, how readily your own Good sense will dictate, the impracticability of continuing the war, at least of continuing it to advantage, while we remain supremely ignorant of the Supplies our Country is capable of affording.—We have to entreat that your Excellency, from your knowledge of the Productions of the several parts of your State, would appoint some proper Persons, in whose Industry & Secrecy you can confide, to make proper Lists through the districts you shall severally allot to them, of the Quantity & number, of such of the Articles above named, as are produced in it, which may probably be over & above the necessary consumption of the Inhabitants, And also as nearly as possible, the Quantity &c which they consume over & above their own Production, or of what they do not produce. We hope that these Lists may be transmitted to us with all convenient Speed, to the End that proper arrangements may immediately be made for the ensueing Campaign. Upon transmitting an Account of the Expences which may accrue in this Business, they shall immediately be paid. You will perceive Sir, that every precaution should be taken to prevent this Object from transpiring, least as on many former Occasions, the devoted Adherents of Lucre, should make a gain of the Public Distresses— We are respectfully

Your Excellency's most Obt & Humble servants
NATH. SCUDDER
GOUVR MORRIS
WM WHIPPLE"——*Ibid.*, *vol.* 200, *p.* 201.

Governor of Massachusets

The Council in their message to the House, on the 6th of January, 1779, called attention to the foregoing letter, and submitted for their consideration the question whether or not the holders of provisions "should not be obliged to part with them to the public at a reasonable price."

The portion of the message which relates to the foregoing letter was referred, January 8th, to a committee consisting of Messrs. Phillips, Dawes, Sumner, Lovell and Cranch. On the next day, a committee was appointed, as mentioned in the note to the foregoing chapter, to bring in a bill "more effectually to prevent forestalling and regrating, and for suppressing vendues," and to this committee, on the 12th, was referred the consideration of the circular letter above named. This last-named committee appear to have divided their report, for, on the 14th, a bill "against monopolizing, ingrossing, forestalling and regrating" was read a first time, in the House, and on the next day it was read a second time, and recommitted. It appears to have emerged from this committee in the form of the present chapter, and several assignments were made for its consideration, from the 21st to the 25th, when it had its third reading and was passed to be engrossed, and sent up for concurrence. In the Council the bill was read a first time, on the 26th, and on the 3d of February, it was read a second time, and passed to be engrossed, in concurrence, with four amendments, by which the word "rye," in the eighth line of the first section, and the whole of the eighth section, were inserted, and the words "as by this act is provided," in the twenty-third line of the first section, substituted for "aforesaid." The first clause of the ninth section was also included in these proposed amendments, but varying from the clause as it stands in the act, in respect to the disposition of the fines therein mentioned, which were to go to the public treasury. On the 4th, the House concurred in all the amendments except the last, by which the present form of the first clause of section nine was proposed as a substitute. On the 5th, the Council concurred with the amendment thus proposed, and offered the last clause of section nine as an additional amendment, which was accepted by the House, and on the 8th, the bill was passed to be enacted:—

"State of Massts Bay } In the House of Representatives Febr 8th 1779

* Resolved that the Act, Intitled 'an Act against Monopoly and Forestalling,' be published in all the Boston News-papers, and likewise in all the other publick News papers usually printed in this State; and that the Act so published be prefaced with the Order following Viz. 'published by Order of the General Court'—And it is further Resolved that the Act aforesd. be publickly read in the several Towns within this State at their annual meeting in March next, Sent up for Concurrence JOHN PICKERING Spkr

In Council Febr 8'. 1779 Read & Concurred JOHN AVERY D Secy

Consented to"— [Signed by fifteen of the Council]. — *Ibid.*, *vol.* 220, *p.* 490.

In his History of Massachusetts, Bradford says, referring to this chapter, a law was "passed on the subject; but there were many of her [Massachusetts] citizens, who considered it their interest to disregard the law; and there was remissness in the officers, whose duty it was to see it observed, which favoured the violations of a salutary law with impunity. The General Assembly, however, were very desirous to prevent the evil, and to save the poorer classes of people from oppression. They directed the law to be published, and to be read at the annual town meetings." — *Vol. II., pp.* 172-173.

Chap. 32. "To the Honble the Major Part of the Council the Councill and House of Representatives in Genl Court Assembled

the petition of the Subscribers in behalf of the Town of Westfield in the County of Hampshire; Humbly Sheweth; that the Inhabitants of Said Town by Reason of their Peculiar Situation upon Agawam or Westfield River so Calld; are Subject to many inconveniencies & great Expences in building Bridges &c Over Said River & its Severall Branches; which Expence; was formerly in a Great measure Compensated; by the great plenty of Salmon and Shad Fish which were Annually Caught in Said River within the

* Printed resolves of the January session, chapter CXXXVIII.

bounds of Said Town.— but for this Severall Years Last past; (more Especially Since the Commencement of the present war) wee have been Allmost wholly deprived of any advantages which might Otherwise have Arisen from the Fishery as Afforesaid—by Reason of the great Scarcity of Fish in the River; which Scarcity as wee humbly Concieve is Occasioned by the Unreasonable: practice of keeping two or three Large Netts Constantly drawing at the Mouth of the River; the whole of the time y^e Fish Run in the Spring of the Year: the Building of wares & Dams Across the River and Setting Large Pott Netts so Call^d by which Means the greater part of y^e Fish that Escape the Netts at the Mouth of the River are Caught in the Pott Netts all of which Conduct wee humbly Concieve is Repugnent to the Rules of Justice & Equity & the Iterest of the Community & a Great Grievance to your Pettioners in particular— therefore humbly pray your Honors to take the Matter into your wise Consideration; and grant us & the Publick Such Reliefe touching the Premises as Your Honors Shall in Your Great Wisdom think fit which will Entirely Satisfactory to your Faithfull Subjects & Petitioners as in duty bound Shall Ever Pray

JOHN INGERSOLL
WARHAM PARKS
SAM^LL FOWLER
ASA NOBLE
SIMEON TREMAIN

} Committee for the Town of Westfield." — *Mass. Files: Bills*, 1778–79.

The foregoing petition was read, in the House, January 25, 1779, and committed to Messrs. Ingalls, Gorham, and Bacon of Stockbridge, who were "directed to examine the laws respecting catching fish in the river Parker." On the 29th, this committee reported that Major Parks, one of the petitioners, "have leave to bring in a bill for regulating the catching of fish" at Westfield, which report was accepted, and, on the 1st of February, the bill of this chapter was read a first time, in the House, and thereafter passed through its subsequent stages to engrossment on the 5th. The Council concurred in the engrossment, on the 6th, and on the 8th, the bill was passed, by both branches, to be enacted.

At the next session, the following petition or remonstrance was received: —

"To the Honourable the Council and House of Representatives of the State of Massachusetts-Bay in Gen^l Court assembled.

The Petition and Remonstrance of the Town of West-Springfield in Town Meeting regularly assembled

Humbly sheweth, That the Inhabitants of this Town have for more than 100 Years past occupied a Fishery in a small River called Agawam, which for many Years was almost the only place in this Town where Shad were caught; the Manner of our taking the Fish has been chiefly with Seans or Nets, no Wares have been allowed to be erected for that Purpose except one on a small Branch of the s^d River on the Falls where it is said the Indians had from Time immemorial occupied one for that Purpose, but has for some Years past been but little improved by them or us. The Fishery carried on in this River chiefly in the Month of May is highly valued by most of the Inhabitants of this Town & as much Care has been taken to prevent any needless Waste or Destruction of them as has been exercised by any Town in this State. We are too sensible of the Importance of encouraging their Increase to allow of any needless Obstruction of them in their Passage as far up the River as Nature will permit them to go. And may it please your Honors we humbly conceive that if the same Prudence & good Oeconomy had been exercised by a Neighbouring Town (whose Representatives we are informed have procured an Act of Court to abridge our fishing in s^d River) both they & we might yet have enjoyed them in much greater Plenty.

It is, may it please your Honors, with no small Degree of Surprize we receive the Information of a Bill being passed in Court to cut us off from a Privilege which has been enjoyed by the good People of this Town from the first settling of the Country and which Prohibition can answer no salutary End. We are very sorry that we have Occasion to inform your Honors that your Credulity has been exceedingly imposed upon by a notorious Misrepresentation of Facts, such as these, That the Shad, Salmon &c. used formerly to go up the Rivers and Brooks into some large Ponds, and there breed in abundance & that tis owing to the Interception they meet with in W^t Springfield that they do not still go into them. We challenge the Town of Westfield & all the World besides to bring any credible Evidence of any One of any of those Sorts of Fish that ever went up into those Ponds or was ever seen there neither can any Sort of Fish pass up the River beyond the Town of Westfield; We readily own that Salmon frequently went up the River till a few Years ago, since which Time, the Channel at the Mouth of Agawam River is so filled up with Sand that there are few or none come into it; we know of none that have been seen in the River for some Years past which doubless is owing to that Cause and to no Other.

The Length of the River from the Mouth to the Head of the Falls, in which Space we are prohibited fishing is between four, & five Miles, in which extent there are but three or four places commonly used for Fisheries, which Places have been occupied in that Business for the most of the Time since the Town was settled by the English without any Persons attempting to abridge us of our just & natural Privilege, untill a few Years ago the Representative for the Town of Westfield made some attempts of that Nature in the Gen^l Court; but the Court not judging it just & reasonable, the Matter subsided. As to the Alewives we have heard, although we much doubt its being fact, that they have sometimes formerly gone up the Brooks into the Ponds above mentiond, (but the Town of W^t Springfield have done nothing to hinder them) and we are entirely willing they should do so still, for we make no Account of taking them, the Mashes of our Nets being made too large to take them so that our Neighbors in the Town of Westfield have no Reason to complain on that Account; we wish they may breed abundanty in those Ponds;

May it please your Honors the Town of West Springfield constantly profess and ever

have approved themselves to be as sincere Friends to the Cause of Liberty as any Town in this State; have perhaps exerted themselves with as much Constancy & Steadiness as any one Town on the Continent, have been always ready to sacrifice their private Interest to the Public Wellfare whenever they have had a Call to it.

But may it please your Hon^rs they were never sagacious enough to see that the public Interest could be promoted by taking the just & natural Privileges from one Town & giving them to another, which is evidently the Case with respect to the Fishery taken from West Springfield & given to Westfield, of which your Hons we are well assured will be abundantly satisfied if you will be pleased to suspend the Act afores^d for the present, & appoint an impartial, judicious Committee, to come & view the Situation of Things and mak proper Enquiry into all the Circumstances of the Affair, & make Report of Facts to your Honours.

May it please your Honors our Eyes are upon you as our Fathers, Guardians, and Protectors of our Rights; And we sincerely request your H nours to take this Affair again under your wise Consideration and give us Rilief from the Grievance brought upon us by the cruel avarice of those who seem willing to Sacrifice Peace, Justice & everything valuable either in Public, or social Life to their own private Emolument.

And your Petitioners as in Duty bound, shall ever pray—

West Springfield, March 15^th 1779— A true Copy from the Records

Att^st CHAUNCY BREWER Town Clerk." — *Mass. Archives, vol.* 222, *p.* 157.

On the 21st of April, this remonstrance was committed to Messrs. Goodman, Hastings and Sexton, who reported a resolve * which was passed as follows: —

"State of Massachusetts Bay

In the House of Representatives April 27 1779. on the Petition of the Inhabitants of the Town of West Springfield in the County of Hampshire Praying for the Suspension of an Act Passed the last Session of the General Court Relative to the Fishery in Agawam River Also, that a Committee may be Appointed to Repair to Said West Springfield to View their Situation Relative to Said Fishery &c.

Therefore Resolved that Capt Elijah Hunt Noah Goodman Esq & Capt Timothy Clark be a Committee to Repair to Said Town of West Springfield at the cost & Charge of S^d Town to View their Situation Relative to the Fishery in Agawam River and Report what is proper to be done thereon on the third wednesday of the first Session of the next General Court and that the Act Afore Said be Suspended in the mean time.—

Sent up for Concurrence JOHN PICKERING, Spk^r

In Council April 28^th. 1779 Read & Concurred JOHN AVERY D Sec^y

Consented to" — [Signed by fifteen of the Council]. — *Ibid., p.* 156.

The committee appointed by this resolve having made no report as directed, a similar resolve † was passed on the third of April, the next year, in which Jonathan Hastings, Jonathan Hale and Timothy Clark were, in like manner, appointed a committee to visit West Springfield and to make return, at the May session of the Assembly of 1780. The act was also suspended in the mean time.

No evidence has been discovered that the committee above named attended to the duty required of them by the resolve appointing them. A similar resolve ‡ was passed, May 8, 1781, by which Noah Goodman, Elijah Hunt, and Jonathan Judd, junior, were appointed a committee for the same purpose, and to make return of their doings to the General Court on the first Wednesday of the next session, and again the operation of this chapter was suspended, in the mean time.

A careful search of the records and files has revealed nothing to show that this last-appointed committee was not as remiss as its predecessors, or that any further action was had by the Legislature upon the subject of this chapter until the passage of the act of June 27th, 1786.

Chap. 33. The following petition appears to have been presented to the General Court in the fourth session of 1776–77, but it could not be found on the files of the House when the subject came up for consideration at a later date: —

"To the Hon^ble the Council for the State of the Massachusetts Bay,—And the Hon^ble House of Representatives in Generall Court Assembled—

May it Please your Honors—

The Petition of a Number of the Inhabitants on Kennebeck River & others in the County of Lincoln.— Humbly Sheweth—

That by an Act passed by the Great & General Court or Assembly for the State aforesaid, in the Year of our Lord, One thousand, seven hundred, & seventy six, Establishing Naval Offices in this State, a Port is Establi-h'd at Boothbay in said County of Lincoln, which is vastly incommodious to the Trading Part of this County, that are Settled upon, & Contiguous to the said River Kennebeck, as the distance is very great, either to Boothbay, or Falmouth, and as we have no doubt but this Hon^ble Court are ready at all Times to attend to the reasonable request of the Subjects of this State & to grant them all that relief which this Hon^ble Court, in their Wisdom shall think they are Intitled to, Your Petitioners therefore humbly Pray that a Port may be Establish'd upon said River Kennebeck, & a Naval Office Erected therein, which will be a Vast Ease, & Benefit to y^r Petitioners, & to the Publick in General. & as in Duty bound, shall Ever Pray, &c—

JON^A BOWMAN	JOEL REED	SAM^L MCOBB
NATH^L THWING	FRANCIS FORD	JOSEPH BOWKER
OBADIAH CALL JUN^R	WILLIAM WYMAN	JAMES PURINTON

* Printed resolves, chapter XCVI. † *Ibid.*, March session, 1780, chapter CX.
‡ *Ibid.*, April session, 1781, chapter CXLVII.

JONA. DAVIS	JAMES PERRY	JAMES CARGILL
SAMUEL GOODWIN JUNIOR	ROBERT REED	SOLOMON WALKER
RICHD. CUSHING	PHILL WHITE	ISRAEL SMITH
PRINCE BARKER	ROBT WHITE	JONATHAN FULLER
DAVIS HATCH	EBENR. PREBLE	STEPHEN WHITMORE
LOUES HOUDLETTE	RICHD HARNDEN	JOSEPH FOSTER
JOHN JOHNSON	JOHN LANGDON JUS.	EBENEZER WHITTIER
JONATHAN REED	TIMOTHY PARSONS	JNO. WOOD
WILLIAM HATHORN	JORDAN PARKER	JOSEPH LAMBARD
JOHN HATHORN	TIM LANGDON	THOS. MILL." — *Mass. Archives, vol.* 183, *p.* 74.

The following petition was read, in the House, January 27, 1779, and committed to Messrs. Batchelder, Anthony and Leonard: —

"To the Honble the Council, & the Honble House of Representatives for the State of Massachusetts Bay, in General Court Assembled.— May it Please your Honors—

The Petition of Nathl. Thwing Esqr. & others Inhabitants upon the River Kennebeck, in the County of Lincoln Humbly Shew— That in April A D 1777 A Petition signed by a considerable number of the Inhabitants of said County living upon sd. river Kennebeck & Towns adjacent, was presented to this Honble Court setting forth that the Trade from sd River Kennebeck was likely to increase very much to foreign parts, and Praying that a Port might be established in sd Kennebeck & an Officer appointed for the Purpose of Entering & clearing Vessells agreable to Law—& whereas your Petitioners are informed by Samuel Freeman Esqr the Clerk of this Honble house, that the sd Petition cannot be found on the files of the House. Your Petitioners therefore humbly Pray, that the Affair may be taken up notwithstanding the said Petition cannot be found, and that the Inhabitants of said Kennebeck & Towns adjacent may be indulged in their request as their Petition set forth the vast inconvenience it would be to them to be obliged to go to Boothbay to Enter & clear their Vessells. Your Petitioners therefore humbly Pray that your Honors would take the matter into your wise consideration and grant them that reliefe in the Premises which your Honors in your great Wisdom shall think fit.—and as in duty bound shall ever pray &c—

NATHL. THWING
JOSEPH NORTH
DAVIS HATCH
JONA DAVIS
JAS. McCOBB." — *Mass. Files: Bills*, 1778-79.

On the 29th, the committee above named made a report which has not been discovered, whereupon the petition was recommitted, and the committee was directed to bring in a bill for the purpose mentioned in the petition. Accordingly, the bill of this chapter was read, in the House, a first time, February 6th, a second time, on the 8th; and, on the 9th, it was passed to be enacted.

Chap. 34. By the following entries it appears that nearly six years prior to the enactment of this chapter, the petitioners had applied to the General Court for similar legislation: —

"June 1, 1773. A Petition of John Adams and others—Setting forth— That they live in the northwest corner of the Town of Great Barrington and are therein greatly incommoded with respect to privileges in Town matters by reason of their great distance from the center of the Town and the badness of the Road thereto—That they live much nearer to the Town of Alford, to which there is a very good Road, and where they can be well accommodated with Town privileges. And praying that they, with their Estates, may be set off to Alford there to do duty and receive privilege.

In the House of Representatives. The foregoing Petition read and thereupon Ordered that the Petitioners notify the Towns of Great Barrington and Alford by serving the respective Clerks of said Towns with an attested Copy of said Petition and this order to shew cause on the second Wednesday of the next Session of this Court why the prayer of the same Petition should not be granted. In Council, Read and Concurred." — *Council Records, vol.* XXX., *p.* 14.

"Jan. 29, 1774. A Petition of John Adams and others Inhabitants of the northwest corner of the Town of Great Barrington—Praying that they with their Estates may be set off to the Town of Alford—as entered the first day of June last.

In Council. Read again and Ordered that this Petition be revived, and that the Petitioners notify the Towns of Great Barrington and Alford by serving the respective Clerks of said Towns with an attested Copy of said Petition and this Order to shew cause on the second Wednesday of the next Session of the General Court why the prayer of the same Petition should not be granted. In the House of Representatives, Read and Concurred." — *Ibid.*, *p.* 136.

"June 16, 1774. A Petition of John Adams and others of Great Barrington—Praying to be set off to the Town of Alford—as entered the first day of June 1773—

In Council, Read again together with the Answer of Great Barrington and Ordered that Samuel Phillips Esqr with such as the honble House shall join be a Committee to take the same into consideration and report. Sent down for Concurrence." — *Ibid.*, *p.* 328.

Neither the original petition, nor the answer of Great Barrington, referred to, in the above entries has been discovered, nor has any subsequent action of the Legislature; which is probably accounted for by the sudden dissolution of the Assembly in June, 1774, and the transfer of the custody of the public records and files, caused by the political disturbances which followed that event.

In 1778 the petitioners renewed their application as follows: —

"To the Honble the Council and House of Representatives of Massachusetts-Bay.

The humble Petition of John Adams Jr and others, the Subscribers, Inhabitants of that Part of Great Barrington, which lies at the north west Corner, thereof, shews,

That your Petitioners are subjected to great and grevious Burdens and Disadvantages by Reason of their being Inhabitants of said Town, — that they live Six Miles at the least from the Court House in the same Town, the Usual Place of holding Town Meetings and transacting other publick Busyness, — that it is not more than one mile and an half, from the usual Place, of transacting publick Busyness, in the Town of Alford, to the dwelling House of the most distant Petitioner that they are in Situation detached from the other Inhabitants of said Town, that the late Mark Hopkins, Esq. Colo. of the first Regiment of Malitia in the County, — sensible of the Inconveniences aforesaid, did annex your Petitioners to the Company of Malitia belonging to said Alford, whereby the natural Connection of your said Petitioners with said Alford is rendered permanant and lasting, — wherefore your Petitioners, humbly pray that the following Tract of Land, only including your Petitioners Farms, viz: begining at the north west Corner of said Great Barrington, thence runing eastward in the north Line of said Great Barrington, to the Top of long pond Mountain so called, thence runing southward on the Top of said Mountain, to the east Line of the Farm of Ehud Hopkins, thence runing as the several Lines of said Farm run so as to include the same to the north west Corner of the same, and from thence to the said north west Corner of said Great Barrington. — may be sett off from sd. Great Barrington & annexed to sd. Alford. or that your Honors would be pleased to Appoint a Committee to report to your Honors such Facts as you may desire to be informed of or otherwise direct and Order in the Premises as to your Honors shall appear just — and as in duty bound shall pray.

Great Barrington 10th June 1778.

JOHN ADAMS JR
ICHABOD POPE
AARON SPERRY
NATHAL SPERRY
BLODGET SMITH
DAN STILLWILL
ELNATHAN WILCOKS
JOHN CURTIS
EHUD HOPKINS." — *Mass. Archives, vol.* 220, *p.* 367.

This petition was read, in the House, June 15th, and committed to Messrs. Bacon, Fitch and Lewis, and the next day a resolve* was passed requiring notice to be served upon the inhabitants of Great Barrington, returnable on the second Monday of the September session, that they might appear and shew cause against the petition. The next proceeding of the General Court upon this petition was the passage of the following order: —

"In Council Janv 29th 1779 Read & Ordered That John Pitts Esqr with such as the Hon'ble House shall appoint be a Committee to take into Consideration the Petition of John Adams & others, Inhabitants of the Town of Great Barrington, to hear the Parties & report what may be proper to be done thereon

Sent down for Concurrence JOHN AVERY D Secy

In the House of Representatives Jany 29. 1779 Read & concurrd, & Coll Thurston & General Titcomb are join'd — JOHN PICKERING Spkr." — *Ibid., p.* 370.

On the day the above order was passed, the petitioners were heard, as also the town of Great Barrington, which objected to the prayer of the petition for the reasons set forth in the following copy of the record of a meeting of the inhabitants of that town: —

"At a Meeting of the Inhabitants of the Town of Great Barring Legaly called, & held on the 31st Day of August AD 1778.

Voted that this Town will make answer to the petition of John Adams &c. praying, to be set off from said Great Barrington with their estates & annexed to Alford — And voted that the following reasons be given to the great & general Court, why the prayer of said petition should not be granted, *viz*

1. Because the petitioners have mistated the matter, when they say, in their petition, 'That they Live six miles at the Least from the Court house in the same Town — when not one of them Live more than six Miles from said Court house, & others not more than four miles —

2. Because this Town is so small at present, that there are not at this time & probably never will be more inhabitants, than will be necessary to perform Town duties, such as supporting ministers, Schools &c.

3. Because this Town is now destitute of a settled Minister, & one third part of the publick taxes in this Town is paid by professed members of the Church of England, Should therefore the prayer of the petition be granted, This Town, now but barely able to settle & support a Gospel Minister, would be rendered still more unable, to heave preaching & ordinances of the Gospel reestablished amongst us —

4. Because a number of the other Inhabitants of this Town, are so situated, that they might with equal propriety, petition your honors, to be set off from this, & annexed to some other Towns —

5. Because this Town being Long since Incorporated, and by Law subject to the duties above mentioned, — It seems to this Town, peculiarly hard, to be taken off by pieces, & those peices made into Towns, or annexed towns, already made — The Greater parts of the Towns of *Alford* & *Lee*, were parts of this Town, when first incorporated —

6. Because some years since, the present petitioners, (with some others) to be set off from this Town, & incorporated into a Town or district, & this Town being notify'd to make answer to the same, attended accordingly — The consequence was, — The petition was dismissed —

* Printed resolves of the May session, 1778, chapter LXXIV.

We beg Leave further to observe, that we cannot conceive any Connection betwixt the Late Col. *Hopkins's* annexing the petitioners the Company of Militia in Alford, & their being set off to Alford. We can give another, & we trust a better reason for Col. Hopkins's conduct in that affair, viz That there was not a number of men in Alford, sufficient to form a Company & therefore set off from this Town, a number sufficient to complete a Captain's Command.

We would also observe that some of the Inhabitants of this Town included in Alford Company are not petioners; but opposed to the petition — Nor can we apprehend that the Conduct of Col. Hopkins in the premises, has 'rendered the natural connections of the petitioners & Alford, permenant & Lasting' as the petitioners suggest, It being a matter subject to alteration any day." — *Ibid.*, *p.* 371.

As the result of this hearing, the following resolve * was passed: —

"State of Massachusetts In Council Janʸ 29 1779

On the Petition of John Adams & others praying for reasons set forth in their Petition that they and the Tracts of Land belonging to them in the Town of Great Barrington may be set off from said Town & annexed to the Town of Alford.

Resolved that the Prayer of the Petition be granted & that the said John Adams & others the within Petitioners and their Lands as described in said Petition be & hereby are set off from the aforesaid Town of Great Barrington and annexed to the Town of Alford, & that they have leave to bring in a Bill accordingly

Sent down for Concurrence JOHN AVERY D Secʸ

In the House of Representatives Janʸ 29. 1779 Read & concurrd

JOHN PICKERING Spkʳ

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 369.

In accordance with this resolve, the bill of the present chapter was reported to the Council, where, on the 8th, it was passed to be engrossed, and sent down for concurrence. In the House it was immediately read a first time, and on the 9th, it was read a second time. On the 10th, it was passed, in concurrence, to be engrossed, and on the 11th, it was passed to be enacted, by both branches.

Chap. 35. On the 7th of January, 1779, Messrs. Partridge, Cranch and Wood were appointed a committee of the House, "to consider what provision is necessary to be made to enable the treasurer to pay out the money he has received on the sale of this-state-lottery tickets, and to pay off the prizes drawn in said lottery, and report," and, on the 11th, Messrs. Parks, Choate and Thaxter, were appointed a committee "to devise ways and means for supplying the treasury with money to pay the soldiers the gratuity offered them by a resolve of the first of May last." Both the resolves providing for the above measures; namely, offering a gratuity to the soldiers, and establishing a lottery, are given in full in the note to chapter 5, *ante*.

On the 12th, the former of the above-named committees reported a resolve which, on that day, was passed by the House, and sent up for concurrence, but returned on the next day, in response to a message from the House, and a committee, consisting of Messrs. Sullivan, Crane and Prescott was thereupon appointed by the House to bring in a bill "for raising a fund to redeem the notes ordered to be issued for paying off the prizes of this state's lottery." On the 20th, a joint committee, consisting of Messrs. Brown and Johnson, of the House, and Jedidiah Preble, of the Council, was appointed "to consider what is further necessary to be done to enable the treasurer to pay the gratuity promised to the soldiers by the resolve of the first of May 1778."

Of these two committees, the latter reported a resolve † on the 21st, and, on the 6th of February, a bill reported by the former committee, and bearing the title of this chapter, was read a first time, in the House. This bill had its subsequent readings and was passed to be engrossed, in the House, on the 8th, and was passed, in concurrence, to be engrossed, by the Council, on the 9th, and on the 11th, it was passed to be enacted, by both branches.

Chap. 36. M. Gérard, minister plenipotentiary of France, having addressed the president of Congress, on the subject of the great need of masts and spars in the enemy's navy, Congress passed the following preamble and resolve: —

"In Congress Decʳ 29, 1778 The president informed Congress that the minister of France had requested him to communicate the following information to Congress, namely That the minister was assured by good intelligence that the enemy's fleet at Rhode island were greatly distressed for want of masts and spars; that a mast had been taken from a merchantman of 600 tons and put into a man of war of the line; that others of their ships of war had been rigged with jury masts and that they had little prospect of a supply from Halifax or any other of their ports: That there were in Newhampshire a number of masts fit for ships of the line ready to be exported from thence to Sᵗ Domingo: That the enemy had been advised of this & were preparing to intercept them That in his opinion it would be of great consequence to prevent the enemy from obtaining such an important supply and therefore he proposed that the masts should be sunk during the winter and as an inducement thereto he would himself pay the expence of sinking & raising them & also the interest of whatever sums might have been expended in procuring the said masts, until the next spring whereupon —

Resolved That it be most earnestly recommended to the states of Massachusetts bay & Newhampshire to take the most effectual measures to prevent any masts or spars from being exported from or laden on board any ships or vesse[ls‡] within the ports of the said states Extract from the minutes CHAˢ THOMSON Secʸ." — *Mass. Archives, vol.* 221, *p.* 154; *also printed in Secret Journals of Congress, vol. I., p.* 98.

* Printed resolves, chapter C. † *Ibid.*, chapter LXIV. ‡ Manuscript mutilated.

This resolve was communicated to the Council in a letter from John Jay, president of the Congress, and was brought down to the House January 13, 1779, and read; whereupon a joint committee, consisting of Messrs. Batchelder, Phillips of Andover, and Sullivan of the House, and Thomas Cushing and Nathan Cushing, of the Council — who were joined on the 14th — was appointed to consider the same and report. Mr. Jay's letter is as follows: —

"Philadelphia 29th Decr 1778

Gentlemen On perusing the enclosed Act of Congress—passed this Day, you will find it to contain a Recommendation which they deem to be of great Importance.

The patriotic Exertions of Massachusets Bay in the Course of this great Cause and Conflict, saves me the necessity of pressing your attention to a measure, evidently calculated to distress the Enemy and advance the Interest of the united States—

I have the Honor to be Gentlemen
with great Respect your most obedient and
h'ble Servt
JOHN JAY—

The Hon'ble The Council of Massachusets Bay." — *Ibid.*, *vol.* 200, *p.* 280.

The Council had broached the same subject to the House, in a message at the beginning of the session (Jan. 6, 1779), as follows: —

"Masts are an Article the Enemy must be in extream want of, they will therefore be very Vigilant and assiduous in their endeavors to take as many of them as they Possibly Can, it is of Importance therefore that we should use every measure in our Power to prevent their falling into their hands, and now we have mentioned this Article we cannot forbear recommending it to your Consideration whether it will not be necessary to to take some effectual measures for Preserving Pine Trees of certain Dimensions, suitable for Masts for large Vessells, from being cut down and disposed of at the pleasure of every one; Our Sea Coasts, our Trade & Navigation do now & will in future require a consider able Naval Force for their Protection. The Preservation of such Pine Trees as are suitable for Masts is object of great Importance to this as well as the other United States, not only considered as a Measure necessary for our Protection, but as Masts are an Article with which we may carry on a Trade with our Allies much to their Gratification, as well as greatly to our own Advantage." — *Ibid.*, *vol.* 158, *p.* 131.

This was probably suggested by a circular letter from M. Gérard confidentially commu nicated by the Sieur De Valnais, French consul at Boston, offering a premium for the capture or destruction of vessels loaded with masts or spars for the enemy. The following is a copy of the contemporaneous translation of this letter: —

"The Minister plenipotentiary of France promises and engages to pay or cause to be paid a premium of Twelve thousand Continental Dollars to every Vessel that shall take or destroy a Vessel of the enemy loaded with Masts or Spars destined for the ports of Hallifax, Newport or New York from the date of these presents to the first day of the Month of April next. The said sum of twelve thousand Dollars shall be paid in Philadelphia the moment the Captor shall produce to the Minister the legal proof of the Capture or destruction of the Vessel loaded with Masts and Spars for the ports afsd.

The Congress having been pleased to approve this measure, the Minister Plenipotentiary entreats them to address the present declaration to the States they shall judge proper, recommending it to them to make the same known to the Captains and privateers of their respective ports, avoiding nevertheless to give such public Notice as may serve to put the enemy on their gaurd and induce them to send their Vessels under convoy—

(LS) Philadelphia 14th Decem 1778

Signed GERARD." — *Ibid.*, *vol.* 200, *p.* 257.

On the 4th of February, in the Council, a bill was read a first time, with the following title: "An Act to prevent the exportation of masts of certain dimensions, suitable for the masting of ships of war." This bill had its second reading and was passed to be engrossed and sent down for concurrence on the afternoon of the same day, when it had its first reading in the House, and on the 8th, was read a second time and committed to Messrs. Sumner, Crane and Ward. On the 12th, the bill not having been further acted upon by the House, was sent up to the Council, at their request. On the 15th, the Council sent down to the House, the bill of this chapter, which had been passed to be engrossed in that branch. It was immediately read a first time in the House, a second time, on the 16th, and on the 17th, it was passed in concurrence to be engrossed, with an amendment changing the diameter of the prohibited masts or spars mentioned in the fourth line of the first section from twelve inches, to fifteen inches. The Council, on the same day, concurred in the bill as thus amended, and on the 19th, it was passed to be enacted by both branches.

While this bill was pending the following joint order was passed: —

"State of Massachusetts Bay In Council Febry 12th 1779.

Ordered that the Naval Officer of the Port of Boston be and hereby is directed not to clear out any Vessell from the said Port that has taken on Board as Cargo any Masts, Spars or Naval Stores untill he has reported to the Council the Name of the Vessell and of the Person who comands her, and the Destination of said Vessell, And that he cause a Search to be made of all Vessells about sailing from this Harbor and for the Clearance of which Application shall be made, in Order to discover whether such Vessells have on Board any Masts, Spars, or Naval Stores, and in Case he shall find any of the Articles aforementioned on Board he is not to clear them out untill he has made Report to the Council and has received their Orders thereupon

Sent down for Concurrence JOHN AVERY D Secy

In the House of Representatives Feb 12–1779 Read & concurrd with an amendment viz dele 'Orderd' and insert 'Resolved'
Sent up for Concurrence. JOHN PICKERING Spkr
In Council Febr 12'. 1779 Read & Concurred JOHN AVERY D Secy
Consented to" — [Signed by fifteen of the Council]. — *Ibid., vol.* 221, *p.* 96.

The following petition for exemption from the operation of the foregoing resolve, and the report which accompanied it, of the naval officer for the port of Boston, were read in the Council, Feb. 15th, and forthwith referred to a joint committee, consisting of Benjamin Austin, of the Council, and Messrs. Crane and Barrell, of the House: —

"To the Honb. The Council & House of Representatives of the State of Massachusetts-bay, in General Court assembled.

The Petition of James Swan, in behalf of himself, Capt Job Prince & others, owners of the Ship Leighton Humbly Shews

That your petitioners have fitted, at a very great expence the said Ship Leighton, Commanded by Capt Edward Davis, with a load of spars & Lumber the produce of this State, bound to the West Indies for a load of Molasses, and other necessaries for the Consumption of the people. That the said ship, was mann'd & ready to go to Sea three months ago, when all her people left her and engag'd in the public Service on board a Continental frigate, which has detain'd her in port ever since at a great additional expence. That she is now ready to proceed on her Voyage: but the Naval officer for this Port refuses clearing her out; alledging a resolve of the General assembly to that effect.

Your petitioners to unload this ship must be at an Expence of Two thousand pounds; and answer no good purpose then: For as they presume the resolve never was meant to include small spars under nineteen inches, so it never can effect this ship: not one stick on board of her being more than the size mention'd.—They are therefore embolden'd to say, that should they be so unfortunate as have her captur'd by the Enemie, there is not one Mast or Spar of the whole Cargoe, which can assist a Man of War. And should she be still detain'd here, the owner must at least be damag'd Six thousand pounds.—

They therefore—Humbly beseech the Honol Council & House of Representatives, to pass a resolve ordering the Naval officer to clear the said Ship Leighton from this port; taking an affidavit of the Master that there are none above nineteen inches on board: and as in duty bound shall ever pray.

Boston 13' Febr 1779. JAMS SWAN." — *Ibid., p.* 150.

"To the Honorable Council State Massa Bay May it please your Honours.

In Obedience to a Resolve* of the Hon Genl Assembly of this State dated.12 Instant. The Naval Officer for the Port of Boston begs leave to report to your Honors, that the Ship Leighton Edward Davis Commander bound for Hispaniola; has on board according to his own Representation Seventeen Masts, twelve Booms of the dimensions hereto annexed, likewise three hundred Spars, which Ship is loaded & a Search would be difficult & very expensive—Also that Capt Davis Hatch in the Sloop Polly bound for Kennebeck, has on board thirty nine barrells Naval Stores, & will sail in a day or two. the Naval Officer begs Your Honors directions respecting the Clearances for the above-mention'd Vessells, as soon as is convenient to the Honorable Board—

Port Boston February 13. 1779. NAT BARBER N offr." — *Ibid., p.* 156.

On the 17th, John Pitts was appointed on the above-named committee in place of Austin, who was absent, and on the 18th, the committee reported to the Council a resolve refusing permission for the vessel to sail until the masts and spars on board — the former being seventeen in number, and from fifteen to twenty inches in diameter, and the latter, twelve in number, and from fifty to sixty-five feet in length — "are taken out; the necessary expense of which unloading and lading said ship, shall be defrayed by this state, and charged to the continent." This resolve was not accepted; whereupon an order was passed by the Council, permitting the naval officer to grant a clearance of the ship, notwithstanding the former order. The House then concurred in the resolve,† "as taken into a new draught," as follows: —

"On the Petition of James Swan in behalf of himself & others, owners of the Ship Leighton praying she may have liberty to sail on her Voyage to the West Indies, for reasons set forth in said Petition—

Resolved that the prayer of said Petition be granted & that the Naval Officer for the Port of Boston be and he hereby is permitted to clear out the Ship Leighton, any former Order of Court to the contrary, notwithstanding." — *Ibid., p.* 153.

On the 19th, the Council concurred in this resolve.

Chap. 37. A case of the kind to which the provisions of this chapter were applicable, is described in the preamble to the following resolve,‡ passed on the petition of Elizabeth Welsh, a daughter of the testator, who prayed to be put in possession of such of the real and personal estate devised and bequeathed to her as had not been disposed of, or carried away, by the executor, a loyalist refugee: —

"The Comtee appointed on the Petition of Elizabeth Welsh report the following Resolve
In the House of Representatives Novr 8 1776

Whereas Hugh Hall Esqr late of Boston in the County of Suffolk, deceased, by his last Will & Testament constituted Foster Hutchinson Esqr Executor of the same Will & the said Hutchinson has since gone out of this State & neglects to execute said Will ac[cording§] to the direction of the said Testator: Therefore re[solved§] that the part of said Will which constitutes sai[d Hu§]tchinson Executor of the same Will be & hereby is declared null & void & that the said Hutchinson be no longer considered Executor thereof—and it

* Printed resolves of the January session, chapter CLXXI. † *Ibid.*, chapter CXCIII.
‡ *Ibid.*, November session, chapter XII. § MS. mutilated.

is also resolved that the Judge of Probate of Wills & for granting Administration in said County of Suffolk be & hereby is empowered to grant administration upon the Estate of the said Hugh Hall Esqr not administred upon by the said Foster Hutchinson to some person or persons with the said Will annexed according to the laws of this State & that the said Person or Persons to whom sd Administration shall be so granted he accepting the said Trust be fully empowered & obliged to administer on such part of sd Estate as was not before administred upon by said Hutchinson according to ye direction of ye said Testator in said Will expressed

Sent up for Concurrence T. DALTON. Spkr pro Tem—
In Council Novr. 14. 1776 Read & Concurr'd JOHN AVERY Dpy Secy
Consented to"—[Signed by fifteen of the Council].—*Mass. Archives, vol.* 211, *p.* 97.

On the 28th of January, 1779, a bill, entitled "An Act for the relief of joint partners in trust, office or interest," was read, a first time, in the Council, and assigned to Feb. 2d, for a second reading. This bill, after reciting that "divers persons have departed this state, some of whom are prohibited returning hither again without leave of the General Court, whose absence may be prejudicial to those who are connected with them in office, trust, interest or estate, unless some remedy be made in that behalf," proceeded to enact that the person or persons remaining in this state having a joint interest with any such absentee, in any right of action either in their own names, or as executors or administrators, or in trust, which must, by law, be brought or defended in the names of all the parties in interest, may prosecute or defend such action in the same manner as if the absent parties were naturally dead. This bill seems to have been superseded by the present chapter.

Chap. 38. The following petition, which led to the passage of this chapter, sufficiently sets forth the constitution of the body which framed it: —

"State of Massachusetts Bay— } To the Honble the Council and the Honble House of Representatives in General Court Assembled—

Pittsfield Augt. 26th 1778,

We the subscribers Delegates from the several Towns in the County of Berkshire, chosen & appointed for the Special purpose of Petitioning the Great and Genl Court to call a special convention of Delegates from each Town in this State, for the purpose of forming a Bill of rights & a Constitution or form of Government— Humbly shew—

That your Memorialists have from the time of the Stamp Act to this present Day, manifested a constant and uniform Abhorrence and Detestation (not only in Sentiment but overt Actions) of all the Unconstitutional Measures taken by the British Parliament to tax, depauperate and Subjugate these now United and Independent States of America—

That they can Vie with any County in this State not only in Voluntarily appearing in Arms upon the least notice, when their Brethren in Distress needed their Assistance as at the Massacre at Lexington, the Fight at Bunkers Hill &c &c But also in filling up their Quotas of Men from time to time, demanded either by this State or the Commanding Officer in these Parts: altho' our Situation has been such, as might have justified the Genl Court had they called upon Us for no such supplies, over and above wch our Zeal in the Common Cause has carried Us beyond our Ability in the frequent Excursions against the Common Enemy, as in the Battle of Bennington, in assisting Colo Brown in the Capture of so many Hundreds at the Carrying place at Tyconderoga, in the quelling the Tories at divers times in a Neighbouring State, wch otherwise, might have suffered amazingly, and in instances of the like Nature too many to enumerate—

Notwithstanding this Our Fidelity to the State and our exertions for the Common Cauze. We have by designing and disaffected Men been represented as a Mobbish, Ungovernable refractory, licentious and dissolute People, by means whereof have been threatned with Dismemberment, more especially, as we conceive, on Account of our not admitting the Course of common Law—

It is true we were the first County that put a Stop to Courts, and were soon followed by many others, Nay in effect by the whole State — And we are not certain but that it might have been as well (if not better) had they continued so, rather than to have Law dealt out by piece meal as it is this Day, without any Foundation to support it, for We doubt not we should before this time have had a Bill of rights, and a Constitution wch are the only things, We at this time are empowered to pray for—And We do now with the greatest Deference Petition your Honors, that you would issue your Precepts to all the Towns and places within this State (called upon to pay public Taxes) requiring them to choose Delegates to set as soon as may be in some suitable place to form a Bill of Rights and a Constitution for this State, without which We shall retain the aforesd. Character, if grounded upon the Non-admission Law, as abundantly appears to Us this Day by the Yeas and Nays, brought in from the respective Towns We represent, taken in Town Meeting, especially called for that purpose, there being four fifths of the Inhabitants of sd County against supporting the Courts of Law, untill a Constitution be formed and Accepted by the people—

If this our request is rejected We shall endeavour by addressing the first Committee of Safety &c in this State & others, that there be a State Convention formed for the purpose aforesaid—And if this Honble Court are for dismembering there are other States, which have Constitutions who will We doubt not, as bad as we are, gladly receive Us; And We shall to the utmost of our Ability support and defend authority and Law as we should wth greater Cheerfulness in this State to which We belong was there any proper Foundation for it—

We are with all Submission your Honors youngest Child and are determined to the

utmost of our Power to protect and secure our just Inheritance, and hope our parent, will graciously concur and assist by granting this our request.

And as in Duty bound will ever pray—

EZRA FELLOWS,—	Sheffield	CALEB HYDE	Lenox
WM. WHITING—	G Barrington	WILLIAM WALKER	
JOSEPH CHAFFEE	Partridgefield	ASA BEMENT	Stockbridge
DANL. KENNE		JABEZ HOLDEN—	Sandisfield
ELISHA BAKER.	Williamston	JOSEPH PIERCE	Gageboro'
JABEZ WARD	N Marlboro'	JOHN BURROWS	
CALEB WRIGHT		WM DOUGLAS—	Hancock,
JONA SMITH	Lanesborough	BENJ. PIERSON—	Richmond
JAMES HARRIS		SMITH MARCY—	Loudon
WM. WILLIAMS	Pittsfield	EUSEBIUS BUSHNELL	Washington
VALENTINE RATHBONE		GEORGE SLOAN—	
ENOCH ROOT—		JOSEPH GILBERT—	Alfred
		JESSE BRADLEY—	Lee
		BENJA. TAYLOR—	New Ashford."—

Mass. Archives, vol. 220, *p.* 462.

On the 16th of October, 1778, the Council passed the following resolves on the foregoing petition: —

"In Council Oct. 16.' 1778

On the Petition of Ezra Fellows and others, Members of a Convention in the County of Berkshire Resolved, that Whereas it appears to this Court by the Petition aforesd that Difficulties have existed, and do now exist in the sd County which have hitherto obstructed the Establishing of Courts of Justice in the sd County;—and whereas the Suspension of Civil Authority is pregnant with every political Euil;—and Whereas the Honor of Government, the Prosperity of this State, as well as the Peace of that County are much concerned;—for the Removal of these Evils, and for the Restoration of good Order, Peace, & Harmony

Resolved that Danl Hopkins & Eleazer Brooks Eqrs with such as may be joined by the Honle House be a Committee to repair to Pittsfield in the sd County on the 17th of November next to hear as well from Individuals, as from the several Towns and Plantations in the sd County all Complaints of Difficulties, and Grievances of every political kind, or Nature, they, or any of them do, or have suffered, (if any) or which the sd Towns, Plantations, or Individuals suppose they suffer; and to do any other Matter or thing by advice, or Admonition which they shall judge may be for the Hont Hapiness, or Safety of this State in general, or that County in particular; especially such as relate to the formation of a new Constitution or Form of Government, or the Support of the present.— And the sd Committee are hereby further authorized and impowered to summon, or bring before them any Evidences to investigate any matter of fact whereof they may judge best to enquire relating to the Premises; also to employ a Clerk: And that the sd Committee report the sd Difficulties, and Grievances, and all other Matters or things, relating to the political State of the sd County, which may come to their Knowledge to this Court, on the second wednesday of their next Session. And to the End that such Towns, and Plantations may be duly heard upon the Premises, it is Resolved that each Town and Plantation send one or more Delegates chosen in Town Meeting by a majority of the Male Inhabitants present, being Free, and twenty one years of Age, after due warning for that Purpose, to meet the sd Comee at the Time and Place aforesaid; and that the sd Towns and Plantations, particularly and fully instruct their Delegates concerning such Grievances, and Difficulties, and also what Objections they have against the due, and ordinary Course of Justice in setting of the Courts of Judicature aforesaid, and otherwise.

And to the End that all such Towns, Plantations and Individuals may be fully informed thereof, it is further resolved that the Secretary of this State send printed Copies of this Resolve to the Sheriff of the sd County, who is hereby directed to send one of the same to the Town Clerk of each Town; and to post up one thereof in some public place in each Town and Plantation aforesaid. And be it further Resolved that there be paid out of the Treasury of this State the Sum of to each of the sd Committee to enable them to perform the Business hereby assigned them; they being accountable to this Court for the Expenditure of the same. Sent down for Concurrence

JOHN AVERY Dy Secy." — *Ibid., p.* 134.

The House, on the same day, refused to concur in the foregoing resolves; whereupon a joint committee, consisting of Messrs. Davis, Lowell and Freeman, of the House, and Hopkins and Danielson of the Council, was appointed to consider the foregoing petition, "and report what is proper to be done thereon."

On the same day another resolve,* reported to the Council by the committee last appointed, was passed, as follows: —

"On the petition of Ezra Fellows and others Inhabitants of the County of Berkshire

Resolved that Samuel Niles & Eleazer Brooks Esqrs with such as the Honle House may join be a Comee to repair to Pittsfield in the County of Berkshire, on the 17th Day of November next there to enquire into the State of their Grievances, and endeavour to remove them; and for this purpose that the several Towns, and Plantations in the sd County be served with a Copy of this Resolve, by the Sheriff of the sd County, who is hereby directed to send one of the same to the Town Clerk of each Town, and to post up one thereof in some public place in each Town, and Plantation in sd County; to the End that the several Towns, and Plantations aforesd if they see fit, may send one or more persons to confer with the sd Comee; and the sd Comee are hereby directed to inform the good People of that County that the General Assembly have chosen a Committee to consider what is necessary to be done towards forming a new Constitution of Government,

* Printed resolves of the September session, chapter CLXXVIII.

that they have no Doubt the same will be taken up at the next Session of this Court; and that the sd first mentioned Committee make Report of their Doings to the General Court as soon as may be—

In Council Oct,. 16: 1778 — Read & accepted Sent down for Concurrence

JNO. AVERY Dy Secy

In the House of Representatives Oct 16 1778 Read & concurrd & Seth Washburn John Bliss & Thomas Crane Esqrs are joind

JOHN PICKERING Spkr

Consented to"— [Signed by fifteen of the Council]. — *Ibid.*, *p.* 132.

The committee thus appointed, met at the time designated in the resolve, and conferred with representatives from the principal towns of Berkshire, assembled in convention. The delegates from the town of Pittsfield presented to the committee the following letter, or statement of views, which they had prepared and which had been subsequently signed by delegates from other towns in the same county: —

"To The Honble Committee from the General Court of Massachusetts Bay now convened at Pittsfield —

Mr. Chairman, Sr

We whose Names are underwriten indulging some Apprehensions of the Importance of Civil & religious Liberty, the destructive Nature of Tyranny & lawless power, & the absolute necessity of legal Government, to prevent Anarchy & Confusion; have taken this method to indulge our own Feelings & Sentiments respecting the important matters that have for some Time been the Subject of debate in this present Meeting—Political Disquisitions, if managed with Decency, Moderation & Candor are a good preservative against Ignorance & Servility & such a state of perfect Quietude as would endanger the Rights of Mankind united in the Bands of Society. We wish to preserve this Character in what we have now to offer in the Defence of our Constituents in opposing, in times past, the executive Courts of Justice in this County.

We wish with the least Delay to come to the Merits of the cause, & shall now proceed to make those observations on the Nature of Government which are necessary to bring into view the Apprehensions we indulge respecting the present Condition of this state, whether we have a fundamental Constitution or not; & how far we have Government duly organized & how far not: In free States the people are to be considered as the fountain of power. And the social Tie as founded in Compact. The people at large are endowed with alienable & unalienable Rights. Those which are unalienable, are those which belong to Conscience respecting the worship of God & the practice of the Christian Religion, & that of being determined or governed by the Majority in the Institution or formation of Government. The alienable are those which may be delegated for the Common good, or those which are for the common good to be parted with. It is of the unalienable Rights, particularly that of being determined or governed by the Majority in the Institution or formation of Government of which something further is necessary to be considered at this Time. That the Majority should be governed by the Minority in the first Institution of Government is not only contrary to the common apprehensions of Mankind in general, but it contradicts the common Law of Justice & benevolence.

Mankind being in a state of nature equal, the larger Number (Cæteris paribus) is of more worth than the lesser, & the common happiness is to be preferred to that of Individuals. When Men form the social Compact, for the Majority to consent to be governed by the Minority is down right popery in politicks, as submission to him who claims Infallibility, & of being the only Judge of Right & rong, is popery in Religion. In all free Governments duly organized there is an essential Distinction to be observed between the fundamental Constitution, & Legislation. The fundamental Constitution is the Basis & ground work of Legislation, & asscertains the Rights Franchises, Immunities & Liberties of the people, Howr* & how often officers Civil & military shall be elected by the people, & circumscribing and defining the powers of the Rulers, & so affoarding a sacred Barrier against Tyranny & Despotism. This in antient & corrupt Kingdoms when they have woke out of Slavery to some happy dawnings of Liberty, has been called a Bill of Rights, Magna Charta &c. which must be considered as imperfect Emblems of the Securities of the present grand period. Legislators stand on this foundation, & enact Laws agreeably to it. They cannot give Life to the Constitution: it is the approbation of the Majority of the people at large that gives Life & being to it. This is the foundation of Legislation that is agreeable to true Liberty, it is above the whole Legislature of a free state, it being the foundation upon which the Legislature stands. A Representative Body may form but cannot impose said Constitution upon a free people. The giving Existence to the fundamental Constitution of a free state is a Trust that cannot be delegated. For any rational person to give his vote for another person to aid and assist in forming said Constitution with a view of imposing it on the people without reserving to himself a Right of Inspection Approbation rejection or Amendment, imports, if not impiety, yet real popery in politicks. We could bring many Vouchers for this Doctrine sufficient for our present purpose is the following Extract from a Noted Writer. in answer to that assertion of another respectable writer that 'The bare Idea of a State without a power some where vested to alter every part of its Laws is the height of political Absurdity.'† He remarks upon it, 'A position, which I apprehend, ought to be, in some Measure limited & explained. For if it refers to those particular Regulations, which take place in Consequence of Immemorial Custom, or are enacted by positive Statue, & at the same Time, are subordinate to the fundamental Constitution from which the Legislature itself derives its Authority; it is admitted to be within the power or Trust vested in the Legislature to alter these, pro, Re nata, as the

* *Sic.* † Introduction to Blackstone's Commentaries, p. 97, *note*. — ED.

good of Society may require. But this power or Authority of the Legislature to make Alterations cannot be supposed to extend to the Infringement of those essentials Rights & previleges, which are reserved to the Members of a free state at large, as their undoubted Birthright & unalienable property. I say, in every free State there are some Liberties & previleges, which the Society has not given out of their own Hands to their Governors, not even to the Legislature: & to suppose the contrary would be the height of political absurdity; for it is saying that a state is free & not free at the same Time; or which is the same thing, that its Members are possessed of Liberties, of all which they may be divested at the will of the Legislature; that is, they enjoy them during pleasure, but can claim no property in them

In a word nothing is more certain than that Government in the general nature of it is a Trust in behalf of the people. And there cannot be a Maxim, in my opinion, more ill grounded, than that there must be an arbitrary power lodged somewhere in every Government. If this were true, the different kinds of Government in the world would be more alike, & on a level, than they are generally supposed to be. In our own Government in particular, tho' no one thinks with more respect of the powers which the Constitution hath vested in every branch of the Legislature; yet I must be excused in saying what is strictly true, that the whole Legislature is so far from having an absolute power, that it hath not power in several Cases that might be mentioned. For instance, their Authority does not extend to making the house of Commons perpetual, or giving that house a power to fill up their own vacancies: the house of Commons being the representatives of all the Commons of England & in that Capassity only a branch of the Legislature; & if they concur in destroying the foundation on which they themselves stand; & if they annihilate the Rights of their Constituents & claim a share in the Legislature upon any other footing than that upon which the Constitution hath given it to them; they subvert the very Trust under which alone they act, & thereby forfeit all their Authority. In short they cannot dispence with any of those essential Rights of the people which it ought to be the great object of Government as it is of our Constitution in particular to preserve.'—

These reasonings tend abundantly to evince, that the whole Legislature of any state is insufficient to give Life to the fundamental Constitution of such state, it being the foundation on which they themselves stand & from which alone the Legislature derives its Authority—

May it be considered, further, that to suppose the Representative Body capable of forming & imposing this Compact or Constitution without the Inspection & Approbation Rejection or Amendment of the people at large would involve in it the greatest Absurdity. This would make them greater than the people who send them, this supposes them their own Creators.formers of the foundation upon which they themselves stand. This imports uncontroulable Dominion over their Constituents for what should hinder them from making such a Constitution as invests them & their successors in office with unlimited Authority, if it be admitted that the Representatives are the people as to forming & imposing the fundamental Constitution of the state upon them without their Approbation & perhaps in opposition to their united sense—In this the very essence of true Liberty consists, viz in every free state the Constitution is adopted by the Majority.

It is needful to be observed that we are not to Judge of true Liberty by other Nations of the Earth, darkness has overspread the Earth, Tyranny Triumps thro' the world. The Day light of Liberty, only begins to dawn upon these Ends of the Earth. To measure the freedom, the Rights & previleges of the American Empire by those enjoyed by other Nations would be folly

It is now both easy & natural to apply these reasonings to the present State of Massachusetts Bay. We think it undeniably follows from the preceeding Reasonings that the Compact in this state is not yet formed: when did the Majority of the people at large assent to such Constitution, & what is it? if the Majority of the people of this state have adopted any such fundamental Constitution it is unknown to us & we shall submit to it as we always mean to be governed by the Majority —

Nor will any of those consequences follow on this supposition, that we have no Law, or that the Hon^ble^ Council & House of Representatives are Usurpers & Tyrants. Far from it. We consider our case as very Extraordinary. We do not consider this state in all Respects as in a state of Nature tho' destitute of such fundamental Constitution. When the powers of Government were totally dissolved in this state, we esteemed the State Congress as a necessary & useful body of Men suited to our Exigencies & sufficiently authorized to levy Taxes, raise an Army & do what was necessary for our common defence & it is S^r^ in this Light that we view our present Hon^ble^ Court & for these and other reasons *have inculcated* a careful Adherence to their orders. Time will not permit to argue this Matter any longer, for your Honors patience must have been tryed already. These have been some of the reasons we have indulged, & Sentiments we have cultivated respecting Constitution, & for these Reasons we have been looking forward towards a new Constitution—But we must further add

That a fear of being finally deprived of a Constitution & of being thrown into confusion & divisions by delaying the formation of a new Constitution, has caused our Constituents so early & invariably to oppose the executive Courts— We have feared, we now realize those fears, that upon our submission we shall sink down into a dead Calm & never transmit to posterity a single Right nor leave them the least Knowledge of so fair an Inheritance, as we may now convey to them.—

We & our Constituents have also indulged some fears respecting some of the particular persons appointed for our Rulers least in the future Execution of Law they should execute their own private Resentments, we are willing to hope the best—

We have been ready to consider some of them as indulging an unnatural temper in vilifying & reproaching their own County but we hope they will do better for the future,

& that we shall do better, & we wish to give them our confidence.— We are determined to cultivate a spirit of meekness forbearance & Love & to study the Things that shall make for peace & order.

It has appeared to us & those we are appointed to represent that in an early opposition to the executive Courts, such opposition would become general thro' the state, which in our opinion would bring on a new Constitution without Delay. Our hope of which is now very much weakened, & such are the Dissentions of this state that we are now ready to fear we shall never obtain any other than what is called our present Constitution our Apprehensions of which have been already explained—

It is with Gratitude we reflect on the Appointment of this Honble Committee by the General Court for the purpose of peace Reconciliation & order thro' this County, & their impartial & faithful Execution of their Commission. We are persuaded by the Temper & Moderation exhibited that they will not embibe any prejudices against this County, by what they have seen & heard, & that they will make a Just Representation of our state to the General Court. —

To evince to your Honors our Love of peace Reconciliation & legal Government, & that we have been actuated not by personal Prejudices or Motives of Ambition, notwithstanding the powerful Reasons we have had for a Suspension of the Executive Courts we are willing to forego our own opinions & if it shall be thought best by our Constituents to submit to the establishment of the Executive Courts in this County —

		VALENTINE RATHBUN
	Pittsfield	JOSIAH WRIGHT
		JAMES NOBLE

We the Subscribers Delagates from the Several Towns in the County of Berksheir Approveing of and consenting to the foregoing letter have hereunto Set our hands

Town Hancock	REUBEN ELY	Partridgefield	EBENR PEIRCE
	ASA DOUGLAS		DANLL KINNE
New Providence	JOAB STAFFORD	Windsor	ARNOLD LEWIS
Lanesborough	JAMES BARKER	Washenton	EUSEBIUS BUSHNELL
			JONATHAN SMITH."—

Ibid., p. 456.

At the next session the committee made the following report: —

"State of Massachusetts Bay Janry the 14th 1779.

The Committe of both houses, appointed to repair to Pittsfield, in the County of Berksheir, did Attend that Service on the Seventeenth Day of Novr 1778. and met the Delagates from Seventeen Towns in said County — your Committe after produceing their Commission, which was publickly read as also the Returns from the said Seventeen Towns, Attended to the Greivances exhibitted by each Delagate, in behalf of their Constituents, and the Subject matter thereof largly debated on, your Committe collected the sentiments, of all then present, Either by Signing the letter delivered to your Committe, from the Delagates of the Town of Pittsfeild (herewith exhibited) or by Yeas or Nays to the following Question in Substance, vizt. Do you look on the present Constitution as valid and acknowledge yourself holden to conform to it, untill a new Constitution shall be adopted by this State; then present Theadora Sedgwick and John Ashley Esqrs from the Town of Sheffeild—Mr Valentine Wrathbone Deacn Josiah Wright and Capt. James Noble from the said Town of Pittsfeild. The Honble Timothy Edwards Esqr and Mr John Bacon from the Town of Stockbridge—Jahel Jackson Esqr from the Town of Tyrringham—Colo Jonathan Smith and James Barker Esqr from the Town of Lainsborough Capt Willm Walker from the Town of Lenox—Colo David Rosseter from the Town of Richmont—Deacn Danll Kenne and Mr Ebenr Peirce from the Town of Partridgefeild—Capt. Jesse Bradley and Mr Willm Ingersol from the Town of Lee—Capt Eusebius Bushnell from the Town of Washington—Asa Duglas Esqr and Reuben Ely from the Town of Hancock—Colo Joab Stafford from the Town of Nw Providence—Mr Eleazer Barrett from the town of Alford—Mr Arnold Lewis from the Town of Winsor. The answer to the above question was Yea from all the persons above named except such as signd Said letter. The answer from Mr Jona Nash from the Town of Gt Barrington and of Mr Stephen Davis and Mr Elisha Baker from the Town Williamstown was Nay.

Your Committe found that the Delagates from fourteen Towns out of Sixteen (the Delegate from the Town of Nw Ashford being withdrawn) were (under all Considerations) in favour of Submitting to the due execution of the Common law Courts. The Towns of N Malborough, Sandersfeild, Wt Stockfridge, Engreemont, Beckett, Loudon and Ashewillett Equivalent were not Represented att the Convention.

Further your Committe beg leave to report it as their Oppinion, that if proper Civil Officers Should soon be Appointed in said County of Berksheir, that the Clamours about Executive Courts there, would very soon subside. all which is humbly Submitted.

SAML NILES Pr Order."—*Ibid*, *p.* 452.

This report was immediately referred to a joint committee, consisting of Messrs. Sullivan, Sumner and Partridge, of the House, and Spooner and Simpson, of the Council, who were ordered to consider the same and report.

On the fifth of February, the following report by the committee last appointed, was read in the Council: —

"The Committee who were appointed to take into Consideration the within report have attended that service and beg leave to report that they have heard the members of the General Court who belong to the County of Berkshire upon the subject and are of opinion that it is necessary to pass an act of Pardon & Indemnification to all Riots routs & all assaults Batteries False imprisonment and Trespasses against the Person of a Subject Committed and done within the County of Berkshire before the passing such Act—and

also for suspending the right of bringing of personal actions for Trespasses against property in said County A *for a certain and Limitted time or till the Court shall otherwise order* B and that it is necessary for the peace and good order of the County of Berkshire that there should be Justices of the Inferiour Court of Common pleas there appointed—and Justices for the Court of general Sessions of the peace and that they be directed to hold their Respective Courts as by Law appointed—and further that there be an Act passed for holding a Superiour Court of Judicature in said County annually, all which is Submitted— WALTER SPOONER by Order."—*Ibid., p.* 453.

This report was accepted by the Council, with an amendment by which the words from A to B were stricken out, and the words "which may have been committed in consequence of the order, resolve or vote either of any legal town meeting, selectmen, or committee of inspection, correspondence, &c., unless leave shall be first had and obtained of the General Court" inserted in their stead.

The House concurred in this vote of acceptance, on the 6th, and a joint committee, consisting of Messrs. Sullivan, and Brown of Pittsfield, of the House, and Robert Treat Paine, of the Council, was thereupon appointed, "to bring in a bill or bills for the purposes therein mentioned." On the same day, the bill of this chapter was read a first time, in the Council, but it did not reach its second reading until the 23d, when it was passed to be engrossed and sent down for concurrence, and read a first time in the House. It was read a second time, in the House, on the 24th, and a third time, on the 25th, when it was passed, in concurrence, to be engrossed, with an amendment by which the words, "at a meeting of the inhabitants thereof," in the fifth and sixth lines of the third section, were substituted for the words "legal meeting." The Council concurred in this amendment, on the same day, and on the 26th, it was passed to be enacted by both branches.

Chap. 39. The act of Dec. 7, 1776, as has already been observed in the note to that chapter,* was the last act passed in Massachusetts before the Constitution for the emission of bills of public credit except for the purpose of exchange for bills previously issued, and from that date the policy of this state to raise money solely by loans, and the revenue, which was mainly derived from direct taxes, was firmly established. Therefore, not only such of the resolves of Congress of Jan. 14, 1777, as were designed to prevent counterfeiting and depreciation of the Continental bills, had been anticipated by Massachusetts in the provision made for those purposes by the act of April 13, 1776 (1775–76, chapter 18 †), but some others of those resolves, given in full, below, were but an invitation to the state legislatures to apply the Massachusetts policy, respecting the absorption of her local paper currency, to the redemption and extinction of the Continental currency. The resolves referred to are as follows:—

"That it be recommended to the legislatures of the several states to pass resolutions that they will make provision for drawing in and sinking their respective quotas of the bills emitted by Congress at the several periods fixed, or that shall be fixed by Congress:

That it be recommended to the legislatures of the several states to raise by taxation in the course of the current year, and remit to the treasury, such sums of money as they shall think will be most proper in the present situation of the inhabitants; which sums shall be carried to their credit, and accounted for in the settlement of their proportion of the public expences and debts, for which the United States are jointly bound."—*Journals of Congress: Jan.* 14, 1777.

The letter accompanying the copy of the above-named resolves sent to Massachusetts is as follows:—

"(Circular) Baltimore Janʸ 15th 1777.

Gentlemen—In Obedience to the Commands of Congress, I do myself the Honour of transmitting the enclosed Resolves; to which I am to request your Attention, as well as your Compliance therewith.

The Depreciation of the Continental Currency having been for some Time past a most growing Evil, it became absolutely necessary to provide some Remedy against it. With this View, and in Hopes of establishing the Credit of it, the Congress have adopted and recommended to the several States, such Measures, as if properly and vigorously executed, will most undoubtedly be attended with Success.

I hope the Dispatches, which I forwarded by three Expresses on the 25th & 30th Decem. & 10th Janʸ have been duly recieved.

I have the Honour to be, with very great Respect,
Gentlemen,
Your most obed. hble Ser.
JOHN HANCOCK Presidt."—

{ Honble Assembly of the State of Massachussetts Bay.—

Mass. Archives, vol. 196, *p.* 134.

The advances already made by Massachusetts to the United States, exceeded the amount of the first instalment called for by the above resolve. Therefore the committee appointed to consider the resolves and letter reported as follows: "* * * * * * *

That the Recommendations for the several Legislatures to prepare for sinking their several Quotas of the Bills emitted by Congress—as also to raise by Taxation, in the Course of the present year and remit to the Treasury such Sums of Money as they shall think proper in the present Situation of the Inhabitants, to be carried to their Credit & accounted in future Settlement of their Proportions—are fully answered by this State, by the necessary constant and large Sums they are continually in Advance to the Continent—and that should the future Demands for Supplies on this State in some Degree abate—the first Payment into the Continental Treasury being yᵉ last Day of November 1779—there will be Time sufficient to raise Monies for that Purpose—and as, beside the large

* See note to 1776–77, chapter 28, *ante*.

† *Vide, ibid.*, chapter 44. The resolve relating to depreciation is printed in the supplementary note, 1776–77, p. 725, *ante*.

Sums this State is now in Advance, the People are already taxed as heavy as their Circumstances will permit—your Committee are of Opinion there can be no further Sums required at present of them— TRISTRAM DALTON *per* Order." — *Ibid., vol.* 137, *p.* 126.

The Continental bills of credit continuing to depreciate, Congress sought to remedy this evil, and possibly to restore their value, by establishing a sinking-fund for their redemption; and as the issues of May 20, 1777, and April 11, 1778, of $5,000,000 each, had been extensively counterfeited by "our enemies at New York," they were ordered to be called in before June 1st, 1779, and destroyed, as part of the $15,000,000 of the currency, which was to constitute the first year's instalment of the sinking-fund, under the following resolve: —

"Whereas these United States, unprovided with revenues and not heretofore in a condition to raise them, have in the course of the present war, repeatedly been under the necessity of emitting bills of credit, for the redemption of which the faith of these United States has been solemnly pledged, and the credit of which their honour and safety, as well as justice, is highly concerned to support and establish; and whereas to that end it is essentially necessary to ascertain the periods of their redemption, and seasonably to establish funds which in due time, without distressing the people, shall make adequate provision for the same: and whereas, in appointing the payments for the said fund, it is expedient that an extra sum be called for the current year, both on account of the present ease of paying it and to reduce the surplus in circulation; therefore,

Resolved, That these United States be called on to pay in their respective quotas of fifteen millions of dollars for the year 1779, and of six millions of dollars annually for eighteen years from and after the year 1779, as a fund for sinking the emissions and loans of these United States to the 31st day of December, 1778, inclusive." — *Journals of Congress: Jan.* 2, 1779.

The Legislature of Massachusetts, although its members were not generally convinced that the above expedient of Congress would avail without the aid of other provisions for establishing the credit of the Continental currency, promptly took into consideration the expediency of raising, by taxation, the sum of $2,000,000, the "quota" required of this state to the first instalment of the sinking-fund. On the 6th of January, which was before information had been received of the action of Congress, the Council had already sent to the House a message containing the following passage: "The state of the currency is such as renders it absolutely necessary for us to afford Congress every assistance in our power to support the credit of it. The only effectual method we can at present think of, is the drawing of it in, and sinking of it, by taxation; for the less quantity you have in circulation, the more valuable." The message also contained an earnest recommendation for a new state valuation, as a basis for the next tax. On the 27th of January, it was voted, "by a large majority," that the sum to be raised by this tax be nine hundred thousand pounds, and Messrs. Sumner, Cranch, Sexton, May and Phelps were appointed a committee to bring in a bill for this purpose, and "were directed to insert therein, a clause enabling towns to raise more than their proportion, if they choose so to do; and another to ease such towns as may, by the valuation now adjusting, appear to be overtaxed, and another directing constables and collectors to pay into the treasury the same money they shall receive for taxes." It was then ordered, "that the taxes to be laid on the several towns be in proportion to the last tax act."

On the next day, the above-named committee was ordered "to assess what is due from the several towns for their representatives' pay to the last of May, 1778;" and it was also voted that the tax as ordered to be levied above, be for three times the amount (£305,662, 14*s.* 3*d.*) levied by the tax act of 1777–78, chapter 13, "the vote of yesterday notwithstanding."

On the 29th, the committee was ordered "to bring in a clause for allowing, out of the sums to be assessed on the respective towns, the bounties due to them for engaging men into the public service."

On the first day of February, Brigadier Titcomb was substituted on the committee, for Mr. Phelps, who was absent, and another vote was passed, by 42 out of 82 members of the House, that the sum to be levied by this tax, be "four times the sum assessed by the last tax bill,"* which would make the total £1,018,875, 7*s.* 8*d.* On the 15th, a draught of a tax bill was reported, and read a first time, for raising £1,014,422, 7*s.* 8*d.* for defraying the public charges, and the further sum of £12,383, 16*s.* 9*d.* paid the representatives in 1778; making a total of £1,026,803, 4*s.* 5*d.* An inspection of the bill shows that, as originally drawn, the above sums were £1,018,875, 9*s.* 8*d.* (or four times the amount of the previous tax) and £12,822, 16*s.* 9*d.* respectively, making a total of £1,031,698, 4*s.* 5*d.* The bill was now recommitted, and debated and read again, on the 18th, and again recommitted. It was read a third time on the 23d, and once more recommitted. On the same day, after further debate, it was committed to Messrs. Phillips of Andover, Hosmer, Crane, Locke and Thurston; and on the 24th, was passed to be engrossed, with the same title under which it was first reported, but with an amendment by which were inserted the first proviso in section two, and all after the word "community" in the forty-first line of that section; also the whole of sections 3 and 11, and the first ten words of section 4. By the same amendment, several clauses and paragraphs were stricken out.

The bill was now sent to the Council, for concurrence. On the 26th, in reply to a message from the House, the Council informed the House that the Board had not passed upon the bill. On the 27th, the following communication passed between the two branches: —

"Feb. 27, 1779. Mr. Partridge came up with a Message from the House to propose two

* Chapter 12, *ante*.

Amendments in the Tax-Bill, viz^t. to dele Hoosuck and insert Adams, and to insert two of the Boston News Papers, viz^t. the Continental Journal and Boston Gazette.

Samuel Niles Esq^r. went down with a Message to the House to inform them, that the Board agreed to the foregoing Proposal of the Honb^le House."—*Council Records, vol. XXXIX., p.* 151.

The latter of these amendments had been proposed in a resolve, dated Oct. 14, 1778, probably reported by a committee appointed two days previous "to revise that clause in the tax act which directs how the unimproved lands belonging to non-resident proprietors shall be sold in case of failure of paying the taxes laid thereon, and report what is proper to be done;" and also to consider the petition of Edward Green and others, non-resident proprietors, "setting forth the injurious operation of the tax act," &c. This resolve was ordered to subside, and no further action by this committee has been discovered.

The resolve of Congress, of January 2d, had been communicated in a letter, dated the 10th, from John Jay, President of the Congress. This letter was brought down to the House on the 26th, and on the 3d of February, a joint committee, consisting of Messrs. Barrell, Phillips of Boston, Brown of Pittsfield, and Thurston, of the House, and Thomas Cushing, Robert Treat Paine and Oliver Prescott, of the Council, was appointed "to consider in what way application shall be made to Congress respecting the state of the officers and privates of the army," and several other matters.

This committee reported the draughts of two letters; one to the president of the Congress, and the other to the delegates in Congress, from Massachusetts. The purport of both of these letters, in relation to the subject of the depreciation of the currency, can be gathered from the extract given in the note to 1779-80, chapter 29, *post*.

The draught of these letters having been brought down to the House on the 11th, with an amendment to one of them, proposed by the Council, they were accepted, as amended, and it was voted, in concurrence, that the president of the Council sign them "in the name and behalf of the General Court." The amendment referred to provided for striking out part of the letter to the delegates, including the following passage:—

"The state of our currency is truly alarming. We perceive Congress, by their resolutions of the 2d of January last, depend solely upon taxation to raise the value of our paper currency. We doubt the efficacy of the measure. It has been frequently and justly observed that whenever the paper currency is multiplied beyond what was competent for the purposes of a circulating medium, it would naturally lower in its value. Experience has taught us the truth of this observation. The question then is, whether taxation alone will reduce the surplus in circulation so speedily as is necessary to answer this valuable purpose. Cannot some other method be adopted by Congress, to coöperate with this of taxation, that will speedily and effectually accomplish this desirable end? Is it not well worth the attention of Congress to consider whether it will not be expedient, in order to reduce the quantity of money in circulation, *speedily*, to borrow a considerable sum of money of the bill-holders and give them loan-office certificates, bearing an interest of six per cent per annum, payable in France, Spain or Holland, of whom they might borrow a sum sufficient punctually to pay the interest of the sum they might borrow of the bill-holders? And to induce either of the Estates before mentioned to lend the money wanted, they might direct the several United States to impose duties upon articles of superfluity to such an amount, as, among them all, would be sufficient to pay the interest of the money borrowed of the European states above mentioned, and mortgage the same to them for their security. Would not such a measure as this create in the people here and in Europe such a confidence in Congress, as that the American funds would be held in higher esteem than any funds in Europe, and when they considered we were a young and growing people, and that every year rendered us more able to pay the debts we had contracted, would not people be sollicitous to interest themselves in the American funds? And when once this confidence in Congress took place, and was firmly established, might not the greatest improvements be made from it? Would it not enable the Congress, in a variety of ways that might be mentioned, easily and advantageously to redeem their paper money, and without public inconvenience or private distress to cancel the whole of their debt, and that at no very distant period? These observations you will, whenever the subject of finance is before them, submit to the consideration of Congress. The public safety requires that the value of our paper money should be raised as fast as possible. The faith of the United States has been solemnly pledged for the redemption of their bills of credit. The presumption is that this was to be done within a reasonable time. The honor, the justice of the continent is concerned to do it with all possible expedition, and therefore every probable method that can be devised ought immediately to be adopted to effect it."

On the 9th of April, a committee, consisting of Messrs. Hutchinson, Vose and Barrell, was appointed by the House, "to consider the last tax act, and report a bill or resolve making such explanations and amendments as they may think necessary." On the 12th, this committee reported the following resolve:*—

"State of Mass Bay } In the House of Representatives April, 12. 1779

Whereas it was intended by the General Court at the time of passing the last act ordering a tax to be assessed on the Inhabitants of this State, that said tax should be paid into the Treasury in any bills of credit emitted by Congress as well those ordered by Congress by their Resolution of the second of January last to be taken out of circulation, as others, and no provision therefor being made in said Act. It is therefore

Resolved that the Treasurer of this State be & he is hereby directed in the warrants which he shall issue out for the collecting said tax to notify the Collectors and Constables

* Printed resolves, chapter XV.

respectively that any Bills of Credit which have been emitted by order of Congress may & when tentered shall be taken by them in discharge of any Taxes ordered by said Act, and committed to them to collect, and when any such Collector or Constable shall pay into the Treasury any Bills of Credit collected for said tax among which shall be any bills of either of the Emissions taken out of circulation as aforesaid he shall take the following Oath. Viz.

You A. B. do solemnly swear that there is not to your knowledge among the Money by you tentered a larger amount of the Bills of Credit emitted on May 20 1777 or April 11. 1778 Then were by you actually received in payment of the taxes committed to you to collect of the Tax ordered by the General Court at their session in January 1779— So help you God

And when any such Collector or Constable shall deliver any Money which he has collected on said tax among which are any bills of said Emissions to be paid into the Treasury, he shall send therewith a certificate of his having taken the aforesaid Oath before some Justice of the peace & that he has deliver'd the bills to a certain person therein named to diliver to the Treasurer—And the Person therein named shall take the following Oath Viz.

You A. B. do solemnly swear that the Bills of credit now by you produced are the same bills which you received of C. D. Collector, or Constable, (as the case may be) of and which are referred to in the Certificate of the oath by him taken & now by you produced so help you God

In which said Cases the Treasurer shall receive Bills of said emissions in discharge of said Tax & not otherwise

Provided that nothing in this Resolve shall extend or be construed to extend to enable the Treasurer to receive of any Constable or Collector or other person in behalf of such Constable or Collector any bills of either of the emissions ordered to be taken out of circulation as aforesaid in discharge of said Tax unless the same shall be brought into the Treasury on or before the twenty eighth day of May next—

Sent up for Concurrence JOHN PICKERING Spkr

In Council April 12th 1779 Read & Concurred JOHN AVERY D Secy

Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives*, *vol.* 221, *p.* 430.

On the 27th of May, Messrs. Durfee, Paine and Rawson were appointed a committee "to consider the situation of gentlemen who have brought money to the treasury from constables or collectors who have not adhered strictly to the resolve requiring an oath respecting the emissions of May, 1777 and April, 1778." On the same day this committee reported the following resolve * which was passed: — "

"In the house of Representatives May 27 1779

Whereas it is represented that there are divers Constables & Collectors who have sent Bills of Credit of the Emissions taken out of Circulation to the Treasurer of this State in discharge of the Taxes collected by them for the last Tax orderd to be assessed on the Inhabitants of this State, but have not sent therewith a Certificate as directed by a Resolve of the General Court of April 12 1779 the same not having come to their knowledge, for want of which the Treasurer is not authorized to receive them, whereby great damage may accrue—

Therefore Resolved, That the Treasurer of this State, be and he hereby is impower'd & Directed to receive into the Treasury on or before the 29th day of May Current Bills of Credit of the Emissions taken out of Circulation sent by Collectors & Constables in discharge of the Taxes collected by them—provided the Persons bringing and offering the same to the Treasurer do take the following Oath viz.

You A B do solemnly swear that the Bills of Credit now offerd by you are the same Bills which you received of C D Constable or Collector of Taxes for the Town of ——— for the present Year and that he deliver'd them to you as the Bills receiv'd by him in payment of the Taxes by him collected on the last Tax & to be deliverd by you to the Treasurer of this State on account of the same—So help you God

Provided also—That nothing in this Resolve shall extend or be construed to extend to enable the Treasurer to receive any of the said Bills according to this Resolve unless the same shall be offer'd to him in pursuance thereof on or before the said 29th Day of May—

Sent up for Concurrence JOHN HANCOCK Spkr

In Council May 28th. 1779 Read & Concurred JOHN AVERY D Secy

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *vol.* 222, *p.* 343.

"State of Massa Bay In the house of Representatives April 13th 1779.†

Whereas this Court did in their sessions sometime in September last set off the westerly part of the town of Northampton in the county of Hampshire and erect it into a seperate and distinct town by the name of Westhampton And did also in the same sessions set off Moses Bartlet and others inhabitants of a place called Pogeshole part of the said town of Northampton and annex them to the town of Southampton

And Whereas this Court did in their last session order the sum of one million, twenty seven thousand and six pounds four shillings and five pence to be raised upon the polls and estates of the inhabitants of this state, and did apportion the same sum upon the several towns and districts thereof respectively according to the last valuation in which the said town of Westhampton and place called Pogeshole is included within the said town of Northampton by which means the sum of five thousand three hundred and fifty two pounds fifteen shillings and four pence which is apportioned and set upon the said town of Northampton by the same act is the proportion which the said towns of Northampton and

* Printed resolves, chapter VIII. † *Ibid.*, April session, chapter XXVI.

Westhampton, and the said place called Pogeshole ought to pay of the said sum of One million, twenty seven thousand and six pounds four shillings & five pence

And also whereas by the last mentioned act the said town of Westhampton has not any sum set upon it as its share or proportion of the said tax, nor is there any provision made in the same act to enable the assessors of the said town of Northampton to assess the inhabitants of the said town of Westhampton, or the inhabitants of the said place called Pogeshole for their parts and proportions respectively of the said sum of five thousand three hundred and fifty two pounds fifteen shillings and four pence set upon the s^d^ town of Northampton, whereby the inhabitants of the said town of Westhampton will have no public taxes to pay this year, and the inhabitants of the said place called Pogeshole will be liable to pay their part of the public tax with the town of Southampton which will be very injurious to the said town of Northampton for remedy whereof be it

Resolved that the s^d^ assessors of the s^d^ town of Northampton be and they hereby are impowered and directed to assess the inhabitants of the said town of Westhampton and place called Pogeshole for their respective parts and proportions of the said sum of five thousand three hundred and fifty two pounds fifteen shillings and four pence which is now set upon the said town of Northampton only in the same manner as if the said town of Westhampton and place called Pogeshole had not been set off from the said town of Northampton.

And the Constables or Collectors of the said town of Westhampton are hereby impowered and directed to levy and collect of the inhabitants of the said town of Westhampton and place called Pogeshole the several rates or taxes that shall be committed to them by the said Assessors of the said town of Northampton to collect agreeable to this resolve.

And be it further resolved that the assessors of the said town of Southampton be and they hereby are directed not to assess upon the inhabitants of the said place called Pogeshole any sum whatever as their share or proportion of the public tax set upon the said town of Southampton by the last tax act.

Sent up for Concurrence — John Pickering Spk^r^

In Council April 13^th^ 1779 Read & Concurred — John Avery D Sec^y^

Consented to" — [Signed by sixteen of the Council]. — *Ibid., vol.* 221, *p.* 464.

"State of Massachusetts Bay } To The Honourable The Council & house of Representatives in General Court assem^d^

Humbly Sheweth Solomon Freeman at The special instance & Request of the Select men & others The inhabatants of the Town of Harwich—

That in The year 1772 By an act of the General assembly of the massachusetts Bay about one Eights part of Said Town of Harwich was Set of & annexed To the Town of Eastham in Consequence whereof a Committe was Chosen By Each of the aforesaid Towns To meet & Determin what part of the Said Town of Harwich's Then province Tax the inhabatants of Said Town of Eastham Should pay in Consequence of The aforesaid part of Harwich Being Set of & anexed To Eastham Said Committees accordingly mett & mutually agreed That The inhabatants of East^m^ Should pay Eight pounds 14^s^/1^d^ of the Town of Harwich Then province Tax which was about one Eighths part of the Same which agreement was Consented To By the inhabatant of Each of Said Towns & it was found That after Deducting the aforesaid Sum of Eight pounds 14^s^/1^d^ from The town of Harwich and adding it to the Town of Eastham Harwich paid in The next year which was one Thousand Seven Hundred & Seventy three only Ten Shillings & 11^d^ more for their province Tax Than The Said Town of Eastham did but Since The year 1774 The Differrence Between Said Towns is so much Increased in their State Tax That the Town of Harwich in the two Last State Tax acts is Sett one Hundred & Eighty one pounds Eight Shillings & 4^d^ higher Than the Town of Eastham and as there hath Been no alteration By any valuation or any other Legal authority which is Known to your petitioner it Caused Great uneasiness among the inhabatants of Said Town of Harwich they thinking there is a Great mistake & I Being Directed By Them To Lay the Same Before your Honours your petitioner Therefore Humbly prays that your Honours would be pleas^d^ To take the above into your Consideration & give Such order Thereon as Shall appear Just & Reasonable Respecting the Same for which your Petitioner Shall Ever pray

Janu^y^ y^e^ 25^th^ 1779 — Solomon Freeman." — *Mass. Files: House, no.* 464.

The foregoing petition was read in the House, February first, and committed to Messrs. Thatcher, Blaney and Frazier, who reported the following resolve, which appears not to have been concurred in by the Council, and hence the figures in the original bill inserted agreeably to this resolve were subsequently cancelled, and the printed act made to agree with the bill as thus altered: —

"State of Massachusetts Bay In the House of Representatives Feb^y^ 8 1779

On The petition of Solomon Freeman Esq^r^ Setting forth that there Has Been a mistake in the Taxes Set upon the Town of Harwich in The year 1777

Resolved that there be deducted out of the next State Tax To be Set upon the Town of Harwich the Sum of Ninty Seven Pounds fourteen Shillings & threepence—and that the aforesaid Sum of Ninety Seven pounds fourteen Shillings & threepence be Set to the Town of Eastham in the Next Tax: being the Sum The Town of Eastham ought to have been Taxed in the Tax bill of the year 1777 and it is further Resolved that the Committee now forming a Tax act be and hereby are Directed to govern themselves in Regard to Taxing the Town of Harwich and Eastham in the Same proportion as Said Towns Stood —in the Tax acts for the years 1774 & 1776

Read & accepted Attest Sam^l^ Freeman Clerk." — *Mass. Archives, vol.* 137, *p.* 233.

The purpose of the above resolve having failed, the prayer of the petitioner was renewed in the first session of the next Assembly, and a concurrent resolve passed thereon as follows: —

"To the Honourᵇˡᵉ the Council & House of Representaives of the massachusetts State in new England in General Court assembled—

Humbly Sheweth Solomon Freeman Representatives for the Town of Harwich That in Febʸ. Last past your petioner By a petition in Behalf of the inhabatants of the Town of Harwich aforesaid profer'd to the Late General Court in which Said petition was Set forth a Great mistake that had Been made in Taxing the inhabatants of the Said Town of Harwich in Several of the Late Tax acts which petition was Committed and a Resolve Brought in and accepted in the House of Representatives By which Resolve it apear! that the Town of Harwich had paid a Sum of money which the inhabatants of the Town of Eastham Should have paid and in Said Resolve the Committe then making out a Tax act was Directed to make a Reasonable alteration your petitioner Together with the member from the town of Eastham went into the Room where the Committee was making out the Last Tax act and Caried Said Resolve and the alteration was made for the year one thousand Seven Hundred and Seventy Seven and also in the Tax then making out and after Said alteration was made the town of Eastham did Stand in sᵈ Tax one Hundred & Sixty pounds three Shilling & 2ᵈ above Harwich yet notwithstanding when the Last Tax act Came to the Town of Harwich it apears That their was again an alteration in Said Tax act and the Town of Harwich Stands now in Sᵈ Tax act Seven Hundred and twenty five pounds 13/4ᵈ higher than the Town of Eastham your petitioners therefore Humbly prays that your Honours will be pleasᵈ to take the above into Consideration and Give Such order thereon as Shall apear to your Honours to Be Just and Equatable for which as in duty Bound Shall pray &ᶜ.

may the 29ᵗʰ 1779 SOLOMON FREEMAN." — *Ibid.*, *vol.* 222, *p.* 454.

"State of Massachusetts Bay In the House of Representatives June 4ᵗʰ 1779

On the Petition of Solomon Freeman Esqᵗ of Harwich Setting forth that their had Been a Mistake with Respect to Taxes Set on the Towns of Harwich & Eastham In the year 1777

Resolved * that the Sum of Ninety Seven Pounds fourteen Shillings and three pence be deducted From the Next Tax to be Set on the Town of Harwich—and that the aforesaid Sum be Set to The town of Eastham in the Next Tax that Shall Be made

Sent up for Concurrence JOHN HANCOCK Spkʳ

In Council June 4.' 1779 Read & Concurred JOHN AVERY D Secʸ—

Consented to" — [Signed by sixteen of the Council]. — *Ibid.*, *p.* 453.

"State of the Massachusetts Bay Framingham April yᵉ 2d, 1779—

To the General Court now Assembled—

The Humble Petition of the Select Men of said Town Sheweth,—In the late Tax Bill, the said Town is Fin'd £600 and Curtail'd £. 180 Bountys to which said Town is entitled to, Agreeable to Resolves of the late General Court Bearing Date April yᵉ 20th and April yᵉ 23d and June yᵉ 10th 1778—

Which Men said Town have procured according to said Resolves, as will Appear by Papers Accompaning this Petition— Which Grievance Your Petitioners pray your Honors would Relieve—

PETER PARKER, JOSEPH NICHOLS, GIDEON HAVEN, SAMUEL GLEESON } Select-Men For Framingham." — *Ibid.*, *vol.* 221, *p.* 441.

Of the "papers accompanying" the above petition, the following is all that has been discovered: —

"These may Certifie; That the men whose Names are under Written ware procur,d in Consequence of a Resolve of the General Court, In April last & Engaged for the Town of Framingham to serve in the Continental Army agreeable to Said Resolve before the 25ᵗʰ Day of May last—

William Youns	men enlisted	Joshua Hemenway	men that marched to the North River
William Cock	into Colᵒ. Crains	Timothy Pike	
Guillame Thepault	Regᵗ. at	Aaron Hill	
Fudinando Rovandie	Boston	Caleb Stacy	
Joseph Arno			
William Smith			

LAWSON BUCKMINSTER, JOHN GLEASON, RICHARD FISK } Captˢ of the three Militia Companys in Framingham

Middlesex ss Decᵗ. 21ˢᵗ. 1778.

Then Lawson Buckminster, John Gleason & Richard Fisk; personally appearing made Solemn Oath to the truth of the above Certificate by them Subscribed—

Before JOSIAH STONE Jusᵗ Peace." — *Ibid.*, *p.* 440.

This petition was read, in the House, April 10th, and committed to Messrs. Hutchinson, Codding and Harrington, who, on the 12th, reported the following preamble and resolve: † —

"In the House of Representatives April 12-1779

Whereas it appears to this Court, that the Town of Framingham are over Charged in the last Tax, Act the Sum of £780—by Reason that the sᵈ Town was fin'd the Sum of £600. for Deficience in not raising Six men for filling up the fifteen Battallions, which men ware actually raised by sᵈ Town, & listed into Colᵒ Crains Regᵐᵗ at Boston whereby the sᵈ Town ware entitled to the £30 Bounty by the Resolves of this Court, which amounts to £180: that is not allowᵈ to sᵈ Town in sᵈ Tax Bill — Therefore

* Printed resolves, chapter XLV. † *Ibid.*, April session, chapter XXIV.

Resolved that there be & hereby is abated to the To the Town of Framingham the Sum of Seven Hundered & Eighty Pounds: part of the Sum Total Ordered by the last Tax Bill to be paid by sd Town into the Public Treasury—& the Treasurer is herey Ordered to Govern himself accordingly Sent up for Concurrence JOHN PICKERING Spkr
In Council April 13.' 1779 Read & Concurred JOHN AVERY D Secy
Consented to"—[Signed by fifteen of the Council].—*Ibid.*, *p* 439.

"To the Hon. the Gen. Court of the State of Massachusetts Bay

The Petition of James Parker & Seth Newton Agents for the Town of Southboro—humbly Sheweth.

That by a Resolve of Court passed April 20. 1778. Six men were apportioned to the Town of Southboro, to Serve in the Continental Army for nine months:—That sd number of men were actually Inlisted for Sd Town by the 9th of June last, and engaged to Serve not only for nine months, but also for three years:—That the Hon. Court, did, in their last Tax-Bill, lay a fine of £699. on Sd Town for neglecting to procure Said number of men, which your Petitioners humbly conceive was occasioned by an Irregular, or no Return of Said men: And whereas, by an additional Resolve, passed Octr 3d 1778. provision is made for Towns to Receive a Bounty of £30 for each man, ordered, by them to be raised, agreeable to Sundry Resolutions of Court: therefore your Petitioners humbly pray that the aforementioned fine may be taken off, and that the Sd Town may be allowed the Bounty of £30 per man, or otherwise Grant Relief to Said Town, as you in your Wisdom Shall think fit. And your Petitioners as in Duty bound Shall ever pray
April 21. 1779 JAMES PARKER } Agents for
SETH NEWTON } Southboro."—*Ibid.*, *vol.* 222, *p.* 110.

Accompanying the above petition were the following receipts and returns of enlistments:—

"The following Return we the Militia Officers of the 4th Compy In the 6th Regt. of foot in the County of Worcester Declare upon the Honor of Soldiers is a true Return of the men we have hired & Inlisted Into the Continental Army for 3 years or during the war—

The names of the men Engaged in the Service	The Towns They Belong to.	The Towns for which Inlisted or Hired	the Capt. Names under which they Inlisted	The Colo Names under which they Serve	the time for which they Engaged
Samuel Hudson Jur.	Southboro.	Southboro.	Aaron Heynes	Wigglesworth	During the war
Jonas Bruce	Do	do	Nathn Watkins	Saml Brewer	3. year
Joseph Buck	do	do	Abram Childs	James Weston	do
Silas Hemingway	do	do	Josa Williams	Greatons	do
Rufus Hemingway	do	do	Abam Child	James Weston	do
Jacob B: Winchester	do	do	Aaron Heynes	Wigglesworth	during War
Ezra Ward	do	do	do	do	during War
John Hervey	do	do	do	do	do
Kerby More	do	do	do	do	3 year
Levi Dunton	do	do	D. Barnes	Timo Biglow	do
Nathan Champney	do	do	Slayton	Shepherds	do
Joseph Fay	do	do	Heynes	Wigglesworth	do
Jesse Amsden,	do	do	do	do	do
Willm Onthank Jur.	do	do	do	do	do
Edmund More	do	do	do	do	do
John Hannon a Negro	do	Medford	Smith	Timo Biglow	do
Jona Hasting	do	Lunenburg	Willm Scot	Henley	During the war
John Deaton	do	Dracut	do	do	do
George Low	do	do	do	do	do
Daniel Wingate	do	do	do	do	do
Augustus Barret	do	do	do	do	do
John Farrow	do	do	do	do	do
Willm Isaacson	do	do	do	do	do
Enoch Green	do	Boston	Langton	Henr Jackson	do
James Capon	do	Southboro	Josel Morse	Putnam	During War
Jedath Belows	do	do	Davis	Vose	D W

Southborough Apl. 19 1779 SETH NEWTON Capt
JOSHUA SMITH Leint." — *Ibid.*, *p.* 108.

"The following Return is a true Return of Six men hired into the Continental Service agreeable to a Resolution of the Assembly of this State a. d. 1778. apportioning Said Number to the Town of Southboro to Serve the Term of nine months, which men were also Engaged to Serve the Term of three years for the Said Town all which I Declare to be true upon the Honour of a Soldier, without fraud or Deceit.

Mens Names Engaged in the Service.	The Town they belong to	The Town for which they Inlisted	The Capt's name under whom they Inlisted	The Col[o] under whom they Serve	The Term for which they Engaged
John West . .	a Foreigner	Southboro.	Capt Horton	Col. John Crane	three years
Will[m] Cougton .	Ditto	Ditto	Ditto	Ditto	Ditto
Edward Burke .	Boston	Ditto	Ditto	Ditto	Ditto
John Stephens Lewes	France	Ditto	Ditto	Ditto	Ditto
John Pomroy . .	Pernobscott	Ditto	Capt Perkins	Ditto	Ditto
Zebelun Newell .	Ditto	Ditto	Ditto	Ditto	Ditto

Southboro— April 20 1779 SETH NEWTON Capt. " — *Ibid.*, *p.* 109.

"April 20 1778 Southboro'Quota 6 and they Raised them by June y[e] 9 as by Reciept." — *Ibid.*, *p.* 106½.

"Boston May 29[th] 1778

I this Day Recvied of the town of Southbrey By the hands Lieu[t] Smith the Sum of three hundred Pounds L M[o]ney, for a towns Bountey for John West William Couglen Edward Burk & John Lewes Stevens, Inlested Siolders In Col[o] John Cranes Rig[t]

In Cap[t] Hortens Comp[y] of artillery Said Siolder have Inlested for the tarme of three years & have Ben Duley musterd & Sworne and are Returnd for to Doe Dutey for the town of Southborough In the Contentel Armey for the tarme of three years as Parte of their Quota— ZACCHEUS DUNNELL L[t]." — *Ibid.*, *p.* 106.

"Boston June the 9 1778

I this Day Recvid By the hands of Lievt Smith the Sum of two Hundred Pounds Loful money for a towns Bountey for John Pomroy & Zeblon Newell Inlested Solders In Cap[t] Perkens Compeny In Col[o] John Cranes Rig[t] of artillery.

Said Solders have Inlested for the tarme of three Years In the Contnentel armey & are Duley mosterd & Sworne and are Returnd for to Doe Dutey for the town of Southbery In the Contnentel armey for the a Bove-menchend time as wetens my hand

ZACCHEUS DUNNELL Lievt of artillery." — *Ibid.*, *p.* 107.

This petition was read in the House, on the 23d of April, and committed to Messrs. Hawes, Fessenden and Curtis, who, on the next day, reported the following resolve: * —

"State of [Massa†]chusetts [Bay†]

[In the†] House of Representatives April 24 1779 [Wher†]eas it appears to this Court that the Town [of Sout†]hborough are Over Charged in the last Tax Act [the S†]um of £780—by Reason that the S[d] Town [was†] fined the Sum of Six Hundred pounds for [defi†]ciancy in not Raising Six men for filling [up t†]he fifteen Battallions, which men ware [actu†]ally raised by S[d] Town & listed into Col[o] [Cranc†]s Reg[mt] at Boston; whereby the S[d] Town [were†] entitled to the Thirty pounds Bounty by [the†] Resolves of this Court, which amounts to [one†] Hundred & Eighty pounds that is not [allowe†]d to S[d] Town in S[d] Tax-Bill [Therefo†]re

Resolved that there be & hereby is [abat]ed to the Town of Southborough [the†] Sum of Seven Hundred & Eighty pounds [part]t of the Sum Total Ordred by the last [Tax†] Bill to be paid by Said Town into [the†] public Treasurey, & the Treasurer [is†] hereby Ordered to Govern himself [acco†]rdingly

Sent up for Concurrence JOHN PICKERING Spk[r]

[I†]n Council [Ap†]ril 24.1779 Read [&†] Concurred JOHN AVERY D Sec[y]

Consented to" — [Signed by sixteen of the Council]. — *Ibid.*, *p.* 105.

"State of the Massachusetts Bay — In the House of Representatives June 12[th] 1779—†

Whereas it appears to the Committee, who were Appointed to Take into Consideration the cases of all Towns, who have been Fin'd, That the Town of Worcester, has been Overcharged, in the last Tax — The sum of three Hundred and Ninety pounds, by reason of s[d] Town, being Fin'd the sum of three Hundred pounds, for Deficiency, in Raising three Men For the Term of Nine months, to Compleat and fill up the fifteen Battalions Which three Men were Actually raised by s[d] Town, whereby s[d] Town was Intitled to the Thirty pounds Bounty, by the Resolve of this Court Which amounts to Ninety pounds, which is not allow'd to the Town in s[d] Tax.

Therefore Resolv'd —That the Treasurer of this State be, and Is hereby directed to pay out of the Publick Treasury to the Town of Worcester, the sum of three Hundred & ninety pounds Which sum they were, overcharged with in the last Tax —

And whereas it appears, that the Town of Ward, has return'd two Men Belonging to the Town of Worcester —

Therefore Resolv'd — That the Town of Ward be notafied of the above Resolve, by the Clark of The Town of Worcester, and be directed to apper on the second Wednesday Of

* Printed resolves, chapter LXXX. † Manuscript mutilated.
‡ Printed resolves of the May session, chapter CIX.

the next seting of this Court, and shew the reason (if any they Have) why they should not be fin'd, for the deficiency of these two Men — Sent up for Concurrence

JOHN HANCOCK Spkr
In Council June 12th 1779 Read & Concurred JOHN AVERY D Secy
Consented to" — [Signed by fifteen of the Council]. — *Ibid., vol.* 223, *p.* 107.

On the 7th of June, 1779, the petition of Jonathan Nash, in behalf of the town of Great Barrington, praying that a fine laid on that town may be remitted, was read in the House, and committed to Messrs. Reed, Newton and Mattoon, "who were directed to consider the case of all towns who have been fined and appear to have raised their men." The petitioner seems to have had leave to withdraw this petition on the 22d, and the next day he presented the following petition in the House, which was referred to Messrs. Cushing, Bayley and Ammidown: —

"June 22d AD 1779

To the Honourable the Council and House of Representatives of the State of the Massachusetts Bay

The Petition of Jonathan Nash of Great Barrington in the County Of Berkshire in Said State Humbly Sheweth that By a Resolve of The General Court Passed April 20th 1778 Were Directed to Raise By Draft or otherways Six Men to Reinforce the Contenental Army of Which five of Said Men Were Raised and there Being a Deficiency Of one Man Said Town was fine'd one Hundred Pounds though Since the Number of the Male Inhabitants from Sixteen years old & upward was Return'd into The Secretaries Office Thirty Six Polls was taken off of Sd Town Of Great Barrington & Set to the Town of Lee which your Petitioner Can Abundantly make to Appear and As Sd Men were Apportioned On the Several Towns According to the Seventh Part of Sd male Inhabitants before the Sd thirty Six Polls were Set off to the Town of Lee the five Men Raised by Sd Town your Petitioner is Confident Is a full Proportion of Sd Towns Seventh Part And your Petitioner Prays your Honours to take the Case into your wise Consideration And Releive Sd Town of the Sd fine or otherwise order as you in your Wisdom May See Just and your Petitioner as in Duty Bound Shall Ever Pray JONA. NASH." — *Ibid., p.* 276.

This committee forthwith reported the following resolve: * —

"State of Massachusetts Bay In the House of Representatives June 23d 1779

On the Petition of Jonathan Nash of Great Barrington Praying That Sd Town might Be Releavd from a Fine of One Hundred Pounds for Reasons Set forth In Sd Petition

Resolved that the Prayer of Sd Petition be Granted and that the Treasurer of this State be and He is hereby ordered And Directed to Pay out of the Treasury of this State the Said Sum of one Hundred Pounds to the Sd Town of Great Barrington

Sent up for Concurrence JOHN HANCOCK Spkr
In Council June 23.' 1779 Read & Concurred JOHN AVERY D Secy —
Consented to" — [Signed by fifteen of the Council]. — *Ibid., p.* 275.

The following letter and return were received May 5th, by John Avery, the deputy secretary of state: —

"Sir We Find By a Resolve of the general assembly of the massachusetts Bay Passed october the: 3d 1778 Dyrections for the Selectmen to make Return of all those men Raised in their Respective Towns To whom they Paid the Bounty of Fourteen Pounds and Lodg the Same in the Secretarys office Some Time Before the Second Wednesday of the Next Session of the general Court But as said Resolve Neaver Came to our knowledge Till with in these Fu Days Last Past and as their was No Return maid By us With in the Time Limited By said Resolve we Conclude their hath Not Ben any Deduction From the State tax Leveled on this Town as mentioned in a Resolve of the general Court of June ye 10 — 1778 there Fore we think it Propper at this Time to Lodg the aboue to gather With the Following Return in the Secretarys office —

this Town Raised Four men for the Rhodeisland Service agreable to sd Resolve of June ye 10 — 1778 (viz) Ebenr French Leevi Butterfield Eleazer Farewell & Humpphry Fears To whom we Paid the Bounty of Fourteen Pounds Each

Dunstable april ye 29th — 1779 JOSIAH BLODGET JUR } Selectmen For the
NATHL HOLDIN } year — 1778

Middlesex April ye 30 — 1779 Then the With in Named Josiah Blodgett Junr and Nathl Holdin made Solemn oath that the With in Return was agreable To truth Be Fore
JOEL PARKHURST Justice of Peace." — *Ibid., p.* 475.

"State of The } To John Avery Esqr Debuty Secretary of the above Said State
Masachusitts Bay } Agreable To a Resolve of the General Court Passed October the 3d 1778

This Return we Present as the Commanding officers of the Companies in Dunstable of the men Raised by us agreable to a Resolve of the General Court Pased in April, 20, 1778 for Compleeting this State quota of the contenantal army

Namely
Asa Emerson
Benjamin Didion
John Mc Neal
Jesse Rolf
Enoch Spaulding

Dunstable April the 30th 1779

REUBEN BUTTERFIELD Capt of the first Company in Sd Town
TEMPLE KENDALL, Liut and Comandng officer of the Second Company in Said Town

Middlesex May 3 1779 this day the above named Reuben Butterfield and Temple Kendall appeared before me and made oath to the truth of the above Return
JOHN TYNG Jus. Pacis." — *Ibid., p.* 477.

* Printed resolves of the May session, chapter CLIX.

On the 14th of September the following petition was read in the House and committed to Messrs. Miller, Titcomb and White: —

"State of the Masachusitts Bay } To The Honorable The Council and the Honorable the House of Representitives in General Court Assembled, The Petition of us the Subscribers Select men of the Town of Dunstable for and in behalf of Said Town,—Humbly Sheweth,

That we find in the Late Tax bill That the Town of Dunstable is Fined £300 for not Compleating their quota of men Required by the General Court for the Last Year To Reenforce the army, which Part or quota that was Required of the above Sa^d^ Town we Expect was compleated, as will apear if Inquired into, whereby the above Said Town is Greatly Injured by Paying a fine of Three Hundred Pounds when they weir To Receive a Bounty, we not having had an oportunity of Seeing the Late Resolve of the General Court Respecting the Returns of the above Said men till this Instent, which Returns as Required in the above said Resolve is Now made—

Therefore Your Petitioners in Behalf of Said Town Humbly Prayeth That your Honours would take the matter under your wise Consideration and Grant us Such Releaf as you in Your Great Wisdome shall see fit, and Your Petitioners as in Duty Bound Shall Ever Pray JOSIAH BLODGET JUR } EBENE^R^ BANCROFT." } — *Ibid.*, *p.* 476.

Dunstable April the 30th 1779

And the following resolve* was passed thereon: —

"State of the Massachuttess Bay In House of Representives Septr 14th 1779— on the Pettion of the Select Men of the Town of Dunstable for the Remitance of a Fine of Three Hundred pounds & that a Bounty of Ninety pounds Be allowd for three Men in the Nine Months Servis—Agreable to a Resolve of the General Court of the 20 April 1778

Resolvd that there be Allowd to the Town of Dunstable the Sum of three Hundred & Nienty Pounds out of there Next State Tax— Sent up for Concurrence JOHN HANCOCK Spk^r^

In Council Sep. 14.' 1779 Read & Concurred JOHN AVERY D Sey

Consented to"— [Signed by fifteen of the Council]. — *Ibid.*, *p.* 474.

"To the whole Court —

The Petition of Jonathan Whitney, Agent for The Town of Conway, in the County of Hampshire and State of the Massachusetts Bay, Humbly Sheweth—that in Consequence of A Resolve Of the General Court passed in April 20th 1778—the said Town of Conway were Required to raise six Men, as their Quota of the Nine Months Men to serve in the Continental Army, which Men were raised & Delivered to the Superintendant for said County—whereby said Town of Conway Was Intitled to a Bounty of Thirty Pounds for each Man so raisd, to be Deducted from their, then, nex State Tax—but, by reason of some Error in the Return of said Men, the Town of Conway were fin'd the sum Of four Hundred Pounds, as being deficient, four Men, which would have Compleated their Quota—Now, You Petitioner, begs leave to Esert that the s^d^ Men,—'Viz'—Samuel Green, Moses Ellis, Stephen Kyes, Solomon Bodwell, William Dickerman, & Ezra King—were actually heired, mustered And Delivered to the Superintendant, as will appea by his Receipt, and by Him marched to the Continental Army—

Therefore Your Petitioner prays, that the fine afores^d^ of four Hundred pounds, may be Reimburs'd to Your Petitioner, for the Use of s^d^ Town of Conway—And that Your Honours, would Grant s^d^ Town the sum of Thirty pounds for each of the four Men, they were Fined for—which sum, the Committee of s^d^ Town PAY'D each Man as a bounty—being in whole, one Hundred & Twenty pounds—And as in Duty bound shall ever pray—

Boston Sep^tr^ 24th 1779— JONATHAN WHITNEY."— *Ibid.*, *vol.* 224, *p.* 311.

The above petition was accompanied with the following certificates: —

"South hadley, July: 1: 1778

Resived of the Committe of Conway as Nine Months Men: Viz Samuel Green, Moses Ellis Stephen Keise, Solomon Boydwell, William Dickerman Ezra King.

NOAH GOODMAN superinteudent." — *Ibid.*, *p.* 310.

"These may Certify That William Dickerman & Ezra King are return'd into the Secretary's Office as Soldiers for 9 Months for the Town of Conway in the County of Hampshire & that Six Men was the Number set upon said Town as their proportion of Two Thousand Men ordered to be raised by the General Court in April 1778—

Council Chamber Boston April 16th 1779 JOHN AVERY D Sec^y^."—*Ibid.*, *p.* 310½.

The resolve† passed on the petition is as follows: —

"State of Massachusetts-Bay In the House of Representatives Oct^r^ 6 1779.

On the Petition of Jonathan Whitney Agent for the Town of Conway Praying that the Fine of four hundred Pounds laid on Said Town of Conway may be taken off and that Said Town may be Allowed one hundred & twenty Pounds as a Bounty paid to four men to Reinforce the Continental Army for the term of nine months Agreeable to a Resolve of the General Court Passed April 20th 1778—

Therefore Resolved that the Prayer of Said Petition be Granted and that there be deducted out of the next State Tax to be laid on the said Town of Conway the Sum of five hundred & twenty Pounds for the Reasons Set forth in said Petition: —

Sent up for Concurrence JOHN HANCOCK Spk

In Council Oct^r^ 6th 1779 Read & Concurred JOHN AVERY D Sec^y^

Consented to"— [Signed by fifteen of the Council].— *Ibid.*, *p.* 309.

Petitions from Conway, Manchester and Rehoboth, for the remission of fines, were read April 14th, and committed to Messrs. Phillips of Andover, Farley and Low. No further action upon the petition from Rehoboth has been discovered, but the above resolve

* Printed resolves, chapter XXI. † *Ibid.*, chapter CLXXII.

in the case of Conway probably afforded the relief asked for. The petition in this case has not been discovered. The petition of Manchester and the resolve thereon are given below. A petition from Southwick praying for relief from certain taxes was ordered to be dismissed February 11th; and, on a petition by the selectmen of Dartmouth,* praying that the losses of the inhabitants, occasioned by the depredations of the enemy, Sept. 5, 1778, might be made up to them by an abatement of their taxes, a resolve was reported Feb. 27, 1779, granting the town £400, to be apportioned by the selectmen among the sufferers. This report was ordered "to lie until the next session." On the first day of March the following resolve† was passed superseding the necessity of further action on the reported resolve:—

"State of Massachusetts Bay— In the House of Representatives March 1st 1779

Whereas in Consequence of the Drepredations made by the Enemy on part of the Town of Dartmouth, this Court have (in the Tax Act pas^{d} the present sessions) omitted to Assess on s^{d} Town the fines incurred by them to y^{e} amount of twelve hundred pounds for neglecting to raise their proportion of men for the Cont^{l} Army for nine months agreeable to a Resolve pass^{d} the 20th of April last; and it appearing Reasonable that those who suffered by the Depredations afores^{d} and not the Town at large should have the Benefit of the same Therefore

Resolv^{d} That the Assessors of the s^{d} Town of Dartmouth be and they are hereby directed to assess the said sum of one thousand two Hundred pounds on the Inhabitants of said Town as tho' it had not been omitted in said Tax Act and cause the same to be collected & paid into the Treasury of s^{d} Town for the Use of the Sufferers aforesaid to be divided among them in such proportion as the Selectmen of s^{d} Town shall judge to be Just & reasonable Sent up for Concurrence JOHN PICKERING Spk^{r}

In Council March 1.' 1779 Read & Concurred JOHN AVERY D Sec^{y}

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *vol.* 221, *p.* 351.

"To The Hon^{l} Council and House of Representatives in General Court Assembly

The Petetion of Benjamin Holden, Joseph Sergant and Adonijah How, in behalf of themselves and the Other inhabitants of the Town of Princeton in the County of Worcester Humbly Sheweth

That the General Court by their resolve of the 20th April 1778. made a requisition upon the Inhabitants of the Town of Princeton aforesaid, for four men to Join the Continental Army at Fish Kill on Hudson River to Serve for the Term of Nine Months and by said resolve did Declair that in case there should be a Deficiency of the men so required of said Town-The said Town should incur the Penalty of One hundred Pounds for the use of the state for each man so Deficeiant; your Petitioners would Observe in behalf of the said Town that Notwithstanding their Utmost exertions the Town was not able to percure more than three men which they did Percure and delivered them Over into the hands of the officer Appointed to receive them, which return was lodged in the Secrety Office and is now there on file. Your Petitioners find that by the late Tax Act the said Town of Princeton is there Charged with Two fines of one hundred pounds each whereas in equity and Justice it Ought to be but one fine of One hundred pounds

Your Petitioners Therefore Humbly Pray your Honours to diriet Henry Gardner Esq Treasurer of this state to reimbust to the said Town the Sum of One hundred pounds which they are wrongfully fined, or Otherwise relieve your Petitioners as your Honours in your great Wisdom shall see meet—and as in duty Bound shall ever Pray

Princeton Nov^{r} 8 1779 BENJ^{A} HOLDEN, JOSEPH SARGENT, ADONIJAH HOW } Committe of Princeton." —*Ibid.*, *vol.* 224, *p.* 448.

"In the House of Representives Nov^{br} 15th 1779‡

on the Petition of a Com^{ttee} in the behalf of the Town of Princeton Praying for an allowance of Part of a Fine set on said Town for not Procuring the Number of men set on said Town by a Resolve of the General Court of the 20th of April 1778—

and whereas it appears to this Court that said Town Was Fine^{d} the Sum of £200 for a Diffitiancy of two men When they ought not to have been fined but for one

Therefore Resolved The Treasurer of this State be and he hereby is Directed to Pay out of the Publick Treasury of this state to the Selectmen of the said Town of Princeton (for the use of said Town) the sum of one Hundred Pounds in full for said one man with the addition of Thirty pounds Bounty allowd by the state for each Man

Sent up for Concurrence JOHN HANCOCK spk

In Council Nov. 15.' 1779 Read & Concurred JOHN AVERY D Sec^{y}

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 447.

"To the Honourable Council and House of Representatives of the State of the Massachusetts Bay now Seting at Boston

We your Humble Petitioners Beg Leave to represent to your Honours the True State of affairs Relative to the Town of Murrayfield's Raising their Quota's of Men in the Present War, and their Willingness always to obey all Orders and Resolves of the General Court of this State and the Honourable Continental Congress Persuant to which in the Year 1777 The Honourable General Court of this State resolved that every Town in this State Should raise for the Continental Service every Seventh Man, which in this Town Amounted to fourteen Men—Accordingly the Town by a Large Hire Emediately procured the Men Some for Three Years and Some Engaged During the War; Soon after which upon the Continental Armys not being filled up There came a Resolve from the Honourable Continental Congress that if any two Men would Hire a Man for the Continental Service more Than Their Proportional Part of Every Seventh Man they should be freed from future Draughts, upon this Encouragment from Congress that we Should be favoured in future

* Printed in full in the note to 1777–78, chapter 29; p. 862, *ante*.
† Printed resolves of the January session, chapter CCLXXII. ‡ *Ibid.*, chapter XIII.

Draughts a Number of the Inhabitants in this Town (Though unable to Spare the Money) Joined Togeather and Hired five Men more Than our Quota into the Continental Service Supposing they would Answer for the Town when called upon afterwards Accordingly in the Year 1778 This Town was Called upon by the Honourable General Court of this State for two Men to go for Eight Months, and Three Men for Nine Months to Joine the Continental Army in Order to have it Compleated; the Town being called togeather in order to get the Men Agreable to Orders from the General Court They Judging it no More than Reasonable that we Should have Some Allowance made us for those Men that we had in the Continental Service more than our Proportion, and had Given them a Large Hire Therefore relying on the Justice of the Cause the Town Thought it no more than Honest an Right Not to Draught any Men for the Nine Months Service to Joine the Continental Army, but to make return of Three of Those Men that we had already in the Continental Service more than our Quota, not Doubting but that the Honourable General Court would as Soon as they Saw the Return Allow the Men to Stand Good and Answer for the Town: Though to our Disappointment we find the Town of Murrayfield Fined Three Hundred Pounds for the Neglect of those Three Men, which we Viewed were in Actual Service for the Town and no other, and are Still in the Service. Therefore your Humble Petitioners pray that the Honourable Councell and House of Representatives would Take into their Wise Consideration the Poverty of the Town, the Services we have done in the War more than our Proportion, Especially in the Continental Service as we have in a great Measure Exhausted our Selves of Money to Hire So many Men into the Service. Therefore we pray that Your Honours would Take These Things into your Wise Consideration and be Pleased to Take off our Fine as Your Honours in your Wisdom Shall Judge Best, and as in Duty Bound Your Petitions Shall ever Pray—

Signed by Order of the Select Men in behalf of the Town—
Murrayfield April 13th 1779 DAVID SHEPARD Tn Clerk

of Murrayfield."—*Ibid.*, *vol.* 225, *p.* 82.

"State of Massachusetts Bay In the house of Representatives Novemr 25. 1779—*

On the petition of the inhabitants of the town of Murrayfield praying for abatement of a fine laid on said town by the tax bill in February last, for being deficient in raising two men for nine months and one for eight months—And whereas it appears to this Court, that said town had two men inlisted for three years more than their quota of the seventh part of the inhabitants of said town

Resolved That the fine of Three hundred pounds laid on said town be remitted. And that there be allowed and paid out of the treasury of this State to the town of Murrayfield, the aforesaid sum of three hundred pounds for the fines above mentioned—

Sent up for Concurrence JOHN HANCOCK spk
In Council Nov. 25th 1779 Read & Concurred JOHN AVERY D Secy
Consented to"—[Signed by fifteen of the Council].—*Ibid.*, *p.* 81.

"To the Honourable the Council and House of Representatives of the state of the Massachusetts Bay — The Petition of the Inhabitants of the Town of Manchester —

Your Petitioners begg Leave humbly to Say — We Think our selves hardly treated — in having a fine of two Hundred pounds Requir'd of us — as we take it — For not Complying with an order of Court upon April 20 1778: by which the Town was ordered to Send Five men to Serve in the Continental Army for Nine Months. — For we assure your Honours that we took Unwearied Pains in Endeavours to obtain the five; But Yet Could procure no more than three. — But though we would have furnished the five, we yet think that, If other Towns had furnished the Seventh part of their Numbers — First Called for, the three we furnished would Have been our full Proportion, for when the Continental Army was formed, Twenty Nine were a Seventh Part of our Numbers: and that Number we Compleated to a Man: and all of them, Saving two, are still in the Field.

We also think our selves hardly treated, in that so Large a Proportion has been Demanded of us by a late act of the Court — for Apportioning and Assessing a Sum & sums of Mony for Defraying publicke Charges, and satisfying Representatives for the Expences of their travell, And their attandance in the General Court, in the Year 1778. For, we begg Leave to Certifie you, that, Since we Furnished men for the Continental Army, our Numbers have been so Diminished, by Deaths — Captivities And Removals out of town, that we are now, at Home, But about half so many, as we were then. — *Besides*, several of those that have left the town were some of our more wealthey members of society. *And* the Proportion Demanded of us, according to our Valuation-Return, is about the fifteenth Part of the Interest of the whole town. *And* our Internal Charges amount to more then our External. *We* have great Numbers of Poor to relieve, *Tho'* but a Small town, yet we have four Score widows in it, and far more Fatherless Children. *Our* trade & Commerce is but very inconsiderable. *And* Demands made for the Necessaries of Life, of which we are almost universally Purchasers, are high to astonishment, and Continually rising. — *In short*. *There* are many among us, who, we think, Cant be rationally thought able, at present, to Do any thing more towards Defraying publick Charges. *And* others of us see not how we shall be able to do more than Provide Necessaries for our families, and releive the Distresses of the poor, widows & fatherless; if so much.

We therefore pray your Honours will please to take our Case into Consideration, and take off the fine, And abate, at Least, a part of the Sum Lately Requird of us — as our Proportion for Defraying the Publick Charges, &c. *And* we shall, as in Duty bound, Ever Pray &c. —

P S We Begg Leave to add, as a Farther Plea, that we have been, from the First, Zealous in the Common Cause, and have Vigorously exerted our selves in endeavours to help in the Deliverance of our Dear Country. — AARON LEE, ELEAZER CRAFT, JOHN ALLEN JUNR } A Committee of The Town A fore Said."—*Ibid.*, *vol.* 185, *p.* 112.
Manchester April 12th 1779

* Printed resolves, chapter LXXIX.

"State of Massachusetts Bay: } In the House of Representatives Novr 20th 1779 *

Whereas it appears that the town of Manchester is diminished by one half since they furnished their proportion for the Continental Army, and that they have suffer'd in a singular manner, since the commencement of the war — Resolved that there be remitted to said Manchester the sum of Two hundred Pounds, which was by the last tax Act laid on them for a deficiency of two men, of the number required by a Resolve of April 20-1778: — And Whereas it appears that said town of Manchester was taxed in the last tax Act the sum of forty five pounds, nineteen shillings and six pence for the travel & Attendance of their Representative more than was due from them on that account —

Resolved that the aforesaid sum of Forty five pounds nineteen shillings & six pence be remitted to the town Manchester. Sent up for Concurrence JOHN HANCOCK spk

In Council Nov. 20th 1779 Read & Concurred JOHN AVERY D Secy

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 114.

"State of Massachusetts Bay August 23 1779.

To the Honorable Council, and Honble House of Representatives. Humbly Sheweth The Select men of Bridgwater. That whereas By a Resolve of the Great and General Court in the month of april A D. 1778. for filling up the Continental Army, it was therein Provided that Each Town should be Intitled to 30.l. for every Effective Souldier By them Raised for that Purpose, and to incur a Penalty of 100£ for Each Souldier Deficient of their Respective Quota's: Pursuant to said Resolve the Town met and made Choice of a Committee to Procure by Hire the Quota assigned to said Town (Being 28) upon such Terms as they Could The said Committee with the assistance of the Officers Procured Thirteen Souldiers for nine months at 100.£ Each for the purpose afore said: who were all mustered and marched, also at the same time 19 more for 8 months to Guard North River, at 60l. Each, also 22 for the state of Rhode Island at 14£ Each, (per Order) and 52 men for 3 weeks at Providence till the last mention'd Corps Could be Raised to take their Places. Besides 14 men who inlisted to serve at Boston with Capt Washburne Your Petitioners Perswade themselves your Honours will not Impute any Criminal Neglect in the Town, or Officers, on account of the Deficiency with Respect to the first mention'd Quota of 28, Considering the other Draughts at the same time, and Particularly in the latter part of the Time allotted by your Honors for Raising said men, the allarms in the state of Rhode Island, and at Dartmouth (in which the Town by its Vicinity was always interested) Employed their whole strength, so far as to Rendar the Compleating said Quota Impracticable. it was with Concern your Petitioners in the following Tax found The Town Credited only for Eleven of their Quota, since By the Omission of the other two men who were Raised they suffer the Loss of 200£ Paid for their Hire, and 60 l. Gratuity from the state, which they were Intitled to, Besides a Penalty of 200 more for the supposed Deficiency of those two men. To this may be added the Bounty Paid to 22 men for inlisting to serve in state of Rhode Island, (above mention'd) at 14.l. Each amounting to 318£ for which the Town hath not Recd any Credit. the Loss in the whole amounting to 768£. By which your Petitioners apprehend themselves agrieved: They therefore Pray your Honours to Order them Relief By an abatement out of the Present Tax now Collecting, Or otherwise as your Honours in your Wisdom shall Judge most Expedient, and your Petitioners as in Duty Bound shall ever Pray.

JOSIAH RICHARDS }
NATHL EDSON } Select men Bridgwater." — *Ibid.*,
ELEAZER CARY } *vol.* 225, *p.* 211.

"State of Massachusetts Bay in the House of Representetives December 3d 1779 †

on the petition of the Selectmen of the town of Bridgwater Setting forth that Said Town of Bridgwater Raised two men more than they hed Credet for in the year 1778 by which means they ware Subjected to a fine of two hundred pound and ware deprived of the thirty pound Bounty for Each man promised to those towns that Should Raise their men agreable to a Resolve of april ye 20th 1778 for filling up the Continantial army and further setting forth that they did Raise twenty two men to Serve in the State of Rhode Island agreable to a Resolve of June 12th 1778 for which men they have not ben alowed the £14 Bounty agreable to the above sd Resolve ——

theirfore Resolved that their be alowed and paid out of the publick treasury of this State to the Selectmen of the town of Bridgwater the sum of two hundred pound as a Remittance for Sd fine and the Sum of Sixty pounds as Bounty for Sd two men and a Sum of three hundred and Eight pounds as Bounty for the above said twenty two men agreable to the above sd Resolves Sent up for Concurrence JOHN HANCOCK spkr

In Council Dec. 3d 1779 Read & Concurred JOHN AVERY D Secy

Consented to" — [Signed by sixteen of the Council]. — *Ibid.*, *p.* 209.

Petitions for abatement of their proportion of this tax, or for a remission of part of what should be levied under this chapter, were presented for the towns of Hull, Hingham and Cohasset, which it was alleged had suffered great damage, the first by the erection of fortifications there, and the last two by the destruction of the fisheries. The prayers of these petitions, however, appear not to have been granted.

Chap. 40. The following petition, together with the accompanying papers, hereunder printed, was read, in the House, Jan. 28, 1779, and committed to Messrs. Washburn, Smead and Stewart, who, on the next day, reported the resolve hereunder printed ordering notice to be served upon the inhabitants and non-resident proprietors: —

"State of the Massachusetts Bay &c

To the Honourable the Great and General Court, or Assembly of said State—

The Petition of a Number of Inhabitants settled on a Number of Grants Called No-

* Printed resolves, chapter LV. † *Ibid.*, chapter CXXVIII.

Town Adjoining Ashfield on the South Shelburne on the East Charlemont on the North, on the West Partly by Charlemont and Partly by Number Seven as will Appear on the Plan, Delivered herewith Together with a Number of Inhabitants on the south side of Charlemont Above Named in the County of Hampshire Humbly Sheweth

That the Inhabitents of No Town being in a Non incorperate State are in Consequence thereof Destitute of Gospel Ministry and Schooling and the means of providing and making Roads and all Other Town Privelidges and Labour under the Inconvenance of being Taxed to Sundry Towns, and those of sd Charlemont being at the Extreme part of the Town some of which are about Six miles from sd Charlemont Meeting House, and all Seperated from the main body by Deerfield River which is very Difficult to pass the greater part of the year and are therefore Destitute of Preaching and schooling and other Town Advantages and being Desireous of injoying the whole which Cant be unless are incorperated into a Town, do in Conjunction Earnestly Petition and Request that said Honourable Court would Maturely Consider the Great Disadvantages and Inconveniances we labour under in our Present situation, and also the great advantages that will accrue to us and the Publick, by our being Incorperated into a Township and if Consistant with your wisdom and Prudence, Incorperate the Lands as Deliniated in the Plan into a Township, that so we may Enjoy Priveliges in Common with our fellow Creatures which will greatly facilitate the bringing forward the settling the Non Resident Lands—as in Duty Bound your Petitioners shall Ever Pray.

Decr 11th AD 1778

Residing on the Grants

PHILIP MATHEWSON	JESSE EDSON	ABEL COOKE
GARDNER WILDER	WILLIAM JONES	NEHEMIAH SPRAGUE
NATHAN COOKE	ELI FULLER	DAVID Mc NITT
JOSIAH COOKE JUNER	JOSIAH DRAKE	ROBERT CLARK
EBENEZER SPRAGUE	ARSHILEL LINDSEY	PETER SHIPPE
ICHABOD THOMSON	DANIEL BACON	ANTHONY JONES
OLIVER COOKE	JOSIAH COOKE	NATHAN SHIPPE

Residing in Charlemont

SAMLL TAYLOR	JOSIAH WARD	GERSHOM WARD
ELIAS CARTER	SAMUEL CARTER	BARZILLAR ELLIS
JOHN WATKINS	ELISHA CARTER	ZACHEUS ROBEY
JOHN DONLY	ENOS TAYLOR	CHERLS HUDSON
NAHUM WARD	LEMLL TAYLOR	JEDEDIAH JONES
STEPHEN KEYES	JAMES BUTLER	ASA CARTER
JOSIAH JOHNSON	JOHN BURNS	OLIUE ORMS
		WILLIAM DANDELY

We the Non Resident Proprietors of the within Mentioned Lands Desire that the afore written Petition may be Granted as in Duty Bound shall Ever Pray

JONA WARD	JONATHAN WARD	JONA SPRAGUE
CHARLES MATHEWSON	STEPHEN ALLIS	JOSEPH WASHBURN
OTH TAYLOR	GERSHOM WARD	EPHRAIM MAY."—*Mass. Files: Bills*, 1778–79.
EBENEZER ALLIS JUR	JOHN HEATON	

"State of Massachusets Bay

We the Subscribers being some of the Non Resident Proprietors of Certain lands lying in a Plantation called Notown and in the South part of Charlemont which lands are bounded North on Deerfield River West partly on said Charlemont and partly on No Seven, South on Ashfield and East on Shelburn & Said River Desire the General Court of Said State to incorporate the lands above discribed into a Township as is petitioned for by the Inhabitants & Some of the Non Resident Proprietors of said lands as by their petition Dated Decr 11th 1778 Exhibited to said Court with a plan of said lands Appears Reference thereto being had

ROSS WYMAN
ISAAC KIBBE."—*Ibid.*

"Charlemont Decm 11th 1778

These Certify that Colo Jonathan Ward is Chosen an Agent to Prefer a Petition to the General Court of the Massachusetts State to get a Township Incorperated including that part of Charlemont Lying the South side of Deerfield River East of No Seven and Certain Grants of Land Called No Town, Bounding East on Shelburne South on Ashfield North on Charlemont West Partly on Charlemont and Partly on No Seven

Attest JESSE EDSON, PHILIP MATHEWSON, SAMLL TAYLOR, ELIAS CARTER } Committee for the Inhabitants of said Lands." — *Ibid.*

"State of Massachusetts Bay In the House of Representatives Janv 29 1779 *

On the Petition of the Inhabitants of the Plantation Called notown and that part of Charlymont on the South Side of Deerfield River & East of Number Seven—Resolved that the Petitioners Notify the Inhabitants of Charlymont that they may Shew cause if Any they have, on the first Wednesday of the Next Sitting of this Court why the prayer of Said Petition Should not be granted by leaveing a Coppy of their Petition with this Order thereon with the Town Clerk of Charlymont at Least Twenty Days before Said Sitting also that they Notify all the Non resident Proprietors of Said Lands by serving some one of them with a copy of this petition & order within said term—

Sent up for Concurrence JOHN PICKERING Spkr
In Council Janv 30'. 1779 Read & Concurred JOHN AVERY D Secv."—*Ibid.*

* Printed resolves, chapter OVI.

On the 8th of April, the following return having been made of service of notice under the foregoing resolve, the petition was referred to a joint committee, consisting of Josiah Stone, of the Council, and Messrs. Sumner and Brooks of the House, "to hear the parties, and report what may be proper to be done thereon:" —

"Boston March 9: 1779

Whareas the General Court (on the Petition of the Inhabitants of the plantation called No town and the Inhabitants of that part of Charlemont lying South of Deerfield River & East of Nº 7, praying that the Lands bounded North on Said River West partly on Said Charlomont & partly on Said Nº 7, South on Ashfield and Easterly on Shelburn may be incorporated into a Town) did on Janʸ 29 & 30th 1779 order that the Town of said Charlemont and the Non Resident proprietors of the above described Lands Should be Served with a Coppy of said petition & the order of Court on the same by leaving a Coppy of said Petition & order of said Court with the Town Clerk of said Charlement and with One of the Non Resident proprietors of Said Lands at least twenty days before the 1st day of the next Siting of the Said Court I do hereby Certify that I left a Coppy as directed with Ross Wyman and Read a Coppy of Said Petition to Isaac Kibbe both of them being Non-Resident proprietors & sent a Coppy to Capt Samuel Taylor of Said Charlemont who (is a man of undoubted Veracity) & has since told me that he Received the same and with his own hand delivered said Coppy to the Town Clerk of said Charlemont as was ordered & that the Select Men of said Charlemont had inserted an article in their Warrant Issued for calling their annual March Meeting for having said Charlemont act as they thot proper on said petition &c Attest

JONA WARD } Agent for the Petitioners." — *Ibid.*

On the 9th of April, the committee above named reported "that the prayer of the petition be granted, and leave given to bring in a bill for incorporating said lands into a town," which was accepted, and on the 10th, the bill of this chapter was read a first time in the House. On the 13th, the bill was passed to be engrossed, sent up to the Council, for concurrence, and there concurred in; and on the 14th, it was passed to be enacted.

Within a few days after this chapter had been enacted, the Legislature was applied to by Asaph White, agent for the town of Charlemont, for its repeal. White's petition, which was read in the House April 19, 1779, has not been found, but it appears that the prayer of the petitioner was, that this act "may be repealed or altered." The petition was immediately referred to a joint committee, consisting of Messrs. Brooks and Pynchon, of the House, and Baker, of the Council, "to consider the same and report what may be proper to be done." On the 20th, this committee reported a resolve * ordering notice of the petition to be served on the inhabitants of Buckland, to appear, on the second Wednesday of the next session of the General Court, to show cause why the prayer thereof should not be granted.

Before the subject again came up in the Assembly the inhabitants of Charlemont met and voted as follows: —

"At a Legal meeting of the freeholders & other Inhabitants of Charlemont held at the Meeting house in Said town on thirsday the 27th of May 1779 —

Voted that, that part of the town Called the hill, be set off, upon condition that they can have green & Walkers land annexed, and that it remain upon the same footing with regard to Mr Leavitt, as the other parts of the Town 'till the difficulties that now subsist between Mr Leavitt & the town, are Settled: the lines to run As follows Viz, begining at the north line of the town Runing South, upon the west line of Wilders range of lots through Kinakems and Baldins farms, thence runing East, taking in Asahl Thayers and Mr Leavitts farms. From Mr Leavitts Southeast corner, to the top of Walnut hill, where the town line Crosses it, —

Voted that the Hill, Shall have their proportion of the Meeting-house, and publick lands, in proportion to the quantity of Lands, set off.

A true Copy JONATHAN HASTINGS Clerk. — *Mass. Archives, vol.* 185, *p.* 188.

On the 3d of June a joint committee, consisting of Artemas Ward, of the Council, and Messrs. Hunt and Nichols, of the House, was appointed "to consider the petition of Asaph White agent for the town of Charlemont, hear the parties who are present, and report what may be proper to be done thereon." On the 4th another petition by "the inhabitants of the north-east quarter of Charlemont," praying to be incorporated with the lands described in the petition and "Green and Walker's farm, into a town by ourselves," was read in the House and referred to the same committee, and on the same day, by a concurrent vote, Asaph White had leave to withdraw his petition as agent for the town of Charlemont, in accordance with the report to that effect, of the committee above named; but on the petition of the inhabitants of the north-east part of the town the committee reported a recommendation that Charlemont be not divided, but that Green and Walker's Grant be annexed, and submitted a resolve † ordering notice to the proprietors of Green and Walker's Grant; to appear and show cause on the second Wednesday of the "next sitting" of the Assembly.

At the next session (Sept 15), the above-named petition was read, in the Council, and referred to a joint committee, consisting of John Pitts, of that board, and Messrs. Metcalf of Dedham, and Singletary, of the House, who were instructed "to hear the parties who are present, and report what may be proper to be done thereon." At the same session, also, a petition from the inhabitants of a "tract of land called The Ten Thousand Acres, *alias* Myrifield, formerly purchased of this government," was presented and referred to a committee. These petitioners prayed the Assembly to take effectual measures for the

* Printed resolves, chapter LVII. † *Ibid.*, May session, chapter XLI.

settlement of a tract of land ("called Green's and Walker's farms, lying contiguous and most convenient, and what was proposed to make up the township by the Court's committee in the time of sale of the said Ten Thousand Acres") "with wholesome inhabitants," and to "annex and incorporate the same, with the said Ten Thousand Acres, into a township, or any such part thereof" as to the Assembly should seem fit. This petition was referred, on the 8th of September, to a committee consisting of Messrs. Stickney, Perry and Gerrish.

By this time, the project of repealing this chapter seems to have been wholly abandoned, and the Assembly directed its attention to the subject of uniting the unincorporated lands above described with the north-easterly part of Charlemont. The committee appointed, as above, upon the petition of the inhabitants of this part of Charlemont, reported favorably on the 17th of September. Their report was read in the Council, and ordered to be sent down, but no action appears to have been taken thereon by the House until November 20th, when the report was committed to Messrs. Grow and Sparhawk.

Asaph White now appeared as the agent of the inhabitants of the north-east part of Charlemont, and presented a petition praying that said inhabitants, and their lands, might be set off from Charlemont and incorporated, with Green and Walker's farm into a separate town. This petition was referred, November 24th, to Messrs. Choate, Davis of Oxford, and Thurston. The result of this reference was a resolve,* passed November 26th, appointing a joint committee "to repair to Charlemont and view the situation of the same, and also the farm adjoining, abovesaid, and also the plantation of Myrifield, if they require it (who have also petitioned this Court that all or part of said Green and Walker's farm with said plantation, may be erected into a town)", and after due notice and hearing to report what they think proper to be done, "on the third Wednesday of the next sitting of this Court."

On the 4th of May, 1780, the report of this committee was read in the Council, and an order was passed referring the consideration thereof to the next sitting of the General Court.

The report recommended that two tiers of lots, containing 200 rods in breadth, "lying on the west end of Green and Walker's land, be annexed unto the plantation called Myrifield and incorporated with it into a town," and that the remainder of Green and Walker's Grant "be annexed to and incorporated with the north-easterly part of Charlemont," according to the bounds set forth in the report, and that bills be brought in accordingly. The committee expressed the opinion that such division is just and reasonable and that the portions would, respectively, "accommodate a sufficient number of inhabitants to make three good towns," but considering the existing situation of the inhabitants of Charlemont, that "it is not expedient at this time to divide the town," as abovesaid, for reasons which they give at length; and to save the town of Charlemont further expense in relation to this matter, they recommended that their report, so far as it respects the division of that town, "be kept upon the files of the House until the æra shall arrive when the Honorable General Court shall see fit to divide them."

Chap. 41. On the 8th of January, 1779, Judge Sullivan, Mr. Angier and Mr. Gray were appointed by the House, a committee "to revise the acts enabling towns to raise money for carrying on the present war, and report what additions, alterations or explanations are necessary to be made." On the 11th of February, another committee, consisting of Messrs. Phillips of Andover, Stickney and Sumner, was appointed "to revise the act enabling towns to raise money, and report what further power is necessary to be given them."

Although the duties required of these committees are not described in precisely the same language, they would seem to be substantially identical. No report by either committee has been found, but the bill of this chapter, which appears to have been considerably altered and amended (probably in committee), and which was read in the House a first time on the 23d of February, is probably the result of the labors of one or both of these committees. This bill was read a second time on the 24th, and was passed to be engrossed on the 25th, and on that day sent up to the Council, for concurrence. On the 27th, the Council concurred, but the Assembly was adjourned on the first of March, after the House had voted to refer the consideration of the bill to the next session.

On the 14th of April, the consideration of the bill was again resumed, in the House, and it was passed to be enacted by both branches.

While the bill of this act was pending, a petition was presented by Moses Hayden and thirty-seven others, inhabitants of the town of Conway. The original of this petition has not been discovered, but it appears by the minutes of the Council that it related to "a tax laid upon said town." This petition, which was read in the Council February first, was referred to a joint committee, consisting of Nathan Cushing, of the Council, and Messrs. Baker and Lyman of the House, who reported, February 2d, by way of resolve,† an order of notice to the town of Conway to appear, on the second Wednesday of the next sitting of the General Court, to show cause against the petition. On the 16th of April, this committee reported, "That before a final determination is had on the said petition, and the answer of the said town, it is necessary that an act should be passed in addition to, or explanation of, the several acts for enabling towns to raise money for carrying on the present war." This report was not accepted by the Council, who ordered that the petition be dismissed, which was concurred in by the House.

Chap. 12. On the 25th of January, 1779, the House appointed Messrs. Page, Cranch, Barrell, Wales and Partridge, a committee "to enquire into the state of the treasury, to

* Printed resolves, chapter LXXXIX. † *Ibid.*, January session, chapter CXVII.

devise means for supplying the same, and report to the House as soon as may be." This committee was changed on the 29th, by the substitution of Col. Hutchinson for Mr. Cranch, who was excused, and, on the 10th of February, by the substitution of Mr. Lowell and Mr Phillips of Andover, for Messrs. Partridge and Hutchinson, who were absent.

On the day last named the committee reported, and their report was recommitted. They reported again on the 15th, and their report, which has not been found, was accepted. On the 8th of April, the bill of this chapter was read a first time, in the House, and proceeded thereafter, regularly, to enactment six days later.

Chap. 43. "Apr. 7, 1779. Mr. *Avery*, Deputy-Secretary, came into the House with a Message from t' e Honorable Major Part of the Council, which he read and delivered to the Speaker, as follows, *viz.*

State of *Massachusetts-Bay.* Council-Chamber, April 7th, 1779.

Gentlemen of the House of Representatives, * * * * *

And we would submit it to your Consideration whether instead of employing the armed Vessels belonging to this State in long Cruizes after Prizes, it would not have been vastly more for the Advantage and Profit of this State to have had them improved in cruizing upon this Coast for the Protection of our Trade and the Defence of our Harbours upon the Sea Coasts, which have been left in such an unguarded and defenceless Situation that where we have taken one Vessel from the Enemy, their small Privateers out of New-York *have taken ten from us; in short, they have of late, from our unguarded Situation, been emboldened freely to cruize about in our Bay, and have taken a Number of our Vessels just as they were entering into or going out of our Ports.*

This is become a Matter of a very serious Nature and demands your closest Attention, more especially at this Time, for as the Enemy's Army is considerably diminished, and they are not in Force to meet us in the Field, it is highly probable they will exert every Nerve to distress us by making Depredations upon our Trade and upon our Sea Coasts.

* * * * *

The foregoing Message was read again with the Papers accompanying the same, and committed for Consideration to Mr. *Lowell*, Mr. *Greenough*, Major *Cross*, Mr. *Cranch* and Mr. *Davis* of *Boston*." — *House Journal, pp.* 165 *and* 166.

"Apr. 9, 1779. The Committee on the Message from the Honorable Council brought in a Report as follows, *viz.* * * * * *

On the fourth Article, the Committee recommend that for the Protection of our Trade and the Defence of the Harbours on the Sea Coast, the Board of War be directed to procure and fit out immediately two armed Vessels for that Purpose, such as may be suitable therefor.

* * * * *

Read and the House accepted the the same, excepting the fourth Article, which was ordered to be recommitted." — *Ibid., p.* 169.

A further report by this committee was read in the House on the 12th, and accepted, and Mr. Gray brought in a resolve in accordance therewith by order of the House. This resolve was sent up to the Council, for concurrence, but before any action had been had thereon by the Board, it was recalled by a message from the House, who thereupon appointed Messrs. Gray, Davis and Greenough a committee to "bring in a bill for the purposes therein mentioned, and make provision in the bill, for a supply of the treasury therefor." On the next day the bill of this chapter was read a first time, in the House, and proceeded through the subsequent stages on the 14th, 16th and 19th, when it was passed to be enacted by both branches.

Chap. 44. "State of the Massachvsetts Bay— To the Honovrable Covncil and hovse of Representatives in General Covrt Asembled

The petition of the Congregational Chvrch and Society in Warwick Humbly Shews— That the Said Chvrch and Society Labovr under many Dificultys by Reason that there is So many persons of Difirent Opinions in Religion in warwick and in order that the Said Chvrch and Congregation might Not give any offince to persons of other Denominations they have formed themselves into a Society by the Name of the Congregational Society and have Svbscribed about one thovsand povnd to be Lett on Interest and Ly as a fvnd to Svpport the gospell in the Congregational way in warwick forever And whereas the town of Warwick at a meeting of the town December the 28-1778 voted that the Income of the ministry Right of Land in Warwick be added to the Interest or Income of the moneys Raised by the Congregational Chvrch and Society in warwick and the whole be applied to Svpport an orthodox Congregational minister in the town of warwick forever—

These are therefore to pray this Honovrable Covrt to take into their wise Consideration the State of Said Chvrch and Congregation, And Incorporate them into a Society and appoint trvstees with power to Sell the Said ministry Right of Land in warwick and to apply the Income of the whole of the moneys that the Said Right of Land is or Shall be Disposed of for: for the pvrposes affore Said: and also with power to act and transact all other affairs Necessary for the Regvlar Svpport of the Gospell in the Congregational way in Said Chvrch and Society in warwick: Or other way order as In yovr wisdom you Shall See fit and as in Dvty Bovnd Shall Ever pray—

Warwick Janvary the 1—1779

ZECHARIAH BARBUR	BENJA TUEL	MEDAD POMEROY
WIDER STEVENS	NOAH LENARD	JAMES BALL
JOHN WHITNEY	SAMLL WILLIAMS	MOSES LENARD
ELIJAH WHITNEY	DANL COOK	SAMUEL SHARMAN
JONAS LENARD,	DANL WHITNEY	HANANIAH TEMPLE
SAMUEL BALL	JONATHAN MOORE	ASA CONANT
MOSES LEONARD JUR	NATHANLL GOVE STEVENS	ABEL EDDY

FRANCIS LENARD	NATHAN HASTINGS	JOHN MELLERD
NATHANIEL STEARNS	CHARLES WOODS JUNR	SILAS TOWN
SAMUEL WEEKS	JOSEPH MAYO	BENJA. BARTON
EZRA CONANT	CALEB MAYO	BENJAH STOAKWELL
BENJAMIN CONANT	OLIVER KENDRICK	MARTIN STEVENS." —

Mass. Archives, vol. 221, *p.* 483.

"this may Certify that their is 158 free holders in Warwick by the Invoice that the Rates Was made by in the year 1778 THOMAS RICH } assessors for the year JOSIAH POMEROY } 1778 in Warwick." — *Ibid.*, *p.* 483½.

The foregoing petition was read in the House, Feb. 22, 1779, and committed to Messrs, Kollock, Stow and Lyman, who, on the same day, reported a resolve,* which was passed, ordering notice to be served on the town of Warwick, to appear and show cause on the second Wednesday of the next session of the General Court. With the petition was filed a copy of the vote of the town, dated Dec. 28, 1778, for adding the income of "the ministry right" to the fund raised by the petitioners.

On the 14th of April, the notice having been served agreeably to order, the following memorial (in two parts, each of the same tenor but with different signers) was presented, asking for a division of the income of the proceeds of the sale of the ministry lands among such religious societies as might thereafter be formed in Warwick, the town to hold the property in trust for that purpose, paying the income to the society or societies actually existing for the time being:

"State of Massachusetts Bay — To the Honorable Councel & House of Representatives in General Court Asembled, a memorial of a Number of the inhabitents of the town of Warwick Humbly Sheweth—

that Wheras a Number Vizt 33 of the inhabitents of the town of Warwick have petitioned the general Court that the Right of Land Called the minestry Right might bee Sold & the Whole of the money arising therely be applied to the Use of a Soscietty Calling themselves the Congregational Church Sociaty a Copy of Said petition Being Laid Before the town the Day being Stormy & many persons Not present at the town meeting & many not understanding the Vote When Called for they Did not Vote an Objecttion to Said petition & as their is Devitions amongst those of the Congragatinal Denomenation Respecting the Princeples & Doctring of the ministers of that Denomenation as well as Baptist & it is Likely that if the above Sociaty Should Settle a minister that the town or another Congregatinal Sociaty may Settle another & perhaps the baptist a third—& we Cannot See Why one Sociaty hath not as good a Right to part of the money arising from the above Said Land as another & as part of the Land is all Redy Sold (by the town) Some years ago & may be Sold again or may be Ocupyed by a minister of any party—your petitionors pray therefore that the Sail of the Land, alredy Sold might be Established by the Court & if the Court think best to ordor the Sail of the Rest that the Whole or the Income of the money Lie for the benefit of the town for Ever & if the above Sociaty Should Settle a minister first wee are Willing they Should have the use of the money til another is Settled that Shall have as Lawfull a Right to the money as they & then that the money or incom may be Devided according to their Numbers as We in Duty bound Shall Ever pray.

DAVID PERRY	NATHANIEL RICH	JOSIAH POMEROY
JOSIAH RAWSON	NICHOLAS WATTS	DAVID GALE
JOSIAH RAWSON JUN	JAMES STOCKWELL	JOHN BANCROFT
ASA LAMSON	DANIEL DANA	PETER RIPLEY
JOSHUA GARFIELD	JOSIAH COBB	JOHN ORMSBE
JOSEPH BARBER	JOSEPH GOODELL	ASAHEL NEWTON
AMZI DOOLITTLE	AMZI DOOLITTLE	EZ: CONANT JUR
SAMUL MOSES	SAMLL HOW	JOHN GOLDSBURY
JOHN BOWEN	WILLIAM BRADLEY	JAMES GOLDSBURY
JOSEPH ALLEN	JOSEPH DANA	DANIEL GALE
THOMAS KILTON	CALEB RICH	JONATHAN GALE
NATHAN KILTON	LEVI CHENEY	NAHAM BANCROFT
JAMES KILTON	THOMAS RICH	ABNER SHERMAN
JOSEPH WHITNEY	BENJAMIN SIMONDS	JACOB RICH
JOSHUA DEAN	BENJAMIN SIMONDS JUN	JOHN RAMSDEL
BENONI HEMENWAY	SAMUEL MELLEN	EBENEZER BANCRAFT
ABNER SMITH	JOSEPH SMITH	BENJA HOW
EBENEZER CHENEY	RICHARD WEEKS	SETH PECK

JAMES MILLS." — *Ibid.*, *pp.* 487 *and* 488.

The petitioners, to meet the objections of the above memorialists, filed the following copy, certificate and list of signers in aid of the petition: —

"Att a Town Meeting Regularly Assembled December ye 28th 1778 the 7th Article Passd at Said Meeting.—

Voted that the Income of the Ministry Right of Land in Warwick be aded to the Interest or Income of the monies Raised by the Congregational Church or Society in Warwick and the whole be applied to Support an Orthodox Congregational Minister in the Town of Warwick forever.—

Att a Town Meeting Regularly Assembled January ye 25th 1779

The Question proposed whither the Town will Resind the above Mentioned 7th Article passd at the above said Meeting which Passd in the Negative.

* Printed resolves of the January session, chapter CCXVI.

Att a Town Meeting Regularly Assembled March y^e 22^d 1779
Proposed whither the Town Does make any objection against the Petition of the Congregational Society why the Prayer thereof may not be granted and passd in the Negative.—
true Copyes Attest
Warwick April y^e 6^th 1779. EZ: CONANT JUR T: Clerk." — *Ibid.*, p. 484.

"Warwick the 10^th of April 1779
These may Cartify that att our Anual Meeting which was on the 22^d of March Last thare was in our town warrant the following Article Viz to see if the town Had Any Objections to make Why the Prayer of A Petition from the Church & Congregational Society in Warwick to the Great and General Court Should Not Begranted
the s^d 22^d of March was A Stormy Day, Notwithstanding Our meeting was General and much fuller than Sum Persons Have Represented it to be, I am Perswaded By the Number of Votes Brought in s^d Day that more than three quarters of the Voters attended S^d Meeting
the Above Article was one of the Last in the town warrant But att the Desire of Sum Persons it was Brought forward and Acted upon when the meeting was att the fullest, and att such A time it was, That I Put the question to the town to Know if they Had Objections to make why the Prayer of s^d Petition should not Be granted
The question was Put with as much deliberation as I could Put it—I am thoughtfull no Person Could Be within the walls of the House But what must hear and understand the Question their Did not Appear to me to be more than one quarter of the People Disposed to Make Objections to s^d Petitions being granted in full
the Above is a true State of the matter I Cartify it upon the Honor of A Gentleman
SAMUEL WILLIAMS Moderater of s^d meeting." — *Ibid.*, *p.* 485.

"We Whose Names are under writen Do belong to the Congregational Society in warwick and Desire to be Incorporated with Said Society—

JONATHAN ARTHERTON	MARK MORE	EPHRAIM TOWN
MOSES LENARD	OLIVER KINDRICK	ELEAZER WHEELOCK
JOSEPH DINSMORE	ELIJAH KINDRICK	BENAIAH STOCKWELL
DANIEL COOK	BENJAMIN TVEL	SAMVEL TOWN
BELE ORCUTT	JOHN KINDRICK	PETER DALVA
JOHN BALL	BARTHOLOMEW KINDRICK	JACOB WHITE
DANIEL WHITNEY	ABRAHAM BARNS	BENJAMIN MAYO
THOMAS GOULD	SAMVEL BOWMAN	FRANCIS WOODS
CHARLES WOOD SEN^R	NATHANIEL STEVENS	EBENEZER STEARNS
JONAS BALL	ABRAHAM STEVENS	ABNER WHITNEY
PETER PROCTER	JOHN WHITE	MOSES CHEENEY
CHARLS WOODS	JOHN WHITNEY	AMOS WOODARD
NATHAN GODDARD	SIMEON RICE	EDWARD WARD
NATHAN GODDARD JUN^R	EDMOND RICE	EBENEZER GODDARD
DAVID GODDARD	JOHN LEONARD	EBENEZER FOSGITT
OTHNIEL DAY	ASA BARTON	SAMVEL DUNCAN." —

Ibid., *p.* 490

The petition was referred, on the same day, to a joint committee, consisting of Josiah Stone, of the Council, and Messrs. Stow, and Brown of Framingham, of the House, "to hear the parties and report what may be proper to be done thereon." On the 15th the committee reported,—

"That lieve be given to Bring in a Bill Impowering s^d Town to make Sail of the Lands mentioned in their Said petio^n for the purposes of Supporting the Gospel, & Incorporating them into a Society as in s^d Petition is Set fourth: Saveing to Such of the Freeholders of s^d Town as may hereafter be Imbody into or with a reguler Church haveing a Protestant Learned Minister Settled among them; in that Case Such Inhabitants to have their proportionable part of the Interest of the money raised by the Sail, of s^d Lands according to their State Tax." — *Ibid.*, *p.* 482.

This report was read in the Council, accepted, and sent down for concurrence. The House concurred, with an amendment to insert the word "gospel" between "learned" and "minister," in the report, to which, on the next day, the Council agreed. On the 19th, after two readings, the Council passed the bill of this chapter, to be engrossed, under the title of "An act to incorporate the committee of the church and congregation in the town of Warwick, with corporate powers for certain purposes therein mentioned," and sent it down for concurrence. On the 20th, the House concurred, with two amendments of the title, by which the words "with corporate powers," and "therein mentioned," were stricken out; to this the Council agreed, and the bill was passed to be enacted, the same day.

Chap. 45. On the 14th of April, 1779, the House, by special assignment, considered "the expediency of continuing the vendue act," and thereupon a vote for repealing that act passed in the negative, and the bill of this chapter was read a first time. On the next day, the bill was read again, and on the 16th, it was read a third time, passed to be engrossed, and sent up to the Council, for concurrence, where it was amended by substituting "public auction," for "vendue," in the preamble, and "auction," for "vendue," in the third line of the act; in which amendments the House concurred, the same day, and, on the 23d, the bill was passed to be enacted, by both branches.

Chap. 46. "State of Massachusetts Bay. In the House of Representatives June 24^th 1779*
Whereas an Act was passed April 23^d 1779 To Supply the Treasury with the Sum of,

* Printed resolves of the May session, chapter CLXXXIII.

Two hundred thousand pounds. And the Treasurer was directed to give his Notes for the amount of said sum: and Mr Stephen Minot and John Mascarene Esqr was appointed a Committee to sign the Blank Notes on the *Left hand*, agreable to a form prescribed.

Resolved, that John Scollay Esq be added to said Committee, and that any two of them, *be Sufficient* and may sign said Blank Notes, accordingly.

Sent up for Concurrence JOHN HANCOCK Spkr
In Council June 24.' 1779 Read & Concurred JOHN AVERY D Secy
Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 223, *p.* 315.

Chap. 47. On the 25th of January, 1779, a joint committee, consisting of Messrs. Brown of Pittsfield, Bacon of Stockbridge, and Crane, of the House, and Walter Spooner and Nathan Cushing, of the Council, was appointed to take into consideration, among other things, the act for establishing an oath of fidelity and allegiance, and to consider the situation of persons who had been committed under that act. The report of this committee was read and accepted in the Council, but on the 28th, the House refused to concur. The matter seems to have rested here until April 17th, when a joint committee, consisting of Oliver Prescott and Eleazer Brooks, of the Council, and Messrs. Hastings, Shiverick and Tyler, of the House, was appointed "to consider the expediency of extending the time for the officers of the militia to take the oath of fidelity and allegiance, and make report." This committee reported the bill of this chapter which, on the 21st, having been read twice, in the Council, was there passed to be engrossed, and sent down to the House, for concurrence. In the House, the bill was read on the 23d, and again on the 24th. On the 27th, it was read a third time, and passed, in concurrence, to be engrossed, with amendments striking out the word "and," after "military," in the third line of the preamble, and the words "or affirmation," after the word "oath," in the first and fifth lines of the first section, and in the third and fifth lines of the second section. The Council concurred in these amendments, and, on the 30th, the bill was passed to be enacted by both branches.

Chap. 48. Immediately after the evacuation of Boston by the British forces the subject of confiscating the estates of such persons as had aided the enemy began to be considered by the General Court, and on the 19th of March, 1776, the House passed an order appointing Messrs. Sullivan, Hawley, Cushing, Partridge and Batcheldor of Beverly, "with such as the honorable Board shall join," a committee to bring in a bill for that purpose.

By the House Journal, it appears that this order was sent up to the Council, for concurrence, but no record of its reception by the Council has been discovered. On the 8th of April, the House appointed another committee for the same purpose, consisting of Messrs. Hawley, Sullivan and Story; but no further action upon the subject, in either branch, has been found, until the proceedings relative to the passage of this chapter, were introduced.

Undoubtedly the desire not to appear, to the sister colonies, precipitate in their movement towards revolution, restrained the Assembly of Massachusetts from adopting measures at variance with the common-law rights of even those citizens who had shown their hostility by fleeing the country or by abandoning their homes, for protection in the enemy's camp. The Assembly, therefore, at first proceeded no further in respect to controlling the estates of refugees, than was necessary to prevent loss and waste, and to provide for satisfying the claims of creditors. The plan pursued was, substantially, that previously adopted by the provincial congress, and described in the note to 1776–77, chapter 38, *ante*. Upon the evacuation of Boston, the Assembly was constrained to devise more systematic measures for securing the valuable real and personal estates, in that town, abandoned by those who had sailed in the enemy's fleet to Halifax (or who had previously left the country) than the loosely defined and practically irresponsible superintendence with which the selectmen and committees of correspondence had been invested by the provincial congress. Accordingly, they passed the resolve of March 25, 1776*, by which a committee was appointed to inventory and secure the estates of the refugees from Boston.

Following this resolve, came the resolve of April 3d, which conferred upon the committee appointed to inventory and secure the refugees' estates, full power to examine persons suspected of holding or concealing, any portion of the same, and to take and hold the same against any civil process issued since April 19, 1775, subject to the future order of the Assembly.

The House passed a resolve, on the 9th of April, 1776, extending to all the towns in the colony the provisions with regard to inventorying the estates of persons inimical to the liberties of the people, and requiring the several committees of correspondence, safety and inspection throughout the colony, aided by the justices of the peace in the respective counties, to prepare and return to the General Court, at its next session, lists of the names of such persons, together with the charges against them, and evidence to support the same.

The Council, however, seems not to have concurred in this resolve; and the resolve that was passed by the House April 19th, and by the Council April 23d, appears to have been adopted as a substitute.

From this time onward, until the passage of chapter 38 of the acts of the year 1776–77, the progress of measures for the security, management and disposal of the estates of refugees is shown in the note to that chapter, pp. 710 and 711, *ante*. The purpose of the last-named chapter was to give to the judiciary, in certain cases, the oversight of the management of the estates of refugees. Accordingly, the several judges of probate were thereby empowered to appoint agents to regularly manage such estates, in the nature of administrations upon the estates of persons deceased — the Superior Court being authorized to hear appeals, and to grant licenses for the sale of the real estate, when the personal

* See the new draught of this resolve in supplementary note on p. 1064, *post*.

estate should be insufficient for the payment of creditors, as in the case of executors and administrators. Chapter 22 of the acts of the present year enlarged the jurisdiction conferred upon the judges of probate by the above-named chapter 38, but neither of these acts provided for an absolute confiscation of the proceeds of the estates, which were to be paid into the state treasury, and receipted for by the treasurer.

It will be noticed that the legislative proceedings against the royalists, gradually branched into two classes; one directed against their persons, and the other against their estates.

On the 16th of January, 1778, Congress having passed the following resolve on the 27th of November previous, —

"*Resolved*, That it be earnestly recommended to the several states, as soon as may be, to confiscate and make sale of all the real and personal estate therein of such of their inhabitants and other persons who have forfeited the same and the right to the protection of their respective states; and to invest the money arising from the sales in continental loan-office certificates, to be appropriated in such manner as the respective states shall hereafter direct,"

— a joint committee, consisting of Messrs. Niles, Orne, Jackson, Coffin and Crane, of the House, and Jeremiah Powell, William Sever, Artemas Ward and Timothy Danielson, of the Council, was appointed to take this resolve into consideration.

This committee was changed, on the 24th, by the substitution of Messrs. Sartell, Davis and Hunter of the House, for Messrs. Orne, Coffin and Crane, and on the 29th, this committee reported, in the Council, a resolve to refer the subject "to the next sitting of the General Court;" but in the vote of the Council accepting this report the House refused to concur. On the 31st, the House passed an order appointing Messrs. Clap, Sumner, Noyes, Hyde and Stone a committee "to bring in a bill for confiscating and making sale of all the real and personal estate of such of the inhabitants and other persons of this state who have forfeited the same, agreeable to a resolution of Congress, of the 22d* of November, 1777." On the fifth of February, Messrs. Sewall, Singletary, Metcalf and Niles were added to this committee; and on the 23d, a bill, entitled "An Act for confiscation of the estates of several persons therein mentioned who have joined themselves to the enemies of the United States of America," was read a first time, in the House, and the committee reporting this bill were ordered "to report a list of the names of persons whose estates are to be confiscated."

The General Court was prorogued, on the 13th of March, without further action upon this bill, nor has there been discovered any action upon it during the next session and the first session of the next Assembly, except the following entry in the House Journal: —

"Apr. 25, 1778. The House assigned the second Wednesday of the next Session for the Consideration of the Bill for confiscating the Estates of Absentees." — *P.* 249.

In the second session of the next Assembly, a bill with the same title was read a first time, September 14th, and a second time, on the 29th. It was "considered" on that and the two days next following. On the first of October the House ordered that Messrs. Angier, Davis, Sumner, Washburn and Gray "be a committee to bring in a clause determining that debts due to individuals, shall be paid out of the estates; also one making provision for recovery of debts due to persons whose estates are to be confiscated, and another making provision for their wives and families." The consideration of the bill was then resumed, and a vote that the House resolve itself into a committee of the whole, to consider the general principles of the bill, was voted down; whereupon it was ordered "that the committee appointed to bring in a clause respecting the debts due from those persons whose estates are to be confiscated, bring in a clause for apportioning the proceeds of said estates to the relief of those who have suffered by the depredations of the enemy." The House then assigned the 7th, for a third reading of the bill, at which time it was read, accordingly, and the House reconsidered its vote for making provision for the wives of absentees. On the 8th, the House passed the bill, to be engrossed, by the votes of 63 out of 90 members present, and sent it up to the Council, for concurrence, where it was read a first time on the next day, and assigned for a second reading one day later. It was not, however, read a second time, in the Council, until the 13th, after which it was referred to Messrs. Sever, Ward and Dana, of the Council, to take it "into consideration, and to bring it into a new draught, and report at the next session of the General Court." On the 14th, General Hancock came up from the House with a message to inquire whether the Council had passed upon the bill "confiscating the estates of some notorious offenders who have left this state and fled to the enemy," whereupon a message was returned informing the House of the last vote in Council upon the bill.

A committee of conference was now appointed, consisting of Messrs. Hancock, Singletary, Davis, Freeman and Kollock, of the House, and Ward, Spooner, Thomas Cushing, Gill and Edwards, of the Council. This was on the 14th, and the next day Messrs. Crane and Wood were appointed on the committee, in place of Gen. Hancock, who was excused, and Mr. Davis, who was absent. On the 16th, the General Court was adjourned to Jan. 6, 1779, without having made further progress with the bill. A resolve † was passed, however, on the 15th, directing the agents appointed on absentees' estates to lay before the General Assembly, at their next session, an account of said estates whether real or personal, and that in the mean time no real estates be sold for payment of debts.

A clear draught of the bill, at this stage, is on file, in the handwriting of a clerk in the secretary's department, bearing memoranda of the proceedings thereon, in the House and Council, on the 8th and 9th of October, 1778. It provides for the absolute confiscation (in conformity to the "usage of all nations") of all the personal property and of all lands, tenements and hereditaments, within this state, which seventy-eight persons therein

* *Sic:* 27th.

† Printed resolves of the September session, chapter CL.

named, and, by force of the act, convicted of endeavoring the ruin of, and making war against, the people of the United States, possessed upon the nineteenth day of April, 1775, or at any time since; and declared said estates "forfeited to this state," and that they "shall be deemed, vested and adjudged in the real and actual possession of this state, without further inquiry, adjudication or determination hereafter to be had." The bill provided for the payment, out of the confiscated property, of "all debts justly due to any subject of the united American states," and directed that the estates should be sold, and the proceeds of the sale "placed in the Continental treasury, and loan-office certificates taken therefor," payable to the state treasurer, to be appropriated for the relief of such inhabitants of the state as had suffered from the devastations of the enemy, and also for the relief of the wives and children of "such soldiers as have fallen in defence of their country."

The following are the persons named in the bill, all of whom, except Thomas Goldthwait, being included in the act (chapter 24, *ante*) "to prevent the return of certain persons," &c., which was passed on the last day of this session: —

Thomas Hutchinson, Francis Bernard, Thomas Oliver, Timothy Ruggles, James Anderson, Thomas Apthorp, William Bowes, George Brinley, Ebenezer Bridgham, Richard Clarke, John Coffin, Nathaniel Coffin, Jonathan Clarke, Archibald Cunningham, Benjamin Davis, John Erving, jun., George Erving, Edward Foster, Benjamin Faneuil, jun., Thomas Flucker, Lewis Gray, Silvester Gardiner, Harrison Gray, Joseph Goldthwait, Martin Gay, Benjamin Hallowell, Robert Hallowell, Thomas Hutchinson, jun., Elisha Hutchinson, Foster Hutchinson, Hawes Hatch, John Jeffries, Richard Lechmere, Henry Lloyd, George Leonard, Archibald McNeal, Charles Paxton, Sir William Pepperrell, Owen Richards, Edward Stowe, Joseph Scott, John Vassall, Robert Auchmuty, Joshua Loring, William Burch, Nathaniel Hatch, Joshua Loring, jun., Henry Hulton, James Murray, William Browne, Jonathan Sewell, David Phips, Daniel Bliss, Samuel Bliss, Nathaniel Dickinson, Peter Oliver, Josiah Edson, Nathaniel Ray Thomas, Israel Tilden, Charles Curtis, Daniel Leonard, Thomas Gilbert, Levi Chace, Richard Holland, Bradford Gilbert, Samuel Gilbert, Thomas Gilbert, jun., John Chandler, James Putnam, John Walker, David Bush, Abijah Willard, John Murray, Thomas Beaman, John Bowen, David Ingersoll, Jeremiah Pote and Charles Callahan.

On the 13th of January, this bill was sent down to the House upon request, and the next day it was referred to a joint committee, consisting of Messrs Sullivan, Phillips of Boston, Singletary, Hancock and Angier, of the House, and Ward, Spooner, Dana and Nathan Cushing, of the Council. Nothing further relative to this committee or its doings has been discovered, except that from a memorandum endorsed on the bill (by which it is shown to have been the same bill which the House had passed to be engrossed, on the 8th of October), it appears that the Council appointed their members of the joint committee on the 15th; and, from an entry in the House Journal, it further appears that, on the 5th of February, Mr. Crane was chosen to that committee "in the room of Gen. Hancock, excused."

On the 9th of February, the House appointed Messrs. Sullivan, Davis of Boston, and Prescott a committee "to bring in a bill for confiscating the estates of certain persons inimical to this and the other states of America." On the 11th, a bill, entitled "An Act for the confiscation of the estates of sundry persons who have been guilty of the offences therein mentioned," appears, by the House Journal, to have been "read a second time and ordered to lie," although no previous mention of this bill occurs in the journal or elsewhere. The House members of the joint committee for bringing in a bill, were now enjoined to sit, and a message was sent to the Council, requesting them to give a similar direction to the members of their Board, upon the committee, and at the same time Messrs. Brown, Hosmer and Washburn were put upon the committee, in the room of Messrs. Sullivan and Sumner, who were absent, and Mr. Phillips of Boston, who was excused. The Assembly was adjourned on the first of March, without making further progress with the bill.

The next session began on the seventh of April; and on the 21st, a bill was read a first time, entitled "An Act for confiscation and sale at public auction of the estates of several persons, therein mentioned, who have joined themselves to the enemies of the United States of America." On the next day it was read again, by assignment, "and recommitted for amendments." The bill had already been changed in the title by striking out the words "at public auction," and it had, doubtless, been amended in other particulars which cannot so easily be ascertained. The names of forty-eight persons are included in this bill, twenty-seven of whom are in the act. The names of Samuel Quincy and Samuel Fitch, which appear in the act, do not appear in the bill or any memorandum of amendment thereto, and were probably ordered to be inserted before the bill was passed to be engrossed.

This bill followed the previous one in respect to confiscation, but provided for the immediate sale of the confiscated estates at public auction, after notice advertised, by committees named and appointed, in the bill, for four districts, embracing, collectively, all the counties in the state. The bill also made provision for the relief and support, in certain cases, of the wives and families of the refugees whose estates should have been confiscated.

On the 23d, this bill was read a third time, passed to be engrossed by 62 votes out of 82, and sent up for concurrence. It was read, a first time, in the Council, on the 24th, and the 26th was assigned for the second reading, which, however, was not had until the 28th, when the bill was passed, in concurrence, to be engrossed "as taken into a new draught." This new draught was in the form in which it was finally passed to be enacted, with the addition, in section two, of the words "were," before "entitled," and "of," after "possessed," in the twenty-second line.

The bill was now sent down to the House, together with the new draught, whereupon the House ordered a message to be sent to the Council, proposing a conference of both branches, to which the Council agreed, and the conference was accordingly held on the 29th — Artemas Ward presiding — in the representatives room, where seats were assigned for the accommodation of the Council. Upon another message from the House, this conference was renewed, on the same day; after which, the House proceeded to the consideration of the bill as newly drawn, and passed the same, with the amendments above noted, and sent it up for concurrence. On the 30th, the Council concurred in this vote of the House, and, on the same day, the bill was passed to be enacted, by both branches.

On the first of May, 1779, a committee previously "appointed to consider of some means for supplying the treasury, reported a resolve for selling the estates of certain persons therein named which have been already confiscated to the use of the state." This resolve was passed in the House, and sent up for concurrence, whereupon the Council voted that it be referred to the next sitting of the General Court. These proceedings all took place on the same day, but the vote of the Council had not been communicated to the House, and on the 3d, a message of inquiry was sent to the Council, and thereupon the resolve was sent down and a committee of conference chosen thereon, consisting of Messrs. Partridge and Davis of Boston, on the part of the House, and Walter Spooner and Francis Dana, of the Council, who reported the same in a new draught, which, on that day, was accepted and passed (chapter CXXXIV. of the printed resolves). The resolve provided for the sale of the estates lying in Milton, Dorchester, Roxbury and Boston, of the late Governors Hutchinson and Bernard, and of Sir William Pepperrell, Joshua Loring and Nathaniel Hatch.

On the 23d of June, 1779, a resolve (chapter CLXV. of the printed resolves of the May session) was passed, appointing one person in each county to ascertain what real estate was subject to confiscation under this and the next chapter, to make out lists of said estates, and to return these lists to the secretary's office.

On the 23d of September another resolve was passed for the immediate sale of the confiscated estates of the persons, named in this chapter, whose estates were not ordered to be sold in the resolve of May 3, 1779, with the exception of the estate of Samuel Fitch. Sir William Pepperrell's name was included in both resolves. By this resolve, which constitutes chapter LXX. of the printed resolves, committees were appointed in the several counties to sell the confiscated estates and give deeds thereof, and to return the proceeds of the said sales to the state treasury; and on the 20th of November, a resolve was passed (chapter LII. of the printed resolves) directing the treasurer to pay out these moneys in discharge of any warrant which may be drawn upon him for defraying the public expenses.

Many other resolves were passed during this and the following year suspending sales, and making other disposition of the confiscated estates in special cases; thus, by the resolve of May 20, 1779 (chapter XIV. of the printed resolves), the sale of Sir William Pepperrell's mansion-house was suspended until the further order of the General Court, it being occupied by Major General Heath; by the resolve of May 31st (chapter XVII.), the lands, in Brookline, of Governor Bernard, and, in Braintree, of Governor Hutchinson, were ordered to be sold — they not having been included in the former order of sale; by the resolve of September 9th (chapter V.), so much of the lands, in Worcester County, of John Murray, were ordered to be sold, as would raise the sum of £69. 3*s*. 9*d*. to discharge an obligation from Murray to Isaac Stone; by the resolve of September 24th (chapter LXXIII.), partition was ordered to be made of the lands, in Beverly, of Abijah Willard, and they were ordered to remain subject to an existing mortgage; by the resolve of October 4th (chapter CXLIV.), the committees appointed to sell the confiscated estates, were authorized to use their discretion as to the manner of giving the notice required to be printed in the newspapers of Essex County, no such papers being then published; by the resolve of December 2d (chapter CXXXII. of the November session), Lemuel Kollock was allowed £200 wherewith to defray the expenses of prosecuting trespassers on the estate of William Browne; by the resolve of December 24th (chapter XL. of the December session), the committee appointed to sell confiscated estates in Middlesex County, were allowed their account of the proceeds of the estates which they had sold, and compensation was allowed to them; by the resolve of March 25, 1780 (chapter LXIX. of the March session), the judge of probate for Suffolk County was authorized and directed to fix a competent allowance for the support of the widow Mary Craddock, out of the estates of her sons-in-law, Robert Auchmuty and Thomas Brinley; by the resolve of March 29th (chapter XCVII.), the sale of the estate of Peter Oliver was suspended, upon the petition of the children of Joshua Spooner, late of Brookfield, who held a mortgage on said estate, and the agent of the estate was ordered to lease it; by another resolve of the same day (chapter XCVIII.), the committee appointed to sell the estate of Daniel Leonard were allowed their account of the proceeds of said sale, and compensation was granted to them; by the resolve of March 31st (chapter CVII.), upon the representation of the committee for selling confiscated estates in Worcester County, expressing doubts as to the method of their proceedings, they were directed to receive the price of all estates sold by them provided it be paid to them on or before April 20th, and to give deeds accordingly; also giving other directions in special cases; by the resolve of April 19th (chapter CCIII.), the committee for Suffolk County were ordered to suspend the sale of confiscated estates until the farther order of the General Court, and the agents on the estates lately belonging to Henry Hulton, Richard Lechmere and Samuel Quincy were directed to lease the same agreeably to former orders; and the committee of sequestration were ordered to take care of such part of the estate lately belonging to Harrison Gray as remained unsold; by the resolve of April 21st (chapter CCXVII.), the committee appointed to sell confiscated estates in Essex County, were ordered to lease, for one year, such part of the estate lately

belonging to William Browne, as remained unsold; by the resolve of May 5th (chapter CCCXV.), the committee to sell confiscated estates in Middlesex County, or the major part of them, were authorized to give deeds to James Prescott, of certain woodland he had formerly purchased of Thomas Flucker, but of which he had received no deed; by the resolve of September 9th (chapter V. of the September session, 1780), James Williams was appointed to exercise the power conferred on the committee of correspondence of the town of Taunton, Jan. 31, 1778, to superintend the cutting of wood and digging of ore, for the state furnace at Bridgewater, on lands formerly belonging to John Borland, deceased, and empowering Hugh Orr to take wood, for the same purpose, from the land in Bridgewater formerly belonging to Josiah Edson—Capt. Nathan Mitchell to take an account of the same, to be returned by him to the Board of War.

For other proceedings relating to the confiscation and sale of estates of absentees see note to chapter 49, *post*: also, 1776-77, chapter 38, and note, *ante*.

Chap. 49. On the 20th of April, 1779, the House ordered "That Col. Freeman, Mr. Davis of Boston, and Mr. Gorham be a committee to bring in a bill for the immediate confiscation and sale of the estates of such absentees as are the most inimical to these states." On the following day the Council sent down, for concurrence, a bill with the title of this chapter, which had been twice read, and passed to be engrossed, by the Board. This was immediately read a first time, in the House, "and ordered to lie." It was read again on the 22d, by special assignment, and, on the 24th, "after debate on the several paragraphs," it was ordered to "be committed to Col. Freeman, Gen. Hancock and Mr. Davis of Boston, to prepare a providing clause respecting the persons named in the bill for confiscating estates, passed yesterday." On the 26th, this bill was read a third time, and passed, in concurrence, to be engrossed, with amendments, by the votes "of 42 out of 50," and the bill was sent to the Council for concurrence. The amendments proposed were three in number. The first amendment added to the first section the following clause, after the word "states" in the twenty-ninth line: —

"Unless it shall clearly appear to the jury, upon trial, by substantial evidence, that such person (against whom no other crime described in this act shall be alleged and proved than his or her leaving the place of his or her residence and going to some place within the dominions of the King of Great Britain or in possession of his forces) was induced by real necessity to leave the place of his or her residence as aforesaid, and that before the Declaration of Independence; and that he or she hath during his or her absence acted a part evidently friendly to this country, as far as he or she was able, and hath not aided, assisted or comforted the enemy aforesaid."

The second amendment added to a proviso which was inserted in the bill, between sections 5 and 6, a clause limiting the authority of the justices of the inferior courts of common pleas to continue causes entered in those courts under this act. The whole of this proviso was stricken out by the amendment adopted May 1st, and hereunder printed in full. The third amendment added the following to the eleventh section: —

"Provided, nevertheless, that nothing in this act shall be construed to extend to the persons or estates of Thomas Hutchinson, late of Boston, in the county of Suffolk, Esq., late governor of this state, Sir Francis Bernard, late resident in the said Boston, Baronet, formerly governor of this state, Thomas Oliver, late of Cambridge, in the county of Middlesex, Esq., and late lieut.-governor of this state, Harrison Gray, Foster Hutchinson, John Erving, jun., Sir William Pepperrell, George Erving, James Boutineau and Thomas Flucker, late of Boston, in the county of Suffolk, Esquires, Joshua Loring, late of Roxbury, in said county, Esq., Nathaniel Hatch, late of Dorchester, in said county, Esq; William Browne, late of Salem, in the county of Essex, Esq.; Richard Lechmere, late of Cambridge, in the county of Middlesex, Esq.; Peter Oliver, late of Middleborough, Josiah Edson, late of Bridgewater, Nathaniel Ray Thomas, late of Marshfield, in the county of Plymouth, Esquires; Timothy Ruggles, late of Hardwick, John Murray, late of Rutland, Abijah Willard, late of Lancaster, in the county of Worcester, Esquires; Daniel Leonard, late of Taunton, in the county of Bristol, Esq.; William Burch, Henry Hulton, Charles Paxton, Benjamin Hallowell, Richard Clarke and Benjamin Faneuil, jun., late of Boston, in the county of Suffolk, Esquires; John Coffin, distiller, Edward Foster, blacksmith, Silvester Gardiner, physician, Joseph Goldthwait, Esq., Frederick William Geyer, merchant, James Murray, Esq., and John Vassall, Esq., late of Boston, in the county of Suffolk; David Phips, late of Cambridge, Esq., Henry Barnes, late of Marlborough, merchant, in the county of Middlesex; Nathaniel Dickinson, late of Deerfield, in the county of Hampshire, gentleman; David Ingersoll, late of Great Barrington in the county of Berkshire, Esq.; Cornelius White, mariner, Pelham Winslow, Esq., late of Plymouth, in the county of Plymouth; Thomas Gilbert, late of Freetown, in the county of Bristol, Esq; Israel Tilden, late of Marshfield, in the county of Plymouth, housewright; Thomas Beaman, late of Petersham, in the county of Worcester, gentleman; Charles Callahan, late of Pownalborough, in the county of Lincoln, mariner; Joshua Loring, jun., late of Dorchester, in the county of Suffolk, Esq.; Robert Auchmuty, late of Roxbury, in the county of Suffolk, Esq.; Jonathan Sewall, late of Cambridge, in the county of Middlesex, Esq., and Samuel Waterhouse, late of Boston in the county of Suffolk, — whose inimical conduct hath been so notorious as to admit of no doubt thereof, and whose estates are confiscated by a law of this state, passed this present session, entitled 'An Act for confiscation and sale of the estates of certain persons therein mentioned'; anything in this act to the contrary notwithstanding."

The vote of the House and the proposed amendments were read, in the Council, on the 28th, and after voting a nonconcurrence therein the Council, in turn, proposed three other amendments; one of which substituted the words "exhibit to the justices," in the third line of section 4, for "file in the clerk's office," as it was originally expressed;

another inserted all after the word "escheated," in the eleventh line of section 4, to "suit," inclusive, in the fourth line of section 5, in place of the following clause in the bill:—

"And shall cause an attested copy thereof to be left at the mansion-house on the premises demanded, or, in case there be no mansion-house thereon, shall cause the same to be posted up in some public place in the town, district or plantation wherein such estate lies, and in which the person charged as aforesaid had his usual place of abode (if within this state), and shall also cause the same to be published in any one of the Boston newspapers, for three weeks successively, thirty days, at least, before the first day of the sitting of the court to which such complaint shall be made; and the court, upon motion of the said attorney-general or such other person as he shall appoint as aforesaid, shall enter upon their docket and records such suit and complaint."

The third amendment struck out, between sections 7 and 8, the following section which is retained in the bill: —

"And it is further enacted by the authority aforesaid, that the recovery of all personal estate by this act forfeited, and not now in the possession of this government, shall be in the same way and manner as is herein provided for real estate, saving that instead of judgment being given for the article claimed as forfeited it shall be given for such sum in debt or damages, according as the jury shall find; and execution shall issue in behalf of the government and people, in form prescribed by law in other cases."

The bill, with these amendments, was then sent down to the House, for concurrence, which was voted on the next day.

By the journal of the House this bill appears to have been there passed to be enacted April 30th, but by the so called General Court Records, and the original minutes of the Council from which they were compiled, it appears that the following amendment, referred to above, was not adopted by either branch until May first, on which day the bill was passed to be enacted by, and signed by a quorum of, the Council: —

"May 1, 1779. Thomas Cushing Esq^r went down with a Message to the Honble House to propose an Amendment in an Act for Confiscating the Estates of certain Persons commonly called Absentees, viz^t to dele a Clause in said Act, viz^t 'Provided nevertheless, and Be it Enacted &c. that the Justices of the Inferior Court of Common Pleas, when such Complaint shall be made and where such Suit shall be brought, shall continue the Action to the next Court and if no person then appears either in their own right or in the part and behalf of the Person accused to defend the Suit, the Justices at such next Court may further continue the Action if they see cause.' The Substance of said Clause, in the opinion of the Board, having been taken up in a preceeding Paragraph; if agreeable to the Honble House.

M^r Partridge came up with a Message from the Honble House to inform the Board, that they agreed to the proposed amendment referred to in the foregoing Message." — *Council Records, vol. XXXIX., p.* 235.

For proceedings relative to the disposition of the confiscated estates of the absentees prior and subsequent to the passage of this act, see the note to chapter 38 of the year 1776–77, and chapter 48 of this year.

Complaints against the persons and estates of absentees were filed by the attorney-general as required by this chapter; and he was still further urged to this duty by the following resolve: —*

"State of Massachusetts-Bay In the House of Representatives Sep^t 27 1779

Resolved that the Attorney General be & he hereby is directed as Soon as possible to bring forward the Actions against the Estates of the Several Absentees agreable to an Act of this State passed the present year —

Sent up for Concurrence JOHN HANCOCK Spk^r
In Council Sept 28th 1779 Read & Concurred JOHN AVERY D Sec^y
Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 224, *p.* 155.

Chap. 50. The inhabitants of the territory set off, by this act, from Cambridge, afterwards incorporated as the town of Brighton, and now a part of Boston, erected a meeting-house for religious worship as early as 1744. Previous to this they had had preaching in the winter season in a house built for a dwelling-house, and even after their meeting-house was erected, although preaching was constantly maintained there, no minister was regularly installed over the society until 1784, when the Rev. John Foster was settled there, the church continuing to be a part of the parent church in Cambridge until the year 1783. Before the passage of this chapter preaching was maintained in this territory by the joint contribution of the inhabitants there, and the first parish in Cambridge; but after the meeting-house was built, the inhabitants being determined to have the exclusive services of a settled preacher, the subject of a separation from the first parish began to be agitated. On the 11th of June, 1747, a petition of some of the inhabitants on the south side of the river Charles, "setting forth their difficulties in attending the public worship at the precinct meeting-house, and praying to be made a separate precinct," was read in the House of Representatives, and the first parish was thereupon notified, by order of the Assembly, to appear a week later to show cause, if any they had, against the prayer of the petitioners. Objection being made, the General Court dismissed this petition. The same disposition was made of a similar petition by Benjamin Dana, and others, a committee chosen by the inhabitants of the south part of the town, which was read March 2, 1748. On this last petition, notice was ordered as on the former petition, and a commitee was appointed to report what was proper to be done, upon whose report a joint committee was appointed, consisting of Samuel Watts and Ezekiel Cheever, of the Council, and Messrs. Foster,

* Printed resolves, chapter XCII.

Hall and Miller, of the House, "to repair to the lands petitioned for, hear the parties concerned, if they desire to be heard, consider the circumstances of the petitioners," "and report, at the next sitting, what they judge proper for the Court to do on this petition." On the 22d of November, the report of the committee last named, having been made and voted upon in Council, the consideration of both the vote and report was referred to the next sitting of the Court, "the petitioners to be exempted from all parish fees to the first precinct, in the mean time."

The prospect of a compliance with the prayer of the petitioners induced the first parish in Cambridge, by William Brattle and others, a committee chosen for that purpose, to pray the General Court to refrain from setting off the inhabitants of the south part of the parish, "unless the Court shall see meet to add to the said first parish a number of families belonging to Charlestown and Watertown who have, for divers years, attended the public worship with them." Notice on this petition was ordered to be served upon the towns of Charlestown and Watertown to show cause, on the first Thursday of the next sitting of the Assembly, "why James Miller and others, of Charlestown, and Stephen Stearns and others, of Watertown, who are mentioned in said petition, should not be set off, with their estates now in their occupations, to the first precinct in Cambridge." Similar notice was also ordered to be served on Miller and Stearns. On the first day of February, 1748-49, the further consideration of the report of the committee on the petition of the inhabitants of the south part of Cambridge was also referred to the first Thursday of the next sitting of the Assembly, and it was ordered "that, in the mean time, the petitioners be subjected to the taxes of the first parish in Cambridge, the vote of this Court * * * notwithstanding." Both of these petitions were eventually dismissed.

In December, 1753, both these projects were renewed. A petition, by the first parish, to be enlarged by additions from Charlestown and Watertown was read, in the Council, December 8th, and a petition by Nathaniel Cunningham and others, a committee of the inhabitants on the south side of Charles River, was read, in the House, on the 17th. Notice was ordered on the former of these petitions, returnable on the 26th, and on the latter, Jan. 2, 1754.

On the 4th of January, the petitions were read and considered, together with answers to the former, by the town of Charlestown, and by Thomas Goddard and others, inhabitants of the part of Charlestown which the petitioners desired to have annexed to Cambridge, and answers to the latter, by the first parish, and by Caleb Dana and others, inhabitants of the south side of Charles River; whereupon an order was passed on each petition, appointing Silvanus Bourn and Eleazer Porter, of the Council, and Messrs. Bradford, White and Spurr, of the House, a committee "to hear the parties, and, if need be, to repair to the lands petitioned for, view the same, and make report to this Court, as soon as may be, what they judge proper to be done thereon." This committee was changed, on the 7th, by the substitution of Joseph Pynchon and Benjamin Lincoln, of the Council, for Messrs. Bourn and Porter, excused.

The committee reported, April 17, 1754, on the petition to have a part of Watertown, with the inhabitants thereon, annexed to the first parish, that the prayer of the petition be granted, which was accordingly done, on the 18th, by order of the Assembly; and on the 23d, another order was passed adjusting the proportion of town, county, and province taxes which had been assessed on the inhabitants of the territory set off from Watertown. The committee also reported that the petition for the annexation of a part of the territory and inhabitants of Charlestown, and also the petition from the south side of Charles River, be dismissed. The former report was agreed to, and the petition was dismissed accordingly. The latter report was accepted by a vote of the Council, when it was sent down for concurrence; whereupon the House passed an order that the petition and report be referred to the next May session of the General Court, for further consideration; but as no record of any further proceedings upon the petition or this vote of the House has been discovered, it is probable that the matter was intentionally dropped at this stage and that the report of the committee was virtually accepted.

On the 15th of June, 1758, Thomas Sparhawk and others, inhabitants of Cambridge south of Charles River, presented a petition to the General Court, praying to be set off from the old parish, and enabled to settle and support a minister among themselves. Two years before, the inhabitants of the first parish had built a meeting-house, for the cost of which, and for other parish purposes, the petitioners were assessed a proportionate sum, while for preaching in their own meeting-house, which was maintained at the joint expense of the inhabitants there and the first parish, the contribution of the latter was inconsiderable — amounting to but £10 or £11, per annum.

Notice of this petition having been served upon the first parish, returnable on the second Tuesday of the next (October) session, and the respondents having appeared and made answer, a joint committee, consisting of Messrs. Dwight, White and Ruggles, of the House, and the Lieutenant-Governor (Hutchinson) and Stephen Sewall, of the Council, was appointed Jan. 5, 1759, "to consider the petition and answer, hear the parties, and report what they judge proper for this Court to do thereon." This committee reported on the 9th, whereupon notice of the pendency of the petition and answer was ordered to be served on the town of Charlestown, and on the inhabitants of said town "who have usually attended public worship, in the first parish in the town of Cambridge," to appear and show cause, on the second Thursday of the next sitting of the Assembly, "why the prayer of the answer of the town of Cambridge should not be granted."

On the 12th of April, 1759, Sparhawk's petition was read again, in Council, together with the answer of the town of Charlestown and also of the inhabitants of that town "more immediately concerned," and the subject was referred to the second Wednesday of the May session of 1759. At the same time Sparhawk and his associates presented another petition, praying to be freed from a tax of £100 laid upon them as their share o

the expense of building the new meeting-house on the north side of the river, "and from other charges that have arisen, or may arise, upon account of said house."

On the 19th of June, 1759, the petition last mentioned was read, together with the answer of the first parish in Cambridge, and these, as well as the former petition of Sparhawk, and the accompanying papers, were referred to a joint committee, consisting of Lieut.-Governor Hutchinson and Stephen Sewall, of the Council, and the Speaker (Samuel White), and Messrs. Dwight and Turner, of the House, to take them under consideration, "and make report at the next sitting of this Court, what they shall judge proper for this Court to do in said affair." This committee reported, March 28, 1760, that they had fully considered the subject, and that it appeared to them "that the very great difficulties which attend the petitioners make it necessary that they should be separated from the first parish in Cambridge; and, inasmuch as the said petitioners are not sufficient for a parish," the committee expressed the opinion that the petitioners, "together with all the other inhabitants and all the lands in said town of Cambridge lying and being to the south of Charles River, be erected into a distinct and separate precinct or parish, with all the privileges and immunities which precincts or parishes by law do or may enjoy." The committee also recommended the annexation of a part of the territory and inhabitants of Charlestown to the first parish in Cambridge, to compensate for the loss by this division, and that the inhabitants of the new precinct be exempted from all contributions towards building the new meeting-house in the old parish, except what they had promised by voluntary subscription.

The consideration of this report was referred by the Assembly to the first Friday of the next session, and, in the mean time, the same committee was "directed to repair to Charlestown and view the lands which they have proposed should be annexed to Cambridge first parish and to ascertain the boundary line proposed;" and it was ordered "that all proceedings with regard to the levying any taxes on the inhabitants of Cambridge on the south side of Charles River, be stayed in the mean time."

On the 10th of June the above committee was changed by the substitution of John Cushing and Benjamin Lincoln, of the Council, for the Lieutenant-Governor and Judge Sewall; and, on the 17th of April, 1761, the committee made their report, which was read, in the Council, and accepted by a vote in which the House nonconcurred. The report was then recommitted for further consideration, and, on the next day, was again submitted and accepted and the following order was passed thereon: —

"Ordered That the Inhabitants of Charlestown with their Lands included within the Lines following be and hereby are annexed to the first Precinct in Cambridge viz^t^ The Salt Water Creek that runs between the late Lieut^t^ Governor Phips's Farm, and the Farm late of James Miller deceased up to the Bridge called Ballards Bridge, and from thence to the North westerly Corner of the Land belonging to John Codman and his wife, and from thence across the Country Road and the Land of James Pearce to the East end of the middle Lane so called, and from thence up along middle lane Hill until it comes to the Westerly end thereof, and from thence to the Stone Powder house, and the same Course to Medford Lane, and upon all other parts upon Medford and Cambridge Lines unless they shall within two Months give security to the Treasurer in the First Parish in said Cambridge for the annual payment of their equal proportion of the Charges arising in said Parish for the support of the public Worship of God there, so long as they attend the said Worship and until the further Order of this Court. And that all the Lands belonging to any Inhabitants of said first Precinct included within any of the Bounds aforesaid be for the future taxed to the support of the Ministry in said first Parish until this Court shall otherwise order.

And it is further ordered that the Petitioners who live on the South side of said River together with such of the aforesaid Inhabitants of Charlestown as have not Pews in the New Meeting house in said Parish be excused paying any part of the charges already incurred by the Parish in building the said House, and that the Committee of those who congregate on the South side of said River from time to time draw out of the Treasury of said first Parish the sum of Fifty two pounds lawful Money yearly and every year for the support of preaching in the said Meeting house on the South side of said River until this Court shall otherwise Order.

In the House of Representatives Read and Concurred

Consented to by the Governor." — *Council Records, vol. XXIII., p. 749.*

This settlement of the difficulties between the inhabitants of Cambridge on the south side of the Charles, and their brethren of the first parish, was acquiesced in by the former for some thirteen years, when they renewed their efforts for procuring a separation by presenting to the General Court, the following petition: —

"To his Excellency Thomas Hutchinson Esq^r^, Governor in chief in and over his Majesty's Province of the Masachusetts Bay in New-england; The Honourable his Majesty's Council, & the house of Representatives, now convened & setting in the Town of Boston, This 26^th^ day of january 1774.

The Petition, of the Inhabitants of the first Parrish in Cambridge, living on the south side of the river, humbly sheweth, that your Petitioners, have for a long time laboured under many disadvantages and great inconveniencies, in not having a Gospel Minister setled with them, which gives them occasion to intreat, that you will take into consisderation, their Situation, State and Circumstances; and that your Excellency and Honours may have a true knowledge thereof, We beg leave to inform you, that about forty years past the Gospel was first preached amongst us; it being impracticable, when the tides were high, and the snow and ice lodged on the coasway, leading to the Town of Cambridge, to pass and repass, (being then few in number to what we are now,) we purchased an house to meet in for bublick worship, and in about ten years after, at our own expence, built an house for that purpose; & about the year 60, we applyed to the then Gen-

eral Assembly, that they would take our unhappy Situation into their cosideration; and relieve us, in such manner, as they should see best; but the town of Cambridge making considerable opposition to our proceedings, the general Assembly saw fit to decline acting upon it, and giving us relief in the way we are now seeking it; but ordered that £52 per annum be paid out of the Parish Rate, for the support of preaching on the south side of the River; and annexed part of Charlestown and Watertown to the first parish of Cambridge; but we finding that sum not sufficient to the support of an ordain'd minister, have for more than thirty Years been without; and also have been put to much difficulty to get an ordained minister to Baptize our children, and have never had the ordinance of the Lord's supper administered amongst us, and we apprehend that many of our children that are arrived to Man's estate have never seen that ordinance administred and notwithstanding we have a most worthy Minister Doctr Appleton, on the other side of the River, yet his great age, and his often indisposition, prevents him, (as he has signified in his Letter to us,) from affording us that advice and instruction, he otherwise willingly would, and which he is sensible that we often stand in need of, for many times, when our friends are upon their death beds, they have no Minister, either to pray with them, or afford them any advice, or instruction, in their dying moments — We are also deprived of having A discreet Minister, to set any example before, and instruct our Children in the knowledge that is necessary to eteranal salvation; and while we remain in this unsetled state, we discourage many sober families, from setling with us — For these and many other weighty reasons, that may be offered, we intreat your Excellency & honours, that you will authorise us to settle a gospel minister amongst us; and also order that the whole society be taxed for the support of the two Ministers to be paid out of the parrish treasury; but if that shall not be thought most for the benefit of the Parish, then, we pray, that the inhabitants, together with all the Lands on the south side of the River, may be sat off, (as the River runs,) as far as the Bridge, as a distinct Parrish or Presinct; and your Petitioners, as in duty bound shall ever pray. —

JOHN DENNIE
ABIJAH LEARNED
ELIPHELET ROBBINS
NATHL SPARHAWKE
JAMES BRYANT

} a Commite In behalf of the society on the South side of the River." — *Mass. Archives, vol.* 14, *p.* 710.

On the 22d of February, 1774, notice of this petition was ordered to be served on the first parish in Cambridge, thirty days, at least, before the next session of the General Court, that they may appear on the first Tuesday of that session, and show cause "why the prayer of said petition, in one or the other instance, should not be granted." Before the return day, Governor Gage suddenly adjourned the General Court to Salem, and this petition does not appear to have been considered during the remaining days of that short but eventful session.

Three years subsequent to the reorganization of the Legislature, and after the most pressing public business had been despatched, the inhabitants of the southerly part of Cambridge again applied to the Assembly in the following petition: —

"To the Honorable the Council, and Representatives of the State of the Massachusets Bay now Sitting in Boston this 16th of September 1778

The petition of the Inhabitants of the first parish in Cambridge Liveing on the South side of Charles River, Humbly Sheweth, that your petitioners have for a long time laboured under many disadvantages and great inconveneinces in not having a Gospel Minister settled with them, which gives them Ocasion to intreat that you will take into your consideration their Situation & Circumstances, and that your honors may have a true knoledge thereof; We beg leave to inform you, that about fifty Years past the Gospel was first preached amongst us, it being impractable when the Tides were high & the Snow & Ice lodged on the Causeway leading to the town of Cambridge to pass & repass; being then few in Number to what we are now, We purchased a house to meet in for publick Worship: And in about ten years after, at our own expence built a House for that purpose, and about the Year 1760, We applied to the then General Assembly that they would take our unhappy Situation into their consideration and releive us in such a manner as should seam best, But the town of Cambridge makeing considerable opposition to us, the General Assembly saw fit to decline acting apon it, but Ordered that fifty two pounds per Annum be paid out of the parish Rate for the support of preaching on the south side of the River and anexed part of Charleston, and Watertown to the first parish of Cambridge, but we finding that sum not sufficient to the support of an Ordained Minister, have, for more then thirty nine Years been without, and at this time as the preachers ask us together with their keeping is three hundred per Year at least, and said 52£ pays but about 1/6th of it Which over plush is paid by about one half of us by Subscription: And we have allso been put to much difficulty to get an Ordained Minister to Baptize our Children, and have never had the Ordinance of the Lords Supper Administred amoungst us, and we apprehend, that many of our Children that are arived to mans estate have never seen that Ordinance adminestred; This is so malancoly a case that perhaps a paraial is not to be found in this State; And notwithstanding we have a most worthy Minister Doct Appleton on the other Side of the River, Yet, his great Age and often Infirmitys prevents him (as he has signified to us by his Letter) from affording us that advice & Instretion he otherwise willingly would, and which he, & we, are sensable we often stand in need of, for many times when our friends are apon their Death Beds they have no Minister either to pray with them, or, afford them any advice or Instruction in their dying moments as som of our people live four miles from Doct Appletons dwelling & Meeting house — We are allso deprived of haveing a discreet Minister to set any Example before, and instruct us & our Children in the way that is necesary to Eternal Salvation; And while we continue in this unsetled state we discourage many Sober famalys from settling

amongst us — For those & many other weighty reasons that may be offered, We, Intreat your Honors that you will Autharize us to Settle a Gospel Minister amongst us, And allso order that the whole Society be Taxed for the support of two Ministers to be paid out of the parish Treasury, But if that shall not be thought most for the benefit of the parish, Then we pray, that, the Inhabitants togather with all the Lands on the South side of the River may be set off as the River runs as a distinct parish or precinct, And would add, by Nature the River seems to make a proper Division. —

We allso request, that your Honors will Order us when you set us off a just proportion of any Donations that have heretofore bin given towards the Support of the Ministry in Cambridge. —

And your Petetioners as in Duty bound shall ever pray. —

JOHN TUDOR
ELIPHELET ROBBINS
ABIJAH LEARNED
EDWARD JACKSON
BENJAMIN BAKER

} A Committee In Behalf of the Society on the South side of the said River."— *Ibid., vol. 222, pp. 77 and 90.*

On the 29th of the same month (Sept. 1778), the parish committee of the first parish were ordered to be served with a copy of the above petition and of the resolve * ordering notice thereon returnable on the second Tuesday of the next (January) sitting of the General Court. Before the time appointed for a hearing on this petition, the following memorials from proprietors of land south of the Charles, were presented: —

"To the Hon[l] Councel and House of Representatives in Gen[l] Court assembled

The Memorial of the subscribers Inhabitants of the First Parrish in Cambride Living on the North side of Charles River in sd Town Humbly sheweth,

That your Memorialists are owners of Considerable Tracts of Land Lying on the South side of said River and Contiguous to the same but within the Bounds of the Preccinct Prayed for by John Tudor Esq[r] and others, and as said Lands are Much Nearer to the old Meeting House than to the New one, and Would bring the Line of the Proposed Preccinct Within about one quarter of a Mile of the old Meeting House for these and other Reasons that might be mentioned your Memorialists Most Humbly and Earnestly Pray that If your Honours should set of said Proposed Parrish your Hon[s] Would not Include our Lands within the same it being Much Against our Interest and Inclination and your Petetioners as in Duty bound Will Ever Pray &c

Cambridge January 12th 1779

EBEN[R] STEDMAN
SAM[L] WHITTEMORE
EDW[D] MARRETT
THOMAS MARSH
EDM. TROWBRIDGE
OWEN WARLAND
EBENEZR BRADISH
ABRA[M] WATSON." — *Ibid., p.* 80.

"To the Honourable the Council and the House of Representatives of the State of the Massachucetts Bay, in General Court assembled, the Memorial of the Subscribers, Inhabitants of the Southerly Part of the first Parish in Cambridge humbly Sheweth, —

That whereas Several other Persons inhabiting the Southerly Part of the Said Parish, have a Petition now depending before your Honours praying that thay may be formed into a distinct Parish, and that all the Lands on the South Side of Charls River may be made Part of the same, we the subscribers pray your Honours Still to continue us with our Estates to the old Parish, Shuld you in your wisdom See fit to grant the Prayer of Said Petitioners in part, for the Reasons following. —

That we and our families have always congregated with the old Parish, that we have been at our full Proportion of the Tax theree in building the meeting House, and that we nave good Seats in the same, — That the Roads leading to the Said meeting house are remarkably good; wheras Shuld we be obliged to assemble with Said Petitioners, we Should have bad Roads and to some of us the Distance would be a third more and that the said Petitioners have not any Seats in their Meeting House, Shuld we be incorporated with them into a distinct Parish, for our accomidation, and that when a like Petition was formerly before the General Court, on an Application from our Fathers a Large Committee of both Houses was appointed to view the Ground and hear what might be offered for or against Said Petition who after a full hearing reported to the Hon,[ble] Court that the same Shuld be dismised —

That your Memorialists for the Reasons aforesaid doubt not but that your Honours will in your Wisdom See fitt to continue us and our Estates to the old Parish, and your memorialists as in Duty bound Shall ever Pray

SAMUEL SPARHAWKE
JOHN GARDNER
JOANNA GARDNER
SAMUEL GRIGGS
MOSES GRIGGS
JOHN GRIGGS.
EDWARD HASTINGS." — *Ibid., p.* 88.

The first parish also returned the following answer: —

"The Committe appointed by the first Parish, in the Town of Cambridge, to make answer to a petition preferred to the great and general Court by the Inhabitants of said Parish living on the south Side Charles River, (which we think would have been better expressed, by a number of the Inhabitants &c: As we are convinced that there are several Families on that Side against the petition) praying that your Honors will authorize them to settle a Gospel Minister among them, and also order that the whole Society (by which we suppose they mean, the parish) be taxed for the Support of two Ministers, to be paid out of the Parish Treasury, or otherwise that all the Lands on the south Side the River may be set off as the River runs, as a distinct parish or Precinct, and then add, that by nature the River seems to make a proper Division, and pray that your Honors would

*Printed resolves, chapter XLV.

order them a just proportion of any Donations, that have heretofore been given towards the Support of the Ministry in Cambridge &c—

Beg leave to observe to your Honors by way of Answer, and the first thing we shall take notice of in the petition is, an Assertion that for more than thirty Years they have been without an ordained Minister, which mode of expression we do not fully comprehend, why they fix it at thirty odd Years, and not at the Incorporation of the Town, or why it may with propriety be said, they have no gospel Minister when they are of the same parish with us, on the north Side the River, & Intitled to all parish Privileges in common with us: Another difficulty complained of is, that they have no Ordained Minister to baptize their Children, and have never had the Ordinance of the Lords Supper administred among them. We apprehend no great Difficulty in occasionally coming three or at most not more than four Miles, when a number of Families north of the River have to travel more than half that distance every Sabbath to attend publick Worship, by reason of the Meeting-house being placed so near the River in complisance to them, when neither they, nor their Estates, were subjected to any Tax incured by building said Meeting-house, excepting those that usually congregate with us: We agree with our Brethren on that Side, that it is a very malancholy case indeed, that their Children have arrived to mans Estate, and never seen the Ordinances administred, when they acknowledge they have a most worthy minister within three or four Miles; And if they are deprived of private Advice and Instruction from our Reverend pasture, by reason of his great age and often Infirmities, Are we not under the same Disadvantages in common with them? We on the north Side of the River being so impoverished in the Course of the present War, that we are unable to support one Minister in a decent Manner, much less to contribute largely to the Support of another, which must be the case if your Honors should see fit to grant the prayer of the first part of their petition; They have annually drawn as much Money from the Parish Treasury as the Amount of their parish Tax for near twenty Years last past and in some Instances more; Although not satisfied therewith. And whereas several persons of property whose personal Estates paid very considerably to the Support of the Gospel, are removed from among us, as well as our Charlestown Neighbours annexed to us, as mention'd in said petition, are greatly diminished both in numbers and personal Estates And by nature we are deprived of the Advantage arising from trade by our Situation lying between two capital Roads having less Land to improve than most parishes in this State if improved, whereas there are two or three Hundred Acres unimproved, some part taken up in Forts or Redoubts, and others being unfenced lying contiguous thereto, the Fences having repeatedly been distroyed, in the course of the present War. And with respect to the other part of their petition (viz) being set off to the River where they say nature has formed a proper Division. Beg leave to observe, that we should be highly gratified in complying with their Request, if comprized within the Bounds of Reason and Justice, that is if they would be content with the Inhabitants who usually assemble on that side, and the Lands owned by them, But that they should be desirous to oblige a number of Families to pay Taxes for the Support of the Gospel, where they do not congregate, and where it would it * nery inconvenient for them, (the difficulty of the Tides Snow and Ice as mentioned in said petition notwithstanding) is to us very extraordinary but much more so, that they should even wish to Count in about three Hundred Acres of the Best Lands in the parish owned by the Inhabitants north of said River, to inable them to support the gospel amongst them, is what we trust your Honors never will do; Which would bring the line within less than a Quarter of a Mile of said Meeting-house, Especially as when we were about building said House a number of the principle Inhabitants on the South Side urged the improbability of their continuing to have preaching amongst them, and were instrumental in having said House erected so near said River. For these and many other Reasons, which might be adduced, we pray your Honors will in great Wisdom dismiss the petition, and not gratify them with our Intrest, to the Ruin of that part of the parish, north of Charles River—

Cambridge 14th Jany 1779

SAML THATCHER
ABRAM WATSON
EBENR STEDMAN
THOS. FARRINGTON
} Parish Committe."

— *Ibid.*, *p.* 81.

The foregoing petition, memorials and answer were immediately referred to a joint committee, consisting of Nathan Cushing and Joseph Simpson, of the Council, and Messrs. Ball, Wood and Farley, of the House, "to hear the parties, and report what may be proper to be done thereon."

On the 17th of February, the committee reported as follows: —

"The Committee of both Houses, to whom was committed the Petition of the Inhabitants of the first Precinct in Cambridge living on the South Side of Charles River, and also the Answer thereto & other papers accompanying the Same, have considered the Same, and fully heard the Parties; And beg leave to Report in favour of the Inhabitants together with all the Lands on the South Side of said River within said Town of Cambridge being set off as the River runs into a separate Precinct, excepting Samuel Sparhawke, John Gardner, Joanna Gardner & Moses Griggs and their Estates, who shall be exempted from all Ministerial Taxes to said Precinct so long as they shall live or reside within the same, or untill they or either of them shall give their names into the Secratary's Office of this State, desiring that they with their Estates may be considered as part of said Precinct, then in that case, they with their Estates shall be recorded as part of said Precinct, and shall do duty & receive privileges accordingly.—and that a Bill be brought in for the purposes aforementioned, all which is humbly submitted.—

N CUSHING ℔' order." — *Ibid.*, p. 85.

* *Sic:* be?

This report was read in the Council and not accepted, and an order was passed, and sent down for concurrence, "that Walter Spooner and Moses Gill, with such as the honorable House may join, be a committee to repair to the first precinct in Cambridge, and to view the same, hear the parties, and report what they may judge proper to be done thereon, at the next sitting of the General Assembly," whereupon the House voted to concur in the order, "as taken into a new draught." The new draught was in the form of a resolve,* as follows: —

"State of Massachusets Bay In the House of Representatives Febr. 19 1779

Upon the Petition of the Inhabitants of the first Precinct in Cambridge living upon the South Side of Charles River praying to be set off into a distinct Parish.

Resolved that Walter Spooner, Moses Gill Esqrs & Mr Gray Mr Parker & Majr Washburn—be a Committee to repair to the first Precinct in Cambridge to view the same hear the Parties & report what they may judge proper to be done thereon at the next Sitting of the General assembly— & that the Expence of this Business shall be settled as this Court shall hereafter order." — *Ibid.*, *p.* 87.

On the 22d of April, the committee last appointed made the following report: —

"The Comtee of both houses appointed to repair to [the first precinct †] in Cambridge to view the same hear the parties and [Report what they †] may judge proper to be done thereon.

have attended that sarvis, view'd the primises heard the parties, and duly considred thereon— Report as followeth, that the Inhabetants of the Town of Camberidge Living on the south side of Charles River with all the Lands in sd Town laying on the south side of sd River, be set of into a seperate Precient as sd River runs, Excepting Samuel Sparhawke, John Gardner, Joanna Gardner, & Moses Griggs, & their Estates, who shall be exempted from all Ministerial taxes to sd Precient so long as they shall live or reside within the same, or untill they or Either of them shall give their Names into the Secratary,s office of this state, desiring that they with their Estates may be Considred as part of sd Precient, then in that case they with their Estates shall be Recorded as part of sd Precient, and shall do duty & receive privileges accordingly—and that a Bill be brought in for the purposes aforementioned. all which is submited

W SPOONER by order

In Council April 22d 1779 Read & Accepted
Sent down for Concurrence JOHN AVERY D Secy
In the House of Representatives April 22d 1779 Read & concurrd
JOH[N PI†]CKERING Spkr." — *Ibid.*, *p.* 76.

The bill of this chapter was accordingly read a first time, in the House, April 24th, and a second time on the 26th. On the 27th, the bill was passed to be engrossed, in the House, and sent up for concurrence, whereupon it was read a first time, in the Council, the same day, and on the 30th, it was passed, in concurrence, to be engrossed, with an amendment inserting the words "their heirs and assigns," after "Griggs," in the second line of the second section. The House refused to concur in this proposed amendment, and voted to adhere to their own vote. On the same day the Council voted to concur with the House, and the next day the bill was passed to be enacted.

An unsuccessful effort was made, the next year, to have this act amended, by additional legislation, as follows: —

"To the Honorable the Council and House of Representativs of the State of the Massachucetts Bay in Generall court assembled, the Memorial of John Gardner Samuel Sparhawke Joanna Gardner & Moses Griggs Inhabitants of the first Precinct of the Town of Cambridge, humbly Sheweth,—

That in the act of the General Court passed may 1st 1779 entitled an act for dividing and setting off the southerly Part of the first Precinct in the Town of Cambridge, in the County of middlesex, into a separate Precinct, by the Name of the South Precinct it is expressly provided, that your memorialists and their present Estates, Shall be exempted from all ministerial Taxes to Said South Precinct, so long as thay shall live and reside within the same, or untill thay, or either of them shall give their Names into the Secretaries office of the State desiring that thay with their Estates may be considered as Part of Said South Precinct, then & in that case, thay with their Estates, shall be considered as Part of Said South Precinct and do Duty and receive Priviliges accordingly,

That by the last recited Passage your memorialists, as well as the first Precinct in Cambridge estem themselves and their Estats as properly belonging to and Part of the first Precinct in Cambridge, notwithstanding their local Situation, and entirely disconnected with the South Precinct untill thay shall give in their Names into the Secratary's office, signifying their Desire to be annexed to the said South Precinct,

That the first Precinct in Cambridge putting the Same Construction on the afore recited Passage, have taxed your memorialists and their Estats in all Precinct assessments, those for raising Soldiers as well as others,—

That the South Precinct, putting a differant Construction on the Said Passage, have in Two instances taxed your memorialists and their Estats to raise money to recruit Soldiers for the army, Tho we and our Estates weare at the same time taxed by the first Precinct, for the same purpose,

To prevent aney like double Taxation in future and every other Inconvenience that may arise to us from such different Construction of the afore cited Pascage your memorialists humbly pray that your Honours by an act in addition to the act aforsad would declare your memorialists and their Estats lying in Cambridge on the South Side of Charles River, to be of the first Precinct in Said Town, and that you would also free them and

* Printed resolves of the January session, chapter CXCVI.
† Manuscript mutilated.

their Heirs and their Estats as bove described, from every Kind of Taxation by Vertue of any Vote of the South Precinct in Cambridge; and your memorialists as in Duty bound Shall ever pray

JOHN GARDNER
SAMUEL SPARHAWKE
MOSES GRIGGS
JOANNA GARDNER" — *Mass. Files: House, no.* 614.

On the 19th day of September, 1780, a resolve was passed ordering notice to be served on the first and second precincts in Cambridge, to appear and show cause, "if any they have," on the 26th, upon which day a joint committee was appointed, consisting of Joseph Dorr, of the Council, and Messrs. Fairbanks and Whitney, of the House, "to take this petition into consideration, hear the parties, and report what may be proper to be done thereon." This committee made the following report, which was read in the House on the 30th, and accepted by both branches: —

"The Committee appointed to take into Consideration the Petition of John Gardner, & others,—Having attended that Service, hear'd the Parties, and Considered their Reasons— Report. as their Opinion, That the Petitioners have Leave to withdraw their Petition

JOSEPH DORR per Order." — *Ibid., no.* 684.

Supplementary note to chapter 39. "State of Massachusetts Bay In House of Representitives June 29th 1779 *

Resolved that the Treasurer of this State be and he hereby is Directed to Issue his Execution Immediatly after the First Day of August Next against all Deficiant Constables and Collectors for the year 1778 who Shall not Before that Time make Payment into the Publick Treasury of the Sums Due from them Respectively

Sent up for Concurrence — JOHN HANCOCK Spkr
In Council June 29th 1779 Read & Concurred — JOHN AVERY D Secy
Consented to" — [Signed by sixteen of the Council]. — *Mass. Archives, vol.* 223, *p.* 388.

"State of Massachusetts Bay — In the House of Representatives Sepr 27th 1779 †

Resolved that the Treasurer of this State be and he is hereby directed to send out his executions against all the Collectors of Taxes who shall be deficient on the first day of November next in any of the taxes now granted previous to the last

And be it further Resolved that the Treasurer aforsd be directed and he is hereby accordingly directed to make provision in the Executions he shall so deliver to the Sheriffs that the same be returnable to him in thirty days after the date thereof and the Sheriffs to whom any Executions may be deliverd in consiquence of this resolve are hereby required to govern themselves accordingly

And be it further Resolved that the Secretary be and he is hereby accordingly directed to cause the foregoing Resolve to be publishd in the Boston Thursday News Papers and in the Essex and Worcester Papers as soon as possible —

Sent up for Concurrence — JOHN HANCOCK Spkr
In Council Septr 27th 1779 Read & Concurred — JOHN AVERY D Secy
Consented to" — [Signed by fifteen of the Council] — *Ibid., vol.* 224, *p.* 137.

Supplementary note to chapter 48. The following is the new draught of the resolve of March 25, 1776, referred to in the notes to 1776–77, chapter 38 (p. 709, *ante*), and chapter 48 of this year: —

"In the House of Representitives 23d‡ March 1776

Whereas the Mandamus Councellors, Commissioners of the Customs and others open and avowed Enemies to the Rights & Liberties of America have departed the Town of Boston through fear of the American Arms and the Just Resentment of their Injured Countrymen Since the Nineteenth day of April 1775

Resolved that Mr Brown Mr Speaker Cooper Deacon Rawson, Mr Pitts and Colo Sartell be a Committee to Repair to the Town of Boston and take or Cause to be taken a Just and true inventory of all the Estate Real and personal of all Kinds belonging to Such persons as have Departed the said Town in manner as aforesaid — and Report the same to this Court as soon as may be that such further proceedings may be had thereon as shall be thought proper and that said Committee in the mean time Cause such Effects to be secured in such manner as to prevent any Embezzelment thereof." — *Mass. Archives, vol.* 208, *p.* 226. See, also, *House Journal, p.* 40.

* Printed resolves of the May session, chapter CCXVI.
† *Ibid.*, chapter LXXXVIII. ‡ Altered to 25th.

ACTS,

PASSED 1779–80.

ACTS

Passed at the Session begun and held at Boston, on the Twenty-sixth day of May, A. D. 1779.

CHAPTER 1.

AN ACT FOR FURTHER AUGMENTING CERTAIN FEES, ALLOWANCES AND PENALTIES, ESTABLISHED BY LAWS OF THIS STATE.

Whereas the fees and allowances to civil officers and other persons, as now established by law, are found very inadequate to their services and expences, — Preamble.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the several officers and persons, except as is hereinafter excepted, mentioned in an act made in the year one thousand seven hundred and seventy-eight, [i][*e*]ntitled "An Act for the repealing one part of a law of this state, made and passed in the year of our Lord one thousand seven hundred and seventy-six, [i][*e*]ntitled 'An Act for the repealing one law of this colony, made and passed in the fourth year of the reign of William and Mary, king and queen, [i][*e*]ntitled "An Act for regulating the fees and allowances of the several officers and persons, within this colony, hereinafter mentioned,"'" be and hereby are allowed and impowered to demand and receive for their services, respectively, eight times the fees and allowances established by said act, instead of the fees and allowances set down therein; anything in said act, or in any act relating thereto, notwithstanding. Augmentation of fees. 1777-78, chap. 17

Provided, nevertheless, —

[Sect. 2.] That sheriffs, coroners and constables shall receive for levying monies upon writs of execution, or warrants of distress, for the first one hundred pounds and under, ninepence on the pound; above that, and not exceeding two hundred pounds, sixpence on the pound; and on all sums above two hundred pounds, and not exceeding five hundred pounds, threepence on the pound; and on all sums above five hundred pounds, twopence, and no more. Proviso.

Provided, *also*, —

To establish naval officers' fees.

[SECT. 3.] That the fees to be taken by the several naval officers in this state, shall be five times the fees mentioned in and established by said act, and no more.

And whereas the fines and penalties annexed to any offences by the laws of this state, or to be incurred by refusing to serve in any office, or do any duty required by law, do not answer the purposes for which they were intended, —

Be it therefore further enacted by the authority aforesaid,

[SECT. 4.] That all such fines and penalties annexed to any offences, or to be incurred, as aforesaid, by any laws of this state, whether known by the name of province, colony, or state, laws made and enacted before the first day of January, one thousand seven hundred and seventy-eight, shall be increased and taken to be eight times as much as in said acts they are called, and no more; and all such courts as have now, or might have had before the enacting this law, jurisdiction of any of the said offences, shall continue to have jurisdiction of the same, notwithstanding the augmentation of the fines and penalties; and they are hereby authorised to impose or inflict the same, and directed to give judgment accordingly: *provided*, that nothing herein shall be construed to extend to increase any corporal punishment incurred by any breach of said laws.

And be it further enacted by the authority aforesaid,

1778-79, chap. 21.

[SECT. 5.] That the act entitled "An Act for augmenting certain fees, allowances and penalties, established by laws of this state," by which the fees, allowances and penalties, then established by law, were ordered to be increased threefold, be and hereby is repealed, and shall be taken to be null and void.

And be it further enacted by the authority aforesaid,

Attorney-general's fees.

[SECT. 6.] That there shall be allowed to the attorney-general, or such other person as he shall [*e*]specially appoint, for exhibiting to the justices of any inferiour court of common pleas a complaint against any person, claiming in such complaint such person's estate as forfeited to this state agreeable to the act for confiscating the estates of absentees, the sum of six pounds: for carrying such complaint through the inferio[u]r court, where the claim is not contested, six pounds; where the cause is contested, ten pounds: for carrying the same through the superio[u]r court, where an appeal is made and the cause is not argued, nine pounds; and where the same is argued, twenty pounds: the said fees to the attorney-general, or such other person as he shall appoint as aforesaid, to be paid out of the treasury of this state.

Said act to continue in force until the first day of January next.

[SECT. 7.] This act to continue and be in force until[l] the first day of January next, which will be in the year of our Lord one thousand seven hundred and eighty, and from thence to the end of the then next sitting of the general court, and no longer. [*Passed June* 16.

CHAPTER 2.

AN ACT IMPOWERING THE COURT OF GENERAL SESSIONS OF THE PEACE FOR THE COUNTY OF HAMPSHIRE TO BUILD A BRIDGE OVER WESTFIELD RIVER, IN THE TOWN OF NORWICH, AT THE EXPENCE OF THE PROPRIETORS OF MURRAYFIELD, AND ON THEIR REFUSING OR NEGLECTING TO PAY THE EXPENCE THEREOF TO MAKE SALE OF THE SAID PROPRIETORS' UNIMPROV[*E*]D LAND IN SAID TOWN OF MURRAYFIELD, OR NORWICH, TO THE AMOUNT AND EXPENCES THEREOF.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the court of general sessions of the peace for the county of Hampshire, be and hereby are impowered and directed to build a bridge over Westfield River, in Norwich, near where two county roads meet, below the mill-dam. And when said bridge shall be built, the person or person[s] so appointed to build said bridge shall lay the account thereof before the said court of general sessions of the peace, who are hereby impowered and directed to assess the same (or so much of it as they shall think reasonable), upon John Chandler, Timothy Payne, John Murray and Abijah Willard, Esq'rs, the original proprietors of the town of Murrayfield, in equal proportion, and notify said Timothy Payne, Esq[r]., his executor or administrator, or his lawful attorney, thereof; and if they or either of them shall neglect or refuse to pay such sum as said court of general sessions shall think reasonable, for the space of twenty days after such notice given by the clerk of said court, the said court shall proceed to sell at public[k] vendue, by their said clerk, so much of said original proprietors' unimproved lands lying in said towns of Murrayfield or Norwich, as may be necessary to defray the expence of building said bridge, and all other necessary charges. And the clerk of said court is hereby impowered to execute a good deed or deeds of the same to the purchaser or purchasers. And when said money shall be paid by the purchasers, the said court shall order the reasonable account of him or them, appointed, as aforesaid, to build said bridge, to be paid out of said money.

Court of general sessions of the peace for the county of Hampshire empowered to build a bridge over Westfield River, in Norwich.

Court of general sessions empowered to assess.

And be it further enacted by the authority aforesaid,

[Sect. 2.] That the aforegoing act shall not be construed to extend to any of the lands purchased of, or belonging to, any person or persons that any other way hold lands under the said four original proprietors of Murrayfield and Norwich. [*Passed June* 19.

This act not to extend to any persons holding lands under the original proprietors.

CHAPTER 3.

AN ACT FOR INCORPORATING THE PLANTATION CALLED TAUCONNUCK MOUNTAIN, IN THE COUNTY OF BERKSHIRE, INTO A TOWN BY THE NAME OF MOUNT WASHINGTON.

Whereas the inhabitants of the plantation called Tauconnuck Mountain, have represented that they labour under many difficulties in their present situation, for the remedying of which they earnestly request they may be incorporated into a town, —

Preamble.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Boundaries.

[SECT. 1.] That the plantation called Tauconnuck Mountain, in the county of Berkshire, bounded as followeth; viz[t]., eastwardly, on the line of the town of Sheffield; beginning at three oak-trees standing in the boundary line between this state and the state of Connecticut, and from said trees, north, twenty-seven degrees east, twenty-one chains and fifty links, to a pine-tree; thence, north, fifteen degrees east, one mile sixty-seven chains and fifty links, to a heap of stones; thence, north, twenty-three degrees east, one mile and forty chains, to a tree; thence, north, fourteen degrees west, two miles and seventy-five chains, to a heap of stones; thence, west, four degrees north, two hundred and forty rods, to a chestnut-tree; thence, north, seventeen degrees west, three hundred and seventy-five rods, to a black-oak tree; thence, west, six degrees north, two hundred and sixty rods, to a heap of stones; thence, south, thirty degrees west, one hundred and thirty-three rods, to a red-oak tree; thence, south, twenty-one degrees and thirty minutes west, four miles and fifty-seven chains; thence, south, eight degrees west, two miles and forty-eight chains; thence, on a strait line, three miles and eight chains, to the bounds first mentioned, — be, and it is hereby, erected into a town by the name of Mount Washington: and that the inhabitants thereof be, and they are hereby, invested with all the powers, privile[d]ges and immunities which the inhabitants of towns within this state do or may by law enjoy, excepting the sending a representative, in the choice of which they are hereby annexed to the town of Sheffield. And when and so often as the selectmen of the town of Sheffield shall receive a precept for the choice of a representative or representatives, said selectmen shall immediately send a certificate to the town clerk of said Mount Washington, therein setting forth they have received such precept, and the time and place appointed for the choice: said selectmen to notify the inhabitants of said Mount Washington in the same manner as is usual in like cases; and when so notified and met, the inhabitants of said Mount Washington shall enjoy the same privileges in voting for a representative or representatives to all intents and purposes, as if they were inhabitants of the town of Sheffield: *provided*, the original proprietors of said Tauconn[u][*o*]ck Mountain shall pay what is due from them to this state (agreeable to the report of the committee)* the fifteenth of May, one thousand seven hundred and sixty-six, with the interest arising thereon, at some future time when the state shall call for the same, and also pay what taxes have been already assessed upon them by the town of Sheffield, or such taxes as may be assess[*e*]'d by this court in the present session.

The inhabitants invested with the powers of other towns.

Proviso.

And be it further enacted,

J. King, Esq., to call the first meeting.

[SECT. 2.] That John King, Esq[r]., be, and he is hereby, impowered and directed to issue his warrant to some principal inhabitant of said town, requiring him to warn the inhabitants thereof, to meet at such time and place as shall be therein set forth, to ch[u][*oo*]se all such officers as towns are, by law, required to ch[u][*oo*]se in the month of March, annually; at which meeting all the male inhabitants present which are of the age of twenty-one years or upward[*s*], and free, shall be admitted to vote. [*Passed June* 21.

* See this report, on pp. 1236 and 1237, *post*.

CHAPTER 4.

AN ACT FOR RAISING BY LOTTERY THE SUM OF SIXTY THOUSAND POUNDS, FOR THE PURPOSE OF WIDENING AND AMENDING THE STREETS OF THE TOWN OF CHARLESTOWN; AND ALSO FOR RAISING BY LOTTERY THE SUM OF TWO HUNDRED AND FIFTY THOUSAND POUNDS, FOR THE PURPOSE OF REPAIRING THE LONG WHARF[E] IN THE TOWN OF BOSTON.

Preamble.

Whereas, by a resolve of the general court, passed the first day of May last, two lotteries were granted, one to the inhabitants of the town of Charlestown, to enable them to amend and widen the streets of said town, the other to the proprietors of the Long Wharf[e] in Boston, to raise a sum of money for the purpose of repairing said wharf[e]: *provided*, that neither of said lotteries should commence until[l] the state lottery should be finished, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

The names of the managers of the lottery for widening the streets of Charlestown.

[Sect. 1.] That a sum not exceeding sixty thousand pounds be raised by a lottery or lotteries, by a deduction of fifteen per cent upon the amount of the tickets when sold, for and to the purpose of widening and amending the streets of Charlestown; that Caleb Call, Esq[uire], Mess[*ieu*]rs Isaac Mallet, John Hay, Eliphalet Newell and Samuel Swan, jun[r]., or any three of them, shall be managers of said lottery or lotteries, and who shall be sworn to the faithful performance of their trust; which said managers shall make, and publish in such newspapers as they shall judge proper, a scheme for said lottery or lotteries, as soon as may be after the finishing the present state lottery, and not before; and they shall also publish therewith all necessary rules and regulations for the management thereof. And all prizes which may be drawn in said lottery or lotteries shall be paid without any deduction: *provided*, they are demanded within six months after the drawing of said lottery or lotteries; otherwise the money arising from such prizes to be appropriated to the purpose aforesaid.

And be it further enacted by the authority aforesaid,

£250,000 to be raised by lottery for repairing the Long Wharf in the town of Boston.

Managers.

[Sect. 2.] That a sum not exceeding two hundred and fifty thousand pounds be raised by another lottery, or lotteries, by a deduction of fifteen per cent upon the amount of the tickets when sold, to be appropriated for and to the purpose of repairing the Long Wharf[e] in Boston; that Joseph Jackson, Oliver Wendell and Samuel Austin, Esquires, Mess[*ieu*]rs Henderson Inches, Timothy Newell, John Sweetser, jun[r]., and Henry Hill, merchants, or any five of them, shall be, and they hereby are, appointed managers of the said last-mentioned lottery or lotteries, and who shall be sworn to the faithful performance of their trust; which said managers shall make, and publish in such newspapers as they shall judge proper, a scheme for said lottery or lotteries, as soon as may be after the finishing of the present state lottery, and not before; and they shall also publish therewith all necessary rules and regulations for the management thereof. And all prizes which may be drawn in said lottery or lotteries shall be paid without any deduction: *provided*, they are demanded within six months after the drawing of said lottery or lotteries; otherwise the money arising from such prizes to be appropriated to the purpose aforesaid.

And be it further enacted,

Penalty for forging and counterfeiting lottery tickets.

[SECT. 3.] That if any person shall forge, counterfeit or alter, any lottery ticket, issued by virtue of this act, or shall pass or utter any such forged, counterfeit[ed] or altered ticket, knowing the same to be false, forged, counterfeited or altered, or that shall counsel, advise, procure or assist in the forging, altering or counterfeiting the same, every person so offending, and being thereof convicted before the superior court of judicature, court of assize and general goal delivery, shall be punished by being set on the gallows for the space of one hour, with a rope round his neck, and shall pay a fine not exceeding one hundred pounds, to the use of this state, and suffer not more than twelve months' imprisonment, nor less than two, and be publickly whipped, not exceeding thirty-nine stripes; or shall suffer all or any of the foregoing punishments, at the discretion of the court before whom he shall be convicted, according to the nature and circumstances of the offence. [*Passed June* 23.

CHAPTER 5.

AN ACT FOR REVIVING AND CONTINUING AN ACT INTITLED "AN ACT FOR TAKING UP AND RESTRAINING PERSONS DANGEROUS TO THIS STATE."

1776 77, chap. 45.

WHEREAS the act above recited, which was made in the year of our Lord one thousand seven hundred and seventy-seven, is now expired, and as said act has been found useful and beneficial, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

For reviving an act for taking up and restraining persons dangerous to this state.

That the before-mentioned act now expired, be revived and continued, with all and every clause, matter and thing therein contained, and shall be in force until[l] the twentieth day of June, one thousand seven hundred and eighty. [*Passed June* 23.

Limitation.

CHAPTER 6.

AN ACT FOR INCORPORATING THE EASTERLY PART OF THE PLANTATION CALLED NUMBER FIVE, IN THE COUNTY OF HAMPSHIRE, INTO A TOWN BY THE NAME OF CUMINGTON.

Preamble.

WHEREAS the inhabitants of plantation Number Five have represented to this court the many difficulties and inconvenienc[*i*]es they labour under in their present situation, and have earnestly requested that they may be incorporated into a town, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Boundaries of Number Five.

[SECT. 1.] That the said plantation called Number Five, bounded as follows: beginning at the north-west corner of Worthington, and running east, nineteen degrees south, sixteen hundred and twenty-five poles; then, running north, nineteen degrees east, six miles, to a stake

and stones; then, running west, nineteen degrees north (including part of Hat[t]field Equivalent), to the north-east corner of lot[t] number thirteen, of the second division, in said plantation; then, running south, nineteen degrees west, to the bounds first mentioned,— be and hereby is erected into a town by the name of Cumington; and that the inhabitants thereof be, and they hereby are, invested with all the powers, privile[d]ges and immunities which the inhabitants of towns within this state do or may by law enjoy.

Erected into a town by the name of Cumington.

And be it further enacted,

[Sect. 2.] That Benjamin Mills, Esq[r]., be, and he hereby is, impowered and directed to issue his warrant to some principal inhabitant of said town, requiring him to warn the inhabitants thereof, to meet at such time and place as he shall therein set forth, to choose all such officers as towns are, by law, required and impowered to choose in the month of March, annually; at which meeting all the then present male inhabitants, upwards of twenty-one years of age, shall be admitted to vote. [*Passed June* 23.

Benjamin Mills, Esq., empowered to issue his warrant to call the first meeting of the inhabitants.

CHAPTER 7.

AN ACT TO PREVENT THE WITHHOLDING THE NECESSARIES OF LIFE, AND FOR PUNISHING THOSE PERSONS WHO REFUSE TO TAKE THE BILLS OF CREDIT OF THIS STATE, OR THE UNITED STATES OF AMERICA.

Whereas it has been represented to this court that many people within this state are so lost to a sense of public virtue as to withhold the necessaries of life, and to refuse the public bills of credit of this state and the United States of America, for any articles they may have to sell, —

Preamble. 1775-76, chap. 18. 1778-79, chap. 31.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That from and after the publication of this act, if any person shall have on hand any more flour, corn, wheat, rye, oat[e]s, barley and meal, than shall be sufficient for his or her own family and immediate dependants until the next harvest-time of such grain, or more meat than is necessary for such family and dependants for one year, and if such person shall refuse to sell the same for the common currency of this state or the United States of America, and complaint being thereof made, by or in behalf of any person who is in want of such article for the immediate support of his or her family, to the major part of the selectmen of the town where such person dwells, they shall go to the place of such person, in which said articles may be, and if in their judgment he or she have on hand more grain, meal or meat, than will be necessary for the time before mentioned, the said selectmen shall demand of such person such article as they shall judge sufficient for the present support of the person and family so applying; and if such person shall refuse to deliver said article, he being paid a reasonable price therefor, in the judgment of the selectmen, said selectmen shall apply to some justice of peace in the same county for a warrant to open any house or store in which said article may be, and take possession of the same, paying the owner a reason-

No family to have more provisions on hand than are necessary for such family, for one year.

able price therefor. And any justice of the peace, upon application of the selectmen for the purpose before mentioned, is hereby authorized and [i][*e*]mpowered to grant his warrant accordingly; and in any towns and plantation[s] where there are no selectmen, the committee of correspondence, &c., shall have the same power as is by this act given to selectmen.

And be it further enacted by the authority aforesaid,

Penalty, in case any person hurts the credit of the bills of this or any of the United States by refusing to take them for merchandise, etc.

[SECT. 2.] That if any person shall use any ways or means to hurt or destroy the credit of the public bills of this state or of the United States of America, by refusing to take them for any article of merchandize, or any country produce, or for the rent of houses or land, or shall withhold for said bills any merchandize, or any country produce, each and every person so offending, and being thereof convicted, shall forfeit and pay a fine not exceeding five hundred pounds, nor less than fifty pounds (one moiety thereof to the use of the town or plantation where such offence is committed, and the other moiety thereof to the informer or prosecutor), and for want thereof, shall suffer six

Mode of conviction.

months' imprisonment, without bail or mainprize. And all convictions upon this act may be upon indictment or complaint, before the general sessions of the peace, or the superior court of judicature, court of assize and general goal delivery.

And be it further enacted by the authority aforesaid,

Offenders to find sureties upon complaint made to a justice of the peace.

[SECT. 3.] That any justice of the peace, upon complaint made to him of such offence, and finding presumptive evidence that the same is true, shall order such offender to find sureties for his appearance at the next court of general sessions of the peace to be held in the county where such offence is committed; and in default thereof, to commit such offender to the common goal. And all sheriffs, constables,

Sheriffs, etc., enjoined to make presentment.

grand-jurors and tythingmen, are directed and enjoined to make presentment and complaint of all such offences as shall come to their knowledge, respectively.

Limitation.

[SECT. 4.] This act to continue and be in force for the term of one year from the time of passing the same, and no longer. [*Passed June* 24.

CHAPTER 8.

AN ACT TO ENABLE THE BOARD OF WAR, OF THIS STATE, TO SUE AND BE SUED.

Preamble.

WHEREAS, in the course of business transacted by the Board of War for this state, it may be necessary to commence and prosecute law-suits, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Board of War, etc., empowered to sue.

[SECT. 1.] That the said Board of War, by the name of the Board of War of Massachusetts Bay, be, and they hereby are, [i][*e*]mpowered, by themselves, their agents or attornies, to sue, commence and prosecute any suits or actions, necessary for the executing the office aforesaid, in any court proper to try the same, to final judgment and execution; and in like manner to defend all such suits and actions as shall be commenced against them in their said capacity.

And be it further enacted by the authority aforesaid,

Said Board of War empowered to choose agents or attorneys to defend any suit brought against them.

[Sect. 2.] That the said Board of War, or the major part of them, be and hereby are [i][e]mpowered to choose an agent or agents, attorney or attornies, to prosecute or defend any suit or action that shall be brought for or against them: such choice being certified by their secretary shall be deemed valid in law.

And be it further enacted by the authority aforesaid,

The manner in which any suit or action shall be brought against the Board of War.

[Sect. 3.] That when any suit or action shall be brought against the said Board of War, it shall be sufficient notice to oblige them to appear and answer, to leave an attested copy of the writ or summons, in their office, with their secretary, fourteen days at least before the s[e][*i*]tting of the court where the case is to be heard. [*Passed June 24.*

CHAPTER 9.

AN ACT TO PREVENT DESERTERS FROM THE AMERICAN TROOPS, ENTERING ON BOARD SHIPS OF WAR.

Preamble. 1776-77, chap. 36.

Whereas desertions from the Continental forces, and from the regiments in the service and pay of this state, are greatly encouraged by the commanders and officers of armed ships and vessels entering deserters on board their several vessels, and carrying them off the continent upon crui[s][z]es; *and whereas* there are many hous[e]holders of this state so lost to all sense of love to their country as to countenance and secrete such deserters; for prevention whereof, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

All commanders of armed vessels lying in any of the ports within this state forbidden to enlist Continental soldiers.

[Sect. 1.] That any and every commander or other naval officer belonging to any armed ship or vessel lying, or which hereafter may lie, in any of the ports or harbours within this state, who shall presume to inlist or enter on board such armed ship or vessel, any soldier or soldiers belonging to any Continental reg[*imen*]t or corps, or being in the service and pay of this state, or shall conceal him or them on shore, and shall thereof be convicted, shall forfeit and pay for every such deserter, inlisted, concealed or carried off as aforesaid, the sum of five hundred pounds; and any hous[e]holder who shall conceal in his or her house, w[h]arehouse, barn, out-house, or other building, any such deserter as aforesaid, shall, upon conviction thereof, forfeit and pay, for each and every deserter so concealed, the sum of three hundred pounds.

Penalty.

Be it further enacted by the authority aforesaid,

Persons attempting to hire on board any armed vessels Continental soldiers.

[Sect. 2.] That if any person shall be concerned in hiring to go on board any armed vessel, any person who belongs to any corps in the service of the United States or of this state, he shall forfeit and pay a sum not exceeding five hundred pounds nor less than fifty pounds.

Penalty.

Be it further enacted by the authority aforesaid,

Arms, clothing, etc., found in the possession of any person except such as belong to the army. Penalty.

[Sect. 3.] That if any arms, accoutrements or cloathing having such mark thereon as is used to distinguish articles suppl[y][*i*]ed by the United States or this state, are found in the possession of any person except such as belong to the army or are discharged therefrom, the possessor of any such article shall forfeit and pay a sum not less

Fines, how recovered.

than ten pounds or more than one hundred pounds. And each and every of the fines and forfeitures before mentioned shall be recovered by bill, plaint or information, prefer[*r*]ed in any court of sessions of the peace, or the superio[u]r court of judicature, sitting in the county where the offence shall be committed; and shall accrue, one moiety thereof to the use of the person who shall sue for the same, and the other moiety to the use of the town wherein or in whose harbour the offence shall be committed.

And be it enacted by the authority aforesaid,

To empower justices of the peace, upon complaint to them by any commissioned officer in the army, to issue their warrants.

[SECT. 4.] That any justice of the peace in his respective county be, and he hereby is, authori[z][*s*]ed and [i][*e*]mpowered, upon complaint being made to him by any commissioned officer in the Continental Army, or by any commissioned officer in the service of this state, that any non-commissioned officer or soldier hath deserted from any corps in either of the services aforesaid, and that the complainant hath good reason to suspect that he or they are concealed in any dwelling-house, barn, out-house or other building, or are secreted on board any ship or vessel in either of the ports or harbours within any county [of] [*in*] this state wherein such justice hath ordinary jurisdiction, to issue his warrant, directed to a sheriff or constable within the county and town where such delinquent is alledged to be concealed, directing him to make d[e][*i*]ligent search in all suspected places, for such deserters; the said search to be made in presence of and with the assistance of the officer making the complaint; and in case any deserter be found in consequence of such search, him or them to apprehend and have before the justice issuing the warrant, who is hereby directed to secure such deserter and deserters, until[l] he or they can be conveyed to their respective regiments or corps.

In case.

And it is hereby further enacted by the authority aforesaid,

Soldiers who desert the Continental service and enter on board armed ships, to forfeit their prize-money.

[SECT. 5.] That any non-commissioned officer or private soldier belonging to the Continental Army, or to the troops in the service and pay of this state, who shall desert and enter on board any armed ship or vessel of war and proceed on a cruize, and shall assist in capturing any vessel or vessels, goods, wares or merchandize, which may thereafter be condemned as prizes, shall forfeit all his right and title to the same; and all share of any such prizes, or dividends of prize-goods, which he might otherways be entitled to, shall enure and accrue to the use of this state. And all agents are hereby prohibited from paying any prize-money, or delivering any dividend of prize-goods, to any person who shall have deserted and entered on board any armed ship or vessel as aforesaid; and such agent and agents are hereby directed to pay the same to the treasurer of this state, or to deliver such dividend of prize-goods to the Board of War, and their respective receipts shall be a full discharge to such agent or agents; and the said treasurer or the Board of War are hereby, respectively, [i][*e*]mpowered, in default of such payment or delivery, to commence, and prosecute to final judg[e]ment and execution, any proper action or actions for the recovery of such prize-money or dividend of prize-goods. [*Passed June 29.*

Agents directed to pay the money so forfeited in to the treasurer.

CHAPTER 10.

AN ACT FOR MAKING PROVISION FOR APPEALS TO CONGRESS IN CERTAIN MARITIME CASES, AND UNDER CERTAIN RESTRICTIONS.

Preamble.

Whereas Congress, by certain late resolves, have claimed the final appe[*a*]lant jurisdiction in all maritime causes as incident to the rights of making peace and war; and the reasons upon which said resolves are founded appearing to this court, in many instances, to arise out of the greatest political convenience and necessity; and no provision being made for appeals to Congress in any maritime causes, but in cases of capture by Continental ships of war; therefore, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That appeals in all maritime causes be granted to Congress.

[Sect. 1.] That appeals to Congress, or such judge or judges as may be by them appointed, shall be granted in all maritime causes, which shall be hereafter in any maritime court within this state, wherein any subject or subjects of any kingdom or state in amity with this and the United States of America, shall, in due form of law, claim the whole or any part of the vessel or cargo that may be in trial as aforesaid: *provided*, said appeal be claimed at any time during the session of said court where said trial may be had, and such security given for the prosecution of such appeal to effect, as the judge before whom the same may be tried shall think reasonable: such appeal to respect such parts of such vessels or cargoes, only, as shall be claimed by the subjects of such kingdom or state in amity with this state and the United States of America.

Proviso.

And be it further enacted by the authority aforesaid,

Any persons choosing to waive the right of appeal to Congress may appeal to the superior court of judicature.

[Sect. 2.] That in case any person or persons who by this act are [i][*e*]ntitled to an appeal from the sentence or decree of any maritime court in this state, to Congress, or such judge or judges of appeal as may be by them appointed in such cases, shall ch[u][*oo*]se to wave such right of appeal, he shall be [i][*e*]ntitled, in lieu thereof, to an appeal to the superior court of judicature for this state: *provided, always*, that this act shall not be construed to extend the right of appeal in any case when the matter in controversy shall be between the subjects of this or any other of the United States.

Proviso.

And be it further enacted by the authority aforesaid,

Subjects of any kingdom in amity with the United States may claim a right of appeals from the judgment of the superior court, to Congress.

[Sect. 3.] That in all maritime causes now pending in the superio[u]r court of judicature for this state, by appeal from any maritime court within this state, wherein any subject or subjects of any kingdom or state in amity with this and the United States of America are claimants of the whole, or any part, of the vessels or cargoes in controversy, an appeal shall be granted to either party who may claim the same, from the judgment of the said superior court, to Congress, or to such judge or judges of appeal as may be appointed by Congress in such cases to hear and determine the same: *provided*, said appeal is claimed at any time during the session of said superior court where such cause or causes may be tried as aforesaid, and such security given for the prosecution of such appeal to effect as the judges of said superior court shall think reasonable.

Proviso.

And be it further enacted by the authority aforesaid,

[Sect. 4.] That all maritime causes pending in the said superior court, which are continued by a special order of this court, shall be

tried at the next term of said court, in the district where such causes are pending, unless the judges of said court shall see cause further to continue the same; and the resolve directing the continuance of such causes is hereby repealed and made null and void.

This act to continue in force until the first day of June next.

[SECT. 5.] This act to continue and be in force until the first day of June next, and from thence to the end of the then next session of the general assembly. [*Passed June* 30.

CHAPTER 11.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF TWO HUNDRED THOUSAND POUNDS.

Preamble.

WHEREAS it is necessary, in order to support the public credit of this state, that the treasurer thereof should be [i][*e*]mpowered to borrow a sum of money not exceeding two hundred thousand pounds,—

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Treasurer empowered to borrow two hundred thousand pounds.

[SECT. 1.] That the treasurer of this state be, and he is hereby, impowered and directed to borrow, on the credit of this state, of such persons as shall be willing to lend the same, a sum not exceeding two hundred thousand pounds, in Continental bills of credit; for which sum the said treasurer is hereby impowered to give his receipts or obligations in form following; viz[t]., —

Form of the receipts he is to give.

State of Massachusetts Bay, the day of , 17 .
Received of , the sum of , for the use and service of the state of Massachusetts Bay; and, in behalf of said state, I do hereby promise and oblige myself and successors in the office of treasurer, to repay to the said , or bearer, by the day of , A. D. 178 , the aforesaid sum of , with interest annually, at six per cent per annum.
Witness my hand, H. G., Treasurer.
A. B., C. D., } Committee.

— which form shall be printed on good paper, to be procured by the treasurer, with suitable borders round the same; and the words "State of Massachusetts Bay," the word "Committee" and the words "Witness my hand," shall be struck off from a copperplate, which the treasurer is likewise directed to procure; and each blank shall be stamped in some convenient part of it with a stamp to be procured by the treasurer for that purpose; and when said receipts or obligations are issued, a counterpart, indented, of each receipt or obligation, shall be kept by the treasurer.

And be it further enacted by the authority aforesaid,

Committee to sign blanks.

[SECT. 2.] That Stephen Minott and John Mascaren[*c*]e, Esquires, be a committee to sign the blanks, at the left hand, as in the form aforesaid is prescribed, before the treasurer fills them up.

And be it further enacted by the authority aforesaid,

[SECT. 3.] That there be and hereby is granted a tax of two hundred thousand pounds, to be levied on the polls, and estates both real and personal, within this state, according to such rules, and in

such proportions on the several towns and other places in this state, as shall be agreed upon and ordered by the general court or assembly, at their sessions in June, one thousand seven hundred and eighty-three, to be paid into the public treasury on or before the first day of December then next after.

And be it further enacted by the authority aforesaid,

[Sect. 4.] That if the general court or assembly, at their sessions in June, one thousand seven hundred and eighty-three, and some time before the first day of July in that year, shall not agree and conclude upon an act apportioning the sum which by this act is engaged to be, in that year, assessed and levied, that then and in such case each town and other place in this state shall pay, by a tax, to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sum as such town or other place was taxed by the general court in the tax act then last prece[e]ding. Tax to be levied.

[Sect. 5.] And the treasurer of this state is hereby fully impowered and directed, some time in the month of August, in the same year, to issue and send forth his warrants, directed to the selectmen or assessors of each town within this state, or to some suitable person or persons in such place or places as are not incorporated, requiring him or them to assess the polls, and estates both real and personal, within their several towns and other places, for their respective parts and proportions of the sum before directed and engaged to be assessed, to be paid into the treasury at the aforementioned time; and the assessors shall observe, be governed by, and be subject to, all such rules and directions as shall have been given in the then last preceding tax act. Treasurer to issue his warrants or assessments.

And be it further enacted,

[Sect. 6.] That the said sum of two hundred thousand pounds, and each part thereof, when so borrowed, shall be appropriated to the payment of all such warrants as shall be drawn on said treasurer, according to law, for defreying the charges of this government, agreeable to the acts and grants of the general assembly. [*Passed June* 30. How to be appropriated.

CHAPTER 12.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF TWO MILLIONS EIGHT HUNDRED AND FIVE THOUSAND FIVE HUNDRED AND THIRTY-EIGHT POUNDS TWELVE SHILLINGS AND EIGHTPENCE HALFPENNY, UPON THE SEVERAL TOWNS AND OTHER PLACES IN THIS STATE HEREINAFTER NAMED, FOR DEFRAYING THE PUBLIC CHARGES; AND ALSO FOR ASSESSING A TAX OF THIRTY-TWO THOUSAND AND SEVENTY-FIVE POUNDS EIGHTEEN SHILLINGS AND SIXPENCE, PAID THE MEMBERS OF THE HOUSE OF REPRESENTATIVES FOR THEIR TRAVEL AND ATTENDANCE IN THE GENERAL COURT IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SEVENTY-EIGHT.

Whereas it is necessary that the aforesaid sum of two millions eight hundred and thirty-seven thousand six hundred and thirty pounds twelve shillings and eightpence two farthings, should be raised and paid into the public treasury of this state, as soon as may be, eighteen hundred thousand pounds of which is to be appropriated

for the payment of this state's quota of forty-five millions of dollars, which Congress, by their resolve of the twenty-first day of May last, recommended to be called in by the first day of January, one thousand seven hundred and eighty; and the remaining sum of one million thirty-seven thousand six hundred and thirteen pounds twelve shillings and eightpence halfpenny, to defray such public charges as have arisen, or may arise, for the support of government; therefore, for the effectual drawing into the treasury the said sum of two millions eight hundred and thirty-seven thousand six hundred and thirteen pounds twelve shillings and eightpence two farthings, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That each town and other place within this state be assessed and pay, as such town and other place's proportion of the sum of two millions eight hundred and thirty-seven thousand six hundred and thirteen pounds twelve shillings and eightpence two farthings, the following sums set against them, respectively; that is to say, —

IN THE COUNTY OF SUFFOLK.

	REPRESENTATIVES' PAY.	STATE TAX.	SUMS DEDUCTED ON ACCOUNT OF BEING OVER-RATED IN THE THREE LAST TAXES.	SUMS ADDED ON ACCOUNT OF BEING UNDER-RATED IN THE THREE LAST TAXES.	SUM TOTAL EACH TOWN HATH TO PAY.	
Boston,	£1,404 12*s.* 0*d.*	£154,000 0*s.* 0*d.*	£35,713 11*s.* 9*d.* 2*f.*	£0 0*s.* 0*d.* 0*f.*	One hundred and nineteen thousand six hundred and ninety-one pounds and twopence halfpenny,	£119,691 0*s.* 2*d.* 2*q.*
Roxbury,	182 8 0	23,216 13 4	753 17 5 0	0 0 0 0	Twenty-two thousand six hundred and forty-five pounds three shillings and elevenpence,	22,645 3 11 0
Dorchester,	211 4 0	17,360 0 0	164 14 0 0	0 0 0 0	Seventeen thousand four hundred and six pounds ten shillings,	17,406 10 0 0
Milton,	184 4 0	12,133 6 8	0 0 0 0	681 8 3 1	Twelve thousand nine hundred and ninety-eight pounds eighteen shillings and elevenpence farthing,	12,998 18 11 1
Braintree,	240 3 0	27,300 0 0	0 0 0 0	2,035 9 4 1	Twenty-nine thousand five hundred and seventy-five pounds twelve shillings and fourpence farthing,	29,575 12 4 1
Weymouth,	201 9 0	13,300 0 0	0 0 0 0	284 11 6 1	Thirteen thousand seven hundred and eighty-six pounds and sixpence farthing,	13,786 0 6 1
Hingham,	235 13 0	15,493 6 8	949 17 1 3	0 0 0 0	Fourteen thousand seven hundred and seventy-nine pounds two shillings and sixpence farthing,	14,779 2 6 1
Cohasset,	0 0 0	6,020 0 0	109 9 11 2	0 0 0 0	Five thousand nine hundred and ten pounds ten shillings two farthings,	5,910 10 0 2
Dedham,	112 10 0	28,000 0 0	0 0 0 0	4,092 15 8 0	Thirty-two thousand two hundred and five pounds five shillings and eightpence,	32,205 5 8 0
Medfield,	126 6 0	9,800 0 0	0 0 0 0	846 14 6* 3	Ten thousand seven hundred and seventy-three pounds and three farthings,	10,773 0 0 3
Wrentham,	122 2 0	13,440 0 0	172 0 0 0	0 0 0 0	Thirteen thousand three hundred and ninety pounds two shillings,	13,390 2 0 0

* "0," in the bill.

IN THE COUNTY OF SUFFOLK — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	SUMS DEDUCTED ON ACCOUNT OF BEING OVER-RATED IN THE THREE LAST TAXES.	SUMS ADDED ON ACCOUNT OF BEING UNDER-RATED IN THE THREE LAST TAXES.	SUM TOTAL EACH TOWN HATH TO PAY.	
Brookline,	£190 16*s.* 0*d.*	£9,380 0*s.* 0*d.*	£0 0*s.* 0*d.* 0*q.*	£794 12*s.* 6*d.* 2*q.*	Ten thousand three hundred and sixty-five pounds eight shillings and sixpence halfpenny, ...	£10,365 8*s.* 6*d.* 2*q*
Needham, . .	140 14 0	11,503 6 8	0 0 0 0	1,708 17 11 2	Thirteen thousand three hundred and fifty-two pounds eighteen shillings and sevenpence halfpenny, . .	13,352 18 7 2
Stoughton, . .	227 2 0	18,200 0 0	216 0 0 0	0 0 0 0	Eighteen thousand two hundred and eleven pounds two shillings, . .	18,211 2 0 0
Stoughtonham, .	73 4 0	8,411 13 4	106 0 0 0	0 0 0 0	Eight thousand three hundred and seventy-eight pounds seventeen shillings and fourpence, . . .	8,378 17 4 0
Medway, . .	119 14 0	10,640 0 0	0 0 0 0	1,234 4 2 2	Eleven thousand nine hundred and ninety-three pounds eighteen shillings and twopence halfpenny, .	11,993 18 2 2
Bellingham, . .	149 8 0	4,900 0 0	287 14 11 3	0 0 0 0	Four thousand seven hundred and sixty-one pounds thirteen shillings and one penny three farthings, .	4,761 13 1 3
Hull, . . .	0 0 0	1,726 13 4	68 12 0 0	0 0 0 0	One thousand six hundred and fifty-eight pounds one shilling and fourpence, ...	1,658 1 4 0
Walpole, . .	169 4 0	9,053 6 8	241 0 0 0	0 0 0 0	Eight thousand nine hundred and eighty-one pounds ten shillings and eightpence, ...	8,981 10 8 0
Chelsea, . . .	0 0 0	6,650 0 0	0 0 0 0	633 19 3 1	Seven thousand two hundred and eighty-three pounds nineteen shillings and threepence farthing, . .	7,283 19 3 1
Franklin, . .	169 4 0	10,686 13 4	0 0 0 0	1,206 6 5 2	Twelve thousand and sixty-two pounds three shillings and ninepence halfpenny, ...	12,062 3 9 2
Foxborough, . .	0 0 0	8,120 0 0	0 0 0 0	0 0 0 0	Eight thousand one hundred and twenty pounds, ...	8,120 0 0 0
					Three hundred and ninety-eight thou-	

	£4,259	17	0	£419,335	0	0	£38,782	17	3	2	£13,518	19	3	3	sand three hundred and thirty pounds nineteen shillings one farthing, ...	£330,983	19	0	1
IN THE COUNTY OF ESSEX.																				
Salem, . . .	£561	18	0	£56,618	6	8	£10,494	5	4	0	£0	0	0	0	Forty-six thousand six hundred and eighty-five pounds nineteen shillings and fourpence, ...	£46,685	19	4	0
Danvers, . . .	249	3	0	21,443	6	8	1,285	10	6	0	0	0	0	0	Twenty thousand four hundred and six pounds nineteen shillings and twopence, ...	20,406	19	2	0
Ipswich, . . .	392	11	0	37,100	0	0	1,919	0	6	2	0	0	0	0	Thirty-five thousand five hundred and seventy-three pounds ten shillings and fivepence halfpenny, . . .	35,573	10	5	2
Newbury, . .	187	16	0	34,230	0	0	1,887	1	8	2	0	0	0	0	Thirty-two thousand five hundred and thirty pounds fourteen shillings and threepence halfpenny, . . .	32,530	14	3	2
Newburyport, .	553	10	0	37,800	0	0	536	18	3	1	0	0	0	0	Thirty-seven thousand eight hundred and sixteen pounds eleven shillings and eightpence three farthings, .	37,816	11	8	3
Marblehead, . .	54	0	0	35,735	0	0	1,652	16*	2	2	0	0	0	0	Thirty-four thousand one hundred and thirty-six pounds thirteen shillings and ninepence halfpenny, .	34,136	13	9	2
Lynn, . . .	136†	16	0	16,800	0	0	909	6	0	0	0	0	0	0	Sixteen thousand and fifty-four pounds ten shillings, . . .	16,054	10	0	0
Andover, . .	294	12	0	31,896	13	4	0	0	0	0	440	11	5	2	Thirty-two thousand six hundred and thirty-one pounds sixteen shillings and ninepence halfpenny, . .	32,631	16	9	2
Beverly, . . .	231	6	0	23,193	6	8	0	0	0	0	754	8	1	0	Twenty-four thousand one hundred and seventy-nine pounds and ninepence, ...	24,179	0	9	0
Rowley, . . .	153	12	0	17,313	6	8	205	10	11	0	0	0	0	0	Seventeen thousand two hundred and sixty-one pounds seven shillings and ninepence, ...	17,261	7	9	0
Salisbury, . .	197	14	0	13,253	6	8	1,195	13	10	1	0	0	0	0	Twelve thousand two hundred and fifty-five pounds six shillings and ninepence three farthings, . .	12,255	6	9	3

* "6" in the bill.

† "163" in the bill.

IN THE COUNTY OF ESSEX — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	SUMS DEDUCTED ON ACCOUNT OF BEING OVER-RATED IN THE THREE LAST TAXES.	SUMS ADDED ON ACCOUNT OF BEING UNDER-RATED IN THE THREE LAST TAXES.	SUM TOTAL EACH TOWN HATH TO PAY.	
Haverhill, . .	£89 2*s.* 0*d.*	£19,600 0*s.* 0*d.*	£1,437 13*s.* 10*d.* 0*q.*	£0 0*s.* 0*d.* 0*q.*	Eighteen thousand two hundred and fifty-one pounds eight shillings and twopence, ...	£18,251 8*s.* 2*d.* 0*q.*
Glocester, . .	192 9 0	24,710 0 0	0 0 0 0	434 12 11 2	Twenty-five thousand three hundred and thirty-seven pounds one shilling and elevenpence halfpenny, .	25,337 1 11 2
Topsfield, . .	24 15 0	9,846 13 4	0 0 0 0	846 2 9 0	Ten thousand seven hundred and eighteen pounds one shilling and a penny, ...	10,718 1 1 0
Almsbury, . .	188 2 0	12,098 6 8	967 2 9 0	0 0 0 0	Eleven thousand three hundred and nineteen pounds five shillings and elevenpence, ...	11,319 5 11 0
Bradford, . .	204 10 0	12,541 13 4	0 0 0 0	26 0 1 0	Twelve thousand seven hundred and seventy-two pounds three shillings and fivepence, ...	12,772 3 5 0
Methuen, . .	101 2 0	10,243 6 8	0 0 0 0	0 0 0 0	Ten thousand three hundred and forty-four pounds eight shillings and eightpence, ...	10,344 8 8 0
Boxford, . .	227 8 0	10,721 13 4	0 0 0 0	286 15 11 0	Eleven thousand one hundred and thirty-five pounds seventeen shillings and threepence, . . .	11,235 17 3 0
Wenham, . .	0 0 0	5,320 0 0	0 0 0 0	157 17 8 1	Five thousand four hundred and seventy-seven pounds seventeen shillings and eightpence farthing, . .	5,477 17 8 1
Manchester, . .	0 0 0	5,238 6 8	310 18 10 0	0 0 0 0	Four thousand nine hundred and twenty-seven pounds seven shillings and tenpence, ...	4,927 7 10 0
Middleton, . .	0 0 0	7,595 0 0	0 0 0 0	411 3 11 1	Eight thousand and six pounds three shillings and elevenpence one farthing, ...	8,006 3 11 1
					Four hundred and twenty-seven thou-	

	£4,067	6s.	0d.	£443,298	6s.	8d.	£22,801	8s.	9d.	0q.	£3,357	12s.	10d.	2q.	sand nine hundred and twenty-one pounds sixteen shillings and ninepence halfpenny.	£427,921	16s.	9d.	2q.

IN THE COUNTY OF MIDDLESEX.

Cambridge, . .	£206	8s.	0d.	£21,420	0s.	0d.	£884	10s.	8d.	0q.	£0	0s.	0d.	0q.	Twenty thousand seven hundred forty-one pounds seventeen shillings and fourpence, . . .	£20,741	17s.	4d.	0q.
Charlestown, . .	0	0	0	7,000	0	0	0	0	0	0	0	0	0	0	Seven thousand pounds, . . .	7,000	0	0	0
Watertown, . .	217	16	0	9,730	0	0	0	0	0	0	61	11	3	2	Ten thousand and nine pounds seven shillings and threepence two farthings, ...	10,009	7	3	2
Woburn, . . .	101	17	0	14,630	0	0	621	1	11	2	0	0	0	0	Fourteen thousand one hundred ten pounds fifteen shillings two farthings, ...	14,110	15	0	2
Concord, . . .	73	4	0	13,440	0	0	528	10	3	2	0	0	0	0	Twelve thousand nine hundred eighty-four pounds thirteen shillings and eightpence two farthings, . .	12,984	13	8	2
Newton, . . .	240	0	0	12,810	0	0	335	4	0	1	0	0	0	0	Twelve thousand seven hundred fourteen pounds fifteen shillings and elevenpence three farthings, . .	12,714	15	11	3
Reading, . .	232	16	0	14,525	0	0	440	3	1	3	0	0	0	0	Fourteen thousand three hundred seventeen pounds twelve shillings and tenpence farthing, . . .	14,317	12	10	1
Marlborough, . .	265	16	0	16,800	0	0	462	4	0	0	0	0	0	0	Sixteen thousand six hundred three pounds twelve shillings, . . .	16,603	12	0	0
Billerica, . .	172	10	0	11,200	0	0	435	11	4	0	0	0	0	0	Ten thousand nine hundred thirty-six pounds eighteen shillings and eightpence, ...	10,936	18	8	0
Framingham, . .	34	16	0	13,020	0	0	501	3	1	3	0	0	0	0	Twelve thousand five hundred fifty-three pounds twelve shillings and tenpence farthing, ...	12,553	12	10	1
Lexington, . .	232	10	0	9,065	0	0	304	17	9	2	0	0	0	0	Eight thousand nine hundred ninety-two pounds twelve shillings and twopence two farthings, ...	8,992	12	2	2

IN THE COUNTY OF MIDDLESEX — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	SUMS DEDUCTED ON ACCOUNT OF BEING OVER-RATED IN THE THREE LAST TAXES.	SUMS ADDED ON ACCOUNT OF BEING UNDER-RATED IN THE THREE LAST TAXES.	SUM TOTAL EACH TOWN HATH TO PAY.	
Chelmsford, . .	£0 0*s.* 0*d.*	£10,710 0*s.* 0*d.*	£34 17*s.* 2*d.* 1*q.*	£0 0*s.* 0*d.* 0*q.*	Ten thousand six hundred seventy-five pounds two shillings and nine-pence three farthings, . . .	£10,675 2*s.* 9*d.* 3*q.*
Sherburne, . .	190 4 0	6,790 0 0	36 12 10 1	0 0 0 0	Six thousand nine hundred forty-three pounds eleven shillings and one penny three farthings, . .	6,943 11 1 3
Sudbury, . .	191 2 0	18,106 13 4	348 15 2 2	0 0 0 0	Seventeen thousand nine hundred forty-nine pounds one penny two farthings, ...	17,949 0 1 2
Malden, . . .	170 8 0	8,353 6 8	314 16 9 3	0 0 0 0	Eight thousand two hundred eight pounds seventeen shillings and ten-pence one farthing, ...	8,208 17 10 1
Weston, . . .	154 16 0	9,251 13 4	0 0 0 0	158 0 4 3	Nine thousand five hundred sixty-four pounds nine shillings and eight-pence three farthings, . . .	9,564 9 8 3
Medford, . .	205 10 0	10,920 0 0	251 0 4 3	0 0 0 0	Ten thousand eight hundred seventy-four pounds nine shillings and seven-pence farthing, ...	10,874 9 7 1
Hopkington,* . .	0 0 0	8,493 6 8	350 8 0 1	0 0 0 0	Eight thousand one hundred forty-two pounds eighteen shillings and sevenpence three farthings, . .	8,142 18 7 3
Westford, . .	169 9 0	9,730 0 0	83 18 11 0	0 0 0 0	Nine thousand eight hundred fifteen pounds ten shillings and one penny,	9,815 10 1 0
Waltham, . .	208 10 0	8,400 0 0	120 19 6 0	0 0 0 0	Eight thousand four hundred eighty-seven pounds ten shillings and six-pence, ...	8,487 10 6 0
Stow, . . .	0 0 0	7,770 0 0	84 17 4 3	0 0 0 0	Seven thousand six hundred eighty-five pounds two shillings and seven-pence farthing, ...	7,685 2 7 1
Groton, . . .	173 2 0	13,020 0 0	311 12 10 3	0 0 0 0	Twelve thousand eight hundred eighty-one pounds nine shillings and a penny farthing, ...	12,881 9 1 1

Shirley,	0	0	0	5,086	13	4	0	0	0	0	147	6	3	3	Five thousand two hundred thirty-three pounds nineteen shillings and sevenpence three farthings,	5,233	19	7	3
Pepperrel,†	0	0	0	7,956	13	4	0	0	0	0	228	8	10	1	Eight thousand one hundred eighty-five pounds two shillings and two-pence farthing,	8,185	2	2	1
Townsend,	227	8	0	6,066	13	4	0	0	0	0	139	17	0	2‡	Six thousand four hundred thirty-three pounds eighteen shillings and fourpence farthing,	6,433	18	4	1
Dracut,	0	0	0	8,236	13	4	0	0	0	0	222	11	9	3	Eight thousand four hundred fifty-eight pounds eleven shillings and ninepence three farthings,	8,458	11	9	3
Bedford,	0	0	0	6,358	6	8	0	0	0	0	39	3	1	0	Six thousand three hundred and ninety-seven pounds nine shillings and ninepence,	6,397	9	9	0
Holliston,	141	0	0	7,560	0	0	0	0	0	0	22	17	4	1	Seven thousand seven hundred twenty-three pounds seventeen shillings and fourpence farthing,	7,723	17	4	1
Acton,	0	0	0	7,070	0	0	4	2	6	0	0	0	0	0	Seven thousand sixty-five pounds seventeen shillings and sixpence,	7,065	17	6	0
Dunstable,	0	0	0	6,568	6	8	0	0	0	0	39	13	1	3‡	Six thousand six hundred seven pounds nineteen shillings and nine-pence farthing,	6,607	19	9	1
Lincoln,	0	0	0	6,580	0	0	0	0	0	0	74	4	4	2	Six thousand six hundred fifty-four pounds four shillings and four-pence two farthings,	6,654	4	4	2
Wilmington,	0	0	0	5,320	0	0	85	1	4	2	0	0	0	0	Five thousand two hundred thirty-four pounds eighteen shillings and sevenpence two farthings,	5,234	18	7	2
Tukesbury,§	0	0	0	6,416	13	4	0	0	0	0	221	15	8	0	Six thousand six hundred thirty-eight pounds nine shillings,	6,638	9	0	0
Littleton,	0	0	0	8,446	13	4	81	8	5	0	0	0	0	0	Eight thousand three hundred and sixty-five pounds four shillings and elevenpence,	8,365	4	11	0
Ashby,	0	0	0	3,220	0	0	0	0	0	0	378	17	9	2	Three thousand five hundred and ninety-eight pounds seventeen shillings and ninepence two farthings,	3,598	17	9	2

* "Hopkinton," in the bill.

† "Pepperell," in the bill.

‡ *Sic*, in the printed act.

§ "Tewxsbury," in the bill.

IN THE COUNTY OF MIDDLESEX.— *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	SUMS DEDUCTED ON ACCOUNT OF BEING OVER-RATED IN THE THREE LAST TAXES.	SUMS ADDED ON ACCOUNT OF BEING UNDER-RATED IN THE THREE LAST TAXES.	SUM TOTAL EACH TOWN HATH TO PAY.	
Natick, . . .	£0 0*s.* 0*d.*	£4,690 0*s.* 0*d.*	£0 0*s.* 0*d.* 0*q.*	£108 4*s.* 2*d.* 2*q.*	Four thousand seven hundred and ninety-eight pounds four shillings and twopence two farthings, . .	£4,798 4*s.* 2*d.* 2*q.*
Stoneham, . .	0 0 0	3,115 0 0	147 18 9 1	0 0 0 0	Two thousand nine hundred and sixty-seven pounds one shilling and two-pence three farthings, . . .	2,967 1 2 3
	£3,609 2*s.* 0*d.*	£347,876 13*s.* 4*d.*	£6,769 16*s.* 7*d.* 2*q.**	£1,842 11*s.* 4*d.* 0*q.*	Three hundred forty-six thousand five hundred and fifty-eight pounds ten shillings and three farthings, . .	£346,558 10*s.* 0*d.* 3*q.*

IN THE COUNTY OF HAMPSHIRE.

Springfield, . .	£201 0*s.* 0*d.*	£16,835 0*s.* 0*d.*	£0 0*s.* 0*d.* 0*q.*	£996 16*s.* 11*d.* 1*q.*	Eighteen thousand and thirty-two pounds sixteen shillings and eleven-pence one farthing, ...	£18,032 16*s.* 11*d.* 1*q.*
West Springfield, .	170 2 0	16,858 6 8	0 0 0 0	663 19 5 2	Seventeen thousand six hundred and ninety-two pounds eight shillings and one penny two farthings, . .	17,692 8 1 2
Wilbraham, . .	40 10 0	9,695 0 0	0 0 0 0	1,492 11 1 3	Eleven thousand two hundred and twenty-eight pounds one shilling and one penny three farthings, .	11,228 1 1 3
Northampton, . .	234 12 0	13,253 6 8	1,290 19 10 1	0 0 0 0	Twelve thousand one hundred and ninety-six pounds eighteen shillings and tenpence three farthings, . .	12,196 18 10 3
Southampton, . .	155 2 0	5,891 13 4	0 0 0 0	179 0 10 2	Six thousand two hundred and twenty-five pounds sixteen shillings and twopence two farthings, . . .	6,225 16 2 1†

Hadley, . .	191	14	0	8,120	0	0	0	0	0	0	842	13	9	3	Nine thousand one hundred and fifty-four pounds seven shillings and ninepence three farthings, . .	9,154	7	9	3
South Hadley, .	233	17	0	4,036	13	4	587	12	3	2	0	0	0	0	Three thousand six hundred and seventy-three pounds eighteen shillings and two farthings, . . .	3,673	18	0	2
Amherst, . . .	225	18	0	8,306	13	4	0	0	0	0	501	19	4	0	Nine thousand and thirty-four pounds ten shillings and eightpence, . .	9,034	10	8	0
Granby, . . .	144	0	0	4,340	0	0	0	0	0	0	444	3	7	0	Four thousand nine hundred and twenty-eight pounds three shillings and sevenpence, ...	4,928	3	7	0
Hatfield, . . .	219	18	0	7,851	13	4	0	0	0	0	11	9	9	2	Eight thousand and eighty-three pounds one shilling and eightpence two farthings, ...	8,083	1	8	2
Whately, . .	0	0	0	3,418	6	8	0	0	0	0	357	4	5	1	Three thousand seven hundred and seventy-five pounds eleven shillings and one penny farthing, . . .	3,775	11	1	1
Williamsburgh, .	0	0	0	4,153	6	4‡	0	0	0	0	1,179	19	4	2	Five thousand three hundred and thirty-three pounds six shillings and two farthings, ...	5,333	6	0	2
Westfield, . .	177	6	0	12,576	13	4	0	0	0	0	773	14	0	1	Thirteen thousand five hundred and twenty-seven pounds thirteen shillings and fourpence one farthing, .	13,527	13	4	1
Deerfield, . .	219	6	0	9,135	0	0	0	0	0	0	580	17	8	3	Nine thousand nine hundred and thirty-five pounds three shillings and eightpence three farthings, .	9,935	3	8	3
Greenfield, . .	190	16	0	5,658	6	8	0	0	0	0	234	10	9	3	Six thousand and eighty-three pounds thirteen shillings and fivepence three farthings, ...	6,083	13	5	3
Shelburne, . .	0	0	0	6,265	0	0	0	0	0	0	1,725	1	7	3	Seven thousand nine hundred and ninety pounds one shilling and sevenpence three farthings, . .	7,990	1	7	3
Conway, . . .	0	0	0	7,676	13	4	0	0	0	0	2,261	14	0	0	Nine thousand nine hundred and thirty-eight pounds seven shillings and fourpence, ...	9,938	7	4	0
Sunderland, . .	208	16	0	3,780	0	0	0	0	0	0	189	12	3	0	Four thousand one hundred and seventy-eight pounds eight shillings and threepence, ...	4,178	8	3	0

* "1 *q.*," in the bill.

† "2," in the bill.

‡ "8," in the bill.

IN THE COUNTY OF HAMPSHIRE — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	SUMS DEDUCTED ON ACCOUNT OF BEING OVER-RATED IN THE THREE LAST TAXES.	SUMS ADDED ON ACCOUNT OF BEING UNDER-RATED IN THE THREE LAST TAXES.	SUM TOTAL EACH TOWN HATH TO PAY.	
Montague, . .	£62 12*s.* 0*d.*	£4,200 0*s.* 0*d.*	£29 18*s.* 3*d.* 1*q.*	£0 0*s.* 0*d.* 0*q.*	Four thousand two hundred and thirty-two pounds thirteen shillings and eightpence three farthings, .	£4,232 13*s.* 8*d.* 3*q.*
Northfield, . .	72 12 0	6,591 13 4	0 0 0 0	448 5 2 0	Seven thousand one hundred and twelve pounds ten shillings and elevenpence, ...	7,112 10 11* 0
Brimfield, . .	132 15 0	8,785 0 0	441 11 10 1	0 0 0 0	Eight thousand four hundred and seventy-six pounds three shillings and one penny three farthings, .	8,476 3 1 3
South Brimfield, .	0 0 0	5,191 13 4	554 9 6 3	0 0 0 0	Four thousand six hundred and thirty-seven pounds three shillings and fivepence one farthing, . . .	4,637 3 5 1
Monson, . . .	108 12 0	6,043 6 8	0 0 0 0	580 13 6 0	Six thousand seven hundred and thirty-two pounds twelve shillings and twopence, ...	6,732 12 2 0
Pelham, . . .	0 0 0	6,241 13 4	0 0 0 0	455 0 1 2	Six thousand six hundred and ninety-six pounds thirteen shillings and fivepence two farthings, . . .	6,696 13 5 2
Greenwich, . .	257 8 0	5,775 0 0	0 0 0 0	208 14 1 2	Six thousand two hundred and forty-one pounds two shillings and one penny two farthings, . . .	6,246† 2 1 2
Blanford, . .	141 6 0	6,965 0 0	0 0 0 0	1,639 9 11 3	Eight thousand seven hundred and forty-five pounds fifteen shillings and elevenpence three farthings, .	8,745 15 11 3
Leverett, . . .	0 0 0	2,473 6 8	0 0 0 0	630 2 5 1	Three thousand one hundred and three pounds nine shillings and one penny one farthing, ...	3,103 9 1 1
Palmer . . .	0 0 0	5,670 0 0	0 0 0 0	92 9 3 0	Five thousand seven hundred and sixty-two pounds nine shillings and threepence, ...	5,762 9 3 0
Granville, . .	163 10 0	10,721 13 4	0 0 0 0	618 15 0 2	Eleven thousand five hundred and three pounds eighteen shillings and fourpence two farthings, . . .	11,503 18 4 2

New Salem, . .	0	0	0	7,128	6	8	0	0	0	0	1,253	13	3	2	Eight thousand three hundred and eighty-one pounds nineteen shillings and elevenpence two farthings,	8,381	19	11	2
Belchertown, . .	195	6	0	7,420	0	0	0	0	0	0	715	4	6	2	Eight thousand three hundred and thirty pounds ten shillings and sixpence two farthings, ...	8,330	10	6	2
Colerain,‡ . .	136	16	0	4,526	13	4	0	0	0	0	536	0	3	2	Five thousand one hundred and ninety-nine pounds nine shillings and sevenpence two farthings, .	5,199	9	7	2
Ware, . . .	0	0	0	3,628	6	8	0	0	0	0	399	9	10	2	Four thousand and twenty-seven pounds sixteen shillings and sixpence one farthing, ...	4,027	16	6	1
Warwick, . .	0	0	0	4,946	13	4	0	0	0	0	1,448	2	8	2	Six thousand three hundred and ninety-four pounds sixteen shillings and two farthings, . . .	6,394	16	0	2
Barnardston,§ .	0	0	0	3,920	0	0	0	0	0	0	435	16	1	0	Four thousand three hundred and fifty-five pounds sixteen shillings and one penny, ...	4,355	16	1	0
Murrayfield, . .	0	0	0	4,480	0	0	0	0	0	0	335	1	11	2	Four thousand eight hundred and fifteen pounds one shilling and elevenpence two farthings, . . .	4,815	1	11	2
Charlemont, . .	0	0	0	3,616	13	4	0	0	0	0	586	14	0¶	3	Four thousand two hundred and three pounds eight shillings and three farthings, ...	4,203	8	0	3
Ashfield, . . .	0	0	0	4,981	13	4	0	0	0	0	1,127	2	7	1	Six thousand one hundred and eight pounds fifteen shillings and elevenpence two farthings, . . .	6,108	15	11	2
Worthington, . .	96	12	0	4,678	6	8	0	0	0	0	1,748	17	10	0	Six thousand five hundred and twenty-three pounds sixteen shillings and sixpence, ...	6,523	16	6	0
Shutesbury, . .	0	0	0	3,698	6	8	0	0	0	0	321	13	9	0	Four thousand and twenty pounds and fivepence, ...	4,020	0	5	0
Chesterfield, . .	187	10	0	6,486	13	4	0	0	0	0	980	14	0	0	Seven thousand six hundred and fifty-four pounds seventeen shillings and fourpence, ...	7,654	17	4	0
Southwick, . .	150	12	0	3,605	0	0	0	0	0	0	0	0	0	0	Three thousand seven hundred and fifty-five pounds twelve shillings, .	3,755	12	0	0

* *Sic.* † "6,241," in the bill. ‡ "Colrain," in the bill. § "Bernardstown," in the bill.
¶ This, apparently, should be "8"; but the inhabitants, in their petition for abatement (see note, *post*), represent this amount to be £586, 14*s.* 4¾*d.*

IN THE COUNTY OF HAMPSHIRE — *Continued*.

	REPRESENTATIVES' PAY.	STATE TAX.	SUMS DEDUCTED ON ACCOUNT OF BEING OVER-RATED IN THE THREE LAST TAXES.	SUMS ADDED ON ACCOUNT OF BEING UNDER-RATED IN THE THREE LAST TAXES.	SUM TOTAL EACH TOWN HATH TO PAY.-	
Suffield,	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.* 0*q.*	£0 0*s.* 0*d.* 0*q.*	– – –	£0 0*s.* 0*d.* 0*q.*
Enfield,	0 0 0	0 0 0	0 0 0 0	0 0 0 0	– – –	0 0 0 0
Somers,	0 0 0	0 0 0	0 0 0 0	0 0 0 0	– – –	0 0 0 0
Ludlow,	0 0 0	2,566 13 4	0 0 0 0	244 11 2 0	Two thousand eight hundred and eleven pounds four shillings and sixpence,	2,811 4 6 0
Norwich,	166 10 0	1,831 13 4	0 0 0 0	15 18 11 1*	Two thousand and fourteen pounds two shillings and threepence two farthings,	2,014 2 3 2
Merryfield,	0 0 0	1,703 6 8	0 0 0 0	0 0 0 0	One thousand seven hundred and three pounds six shillings and eightpence,	1,703 6 8 0
No. 5,	0 0 0	3,021 13 4	0 0 0 0	0 0 0 0	Three thousand and twenty-one pounds thirteen shillings and fourpence,	3,021 13 4 0
Westhampton,	0 0 0	2,193 6 8	0 0 0 0	0 0 0 0	Two thousand one hundred and ninety-three pounds six shillings and eightpence,	2,193 6 8 0
	£4,484 8*s.* 0*d.*	£290,943 6*s.* 8*d.*	£2,904 11*s.* 10*d.* 0*q.*	£27,257 0*s.* 0*d.* 1*q.*	Three hundred and nineteen thousand seven hundred [and] eighty pounds two shillings and tenpence one farthing,	£319,780 2*s.* 10*d.* 1*q.*

IN THE COUNTY OF PLYMOUTH.

Plymouth,	£18 18*s.* 0*d.*	£15,225 0*s.* 0*d.*	£1,299 17*s.* 6*d.* 1*q.*	£0 0*s.* 0*d.* 0*q.*	Thirteen thousand nine hundred and forty-four pounds and fivepence three farthings,	£13,944 0*s.* 5*d.* 3*q.*
Scituate,	151 4 0	21,980 0 0	1,231 19 11 3	0 0 0 0	Twenty thousand eight hundred and ninety-nine pounds four shillings and one farthing,	20,899 4 0 1

Duxborough,†	170	14	0	7,221	13	4	959	15	6	2	0	0	0	0	Six thousand four hundred and thirty-two pounds eleven shillings and ninepence two farthings,	6,432	11	9	2
Marshfield,	258	15	0	9,111	13	4	744	9	5	2	0	0	0	0	Eight thousand six hundred and twenty-five pounds eighteen shillings and tenpence halfpenny,	8,625	18	10	2
Bridgewater,‡	278	11	0	36,960	0	0	0	0	0	0	474	19	7	2	Thirty-seven thousand seven hundred and thirteen pounds ten shillings and sevenpence halfpenny,	37,713	10	7	2
Middleborough,	162	6	0	30,216	13	4	339	6	10	0	0	0	0	0	Thirty thousand and thirty-nine pounds twelve shillings and sixpence,	30,039	12	6	0
Rochester,	170	11	0	13,568	6	8	839	8	1	0	0	0	0	0	Twelve thousand eight hundred and ninety-nine pounds nine shillings and sevenpence,	12,899	9	7	0
Plympton,	185	11	0	11,118	6	8	179	13	8	2	0	0	0	0	Eleven thousand one hundred and twenty-four pounds three shillings and elevenpence halfpenny,	11,124	3	11	2
Pembroke,	126	12	0	12,390	0	0	392	2	5	0	0	0	0	0	Twelve thousand one hundred and twenty-four pounds nine shillings and sevenpence,	12,124	9	7	0
Kingston,	0	0	0	6,603	6	8	580	10	1	0	0	0	0	0	Six thousand and twenty-two pounds sixteen shillings and sevenpence,	6,022	16	7	0
Hanover,	31	4	0	6,860	0	0	150	16	11	0	0	0	0	0	Six thousand seven hundred and forty pounds seven shillings one penny,	6,740	7	1	0
Abington,	213	15	0	9,275	0	0	0	0	0	0	53	19	7	0	Nine thousand five hundred and forty-two pounds fourteen shillings and sevenpence,	9,542	14	7	0
Halifax,	31	4	0	4,631	13	4	32	14	10	3	0	0	0	0	Four thousand six hundred and thirty pounds two shillings and fivepence one farthing,	4,630	2	5	1
Wareham,	0	0	0	4,048	6	8	237	16	1	1	0	0	0	0	Three thousand eight hundred and ten pounds ten shillings and sixpence three farthings,	3,810	10	6	3
	£1,789	5*s.*	0*d.*	£189,210	0*s.*	0*d.*	£6,988	11*s.*	6*d.*	2*q.*	£528	19*s.*	2*d.*	2*q.*	One hundred and eighty-four thousand five hundred and thirty-nine pounds twelve shillings and eightpence,	£184,539	12*s.*	8*d.*	0*q.*

* *Sic.*

† "Duxbury," in the bill.

‡ "Bridgwater," in the bill.

IN THE COUNTY OF BARNSTABLE.

	REPRESENTATIVES' PAY.	STATE TAX.	SUMS DEDUCTED ON ACCOUNT OF BEING OVER-RATED IN THE THREE LAST TAXES.	SUMS ADDED ON ACCOUNT OF BEING UNDER-RATED IN THE THREE LAST TAXES.	SUM TOTAL EACH TOWN HATH TO PAY.	
Barnstable, . .	£213 6s. 0d.	£18,095 0s. 0d.	£170 19s.* 3d. 2q.	£0 0s. 0d. 0q.	Eighteen thousand one hundred and thirty-seven pounds sixteen shillings and eightpence halfpenny, .	£18,137 16s. 8d. 2q.
Sandwich, . .	326 17 0	12,973 0 0	776 0 6 3	0 0 0 0	Twelve thousand five hundred and twenty-three pounds sixteen shillings and fivepence one farthing, .	12,523 16 5 1
Yarmouth, . .	191 8 0	11,771 13 4	667 2 1 2	0 0 0 0	Eleven thousand two hundred and ninety-five pounds nineteen shillings and twopence halfpenny, .	11,295 19 2 2
Eastham, . .	252 6 0	8,556 0 11	625 8 0 0	0 0 0 0	Eight thousand one hundred and eighty-two pounds eighteen shillings and elevenpence, . . .	8,182 18 11 0
Harwich, . .	135 2 0	9,643 19 1	1,015 9 1 0	0 0 0 0	Eight thousand seven hundred and sixty-three pounds seventeen shillings, ...	8,763 17 0 0
Wellfleet,† . .	41 8 0	4,223 6 8	1,148 19 10 1	0 0 0 0	Three thousand one hundred and fifteen pounds fourteen shillings and ninepence three farthings, . .	3,115 14 9 3
Chatham, . .	110 14 0	4,503 6 8	285 1 11 1	0 0 0 0	Four thousand three hundred and twenty-eight pounds eighteen shillings and eightpence three farthings,	4,328 18 8 3
Truro, . . .	0 0 0	4,293 6 8	1,061 0 10 3	0 0 0 0	Three thousand two hundred and thirty-two pounds five shillings and ninepence one farthing, . . .	3,232 5 9 1
Falmouth, . .	233 2 0	9,100 0 0	800 19 2 3‡	0 0 0 0	Eight thousand five hundred and thirty-two pounds two shillings and ninepence halfpenny, . . .	8,532 2 9 2
	£1,504 3s. 0d.	£83,160 0s. 0d.	£6,550 10s. 11d. 2q.	£0 0s. 0d. 0q.	Seventy-eight thousand one hundred thirteen pounds twelve shillings two farthings, ...	£78,113 12s. 0d. 2q.

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IN THE COUNTY OF BRISTOL — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	SUMS DEDUCTED ON ACCOUNT OF BEING OVER-RATED IN THE THREE LAST TAXES.	SUMS ADDED ON ACCOUNT OF BEING UNDER-RATED IN THE THREE LAST TAXES.	SUM TOTAL EACH TOWN HATH TO PAY.	
Berkley, . .	£119 8*s.* 0*d.*	£4,911 13*s.* 4*d.*	£301 12*s.* 2*d.* 2*q.*	£0 0*s.* 0*d.* 0*q.*	Four thousand seven hundred and twenty-nine pounds nine shillings and one penny two farthings, . .	£4,729 9*s.* 1*d.* 2*q.*
	£2,483 3*s.* 6*d.*	£174,346 13*s.* 4*d.*	£3,517 8*s.* 0*d.* 3*q.*	£339 11*s.* 9*d.* 2*q.*	One hundred and seventy-three thousand six hundred and fifty-two pounds and sixpence three farthings,	£173,652 0*s.* 6*d.* 3*q.*

IN THE COUNTY OF YORK.

York, . . .	£272 14*s.* 0*d.*	£17,453 6*s.* 8*d.*	£2,650 18*s.* 2*d.* 0*q.*	£0 0*s.* 0*d.* 0*q.*	Fifteen thousand and seventy-five pounds two shillings and sixpence,	£15,075 2*s.* 6*d.* 0*q.*
Kittery, . . .	226 10 0	18,935 0 0	3,024 3 4 0	0 0 0 0	Sixteen thousand one hundred and thirty-seven pounds six shillings and eightpence, ...	16,137 6 8 0
Wells, . . .	211 7 0	15,400 0 0	1,097 15 9 1	0 0 0 0	Fourteen thousand five hundred and thirteen pounds eleven shillings and twopence three farthings, . .	14,513 11 2 3
Berwick, . . .	240 0 0	23,613 6 8	1,526 2 3 0	0 0 0 0	Twenty-two thousand three hundred and twenty-seven pounds four shillings and fivepence, ...	22,327 4 5 0
Arundell, . .	102 0 0	6,650 0 0	727 17 3 2	0 0 0 0	Six thousand and twenty-four pounds two shillings and eightpence two farthings, ...	6,024 2 8 2
Biddeford, . .	110 14 0	7,210 0 0	1,076 7 8 1	0 0 0 0	Six thousand two hundred and forty-four pounds six shillings and threepence three farthings, . . .	6,244 6 3 3
Pepperrellborough,*	107 8 0	6,720 0 0	0 0 0 0	14 7 3 0	Six thousand eight hundred and forty-one pounds fifteen shillings and threepence, ...	6,841 15 3 0

Lebanon,	0	0	0	4,025	0	0	0	0	0	0	841	5	10	2	Four thousand eight hundred and sixty-six pounds five shillings and tenpence two farthings,	4,866 5 10 2
Sandford,	0	0	0	3,745	0	0	0	0	0	0	710	4	7	0	Four thousand four hundred and fifty-five pounds four shillings and sevenpence,	4,455 4 7 0
Buxton,	0	0	0	5,320	0	0	0	0	0	0	1,735	11	6	1	Seven thousand and fifty-five pounds eleven shillings and sixpence one farthing,	7,055 11 6 1
Fryeburgh,	0	0	0	4,200	0	0	0	0	0	0	1,775	15	9	3	Five thousand nine hundred and seventy-five pounds fifteen shillings and ninepence three farthings,	5,975 15 9 3
Coxhall,	0	0	0	1,750	0	0	0	0	0	0	0	0	0	0	One thousand seven hundred and fifty pounds,	1,750 0 0 0
Massabesec,	0	0	0	2,030	0	0	0	0	0	0	0	0	0	0	Two thousand and thirty pounds,	2,030 0 0 0
Limeric,	0	0	0	560	0	0	0	0	0	0	0	0	0	0	Five hundred and sixty pounds,	560 0 0 0
Brownfield,	0	0	0	560	0	0	0	0	0	0	0	0	0	0	Five hundred and sixty pounds,	560 0 0 0
Little Falls,	0	0	0	980	0	0	0	0	0	0	0	0	0	0	Nine hundred and eighty pounds,	980 0 0 0
	£1,270	13s.	0d.	£119,151	13s.	4d.	£10,103	4s.	6d.	0q.	£5,077	5s.	0d.	2q.	One hundred and fifteen thousand three hundred and ninety-six pounds six shillings tenpence and two farthings,	£115,396 6s. 10d. 2q.

IN THE COUNTY OF DUKES COUNTY.

Edgartown,	£0	0s.	0d.	£6,906	13s.	4d.	£31	10s.	0d.	0q.	£0	0s.	0d.	0q.	Six thousand eight hundred and seventy-five pounds three shillings and fourpence,	£6,875 3d. 4s. 0q.
Chilmark,	0	0	0	7,443	6	8	631	14	8	0	0	0	0	0	Six thousand eight hundred and eleven pounds twelve shillings,	6,811 12 0 0
Tisbury,	0	0	0	5,915	0	0	250	1	11	0	0	0	0	0	Five thousand six hundred and sixty-four pounds eighteen shillings and one penny,	5,664 18 1 0
	£0	0s.	0d.	£20,265	0s.	0d.	£913	6s.	7d.	0q.	£0	0s.	0d.	0q.	Nineteen thousand three hundred and fifty-one pounds thirteen shillings and fivepence,	£19,351 13s. 5d. 0q.

* "Pepperrelborough," in the bill.

IN THE COUNTY OF NANTUCKET.

	REPRESENTATIVES' PAY.	STATE TAX.	SUMS DEDUCTED ON ACCOUNT OF BEING OVER-RATED IN THE THREE LAST TAXES.	SUMS ADDED ON ACCOUNT OF BEING UNDER-RATED IN THE THREE LAST TAXES.	SUM TOTAL EACH TOWN HATH TO PAY.
Sherburne, . .	£0 0*s.* 0*d.*	£30,881 13*s.* 4*d.*	£1,069 4*s.* 5*d.* 0*q.*	£0 0*s.* 0*d.* 0*q.*	Twenty-nine thousand eight hundred and twelve pounds eight shillings and elevenpence, ... £29,812 8*s.* 11*d.* 0*q.*

IN THE COUNTY OF WORCESTER.

Worcester, . .	£218 14*s.* 0*d.*	£20,580 0*s.* 0*d.*	£0 0*s.* 0*d.* 0*q.*	£618 8*s.* 2*d.* 2*q.*	Twenty-one thousand four hundred and seventeen pounds two shillings and twopence two farthings, . . £21,417 2*s.* 2*d.* 2*q.*
Lancaster, . .	345 0 0	22,166 13 4	292 2 1 0	0 0 0 0	Twenty-two thousand two hundred and nineteen pounds eleven shillings and threepence, ... 22,219 11 3 0
Mendon, . . .	238 7 0	16,380 0 0	271 5 10 0	0 0 0 0	Sixteen thousand three hundred and forty-seven pounds one shilling and twopence, ... 16,347 1 2 0
Brookfield, . .	225 0 0	21,700 0 0	97 3 3 0	0 0 0 0	Twenty-one thousand eight hundred and twenty-seven pounds sixteen shillings and ninepence, . . . 21,827 16 9 0
Oxford, . . .	277 4 0	6,720 0 0	298 13 9 0	0 0 0 0	Six thousand six hundred and ninety-eight pounds ten shillings and threepence, ... 6,698 10 3 0
Charleton, . .	239 8 0	10,290 0 0	0 0 0 0	1,280 3 3 0	Eleven thousand eight hundred and nine pounds eleven shillings and threepence, ... 11,809 11 3 0
Sutton . . .	282 6 0	20,440 0 0	147 13 10 0	0 0 0 0	Twenty thousand five hundred and seventy-four pounds twelve shillings and twopence, ... 20,574 12 2 0

Leicester, . .	110	8	0	5,320	0	0	1,251	16	2	2	0	0	0	0	Four thousand one hundred and seventy-eight pounds eleven shillings and ninepence two farthings, . .	4,178	11	9	2
Spencer, . . .	0	0	0	8,400	0	0	0	0	0	0	773	3	6	0	Nine thousand one hundred and seventy-three pounds three shillings and sixpence, ...	9,173	3	6	0
Rutland, . . .	216	12	0	9,660	0	0	468	13	9	2	0	0	0	0	Nine thousand four hundred and seven pounds eighteen shillings and twopence two farthings, . . .	9,407	18	2	2
Paxton, . . .	52	4	0	5,600	0	0	0	0	0	0	541	17	4	0	Six thousand one hundred and ninety-four pounds one shilling and fourpence, ...	6,194	1	4	0
Oakham, . . .	0	0	0	3,990	0	0	0	0	0	0	441	11	0	0	Four thousand four hundred and thirty-one pounds eleven shillings, .	4,431	11	0	0
Barre, . . .	207	12	0	11,620	0	0	0	0	0	0	1,297	16	2	0	Thirteen thousand one hundred and twenty-five pounds eight shillings and twopence, ...	13,125	8	2	0
Hubbardston,* .	0	0	0	3,990	0	0	0	0	0	0	1,175	9	0	0	Five thousand one hundred and sixty-five pounds nine shillings, . .	5,165	9	0	0
New Braintree, .	0	0	0	7,700	0	0	0	0	0	0	243	3	2	0	Seven thousand nine hundred and forty-three pounds three shillings and twopence, ...	7,943	3	2	0
Southborough, .	0	0	0	7,560	0	0	310	16	5	0	0	0	0	0	Seven thousand two hundred and forty-nine pounds three shillings and sevenpence, ...	7,249	3	7	0
Westborough, . .	200	2	0	7,921	13	4	206	8	3	1	0	0	0	0	Seven thousand nine hundred and fifteen pounds seven shillings and three farthings, ...	7,915	7	0	3
Northborough, .	140	2	0	5,180	0	0	232	11	3	0	0	0	0	0	Five thousand and eighty-seven pounds ten shillings and ninepence,	5,087	10	9	0
Shrewsbury,† . .	152	2	0	14,700	0	0	385	8	3	3	0	0	0	0	Fourteen thousand four hundred and sixty-six pounds thirteen shillings and eightpence one farthing, . .	14,466	13	8	1
Lunenburgh, . .	250	10	0	9,800	0	0	794	2	11	1	0	0	0	0	Nine thousand two hundred and fifty-six pounds seven shillings and three farthings, ...	9,256	7	0	3
Fitchburgh, . .	0	0	0	5,600	0	0	0	0	0	0	956	12	4	0	Six thousand five hundred and fifty-six pounds twelve shillings and fourpence, ...	6,556	12	4	0

* "Hubbardstown," in the bill.

† "Shrewsborough," in the bill.

IN THE COUNTY OF WORCESTER — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	SUMS DEDUCTED ON ACCOUNT OF BEING OVER-RATED IN THE THREE LAST TAXES.	SUMS ADDED ON ACCOUNT OF BEING UNDER-RATED IN THE THREE LAST TAXES.	SUM TOTAL EACH TOWN HATH TO PAY.	
Uxbridge, . .	£167 7*s.* 0*d.*	£9,310 0*s.* 0*d.*	£0 0*s.* 0*d.* 0*q.*	£720 11*s.* 7*d.* 1*q.*	Ten thousand one hundred and ninety-six pounds eighteen shillings and sevenpence [one] farthing, . .	£10,196 18*s.* 7*d.* 1*q.*
Harvard, . .	131 2 0	10,430 0 0	337 18 6 2	0 0 0 0	Ten thousand two hundred and twenty-three pounds three shillings and fivepence two farthings, . . .	10,223 3 5 2
Dudley, . . .	237 0 0	6,720 0 0	209 3 9 0	0 0 0 0	Six thousand seven hundred and forty-seven pounds sixteen shillings and threepence, ...	6,747 16 3 0
Bolton, . . .	0 0 0	9,870 0 0	394 17 0 0	0 0 0 0	Nine thousand four hundred and seventy-five pounds three shillings, .	9,475 3 0 0
Upton, . . .	0 0 0	4,340 0 0	0 0 0 0	5 11 7 1	Four thousand three hundred and forty-five pounds eleven shillings and sevenpence one farthing, . .	4,345 11 7 1
Sturbridge, . .	158 5 0	9,660 0 0	137 8 9 2	0 0 0 0	Nine thousand six hundred and eighty pounds sixteen shillings and twopence two farthings, ...	9,680 16 2 2
Leominster, . .	0 0 0	8,400 0 0	0 0 0 0	44 14 6 0	Eight thousand four hundred and forty-four pounds fourteen shillings and sixpence, ...	8,444 14 6 0
Hardwick, . .	244 4 0	11,200 0 0	521 8 4 0	0 0 0 0	Ten thousand nine hundred and twenty-two pounds fifteen shillings and eightpence, ...	10,922 15 8 0
Holden, . . .	0 0 0	5,600 0 0	107 12 8 0	0 0 0 0	Five thousand four hundred and ninety-two pounds seven shillings and fourpence, ...	5,492 7 4 0
Western, . . .	0 0 0	7,140 0 0	291 12 6 0	0 0 0 0	Six thousand eight hundred and forty-eight pounds seven shillings and sixpence, ...	6,848 7 6 0
Douglass, . .	0 0 0	4,270 0 0	279 2 7 0	0 0 0 0	Three thousand nine hundred and ninety pounds seventeen shillings and fivepence, ...	3,990 17 5 0

Grafton,	192	18	0	7,735	0	0	241	11	1	0	0	0	0	0	Seven thousand six hundred and eighty-six pounds six shillings and elevenpence,	7,686	6	11	0
Petersham,	216	6	0	8,680	0	0	0	0	0	0	232	5	0	0	Nine thousand one hundred and twenty-eight pounds eleven shillings,	9,128	11	0	0
Royalston,	0	0	0	5,051	13	4	0	0	0	0	1,760	0	9	0	Six thousand eight hundred and eleven pounds fourteen shillings and one penny,	6,811	14	1	0
Westminster,	282	6	0	7,490	0	0	0	0	0	0	262	18	2	0	Eight thousand and thirty-five pounds four shillings and twopence,	8,035	4	2	0
Athol,	40	19	0	6,020	0	0	0	0	0	0	812	11	10	0	Six thousand eight hundred and seventy-three pounds ten shillings and tenpence,	6,873	10	10	0
Templeton,	211	4	0	7,490	0	0	0	0	0	0	1,063	10	1	0	Eight thousand seven hundred and sixty-four pounds fourteen shillings and one penny,	8,764	14	1	0
Princeton,	0	0	0	5,740	0	0	0	0	0	0	299	0	0	0	Six thousand and thirty-nine pounds,	6,039	0	0	0
Ashburnham,	0	0	0	3,640	0	0	0	0	0	0	623	13	1	0	Four thousand two hundred and sixty-three pounds thirteen shillings and one penny,	4,263	13	1	0
Winchendon,	0	0	0	4,060	0	0	0	0	0	0	1,103	1	6	0	Five thousand one hundred and sixty-three pounds one shilling and sixpence,	5,163	1	6	0
Woodstock,	0	0	0	0	0	0	0	0	0	0	0	0	0	0					
Northbridge,	48	12	0	2,800	0	0	82	12	11	3*	0	0	0	0	Two thousand seven hundred and sixty-five pounds nineteen shillings and one penny,	2,765	19	1	0
Ward,	0	0	0	3,278	6	8	0	0	0	0	0	0	0	0	Three thousand two hundred and seventy-eight pounds six shillings and eightpence,	3,278	6	8	0
	£5,084	18*s.*	0*d.*	£374,243	6*s.*	8*d.*	£7,360	4*s.*	1*d.*	3*q.*	£14,256	2*s.*	3*d.*	0*q.*	Three hundred and eighty-six thousand two hundred and twenty-four pounds two shillings and ninepence one farthing,	£386,224	2*s.*	9*d.*	1*q.*

* "0," in the bill.

IN THE COUNTY OF CUMBERLAND.

	REPRESENTATIVES' PAY.	STATE TAX.	SUMS DEDUCTED ON ACCOUNT OF BEING OVER-RATED IN THE THREE LAST TAXES.	SUMS ADDED ON ACCOUNT OF BEING UNDER-RATED IN THE THREE LAST TAXES.	SUM TOTAL EACH TOWN HATH TO PAY.
Falmouth,	£483 6s. 0d.	£14,420 0s. 0d.	£101 1s. 8d. 2q.	£0 0s. 0d. 0q.	Fourteen thousand eight hundred and two pounds four shillings and three-pence two farthings, £14,802 4s. 3d. 2q.
North Yarmouth,	174 18 0	13,265 0 0	0 0 0 0	1,196 13 6 3	Fourteen thousand six hundred and thirty-six pounds eleven shillings and sixpence three farthings, 14,636 11 6 3
Cape Elizabeth,	177 18 0	8,260 0 0	1,386 1 5 2	0 0 0 0	Seven thousand and fifty-one pounds sixteen shillings and sixpence two farthings, 7,051 16 6 2
Gorham,	268 4 0	7,011 13 4	0 0 0 0	662 5 7 3	Seven thousand nine hundred and forty-two pounds two shillings and elevenpence three farthings, 7,942 2 11 3
Brunswick,	101 5 0	6,580 0 0	0 0 0 0	393 6 5 0	Seven thousand and seventy-four pounds eleven shillings and five-pence, 7,074 11 5 0
Harpswell,	0 0 0	4,900 0 0	63 12 11 0	0 0 0 0	Four thousand eight hundred and thirty-six pounds seven shillings and one penny, 4,836 7 1 0
Windham,	0 0 0	3,045 0 0	0 0 0 0	281 19 11 0	Three thousand three hundred and twenty-six pounds nineteen shillings and elevenpence, 3,326 19 11 0
New Glocester,	0 0 0	4,340 0 0	0 0 0 0	1,202 4 7 1	Five thousand five hundred and forty-two pounds four shillings and seven-pence one farthing, 5,542 4 7 1
Scarborough,	253 4 0	10,885 0 0	106 6 2 3	0 0 0 0	Eleven thousand and thirty-one pounds seventeen shillings and ninepence one farthing, 11,031 17 9 1
Pearsontown,	0 0 0	2,333 6 8	370 2 1 0	0 0 0 0	Two thousand seven hundred and three pounds eight shillings and ninepence, 2,703 8 9 0
Royalsburgh,	0 0 0	1,341 13 4	0 0 0 0	0 0 0 0	One thousand three hundred and forty-one pounds thirteen shillings and fourpence, 1,341 13 4 0

Gray, . . .	0	0	0	1,505	0	0	0	0	0	0	0	0	0	0	0	One thousand five hundred and five pounds, ...	1,505	0	0	0
Raymondtown, .	0	0	0	560	0	0	0	0	0	0	0	0	0	0	0	Five hundred and sixty pounds, .	560	0	0	0
Bakerstown, . .	0	0	0	280	0	0	0	0	0	0	0	0	0	0	0	Two hundred and eighty pounds, .	280	0	0	0
Sylvesterstown,* .	0	0	0	280	0	0	0	0	0	0	0	0	0	0	0	Two hundred and eighty pounds, .	280	0	0	0
Bridgetown, . .	0	0	0	210	0	0	0	0	0	0	0	0	0	0	0	Two hundred and ten pounds, . .	210	0	0	0
	£1,458	15*s.*	0*d.*	£79,216	13*s.*	4*d.*	£1,657	2*s.*	3*d.*	3*q.*	£4,106	12*s.*	2*d.*	3*q.*		Eighty-three thousand one hundred and twenty-four pounds eighteen shillings and threepence, . . .	£83,124	18*s.*	3*d.*	0*q.*

IN THE COUNTY OF LINCOLN.

Pownalborough, .	£0	0*s.*	0*d.*	£8,260	0*s.*	0*d.*	£0	0*s.*	0*d.*	0*q.*	£159	16*s.*	7*d.*	3*q.*		Eight thousand four hundred and nineteen pounds sixteen shillings and sevenpence three farthings, .	£8,419	16*s.*	7*d.*	3*q.*
Georgetown, . .	0	0	0	10,208	6	8	165	9	9	0	0	0	0	0		Ten thousand and forty-two pounds sixteen shillings and elevenpence, .	10,042	16	11	0
Newcastle, . .	0	0	0	4,060	0	0	0	0	0	0	471	15	11	0		Four thousand five hundred and thirty-one pounds fifteen shillings and elevenpence, ...	4,531	15	11	0
Woolwich, . .	0	0	0	3,208	6	8	113	14	7	3	0	0	0	0		Three thousand and ninety-four pounds twelve shillings and one farthing, ...	3,094	12	0	1
Topsham, . .	0	0	0	4,736	13	4	0	0	0	0	575	15	8	2		Five thousand three hundred and twelve pounds nine shillings and two farthings, ...	5,312	9	0	2
Bowdoinham, . .	0	0	0	1,621	13	4	0	0	0	0	194	12	1	0		One thousand eight hundred and sixteen pounds five shillings and fivepence, ...	1,816	15†	5	0
Boothbay, . .	0	0	0	5,448	6	8	0	0	0	0	804	19	0	2		Six thousand two hundred and fifty-threepounds five shillings and eightpence two farthings, . . .	6,253	5	8	2
Bristol, . .	0	0	0	5,716	13	4	0	0	0	0	832	0	11	3		Six thousand five hundred and forty-eight pounds fourteen shillings and threepence three farthings, . .	6,548	14	3	3

* "Sylvestertown," in the bill. † "5," in the bill."

IN THE COUNTY OF LINCOLN—*continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	SUMS DEDUCTED ON ACCOUNT OF BEING OVER-RATED IN THE THREE LAST TAXES.	SUMS ADDED ON ACCOUNT OF BEING UNDER-RATED IN THE THREE LAST TAXES.	SUM TOTAL EACH TOWN HATH TO PAY.	
Vassalborough, .	£0 0*s.* 0*d.*	£4,433 6*s.* 8*d.*	£0 0*s.* 0*d.* 0*q.*	£1,735 14*s.* 0*d.* 2*q.*	Six thousand one hundred and sixty-nine pounds and eightpence two farthings, ...	£6,169 0*s.* 8*d.* 2*q.*
Winthrop, . .	0 0 0	4,200 0 0	0 0 0 0	1,769 1 8 3	Five thousand nine hundred and sixty-nine pounds one shilling and eightpence three farthings, . .	5,969 1 8 3
Winslow, .	0 0 0	2,823 6 8	0 0 0 0	1,005 12 8 2	Three thousand eight hundred and twenty-eight pounds nineteen shillings and fourpence two farthings, .	3,828 19 4 2
Waldoborough, .	0 0 0	3,920 0 0	0 0 0 0	741 6 1 0	Four thousand six hundred and sixty-one pounds six shillings and one penny, ...	4,661 6 1 0
Edgecomb, . .	0 0 0	2,601 13 4	0 0 0 0	1,015 16 1 3	Three thousand six hundred and seventeen pounds nine shillings and fivepence three farthings, . .	3,617 9 5 3
Hallowell, . .	0 0 0	3,803 6 8	0 0 0 0	1,222 8 11 0	Five thousand and twenty-five pounds fifteen shillings and sevenpence, ...	5,025 15 7 0
Belfast,* . .	0 0 0	571 13 4	0 0 0 0	86 2 2 2	Six hundred and fifty-seven pounds fifteen shillings and sixpence two farthings, ...	657 15 6 2
Warren, . . .	0 0 0	2,076 13 4	0 0 0 0	255 8 10 1	Two thousand three hundred and thirty-two pounds two shillings and twopence one farthing, . . .	2,332 2 2 1
Thomastown, . .	0 0 0	2,076 13 4	0 0 0 0	388 8 8 1	Two thousand four hundred and sixty-five pounds two shillings and one farthing, ...	2,465 2 0 1
The lower town of St. Georges, .	0 0 0	1,820 0 0	0 0 0 0	248 17 2 1	Two thousand and sixty-eight pounds seventeen shillings and twopence one farthing, ...	2,068 17 2 1
Medumcook, . .	0 0 0	1,411 13 4	0 0 0 0	162 9 3 3	One thousand five hundred and seventy-four pounds two shillings and sevenpence three farthings, .	1,574 2 7 3

Pittston, . . .	0	0	0	4,106	13	4	0	0	0	0	1,301	9	7	1	Five thousand four hundred and eight pounds two shillings and elevenpence one farthing, . .	5,408	2	11	1
	£0	0*s.*	0*d.*	£77,105	0*s.*	0*d.*	£279	4*s.*	4*d.*	3*q.*	£12,971	15*s.*	10*d.*	1*q.*	Eighty-nine thousand seven hundred and ninety-seven pounds eleven shillings and fivepence two farthings, ...	£89,797	11*s.*	5*d.*	2*q.*

IN THE COUNTY OF BERKSHIRE.

Sheffield, . . .	£31	10*s.*	0*d.*	£13,813	6*s.*	8*d.*	£0	0*s.*	0*d.*	0*q.*	£999	12*s.*	9*d.*	1*q.*	Fourteen thousand eight hundred forty-four pounds nine shillings and fivepence one farthing, . . .	£14,844	9*s.*	5*d.*	1*q.*
Great Barrington, .	9	5	0	10,150	0	0	0	0	0	0	2,792	14	8	2	Twelve thousand nine hundred and fifty-one pounds nineteen shillings and eightpence two farthings, . .	12,951	19	8	2
Partridgefield, .	0	0	0	3,406	13	4	0	0	0	0	1,108	10	3	3	Four thousand five hundred and fifteen pounds three shillings and sevenpence three farthings, . .	4,515	3	7	3
Williamstown, .	192	18	0	7,991	13	4	0	0	0	0	1,948	16	8	1	Ten thousand one hundred and thirty-three pounds eight shillings and one farthing, ...	10,133	8	0	1
New Marlborough,	235	13	0	6,708	6	8	0	0	0	0	111	16	10	0	Seven thousand and fifty-five pounds sixteen shillings and sixpence, .	7,055	16	6	0
Lanesborough, .	147	15	0	11,970	0	0	0	0	0	0	2,652	17	10	2	Fourteen thousand seven hundred and seventy pounds twelve shillings and tenpence two farthings, . .	14,770	12	10	2
Pittsfield, . .	198	6	0	10,955	0	0	0	0	0	0	2,903	18	4	0	Fourteen thousand and fifty-seven pounds four shillings and fourpence,	14,057	4	4	0
Lenox, . . .	0	0	0	6,790	0	0	0	0	0	0	1,952	9	0	2	Eight thousand seven hundred and forty-two pounds nine shillings and two farthings, ...	8,742	9	0	2
Stockbridge, . .	261	12	0	7,175	0	0	0	0	0	0	1,824	18	11	1	Nine thousand two hundred and sixty-one pounds ten shillings and elevenpence farthing, . . .	9,261	10	11	1
Egremont, . .	166	4	0	4,036	13	4	0	0	0	0	690	5	8	2	Four thousand eight hundred and ninety-three pounds three shillings and two farthings, ...	4,893	3	0	2

* "Belfast" in the bill.

IN THE COUNTY OF BERKSHIRE — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	SUMS DEDUCTED ON ACCOUNT OF BEING OVER-RATED IN THE THREE LAST TAXES.	SUMS ADDED ON ACCOUNT OF BEING UNDER-RATED IN THE THREE LAST TAXES.	SUM TOTAL EACH TOWN HATH TO PAY.	
Tyringham, . .	£159 18*s.* 0*d.*	£5,378 6*s.* 8*d.*	£0 0*s.* 0*d.* 0*q.*	£919 1*s.* 0*d.* 0*q.*	Six thousand four hundred and fifty-seven pounds five shillings and eightpence, ...	£6,457 5*s.* 8*d.* 0*q.*
Sandisfield, . .	227 8 0	6,941 13 4	0 0 0 0	1,059 17 5 0	Eight thousand two hundred and twenty-eight pounds eighteen shillings and ninepence, ...	8,228 18 9 0
Becket, . . .	0 0 0	3,488 6 8	0 0 0 0	809 17 11 1	Four thousand two hundred and ninety-eight pounds four shillings and sevenpence farthing, . . .	4,298 4 7 1
Windsor, . . .	163 7 0	5,133 6 8	0 0 0 0	1,528 12 3 2	Six thousand eight hundred and twenty-five pounds five shillings and elevenpence two farthings, .	6,825 5 11 2
Hancock, . .	166 10 0	6,685 0 0	0 0 0 0	2,329 10 3 1	Nine thousand one hundred and eighty-one pounds and threepence one farthing, ...	9,181 0 3 1
Richmond, . .	104 2 0	8,015 0 0	0 0 0 0	1,653 13 11 0	Nine thousand seven hundred and seventy-two pounds fifteen shillings and elevenpence, ...	9,772 15 11 0
Loudon, . . .	0 0 0	1,843 6 8	0 0 0 0	711 12 8 3	Two thousand five hundred and fifty-four pounds nineteen shillings and fourpence three farthings, . .	2,554 19 4 3
Washington, . .	0 0 0	3,756 13 4	0 0 0 0	1,696 4 11 0	Five thousand four hundred and fifty-two pounds eighteen shillings and threepence, ...	5,452 18 3 0
West Stockbridge, .	0 0 0	4,048 6 8	0 0 0 0	1,163 4 5 3	Five thousand two hundred and eleven pounds eleven shillings and a penny three farthings, . . .	5,211 11 1 3
Alford, . . .	0 0 0	2,216 13 4	0 0 0 0	117 17 5 0	Two thousand three hundred and thirty-four pounds ten shillings and ninepence, ...	2,334 10 9 0

New Ashford,		0	0	0				0	0	0	0					One thousand nine hundred and eighty-three pounds six shillings and eightpence,	1,983	6	8
Ashawelet,		0	0	0	1,983	6	8	0	0	0	0	0	0	0	0	Two thousand one hundred pounds,	2,100	0	0
					2,100	0	0	0	0	0	0	0	0	0	0				
Plantation No. 7,		0	0	0	1,843	6	8	0	0	0	0	224	13	8	1	Two thousand and sixty-eight pounds and fourpence farthing,	2,068	0	4
																Ten thousand one hundred and forty-one pounds one shilling and eightpence farthing,	10,141	1	8
Adams,		0	0	0	7,361	13	4	0	0	0	0	2,779	8	4	1				
																Three thousand and thirty-three pounds six shillings and eightpence,	3,033	6	8
New Providence,		0	0	0	3,033	6	8	0	0	0	0	0	0	0	0				
																Four thousand one hundred and forty-one pounds thirteen shillings and fourpence,	4,141	13	4
Lee,		0	0	0	4,141	13	4	0	0	0	0	0	0	0	0				
	£2,064	8s.	0d.	£150,966	13s.	4d.	£0	0s.	0d.	0q.	£31,979	15s.	7d.	2q.		One hundred and eighty-five thousand and ten pounds sixteen shillings and elevenpence two farthings,	£185,010	16s.	11d.

	1,983	6 8
	2,100	0 0
	2,068	0 4 1
	10,141	1 8 1
	3,033	6 8 0
	4,141	13 4 0
2q.	£185,010	16s. 11d. 2q.

SUMS TOTAL.

	REPRESENTATIVES' PAY.	STATE TAX.	SUMS DEDUCTED ON ACCOUNT OF BEING OVER-RATED IN THE THREE LAST TAXES.	SUMS ADDED ON ACCOUNT OF BEING UNDER-RATED IN THE THREE LAST TAXES.	SUMS TOTAL.	
Suffolk, . .	£4,259 17*s.* 0*d.*	£419,335 0*s.* 0*d.*	£38,782 17*s.* 3*d.* 2*f.*	£13,518 19*s.* 3*d.* 3*f.*	Three hundred and ninety-eight thousand three hundred and thirty pounds nineteen shillings and a farthing, ...	£398,330 19*s.* 0*d.* 1*f.*
Essex, . . .	4,067 6 0	443,298 6 8	22,801 8 9 0	3,357 12 10 2	Four hundred and twenty-seven thousand nine hundred and twenty-one pounds sixteen shillings and ninepence two farthings, ...	427,921 16 9 2
Middlesex, . .	3,609 2 0	347,876 13 4	6,769 16 7 1	1,842 11 4 0	Three hundred and forty-six thousand five hundred and fifty-eight pounds ten shillings and three farthings, ...	346,558 10 0 3
Hampshire, . .	4,484* 8 0	290,943 6 8	2,904 11 10 0	27,257 0 1 0	Three hundred and nineteen thousand seven hundred and eighty pounds two shillings and tenpence farthing,	319,780 2 10 1
Plymouth, . .	1,789 5 0	189,210 0 0	6,988 11 6 2	528 19 2 2	One hundred and eighty-four thousand five hundred and thirty-nine pounds twelve shillings and eightpence, ...	184,539 12 8 0
Barnstable, . .	1,504 3 0	83,160 0 0	6,550 10 11 2	0 0 0 0	Seventy-eight thousand one hundred and thirteen pounds twelve shillings and halfpenny, ...	78,113 12 0 2
Bristol, . .	2,483 3 6	174,346 13 4	3,517 8 0 3	339 11 9 2	One hundred and seventy-three thousand six hundred and fifty-two pounds and sixpence three farthings, ...	173,652 0 6 3
York, . . .	1,270 13 0	119,151 13 4	10,103 4 6 0	5,077 5 0 2	One hundred and fifteen thousand three hundred and ninety-six pounds six shillings and tenpence two farthings, ...	115,396 6 10 2
Dukes County, .	0 0 0	20,265 0 0	913 6 7 0	0 0 0 0	Nineteen thousand three hundred and fifty-one pounds thirteen shillings and fivepence, ...	19,351 13 5 0

Nantucket, .	.	0	0	0	30,881	13	4	1,069	4	5	0	0	0	0	0	Twenty-nine thousand eight hundred and twelve pounds eight shillings and eleven pence, ...	29,812	8	11	0
Worcester, .	.	5,084	18	0	374,243	6	8	7,360	4	1	3	14,256	2	3	0	Three hundred and eighty-six thousand two hundred and twenty-four pounds two shillings and ninepence one farthing, ...	386,224	2	9	1
Cumberland,	.	1,458	15	0	79,216	13	4	1,657	2	3	3	4,106	12	2	3	Eighty-three thousand one hundred and twenty-four pounds eighteen shillings and threepence, . . .	83,124	18	3	0
Lincoln, .	.	0	0	0	77,105	0	0	279	4	4	3	12,971	15	10	1	Eighty-nine thousand seven hundred and ninety-seven pounds eleven shillings and fivepence halfpenny, .	89,797	11	5	2
Berkshire, .	.	2,064	8	0	150,966	13	4	0	0	0	0	31,979	15	7	2	One hundred and eighty-five thousand and ten pounds sixteen shillings and elevenpence two farthings, .	185,010	16	11	2
		£32,075	18s.	6d.	£2,800,000	0s.	0d.	£109,697	11s.	4d.	3f.	£115,236	5s.	7d.	1f.	Two millions eight hundred and thirty-seven thousand six hundred and fourteen pounds twelve shillings and eightpence halfpenny, . . .	£2,837,614	12s.	8d.	2f.

* "0s. 8d.," in the bill.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That the treasurer do forthwith send his warrants, directed to the selectmen or assessors of each town or other place, within this state, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town or other place, in manner following; that is to say, to assess all the male polls above the age of sixteen years, within their respective towns or other places next adjoining to them, belonging to no other town or place, including negroes and molattoes (and such of them as are under the government of a master or mistress, to be taxed to the said master or mistress, respectively, in the same manner as minors and apprentices are taxed), at ten pounds; and to assess the remainder of the sum set to each town (after deducting the amount of the sums assessed to the polls as aforesaid) on the inhabitants of said town or place as aforesaid, according to the just value of the whole real estate by each inhabitant of such town or place, respectively, possessed in his own right, or in the right of others, lying within said town or place, improved or not improved; and on the non-resident possessors of real estate, lying within said town or place, in their own right, or in the right of others, improved or not improved: *saving* all agreements between landlords and tenants, and where no agreement is, the landlord to reimburse one-half of the tax; and also on the inhabitants of such town or place, according to the proportion of the amount and just value of their whole personal estate, including money at interest more than they pay interest for, debts due to them, not on interest, more than they are indebted, monies of all kinds in hand, and also the amount of the just value of all goods, wares and merchandize, stock in trade, vessels of all sorts, with their stores, appurtenances and appendages, plate, horses, oxen, and cattle of all sorts and ages, sheep, swine, grain of all sorts, and all kinds of produce of the land, and all other property whatsoever (excepting houshold furniture, wearing apparel, farming utensils and the tools of mechanicks), on the second day of August next; and the current price of the real and personal estate on the said second day of August before mentioned, in the currency of these United States, shall be considered as the just value of the same: and on the amount of their income from any profession, faculty, handicraft, trade or employment; and also on the amount of all incomes and profits gained by trading by sea and on shore, and by means of advantages arising from the war, and the necessities of the community, — and in considering the incomes and profits last mentioned, the assessors are to have special regard to the way and manner in which the same have been made, as well as the *quantum* thereof, and to assess them at such rate, as they on their oaths, shall judge to be just and reasonable: *provided*, they do not in any case assess such incomes and profits at more than five times the sum of the same amount in other kind of estate: and the treasurer in his said warrant, shall likewise require the assessors to make a fair list of said assessments, setting forth, in distinct columns, against each person's name, how much he or she is assessed at for polls, and how much for real estate, and how much for personal estate, as aforesaid; and if as guardian, or for any estate in his or her improvement, in trust, to be distinctly expressed; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collector or collectors, constable or constables, of any such town or place, and to return a certificate of the name or names of such collector or collectors, constable or con-

stables, with the sum total to each of them committed, unto himself, some time before the fifteenth day of September next.

[Sect. 3.] And the treasurer for the time being, on the receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector or collectors, constable or constables, of such town or place, requiring him or them, respectively, to collect the whole of the respective sums assessed on each particular person, and to pay in their collections, and issue their accounts of the whole, at or before the first day of January next.

Provided, nevertheless,—

[Sect. 4.] That the following persons; viz., the president, fellows, professors, tutors, librarian and students of Harvard College, who have their usual residence there, and settled ministers of the gospel, and grammar-school masters, are not to be assessed for their polls or their estates, unless their real estate be not under their actual management and improvement, or not in the parishes where they are settled; and also all persons who have the management and improvement of the estate of Harvard College, are not to be assessed for the same; and if there are any persons who, through age, infirmity or poverty, are unable to pay as others towards the public charges, or any widows or orphans, who, depending on the interest of their money for subsistence, are, by the state of the currency, so reduced as that in the judgment of the assessors they ought to be relieved in their taxes; in any such case the assessors may exempt their polls or estates, or abate part of what they are set at, as they on their oaths shall think just and equitable.

[Sect. 5.] And the justices in their sessions, in their respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns, and other places in such county, in proportion to this tax; and the assessors in each town in this state are also directed, in making a town or county tax or assessment, to govern themselves by the same rule. And where no person appears to discharge the taxes on non-resident proprietors' unimproved land, to the collector, he shall publish, in two of the Boston newspapers; viz., the "Boston Gazette" and "Continental Journal," three weeks successively, the names of all such proprietors, where they are known, with the sum of the taxes assessed on their lands, respectively, and where they are not known, he shall, in the same manner, publish the sum of the taxes on the several rights or divisions, and, in each case, shall post the same in some public place in the town where the said land lays, for the term of one month; and if no person shall appear thereupon to discharge said taxes, then the constable or collector shall proceed to sell at public sale, to the highest bidder, so much only of said unimproved land as will be sufficient to discharge said taxes and intervening charges, having first given notice of the intended sale thereof, and the time and place where it will be made, in the same manner as is hereinbefore directed for giving notice to the proprietors of their taxes; and shall have power to adjourn, from day to day, if necessary, to compleat the sale, not to exceed three days, and shall give and execute a deed thereof to the purchaser, expressing therein the cause of such sale, and saving to the aforesaid proprietor or proprietors, the right of redemption of any lands so sold, at any time within three years from the time of sale; and the same shall be reconvey'd to him or them on paying, within three years, as aforesaid, the sum

such lands sold for, and twelve per cent annual interest on said sum, together with all intervening charges thereon.

Be it further enacted,

[SECT. 6.] That the several officers and soldiers that may be in the army on the second day of August aforesaid, shall be considered as resident in the several towns and places to which they belonged at the time of engaging in the army, their absence notwithstanding; and the assessors of the several towns and other places in this state, shall consider such officers and soldiers as resident in such town or place, and shall tax them accordingly: *provided*, that such as are engaged in the Continental Army for the term of three years, or during the war, be, and they hereby are, exempted from their poll tax.

And be it further enacted,

[SECT. 7.] That the assessors of each town or other place, respectively, in convenient time before making the assessment, shall give seasonable warning to the inhabitants, in any town meeting, or by posting up notifications in some public place or places in such town or other place, or notify the inhabitants some other way, to make and bring in to the assessors true and perfect lists of their polls, and of all the real and personal estate they are possessed of on the second day of August next, — viz., houses, lands, and all real estate, whether improved or not improved, — to the assessors of the town or place where such houses, lands and other real estates lay; distinguishing those in the management and possession of some other person, as also a list of all their personal estate, including money at interest more than they pay interest for, debts due, not on interest, more than they are indebted, and of monies of all kinds, in hand; and also the amount of the just value of all goods, wares and merchandize, stock in trade, plate, horses, oxen, cattle of all sorts and ages, sheep, swine, grain of all sorts, and all kind of produce of the lands, and of all other property whatsoever (excepting houshold furniture, wearing apparel, farming utensils and the tools of mechanicks), on the said second day of August, according to the current price of such real and personal estate in the currency of the United States, on the said second day of August; and also of the amount of their income from any profession, faculty, handicraft, trade or employment, and of the amount of all incomes and profits gained by trading by sea or on shore, and by means of advantages arising from the war, and the necessities of the community; all which they are to render to the assessors, on oath, if required. And if any person or persons shall, upon such notice given, neglect or refuse to give in to the assessors the list of their polls and rateable estate, according to the description thereof before given, which they were possessed of on the said second day of August, or shall bring in a list which the assessors are, in their judgment, convinced is a false one, it shall be lawful to and for the assessors, and they are hereby directed, to assess such person or persons, according to the best judgment and estimation they can form of the real and personal estate of the said person, according to the description before given. And if any person or persons shall not bring in a list of their estates as aforesaid to the assessors, he or they so neglecting or refusing shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

[SECT. 8.] And if the assessors are not, in their judgment, convinced of any falshood in the list, to them presented, of the polls and real and personal estate, such list shall be a rule of that person's

proportion to the tax, who presented the same, which the assessors may not exceed.

Provided, nevertheless, —

[Sect. 9.] That nothing in this act shall be construed to extend so as to require any assessors to assess any person for any estate, real or personal, in his possession (absentees' estates excepted), that is the property of the United States, or any of them. [*Passed June* 28.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE EIGHTH DAY OF SEPTEMBER, A. D. 1779.

CHAPTER 13.

AN ACT TO PREVENT SUNDRY ARTICLES BEING EXPORTED FROM THIS TO THE NEIGHBOURING STATES.

Preamble.

WHEREAS this state are using their utmost endeavours to appreciate the currency of the United States, and there is great danger that their laudable exertions will be entirely defeated if measures are not speedily taken to prevent the inhabitants of this and of the other United States from conveying the necessary articles of consumption out of this state, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Non-exportation of certain articles by land or water after the 23d of September instant.

[SECT. 1.] That no exportation be permit[t]ed of rum, wine or any kind of spirits, molasses, sugar, cotton-wool, sheepswool, wool cards, flax, salt, coffee, cocoa, chocolate; linnen, cotton and linnen, woolen and cotton goods of all kinds; provisions of all and every sort; live stock, shoes, skins and leather of all kinds; — either by land or by water, from any part of this state, after the twenty-third day of September instant, to be carried to any place not within this state, and except reasonable ship-stores.

And be it further enacted by the authority aforesaid,

Selectmen or committees empowered to stop teams, unless.

[SECT. 2.] That if the selectmen or committees of correspondence of any towns or plantations within this state shall suspect that any team is loaded with any articles hereinbefore enumerated, to be transported out of this state to any of the United States, the said selectmen or committees are hereby empowered and directed to stop all such teams 'till they shall obtain satisfactory evidence that the same are not designed to be carried out of this state; which evidence shall arise from the certificate of the selectmen or committee of correspondence of the town or place, within this state, to which the teamer of any goods, or driver of any kind of live stock, belongs; which certificate shall be in the words following; viz[t]., —

Form of a certificate.

These may certify that the team and load, or cattle, sheep, swine or horses, (as the case may be) drove by , teamer or teamers, driver or drivers (as the case may be), of the town of , is, or are, driving the same to the town of , in the county of ,

within this state, for the use of the inhabitants thereof; and the same is, or are, not to be carried or drove out of said state.

Witness our hands,

} *Selectmen or committee of.*

— and if satisfactory evidence as aforesaid shall not be given within thirty days after detention thereof, the selectmen or committees of correspondence so detaining the same are hereby [e][*i*]mpowered and directed to seize such articles, and the team, if they are so conveyed; and having so done, shall make application to the state's attorney, or any person appointed to act in his room, who is directed to file an information against them before the court of general sessions of the peace next to be holden in any county where said articles shall be stopped or seized; and the said court shall have full power to try the justice of said seizure by a jury: and in case the said court shall judge and condemn the same as forfeited, after the legal charges of prosecution are paid, one fourth part shall be to the use of the state attorney that managed the cause; and the remaining part, one half of it shall be to the use of the said selectmen or committees aforesaid, the other half to the use of the poor of the town or plantation to which said selectmen or committees aforesaid belong.

Evidence not being given within thirty days, the selectmen or committees are empowered to seize.

The court of general sessions of the peace to try the justice of the said seizure, and, in case

Provided, notwithstanding, —

[Sect. 3.] That when any person shall transport any articles, whatever, to the American army or navy, and shall produce a certificate — signed by the Board of War, in the county of Suffolk, or by Mr. Daniel Noyes, in the county of Essex, or by Mr. David Bemus, in the county of Middlesex, or by Mr. Nathan Baldwin, in the county of Worcester, or by Major William Pyncheon and Mr. Simeon Alexander, in the county of Hampshire, or by William Watson, Esq[r]., in the county of Plymouth, or by James Williams, Esq[r]., in the county of Bristol, or by Capt. William Taylor, in the county of Barnstable, or by Col[o]. John Brown and Mr. Moses Hopkins, in the county of Berkshire, or by Daniel Moulton, Esq[r]., in the county of York, or by Col[o]. John Wait[e], in the county of Cumberland, or by Col[o]. Dummer Sewall, in the county of Lincoln, — certifying that the goods he has in his custody belong either to the continent or this state, in such case the person with such goods may proceed unmolested; taking care to leave his permit with any one of the above committee that lives nearest the state said goods are next to pass into: otherwise it shall be deemed that the person so conveying goods had no permit, and he shall be subject to the penalties provided by this act.

Proviso.

And be it further enacted by the authority aforesaid,

[Sect. 4.] That if it shall hereafter appear that any of the articles hereinbefore enumerated had been transported out of this state contrary to the true intent and meaning of this act, the owner, or any person carrying the same, shall forfeit the value of such goods, to be recovered by a special action of the case, in any court proper to try the same; and, after paying the charges of prosecution, one half thereof shall be to the person or persons who shall sue for the same, the other half to the use of this state: *provided*, the action is commenced in three months after the goods are transported.

Articles transported out of this state contrary to this act, the owners to forfeit the value of such goods.

How recovered.

[Sect. 5.] This act to continue in force to the fifteenth day of June, one thousand seven hundred and eighty. [*Passed September* 23.

Limitation.

CHAPTER 14.

AN ACT TO SET OFF A STRIP OF LAND TWO HUNDRED RODS IN WIDTH, WITH THE INHABITANTS THEREON, FROM THE SOUTHERLY PART OF THE TOWN OF WESTFIELD, AND ANNEXING THE SAME TO THE TOWN OF SOUTHWICK.

Preamble.

WHEREAS it appears that a number of the inhabitants of the town of Westfield, in the county of Hampshire, living in the southerly part thereof, would be much accommodated by being set off from said town, and annexed to the town of Southwick, in said county, and that the said town of Southwick ought to have an addition of lands annexed thereto, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

A strip of land in the town of Westfield, annexed to the town of Southwick.

[SECT. 1.] That a strip of land two hundred rods in width, on the southerly side of the said town of Westfield, together with the inhabitants thereon, be and hereby is set off from the said town of Westfield, and annexed to the said town of Southwick, and incorporated therewith: the northern line of said Southwick to be hereafter two hundred rods further north than the line established by the act for setting off and incorporating said Southwick, and paral[*l*]el[l] thereto; and said strip of land, with the inhabitants thereon, shall forever hereafter be considered as belonging to said town of Southwick.

Boundaries. 1770-71, chap. 1.

Provided, nevertheless, —

Proviso.

[SECT. 2.] That the said inhabitants shall pay their proportionable part of all taxes which are already assessed and levied on the said town of Westfield, anything in this act notwithstanding.

Provided, also, —

And be it further enacted by the authority aforesaid,

[SECT. 3.] That the amount of the estates contained on, and in, said strip of land, and the polls thereon returned by the assessors of the town of Westfield, in the valuation last taken, as belonging to said Westfield, be deducted by the return made by said assessors, and added to the return made by the assessors of the said town of Southwick. [*Passed October* 6.

CHAPTER 15.

AN ACT IN ADDITION TO AN ACT [E][*I*]NTITLED "AN ACT TO PREVENT SUNDRY ARTICLES BEING EXPORTED FROM THIS TO THE NEIGHBOURING STATES."

Preamble. 1779-80, chap. 13.

WHEREAS the act entitled "An Act to prevent sundry articles being exported from this to the neighbouring states," made and passed the present session, hath been found insufficient to answer the purposes for which it was designed, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

All kinds of teas, steel, or hats, prohibited

[SECT. 1.] That from and after the tenth day of October, instant, no Bohea, or any other India teas, any sort of steel, or any kind of

hat[t]s, be permit[t]ed to be exported, either by land or water, from any part of this state to any place not within the limits of the same, except reasonable ship-stores; and that when any of the articles herein prohibited, as aforesaid, or any of those enumerated in the act to which this is in addition, shall be seiz'd by the selectmen or committees of correspondence of any town or plantation within this state, agreeable to the directions in the said act contained, unless the teamster, driver, or person under whose direction the same shall be, will make oath, before some justice of peace within this state, that such articles or effects are not intended to be carried out of this state, or will produce to such selectmen or committee such certificate, as is in the act to which this is in addition directed, that such goods or articles were not designed to be carried out of this state, all and every such article or articles, with the team, carriage, boat or vessel carrying or conveying the same, are hereby declared to be forfeited for the purposes in the said act mentioned. And all such selectmen or committees are hereby [i][*e*]mpowered to stop, seize and proceed with all or any of the articles herein enumerated, in the same manner as they are directed to do, in like circumstances, with any of the articles in the said act enumerated; and are, in like manner, directed to stop, seize and proceed with, any of the articles therein or herein enumerated which shall be laden on board any vessel or boat in any port or harbour in the town they belong to, of which they shall have the like suspicion and the like failure of evidence. And such selectmen or committees are hereby [i][*e*]mpowered and directed, whenever they shall stop any such articles, teams, vessel or boat, as mentioned in this or the act to which this is in addition, to take proper care of and secure such articles at the expence of the owner or owners, or teamster[s], or boatman, in such manner as they shall judge safe and proper, 'till satisfactory evidence, as aforesaid, shall be given them, or until the justice of the seizure shall be tried and determined.

to be exported out of this state, after the 10th of October instant.

Selectmen or committees directed to seize articles prohibited by this act, unless the teamster make oath, etc.

And whereas, divers persons, inhabitants of this and [*the*] neighbouring states, have imported into this state, before the passing of the said act, sundry articles of provisions, with an intention to export from the same some of the articles therein or herein enumerated, and no provision is made in the said act for the same, —

Be it therefore further enacted by the authority aforesaid,

[Sect. 2.] That any person or persons, being inhabitants of this or any of the neighbouring states, who have imported or brought, or shall import or bring, into this state, any kind of provisions, every such person or persons shall and hereby are permit[t]ed to export out of this state any of the articles enumerated in said act or in this act: *provided*, such person or persons shall make oath, before some magistrate of this state, that the article or articles by him or them were imported since the first day of August last, were sold at the prices agreed upon by the late convention at Concord, and that the articles so to be exported were purchased at the prices agreed upon by the late convention at Concord, and do not amount, at that rate, to more than he or they sold the article, by him or them imported, for; and the persons appointed in each county to give certificates are hereby directed to give all such persons permits to export the same, upon being properly certified that such person or persons have made oath as aforesaid.

Persons being inhabitants of the neighboring states, permitted to transport imported articles

Proviso

And it is hereby further enacted,

[Sect. 3.] That all and every person or persons, who are inhabitants of any of the neighbouring states, and shall have imported into

this state, by water, since the first day of August last, any of the articles enumerated in said act, or in this act, or shall hereafter import into this state, by water, any of said articles, such person or person[s] shall and hereby are permitted to export the same out of this state, anything in this act, or t[*he**] act aforesaid, to the contrary notwithstanding.

Provided,—

Proviso.

[SECT. 4.] Such person or persons shall obtain a permit from any of the persons, in the respecti[*ve **] counties in this state, appointed to give certificates, who are hereby authorized to grant such permits upon being properly certified that such person or persons have made oath, before some magistrate of this state, that such articles were, by him or them, imported into this state since the first day of August last, and that he was not, at the time of such importation, nor is he now, an inhabitant of this state.

Provided,—

[SECT. 5.] That nothing in this act, or that to which this is in addition, shall be construed to extend to such persons as are or may be removing, with his, her, or their families and effects, to any place without the limits of this state; such person so removing, producing a certificate from any of the persons, in the respective counties, appointed by this court to grant certificates, that such is the case. [*Passed October* 6.

CHAPTER 16.

AN ACT TO CONTINUE IN FORCE AN ACT INTITLED "AN ACT AGAINST MONOPOLY AND FORESTALLING," WHICH ACT IS NEAR EXPIRING.

Preamble. 1778-79, chap. 31.

WHEREAS the aforesaid act hath been found, by experience, to be useful and beneficial, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Monopoly act continued to the first of July, 1780.

That the before-mentioned act be continued, with all and every clause, matter and thing therein contained, and shall be in force until[1] the first day of July, one thousand seven hundred and eighty, and from thence to the end of the next session of the general court, and no longer. [*Passed October* 6.

CHAPTER 17.

AN ACT TO PREVENT IMPOSITIONS ON THE INHABITANTS OF ANY TOWN WITHIN THIS STATE, IN THE SALE OF FIREWOOD AND BARK, IN ANY OF SAID TOWNS.

Preamble. 1772-73 chap. 8.

WHEREAS great frauds are committed by the sale of firewood and bark brought into said towns, by reason of such loads not being measured before sale; for remedy thereof, and for preventing the like frauds and abuses for the future, —

* Engrossment mutilated.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That all firewood or bark that shall, after the fourteenth day of October, instant, be brought into any town within this state, that hath appointed measurers of firewood or bark in the manner hereafter mentioned, and said firewood or bark [and] offered for sale before the same be first measured, and a ticket taken, by the driver of the wood or bark, of the person or persons who shall be appointed to measure the same, as is hereafter provided, certifying the quantity of wood such load contain[s], also the name of the driver, and the town in which he resides, which ticket shall be delivered the driver by the measurer, such wood or bark shall be forfeited, two third parts thereof to the use of the poor of the town where such wood or bark is offered for sale, and the other third part thereof to the measurer or measurers of wood, or any other person who shall prosecute for the same: the forfeitures arising on the breach of this act may be recovered by bill, plaint or information, before any justice of the peace for and within the county where the offence shall be committed, or any court of record proper to try the same.

No wood to be sold after the 14th of October, instant, without being first measured.

Forfeitures, how to be disposed.

And be it further enacted by the authority aforesaid,

[Sect. 2.] That the selectmen of any town within this state may, upon application of five or more inhabitants of the town, nominate and appoint one or more meet person or persons to be measurers of wood and bark thus brought in for sale, or offered to sale, in any of the towns aforesaid, who shall be stationed in such parts of the respective towns as the selectmen of said towns shall think will be most convenient; and the selectmen of the respective towns shall give public[k] notice of the same; which measurer or measurers shall be sworn to the faithful and diligent discharge of their office, and shall receive such fees or allowance for their service as the selectmen of the several towns shall, from time to time, judge reasonable: said fees or allowance to be paid by the driver, and repaid to him by the purchaser.

Selectmen authorized to appoint measurers of wood or bark.

Measurers to be sworn.

Fees allowed.

[Sect. 3.] This act to be in force for three years from and after the fourteenth day of October, instant, and to the end of the then next sitting of the general court, and no longer. [*Passed October* 8.

Limitation.

ACTS

PASSED AT THE SESSION BEGUN AND HELD AT BOSTON, ON THE TENTH DAY OF NOVEMBER, A. D. 1779.

CHAPTER 18.

AN ACT FOR CONTINUING SUNDRY LAWS THAT ARE NEAR EXPIRING.

Preamble. WHEREAS the several acts hereinafter mentioned, which are near expiring, have been found useful and beneficial; viz[t]., two acts made in the year of our Lord one thousand seven hundred and thirty-
1737-38, chap. 8. seven; one, intitled "An Act in further addition to an act made in the first year of his present majesty's reign, intitled 'An Act to prevent coparceners, joint tenants and tenants in common, from committing strip and waste upon lands by them held in common and
1737-38, chap. 9. undivided;'" the other, intitled "An Act in further addition to an act intitled 'An Act for the relief of id[i][e]ots and distracted persons;'" an act made in the year of our Lord one thousand seven
1739-40, chap. 8. hundred and thirty-nine, intitled "An Act for the effectual preventing of horses, neat cattle, sheep and swine from running at large or feeding upon a certain island called Plumb Island, lying in Ipswich Bay, in the county of Essex;" three acts made in the year of our
1740-41, chap. 15. Lord one thousand seven hundred and forty; one, intitled "An Act to prevent damage being done to the harbour of Cape Cod by cattle and
1740-41, chap. 19. horse-kind feeding on Provincetown land;" another, intitled "An Act in further addition to an act for regulating of fences, &c.;" the
1740-41, chap. 23. other, intitled "An Act to encourage the increase of sheep and goats;" two acts made in the year of our Lord one thousand seven
1741-42, chap. 1. hundred and forty-one; one, intitled "An Act to prevent unnecessary petitions to the great and general court;" the other, intitled
1741-42, chap. 5. "An Act for the better regulating porters employed within the town of Boston;" six acts made in the year of our Lord one thousand
1742-43, chap. 4. seven hundred and forty-two; one, intitled "An Act in addition to and for rendering more effectual an act for regulating the assize of casks, and preventing deceit in packing of fish, beef and pork, for sale, made in the fourth year of the reign of King William and Queen Mary; and also for the preventing fraud and injustice in the measur-
1742-43, chap. 11. ing of grain;" another, intitled "An Act to prevent damage being done unto Billingsgate Bay in the town of Eastham, by cattle and horse-kind, and sheep feeding on the beach and islands adjoining
1742-43, chap. 17. thereto;" another, intitled "An Act to prevent the spreading of the

small-pox and other infectious sickness, and to prevent the concealing the same;" another, intitled "An Act to prevent the multiplicity of lawsuits;" another, intitled "An Act in further addition to, and explanation of, an act intitled 'An Act for regulating townships, choice of town officers, &c.;'" the other, intitled "An Act in addition to the several laws of this province relating to the support of poor and indigent persons;" one act made in the year of our Lord one thousand seven hundred and forty-three, intitled "An Act for preventing mischief by unruly dogs on the island of Nantucket;" five acts made in the year of our Lord one thousand seven hundred and forty-four; one, intitled "An Act to prevent mischief being done by unruly dogs;" another, intitled "An Act to prevent neat cattle and horses running at large and feeding on the beaches adjoining to Eastern-Harbour Meadows, in the town of Truro;" another, intitled "An Act in addition to the act for preventing damage to the harbour of Cape Cod, by cattle and horse-kind feeding on Provincetown lands;" another, intitled "An Act to prevent unnecessary cost being allowed to parties and witnesses in the several courts of justice within this province;" the other intitled "An Act in addition to the act intitled 'An Act for appointing commissioners of sewers;'" five acts made in the year of our Lord one thousand seven hundred and forty-six; one, intitled "An Act relating to views by a jury, in civil actions;" another, intitled "An Act more effectually to prevent profane cursing and swearing;" another, intitled "An Act for the better regulating swine;" another, intitled "An Act to prevent damage being done unto Nasset Meadow, by cattle and horse-kind feeding on the beach adjoining thereto;" the other, intitled "An Act to prevent the destruction of the meadow called Sandy-Neck Meadow, in Barnstable, and for the better preservation of the harbour there;" two acts made in the year of our Lord one thousand seven hundred and forty-seven; one, intitled "An Act to prevent the destruction of wild fowl;" the other, intitled "An Act to prevent deceit in the gage of cask[s];" three acts made in the year of our Lord one thousand seven hundred and forty-eight; one, intitled "An Act for the ease of prisoners for debt;" another, intitled "An Act for the more easy partition of lands;" the other, intitled "An Act to prevent damage by fire in the towns of Boston and Charlestown;" five acts made in the year of our Lord one thousand seven hundred and forty-nine; one, intitled "An Act to prevent damage being done on the beach in Biddeford, and meadows adjoining to said beach, commonly known by the name of Winter-Harbour Beach;" another, intitled "An Act to prevent the disturbance given the general court by the passing of coaches, chaises, carts, trucks and other carriages by the province court-house;" another, intitled "An Act for regulating the hospital on Rainsford Island, and further providing in case of sickness;" another, intitled "An Act for the punishing such offenders as shall be any ways concerned in contriving, writing or send[in]g any incendiary or menacing letters in order to extort sums of money or other things of value from any of his majesty's good subjects;" the other, intitled "An Act to prevent the unnecessary destruction of alewives in the town of Middleborough;" five acts made in the year of our Lord one thousand seven hundred and fifty; one, intitled "An Act against diminishing or counterfeiting money;" another, intitled "An Act in addition to and for rendering more effectual 'An Act for the restraining the taking excessive usury;'" another, intitled "An Act to prevent stage-plays and other theatrical entertainments;" another,

1742-43, chap. 25.
1742-43, chap. 28.
1742-43, chap. 18.
1743-44, chap. 6.
1744-45, chap. 25.
100 Mass., 141.
1744-45, chap. 26.
1744-45, chap. 27.
1745-46, chap. 7.
1745-46, chap. 16.
1746-47, chap. 6.
1746-47, chap. 17.
1746-47, chap. 25.
1746-47, chap. 27.
1746-47, chap. 28.
1747-48, chap. 3.
1747-48, chap. 7.
1748-49, chap. 9.
1748-49, chap. 12.
1748-49, chap. 14.
1748-49, chap. 18.
1749-50, chap. 3.
1749-50, chap. 6.
1749-50, chap. 7.
1749-50, chap. 12.
1749-50, chap. 22.
1749-50, chap. 23.
1749-50, chap. 24.

1749-50, chap. 27. intitled "An Act in addition to the act intitled 'An Act to encourage
1750-51, chap. 5. the increase of sheep and goats;'" the other, intitled "An Act [Act] in addition to the act for better regulating swine;" two acts made in the year of our Lord one thousand seven hundred and fifty-one; one,
1750-51, chap. 21. intitled "An Act providing for the support of ministers in new plan-
1750-51, chap. 22. tations;" the other, intitled "An Act in addition to an act for regulating fences, cattle, &c.;" three acts made in the year of our Lord
1752-53, chap. 12. one thousand seven hundred and fifty-two; one, intitled "An Act for further regulating the proceedings of the courts of probate within
1752-53, chap. 13. this province;" another, intitled "An Act for the more easy partition of lands or other real estate, given by will, and held in common
1752-53, chap. 18. and undivided, among the devisees;" the other, intitled "An Act for further preventing all riotous, tumultuous and disorderly assemblies or companies of persons, and for preventing bonfires in any of the streets or lanes within any of the towns of this province;" three acts made in the year of our Lord one thousand seven hundred and fifty-three;
1752-53, chap. 20. one, intitled "An Act for preventing damage by horses going at
1753-54, chap. 9. large;" another, intitled "An Act to prevent firing the woods;" the
1753-54, chap. 29. other, intitled "An Act in addition to the several laws of this government made for the regulating general fields;" two acts made in the year of our Lord one thousand seven hundred and fifty-four; one,
1753-54, chap. 44. intitled "An Act to prevent neat cattle and horses running at large and feeding on the beaches and meadows below the banks, in the town of Truro, from the house of Joshua Atkins to Bound Brook, and also on the common meadow at and about Pamit Harbour and River, as far
1754-55, chap. 21. up as the wading-place by John Lumbart's;" the other, intitled "An Act for the securing the growth and increase of a certain parcel of wood and timber in the townships of Ipswich and Wenham, in the county of Essex;" two acts made in the year of our Lord one thou-
1754-55, chap. 26. sand seven hundred and fifty-five; one, intitled "An Act for appoint-
1755-56, chap. 9. ing assayers of potash and pearlash;" the other, intitled "An Act to prevent damage being done on the beach, humocks and meadows belonging to the town of Scituate, lying between the southerly end of the Third Cliff, so called, and the mouth of the North River;" one act made in the year of our Lord one thousand seven hundred and fifty-
1755-56, chap. 43. six, intitled "An Act in addition to the several acts and laws of this province now in force respecting poor and idle, disorderly and vagrant persons;" five acts made in the year of our Lord one thou-
1756-57, chap. 28. sand seven hundred and fifty-seven; one, intitled "An Act for further
1756-57, chap. 31. regulating the course of judicial proceedings;" another, intitled "An Act to prevent damage being done unto Billingsgate Bay in the town of Eastham, by cattle and horse-kind and sheep feeding on the beach
1757-58, chap. 5. and islands adjoining thereto;" another, intitled "An Act to prevent damage being done on the meadows and beaches lying in the township of Barnstable, on the south side of the harbour, contiguous to the
1757-58, chap. 10. common fields in said town;" another, intitled "An Act in addition to an act intitled 'An Act in addition to the act for providing of
1757-58, chap. 11. pounds, &c.;'" the other, intitled "An Act to prevent neat cattle, horses and sheep running at large and feeding on the beaches between Wells and Ogunquit harbours, in the town of Wells, and to prevent the mowing of the same;" one act made in the year of our Lord one
1758-59, chap. 6. thousand seven hundred and fifty-eight, intitled "An Act in addition to the several acts for the better regulating the Indians;" four acts made in the year of our Lord one thousand seven hundred and fifty-nine;
1758-59, chap. 18. one, intitled "An Act providing that the solemn affirmation of the people called Quakers shall, in certain cases, be accepted instead

of an oath in the usual form;" another, intitled "An Act in addition to an act intitled 'An Act for regulating of fences, cattle, &c.;'" another, intitled "An Act in addition to an act relating to executors and administrators;" the other, intitled "An Act in further addition to an act intitled 'An Act for explanation of, and supplement to, an act refer[r]ing to the poor, &c;'" four acts made in the year of our Lord one thousand seven hundred and sixty; one, intitled "An Act relating to ferries;" another, intitled "An Act for the better regulating the choice of petit jurors;" another, intitled "An Act to prevent damage being done on a beach at Monument Ponds, in the township of Plymouth, lying between the lands of the late Thomas Clarke and Joseph Bartlet[t], deceased, and on a certain tract of marshy ground lying under water there;" the other, intitled "An Act for the more easy division and distribution of intestate estates;" six acts made in the year of our Lord one thousand seven hundred and sixty-one; one, intitled "An Act to prevent damage being done on the meadows and beaches lying in and adjoining on the north side of the town of Harwich, between Skeket Harbour, on the east, and Quivet Harbour, on the west;" another, intitled "An Act for preventing the stealing and clandestinely conveying sheep away from the island of Martha's Vineyard, in Dukes County;" another, intitled "An Act in addition to an act made and passed this present year, intitled 'An Act to prevent damage being done on the meadows and beaches lying in and adjoining to the north side of the town of Harwich, between Skeket Harbour, on the east, and Quivet Harbour, on the west;'" another, intitled "An Act establishing a watch for the safety and better securing the good order of the town of Boston;" another, intitled "An Act further [i][e]mpowering the courts of general sessions of the peace, in this province, to grant licences in certain cases, and thereby to prevent unnecessary petitions to the general court;" the other, intitled "An Act providing for the levying and collecting of taxes in plantations that are not incorporated;" one act made in the year of our Lord one thousand seven hundred and sixty-two, intitled "An Act in addition to the several acts made to prevent damage by fire in the town of Boston;" three acts made in the year of our Lord one thousand seven hundred and sixty-three; one, intitled "An Act declaring and regulating the standard of wheat imported into this province, and [for] preventing abuses by millers;" another, intitled "An Act to exempt the people called Quakers from the penalty of the law for non-attendance on military musters;" the other, intitled "An Act for incorporating the Indians and molattoes, inhabitants of Mashpee, with their lands there, into a district, with certain privileges; and for their better regulation;" two acts made in the year of our Lord one thousand seven hundred and sixty-four; one, intitled "An Act to enable the collectors of taxes in the town of Boston to sue for and recover the rates and taxes given them to collect, in certain cases;" the other, intitled "An Act in addition to the act intitled 'An Act to prevent the unnecessary destruction of alewives, in the town of Middleborough;'" six acts made in the year of our Lord one thousand seven hundred and sixty-five; one, intitled "An Act to prevent the destruction of salmon and other fish in Merrimack River, within this province;" another, intitled "An Act to prevent the destruction of oysters in the several bays and rivers hereafter mentioned, within this province;" another, intitled "An Act for preventing the unnecessary destruction of alewives and other fish, within this province;" another, intitled "An Act to prevent damage being

1758-59, chap. 33.
1758-59, chap. 37.
1758-59, chap 17.
1759-60, chap. 21.
1759-60, chap. 29.
1759-60, chap 38.
1760-61, chap. 13.
1760-61, chap. 19.
1760-61, chap. 35.
1760-61, chap. 28.
1761-62, chap. 5.
1761-62, chap. 14.
1761-62, chap. 16.
1762-63, chap. 13.
1762-63, chap. 19.
1762-63, chap. 26.
1763-64, chap. 3.
1763-64, chap. 18.
1764-65, chap. 10.
Revival of several laws.
1764-65, chap. 24.
1764-65, chap. 25.
1764-65, chap. 34.
1765-66, chap. 12.

dous in the woods in Plymouth, Sandwich, Barnstable, Falmouth and
1765-66, chap. 20. Wareham, by hunting with hounds and dogs;" another, intitled "An
Act for the preservation of the beach and harbour in the town of
1765-66, chap. 19. Plymouth;" the other, intitled "An Act for the preservation and
increase of moose and deer on Tarpaulin-Cove Island and Nenne-
ma[s]et Island, lying and being in the county of Dukes County;"
one act made in the year of our Lord one thousand seven hundred and
1765-66, chap. 30. sixty-six, intitled "An Act for amending of an act made in the fifth
year of his present majesty's reign, intitled 'An Act to prevent the
destruction of salmon and other fish in Merrimack River, within this
province;'" four acts made in the year of our Lord one thousand
1766-67, chap. 17. seven hundred and sixty-seven; one, intitled "An Act in addition to
the several laws already made, relating to the removal of poor persons
out of the towns whereof they are not inhabitants;" another, intitled
1766-67, chap. 16. "An Act to prevent damage being done on the meadows and beaches
lying in and adjoining on the south side of the towns of Tisbury and
Chilmark, in the county of Dukes County, between the land of
Matthew Mayhew, Esq[r]., on the west, and the creek of water that
divides the lands of Thomas Waldron from the beach, on the east;"
1766-67, chap. 13. another, intitled "An Act in addition to two several acts to prevent
the destruction of salmon and other fish in Merrimack River, within
1767-68, chap. 10. this province;" the other, intitled "An Act to prevent frauds by the
adulteration of pot[t]ash and pearlash;" three acts made in the year
of our Lord one thousand seven hundred and sixty-eight; one, intitled
1767-68, chap. 16. "An Act in further addition to the several acts for the settlement and
1767-68, chap. 13. support of schools and schoolmasters;" another, intitled "An Act to
prevent damage being done on Bound-Brook Island and Griffith's
Islands, within the district of Wellfleet, by cattle, horse-kind and
1767-68, chap. 17. sheep;" the other, intitled "An Act to prevent the destruction of the
salt meadows, lying in the towns of Tisbury and Chilmark:" one act
made in the year of our Lord one thousand seven hundred and sixty-
1769-70, chap. 7. nine, intitled "An Act to [i][*e*]mpower the east precinct in Salem,
where the Rev[*eren*]d Mr. James Diman now officiates, to raise money
for defraying ministerial and other necessary charges of said pre-
cinct;" one act made in the year of our Lord one thousand seven hun-
1769-70, chap. 13. dred and seventy, intitled "An Act to [i][*e*]mpower the inhabitants
of the town of Newburyport, belonging to the several religious socie-
ties within the same, to raise money for defraying ministerial and
necessary charges;" two acts made in the year of our Lord one thou-
1770-71, chap. 21. sand seven hundred and seventy-one; one, intitled "An Act for
regulating the alewive[s] fishery in the town of Pembroke;" the
1770-71, chap. 32. other, intitled "An Act to prevent the taking of the fish called bass,
in the river Parker, in the town of Newbury, in a certain season of
the year;" two acts made in the year of our Lord one thousand seven
1772-73, chap. 17. hundred and seventy-two; one, intitled "An Act for regulating town
1772-73, chap. 20. meetings in the town of Danvers;" the other, intitled "An Act to
prevent the destruction of oysters in Charles and Mistick rivers;"
three acts made in the year of our Lord one thousand seven hundred
1772-73, chap. 45. and seventy-three; one, intitled "An Act to prevent the destruction
of salmon and other fish in Merrimack River, within this province;"
1772-73, chap. 46. another, intitled "An Act to [i][*e*]mpower the inhabitants of the
town of Rochester, in the county of Plymouth, to regulate the taking
of fish within the harbour and coves of said township;" the other,
1772-73, chap. 51. intitled "An Act to prevent the destruction of alewives and other fish
in Ipswich River, and to encourage the increase of the same:" four
acts made in the year of our Lord one thousand seven hundred and

seventy-four; one, intitled "An Act making further provision for regulating the alewive fishery in the town of Bridgewater, and for repealing an act, made in the eleventh year of his present majesty's reign, intitled 'An Act for regulating the alewive fishery in the town of Bridgewater;'" another, intitled "An Act to prevent neat cattle, horses, sheep, goats and swine from going at large upon the island of Chabequidick at certain seasons of the year; and for preventing other trespasses being done on any of the Indian lands on said island, for the future;" another, intitled "An Act in addition to, and for rendering more effectual, an act passed in the seventh year of his present majesty's reign, intitled 'An Act in addition to several acts to prevent the destruction of salmon and other fish in Merrimack River, within this province;'" the other, intitled "An Act to exempt the people called Quakers, and Antipedobaptists, from paying taxes for the support of ministers settled by the laws of this province, and for the building and repairing meeting-houses or places of public worship," —

1773-74, chap. 29.
1773-74, chap. 30.
1773-74, chap. 32.
1774, chap. 6.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That all the before-mentioned acts, which are now near expired, be continued, with all and every clause, matter and thing therein respectively contained, shall be in force until the first day of November, one thousand seven hundred and eighty-five. [*Passed November* 25.

CHAPTER 19.

AN ACT FOR PROLONGING THE TIME FOR ADMINISTERING THE OATH, OR AFFIRMATION, OF FIDELITY AND ALLEGIANCE, TO COMMISSIONED MILITARY OFFICERS.

Whereas, by the laws of this state, it is required that the oath, or affirmation, of fidelity and allegiance be administered to all commissioned military officers of this state, by the first day of December next, otherwise that such officer be considered as disqualified to act in the office whereunto he is commissionated; which time does not appear to this court sufficient for all the commissioned military officers to take said oath, by reason of many of them having been called abroad into the public service, —

Preamble. 1778-79, chap. 47.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the time for administering said oath of fidelity and allegiance, be prolonged, for all commissioned military officers, to the first day of July next; and that no person be considered as disqualified from acting in any military office, as aforesaid, before the expiration of said time, although the oath afores[*ai*]d be not to them administered; any law of this state to the contrary notwithstanding.

All commissioned military officers to take the oath of allegiance, etc., by the 1st day of July next.

And be it further enacted by the authority aforesaid,

[Sect. 2.] That the commanding officer of each regiment of militia within this state, require and enjoin every militia officer under his command, that hath not taken said oath of fidelity and allegiance, to take the same on or before the first day of July aforesaid; and said commanding officer is hereby [i][*e*]mpowered, having first taken said oath himself, to administer the same to any of the officers of the regiment under his command, and required to make return thereof into the secretary's office as soon as may be. [*Passed November* 29.

Commanding officers of regiments to require every militia officer under his command to take said oath by said time. Empowering commanding officers to administer the said oath.

CHAPTER 20.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT FOR ENCOURAGING THE FIXING OUT ARMED VESSELS TO DEFEND THE SEA-COAST OF AMERICA, AND FOR ERECTING A COURT TO TRY AND CONDEMN ALL VESSELS THAT SHALL BE FOUND IN[F][V]ESTING THE SAME."

Preamble. 1775-76, chap. 7, § 8.

WHEREAS in the said act it is, among other things, enacted that "if two or more vessels, the commanders whereof shall be properly commissioned, shall jointly take such vessel, the money she and her cargo and appurtenances shall sell for", after paying charges in manner directed in said act, "shall be divided between the captors, in proportion to their number of men"; *and whereas* it appears to this court to be more just and equitable that vessels jointly captured, as aforesaid, [should] [*shall*] be distributed between the captors in proportion to their men and weight of shot[t] for each carriage-gun, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Vessels captured by two or more vessels, jointly, how divided.

That when any vessel shall be captured by two or more vessels, jointly, properly commissioned (which vessels actually engaged, or were in sight and in pursuit), such vessel so taken and legally condemned, her cargo and appurtenances, shall be divided between the captors, in a compound proportion of the number of men and weight of shot[t] for every carriage-gun on board each armed vessel respectively; any law, usage or custom to the contrary notwithstanding. [*Passed November* 30.

CHAPTER 21.

AN ACT TO SET OFF THAT PART OF BERNARDSTON WHICH LIES ON THE WEST SIDE OF GREEN RIVER, FROM SAID TOWN, AND ANNEXING THE SAME TO THE TOWN OF COLRAIN.

Preamble.

WHEREAS it appears that a number of the inhabitants of the town of Bernardston, in the county of Hampshire, living in the westerly part of said town, and on the west side of Green River, would be much accom[*m*]odated by being set off from said town, and annexed to the town of Colrain in said county, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Annexing part of the town of Bernardston to the town of Colrain.

[SECT. 1.] That all that part of the town of Bernardston, lying on the west side of Green River, so called, containing by estimation two thousand five hundred and seventy-six acres, and which lies adjoining to, and upon, the east line of the town of Colrain, be and hereby is set off from said Bernardston, and annexed to Colrain, and the east line of Colrain is hereby extended so far east as to touch the west bank of Green River; and said land, with the inhabitants thereon, shall forever hereafter be considered as belonging to the town of Colrain.

Provided, nevertheless, —

[Sect. 2.] That the said inhabitants shall pay their proportionable part of all taxes which are already assessed and levied on said town of Bernardston; anything in this act notwithstanding. Taxes already assessed, by whom paid.

Provided, also, —

And be it further enacted by the authority aforesaid,

[Sect. 3.] That the amount of the estates contained on and in said tract of land, and the polls thereon returned by the assessors of the town of Bernardston, in the valuation last taken, as belonging to the said Bernardston, be deducted from the return made by said assessors, and added to the return made by the assessors of [of] the town of Colrain. [*Passed December* 2. The amount of the estates and polls thereon, to be added to the return made by the assessors of the town of Colrain.

CHAPTER 22.

AN ACT IN ADDITION TO AN ACT FOR THE PRESERVATION AND INCREASE OF MOOSE AND DEER, ON TARP[O][*AU*]LIN-COVE ISLAND AND [N][*M*]ENNEMESET ISLAND[S], LYING AND BEING IN THE COUNTY OF DUKES COUNTY.

Whereas the fines and penalties to which certain offenders are subjected by an act of this government, intitled "An Act for the preservation and increase of moose and deer on Tarp[o][*au*]lin-Cove Island and Neanemeset Island, lying and being in the county of Dukes County," and the sums recoverable of such offenders by the proprietors of said islands, by virtue of said act, and the mode of conviction therein provided, are found ineffectual to prevent the commission of the offences and trespasses in said act described; *and whereas* doubts have arisen whether prosecutions for the fines imposed, and actions for the forfeitures to the proprietors aforesaid, given by said act, can be brought in any other county than that wherein said islands lie; for the removing of such doubts, and for the increasing such fines and forfeitures, — Preamble. 1765-66, chap. 19.

Be and it hereby is enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That all fines imposed, or forfeitures to the proprietors, given by said act, be, and they hereby are, increased twenty-fold above those expressed in the act aforesaid, to be recovered in manner as by said act or by this act is directed, together with costs of court; and all fines that shall be recovered in consequence of this and the act aforesaid, shall enure and accrue in the same manner and proportion as by said first act is directed. And all actions for the forfeitures aforesaid, as well as all prosecutions brought for the penalties aforesaid, by either or all the proprietors aforesaid, may be commenced and pursued to final judg[e]ment in the county where said proprietors usually reside, and might have been so commenced and pursued by virtue of the said first-mentioned act. Fines to the proprietors, increased twenty-fold; —how recovered.

And be it further enacted by the authority aforesaid,

[Sect. 2.] That if the flesh, skin or skins, or any other part of any moose or deer, newly or lately killed, be brought by water into either [of] the counties of Nantucket, Dukes County, Barnstable, Plymouth or Bristol, except by the said proprietors, or such as may have special licence from them, or either of them, it shall be evidence Persons convicted, to be subject to certain fines and forfeitures.

that such moose or deer was killed contrary to the said act; and every person, excepting as aforesaid, so bringing, or in any way concerned or assisting in bringing, the same into either of the counties aforesaid, and who shall be thereof convicted, either by his own confession or by the oath of one witness, shall be deemed to have killed moose or deer, contrary to the said act, and shall be subjected to all the fines and forfeitures laid by this act and the said first-mentioned act, unless such person or persons shall make proof that such moose or deer were not killed on either of the said islands, or, if killed thereon, were killed by persons authorized to kill the same.

And be it further enacted,

Limitation. [SECT. 3.] That the act above referr[*e*]d to, together with this additional act, shall continue and be in force until[1] the last day of July, one thousand seven hundred and eighty-five, and to the end of the session of the general court next after. [*Passed December* 7.

CHAPTER 23.

AN ACT FOR FURTHER AUGMENTING CERTAIN FEES, ALLOWANCES AND PENALTIES, ESTABLISHED BY LAWS OF THIS STATE.

Preamble. 1779-80, chap. 1. WHEREAS the fees and allowances to civil officers and other persons, as now established by law, are found very inadequate to their services and expences, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Augmentation of fees. [SECT. 1.] That the several officers and persons, except as is hereinafter excepted, mentioned in an act made in the year one thousand 1777-78, chap. 17. seven hundred and seventy-eight, intitled "An Act for the repealing one part of a law of this state, made and passed in the year of our Lord one thousand seven hundred and seventy-six, intitled 'An Act for the repealing one law of this colony, made and passed in the fourth year of the reign of William and Mary, king and queen, intitled "An Act for regulating the fees and allowances of the several officers and persons, within this colony, hereinafter mentioned,"'" be and hereby are allowed and [i][*e*]mpowered to demand and receive for their services, respectively, sixteen times the fees and allowances set down therein; anything in said act, or in any act relating thereto, notwithstanding.

Provided, nevertheless, —

Proviso. [SECT. 2.] That sher[r]if[*f*]s, coroners and constables shall receive for levying monies upon [*the*] writs of execution, or warrants of distress, for the first one hundred pounds and under, ninepence on the pound; above that, and not exceeding two hundred pounds, sixpence on the pound; and on all sums above two hundred pounds, and not exceeding five hundred pounds, threepence on the pound; and on all sums above five hundred pounds, twopence on the pound, and no more.

Provided, *a*[sl][*ls*]*o*, —

Naval officers' fees established. [SECT. 3.] That the fees to be taken by the several naval officers in this state, shall be ten times the fees mentioned in and established by said act, and no more.

And whereas the fines and penalties annexed to any offences by the laws of this state, or to be incurred by refusing to serve in any office, or do any duty required by law, do not answer the purposes for which they were intended, —

Be it therefore further enacted by the authority aforesaid,

[Sect. 4.] That all such fines and penalties annexed to any offences, or to be incurred, as aforesaid, by any laws of this state, whether known by the name of province, colony, or state, laws made and enacted before the first day of January, one thousand seven hundred and seventy-eight, shall be increased and taken to be sixteen times as much as in said acts they are called, and no more; and all such courts as have now, or might have had before the enacting this law, jurisdiction of any of the said offences, shall continue to have jurisdiction of the same, notwithstanding the augmentation of the fines and penalties; and they are hereby authorized to impose or infl[e][*i*]ct the same, and directed to give judgment accordingly.

And be it further enacted by the authority aforesaid,

[Sect. 5.] That the act intitled "An Act for augmenting certain fees, allowances and penalties, established by laws of this state," by which the fees, allowances and penalties, then established by law, were ordered to be increased threefold; and also the act for augmenting certain fees, allowances and penalties, by which they were ordered to be increased eightfold, be, and they hereby are, repealed, and shall be taken to be null and void. 1778-79, chap. 21. 1779-80, chap. 1.

And be it further enacted by the authority aforesaid,

[Sect. 6.] That there shall be allowed to the attorney-general, or such other person as he shall especially appoint, for exhibiting to the justices of any inferio[u]r court of common pleas a complaint against any person, claiming in such complaint such person's estate as forfeited to this state agreeable to the act for confiscating the estates of absentees, the sum of twelve pounds for carrying such complaint through the inferio[u]r court, where the claim is not contested; where the cause is contested, twenty pounds: for carrying the same through the superio[u]r court, where an appeal is made and the cause is not argued, fifteen pounds; and where the same is argued, thirty pounds: the said fees to the attorney-general, or such other person as he shall appoint as aforesaid, to be paid out of the treasury of this state. Attorney-general's fees.

[Sect. 7.] This act to continue and be in force until[l] the first day of June next, which will be in the year of our Lord one thousand seven hundred and eighty, and from thence to the end of the then next s[e][*i*]tting of the general court, and no longer. [*Passed December 7.* Said act to continue in force until the first day of June next.

CHAPTER 24.

AN ACT FOR INCORPORATING CERTAIN PERSONS THEREIN MENTIONED, INTO A BODY POLITIC, BY THE NAME OF THE MASSACHUSETTS CHARITABLE SOCIETY.

Whereas a considerable number of persons have for several years past associated themselves in the town of Boston for the purpose of mutual aid to themselves and families, who may be distressed by poverty and the adverse accidents of life, and for the comforting and Preamble.

relieving of the widows and orphans of their deceased members; and have for that end raised a common stock, out of which they have from time to time, contributed to the purposes aforesaid; and the said persons, so associated, finding themselves under difficulties and discouragements which can only be removed by an incorporation, and having by their committee petitioned this court to be incorporated for the purposes aforesaid; and their intentions appearing to this court laudable, and deserving encouragement, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Certain persons incorporated into a body politic by the name of the Massachusetts Charitable Society.

[SECT. 1.] That William Burbeck, Richard Cranch, Habijah Savage, Samuel Barret[t], William Hoskins, John Simpkins, William Bell, Benjamin Edes, William Hicklin[g] and Ephraim Copeland, be, and they hereby are, incorporated and made a body politic for the aforesaid purposes, by the name of the Massachusetts Charitable Society; and that they, their associates and successors, have perpetual succession by said name, and have power to make by-laws, for the preservation and advancement of said body, which shall not be repugnant to the laws of this state, with penalties — either of disfranchisement from said society, or of a mulct not exceeding sixty shillings — or without penalties, as shall seem most meet.

Empowered to make by-laws, etc.

And be it further enacted,

Said society empowered to appoint a common seal, and made liable to be sued:

[SECT. 2.] That the said Massachusetts Charitable Society be, and they hereby are, authorised and [i][e]mpowered to make and appoint a common seal, and are hereby made liable to be sued, and enabled to sue in their said corporate capacity, in any of the courts of law in this state; and are hereby licen[s][c]ed and [i][e]mpowered to make purchases and receive donations of real and personal estates for the purposes aforesaid: *provided*, the same shall not exceed the sum of five thousand pounds per annum; and to manage and dispose of such estates as to them shall appear most fit.

— and are empowered to make purchases, etc.

And be it further enacted by the authority aforesaid,

Investing said society with certain powers.

[SECT. 3.] That the said society be, and they hereby are, invested with full power and authority to assemble on the first Monday of September next, for the purpose of appointing a president, secretary and treasurer, together with such other officers as to them shall seem most suitable, and to appoint their common seal, and to make by-laws within the restrictions aforesaid; and said officers, so appointed, shall continue until[l] the first Monday of September next, on which day the said Massachusetts Charitable Society shall meet, and annually, afterwards, on said first Monday of September, at Boston, convene, to chuse a president, secretary, treasurer, and such other officers, as they shall think proper; and to make, alter or annul their by-laws: and if, by reason of any emergency, the business of this annual assembly cannot be compleated on said day, they may adjourn, once, to a short day, to finish it, and no more; and said society may assemble on the first Monday of every month for all other business. And whenever any of the officers of said society shall die, or be disabled, or remove out of this state, the members of said society are hereby authorised and [i][e]mpowered, at their next meeting, to elect and appoint others in the room of the officers so removed. And all instruments which said society shall lawfully make, shall, when in the name of said society and pursuant to the rules thereof, being signed and delivered by the president, secretary, treasurer, or other officer or person, as the said society shall appoint, and sealed with their common seal, bind said society, and be valid in law.

Provided, always, —
And it is further enacted,

[Sect. 4.] That the members of the said society shall at no time exceed the number of one hundred. And the major part of the council of the state are hereby authorized and [i][*e*]mpowered to give a charter of incorporation, under the seal of the state, to the aforementioned persons and their associates, accordingly. [*Passed December* 16.

The members of said society not to exceed one hundred.

CHAPTER 25.

AN ACT FOR THE REPEALING AN ACT OF THE GENERAL COURT, OF PARDON AND INDEMNIFICATION FOR CERTAIN OFFENCES THEREIN MENTIONED; AND FOR HOLDING A SUPERIOR COURT, ETC., IN THE COUNTY OF BERKSHIRE.

Whereas the making the act hath not answered the purposes expected, and it is inconvenient that it should be any longer continued in force, — Preamble.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That so much of the said act, [e][*i*]ntitled "An Act of pardon and indemnification for certain offences therein mentioned; and for holding a superior court of judicature, court of assize and general goal delivery, in the county of Berkshire," as relates to the holding a superior court of judicature, court of assize and general goal delivery in the county of Berkshire, and all of the said act, excepting what relates to the pardon and indemnification of certain offences therein mentioned, be and hereby is repealed, and every part and paragraph of the same act declared null and void. [*Passed January* 3,* 1780. 1778-79, chap. 38. An act made in the year 1779, repealed.

CHAPTER 26.

AN ACT FOR CONTINUING AN ACT INTITLED "AN ACT TO PREVENT THE SALE OF GOODS AT PUBLIC AUCTION."

Whereas many advantages have arisen, and may arise, from the act intitled "An Act for continuing an act intitled 'An Act to prevent the sale of goods at public auction,'" made in the present year, — Preamble. 1778-79, chap. 29.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That the before-mentioned act, that is now near expired, be continued, with all and every clause, matter and thing therein contained, and shall be in force until the first day of January, *Anno Domini* one thousand seven hundred and eighty-one. [*Passed December* 24. For continuing the vendue act. Limitation.

* Passed January 1, according to the printed act.

CHAPTER 27.

AN ACT FOR REVIVING AND CONTINUING TWO LAWS THAT ARE EXPIRED.

Preamble.

1749-50, chap. 13.

1769-70, chap. 14.

WHEREAS an act, passed in the year of our Lord one thousand seven hundred and forty-nine, intitled "An Act to prevent any person's obstructing the fish passing up into Monatiquod River, within the town of Braintree;" and also another act, passed in the year of our Lord one thousand seven hundred and sixty-nine, intitled "An Act in addition" to the above-mentioned act, are expired; and as they have been found useful and very beneficial, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

For reviving two acts.

That the before-mentioned acts, now expired, be revived and continued, with all and every clause, matter and thing in them respectively contained, and shall be in force until the first day of November, one thousand seven hundred and eighty-two, and no longer. [*Passed January 7*, 1780.

Limitation.

CHAPTER 28.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT FOR FURTHER AUGMENTING CERTAIN FEES, ALLOWANCES AND PENALTIES, ESTABLISHED BY THE LAWS OF THIS STATE."

Preamble.

1779-80, chap. 23.

WHEREAS, in and by the said law, no provision is made to enlarge the jurisdiction of justices of the peace, who, by the law of this state, cannot take cognizance of any manner of debt, trespasses, or other matter, exceeding the value of forty shillings, whereby great inconvenience and unnecessary expence may arise to many persons in recovering small debts and damages, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Justices empowered to try any manner of debts to the amount of sixteen times the value of 40 shillings.

[SECT. 1.] That the justices of the peace of this state be, and they hereby are, [i][e]mpowered to hear, try, adjudge and determine, any manner of debts, trespasses, or other matters, as heretofore by the law of this province, colony or state, to the amount of sixteen times the value of forty shillings.

1777-78, chap. 24.

And whereas the fines and penalties annexed to certain offences mentioned in an act or law of this state, made and passed March, one thousand seven hundred and seventy-eight, intitled "An Act in addition to an act intitled 'An Act for forming and regulating the militia within the colony of Massachusetts Bay, in New England, and for repealing all the laws heretofore made for that purpose,'" do not answer the purposes for which they were intended; *and whereas* the act to which this is in addition doth not extend to increasing the fines and penalties annexed to any offences mentioned in any law of this state which hath been made and passed since the last day of December, one thousand seven hundred and seventy-seven, —

Be it therefore further enacted by the authority aforesaid,

[Sect. 2.] That all such fines and penalties, annexed to any offences mentioned in the aforesaid additional militia act, shall be increased, and taken to be eight times as much as in said act they are called, and no more; and all such courts as have now, or before the enacting of this law, might have had, jurisdiction, of any of the said offences, shall continue to have jurisdiction of the same, notwithstanding the augmentation of the fines and penalties: and they are hereby authorized to impose and inflict the same, and directed to give judgment accordingly. [*Passed January* 10, 1780. Augmentation of fines and penalties.

CHAPTER 29.

AN ACT TO PROVIDE FOR THE SECURITY AND PAYMENT OF THE BAL[L]ANCES THAT MAY APPEAR TO BE DUE BY VIRTUE OF A RESOLUTION OF THE GENERAL ASSEMBLY, OF THE SIXTH OF FEBRUARY, ONE THOUSAND SEVEN HUNDRED AND SEVENTY-NINE, TO THIS STATE'S QUOTA OF THE CONTINENTAL ARMY, AGREEABLE TO THE RECOMMENDATION OF CONGRESS, AND FOR SUPPLYING THE TREASURY WITH A SUM OF MONEY FOR THAT PURPOSE.

Whereas it is necessary, immediately, to make provision to enable the treasurer of this state to pay to this state's quota of the Continental Army, the bal[l]ances which may appear to be due to them on the first day of January, in this present year, — Preamble.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the treasurer of this state be, and he is hereby, directed, on the credit thereof, to issue his notes for the payment of the bal[l]ances which shall appear were, on the said first day of January, due to each officer and soldier belonging to this state's quota of the Continental Army, upon receiving a warrant from the council of this state for the same, in the manner and form following; viz[t], — Treasurer directed to issue his notes.

No. State of Massachusetts Bay, the first day of January, A.D. 1780. In behalf of the state of Massachusetts Bay, I, the subscriber, do hereby promise and oblige myself and successors in the office of treasurer of said state, to pay unto or to his order, the sum of , on or before the first day of March, in the year of our Lord one thousand seven hundred and , with interest at six per cent per annum: both principal and interest to be paid in the then current money of said state, in a greater or less sum, according as five bushels of corn, sixty-eight pounds and four-seventh parts of a pound of beef, ten pounds of sheeps wool and sixteen pounds of sole-leather shall then cost, more or less, than one hundred and thirty pounds current money, at the then current prices of said articles; this sum being thirty-two times and an-half what the same quantities of the same articles would cost at the prices affixed to them in a law of this state, made in the year of our Lord one thousand seven hundred and seventy-seven, intitled "An Act to prevent monopoly and oppression:" the current prices of said articles, and the consequent value of every pound of the sum herein promised, to be determined agreeable to a law of this state, intitled "An Act to provide for the security and payment of the bal[l]ances that may appear to be due, by virtue of a resolution of the general assembly, of the sixth of February, one thousand seven hundred and seventy-nine, to this Form of notes. 1776-77, chap. 14.

state's quota of the Continental Army, agreeable to the recommendation of Congress, and for supplying the treasury with a sum of money for that purpose."

Witness my hand, H. G., Treasurer.
A. B., }
C. D., } Committee.

— which form shall be printed on good paper, to be procured by the treasurer, with a suitable border round the same, within which shall be inserted the words "State of Massachusetts Bay," the word "Committee," the words "Witness my hand" and the word "Treasurer," struck off from a copperplate, which the treasurer is likewise directed to procure; and each blank shall be stamped in some convenient part of it with a stamp to be procured by the treasurer for that purpose; and when said notes are issued, a counterpart, indented, of each note, shall be kept by the treasurer.

And be it further enacted,

Committee to countersign.

[SECT. 2.] That Thomas Dawes and Richard Cranch, Esquires, be a committee to sign blank notes, in the form prescribed, at the left hand, and to number them before they are filled up by the treasurer.

And be it further enacted,

Treasurer to issue to the officers and soldiers for their balances, notes, payable at certain periods.

[SECT. 3.] That the treasurer be, and he is hereby, directed to issue to each of the said officers and soldiers, in favo[u]r of whom a warrant shall be drawn by the council of this state, for their respective bal[l]ances, four notes, in the form aforesaid, of equal sums, as near as may be, the whole containing the bal[l]ance due to them, respectively; one of which notes to be payable the first day of March, *Anno Domini* one thousand seven hundred and eighty-one; another, payable the first day of March, *Anno Domini* one thousand seven hundred and eighty-two; the third, payable the first day of March, *Anno Domini* one thousand seven hundred and eighty-three; and the fourth, payable the first day of March, *Anno Domini* one thousand seven hundred and eighty-four. And the council are hereby [i][e]mpowered and requested to issue their warrants in favo[u]r of any of the said officers and soldiers, upon its being certified to them by the committee of this court, appointed to settle with the army, what is the bal[l]ance due to such officer and soldier: *provided*, it shall appear, by a return made by a general officer, or the commanding officer of a regiment, that any such general, field staff or commissioned officer, belongs to this state's quota of the Continental Army, and that such non-commissioned officer and private soldier hath inlisted and been mustered as one of this state's quota of the Continental Army during the war, — such returns specifying to what company and regiment or corps they belong.

The council empowered to issue their warrants in favor of said officers, etc., upon a certificate given.

And be it further enacted,

Treasurer empowered to issue his notes in manner and form aforesaid.

[SECT. 4.] That the treasurer of this state be, and he is hereby, directed and [i][e]mpowered to issue his notes, in the manner and form aforesaid, to each non-commission[e]'d officer and private soldier who is, or hath been, of this state's quota of the Continental Army, who engaged for three years, and who hath not, or shall not, before the settlement is made, and the bal[l]ance due to him as[s][c]ertain[e]'d, re-inlist as one of this state's quota of the Continental Army, during the war, upon receiving a warrant from the council therefor: *saving*, that the payment of the bal[l]ance due to such officer or soldier, shall be in four notes, of equal value, as near as may be; and the first note shall be made payable the first day of March, *Anno Domini* one thousand seven hundred and eighty-five; and the second

Notes payable at certain periods.

note shall be payable the first day of March, *Anno Domini* one thousand seven hundred and eighty-six; the third shall be payable the first day of March, *Anno Domini* one thousand seven hundred and eighty-seven; and the fourth shall be payable the first day of March, *Anno Domini* one thousand seven hundred and eighty-eight.

Council empowered to issue their warrants.

[Sect. 5.] And the council are hereby [i][*e*]mpowered and requested, in like manner, to issue their warrants in favour of such non-commissioned officers and private soldiers, on being certified as before mentioned, by the committee of this court appointed to settle with the army, what the bal[l]ance due to such non-commissioned officer and soldier is, and upon its appearing, by a return [as] aforesaid, that he was inlisted for three years as one of this state's quota of the Continental Army, and that he hath served in said army the whole of the three years, or that his time is not yet expired, and he is still in the service; and the council are also hereby [i][*e*]mpowered and requested, and the treasurer is hereby [i][*e*]mpowered and directed, to proceed in the same manner and form, *mutatis mutandis*, with respect to the executors, administrators or heirs-at-law of such officers and soldiers who were engaged for three years or during the war, as part of this state's quota of the Continental Army, and who have died or been slain in the service, upon similar certificates being produced.

And be it further enacted,

Justices of the superior court of judicature, etc., empowered to compute and determine the current prices of certain articles.

[Sect. 6.] That the justices of the superior court of judicature, court of assize and general goal delivery, or the major part of them, for the time then being, are hereby [i][*e*]mpowered and directed to compute and determine, at their first session in every year, what are the current prices of the said four articles, of corn, beef, sheepswool and sole-leather, upon an average through the state, at the several times of payment[*s*] of the aforesaid notes herein mentioned; and also what is the true value of every pound of said notes, in the then current mon[*e*]y of the state; and shall certify the same to the treasurer, and lodge a copy thereof in the secretary's office, upon the first day of March, every year, during the term of eight years; and the treasurer is thereupon directed to pay the value of said notes, and the interest thereon remaining unpaid, as they become due, accordingly: *provided*, that the interest of said notes shall, if demanded, be paid according to the same rule and proportion, annually.

Interest to be paid if demanded.

And, to the intent that the current prices of the said four articles of corn, beef, sheepswool, and sole-leather, at the several times of payment herein mentioned, may be more easily as[*s*][*c*]ertained; and in order that a just and equitable settlement may be, annually, made with this state's quota of the Continental Army, in future, for their future services, —

Be it further enacted,

Certain gentlemen appointed to ascertain the monthly prices of certain articles in their respective counties.

[Sect. 7.] That Richard Cranch, Esq[r]., in the county of Suffolk; Stephen Choate, Esq[r]., in the county of Essex; Simon Stow, Esq[r]., in the county of Middlesex; Justin Ely, Esq[r]., in the county of Hampshire; John Turner, Esq[r]., in the county of Plymouth; Mr. Micah Blackwell, in the county of Barnstable; James Williams, Esq[r]., in the county of Bristol; Seth Washburn, Esq[r]., in the county of Worcester; Capt. Joseph Sewall, in the county of York; Mr. Thomas Child, in the county of Cumberland; Thomas Rice, Esq[r]., in the county of Lincoln, [and] Asa Bemont, Esq[r]., in the county of Berkshire, be, and they are hereby, severally, appointed to collect and keep a true account, according to the best of their judgments of the prices of each of the aforesaid four articles, in their respective counties, monthly,

upon an average of the whole month, for every succeeding month, during the term of eight years from the first day of January in the present year; and they shall make a true report of the same into the secretary's office, upon the last Tuesday in the month of August, and on the third Tuesday of the month of February, annually, during the eight years as aforesaid, which return shall be under oath, certified by a justice of the peace for the same county, in the form following; viz[t]., —

Return to be made on oath.

Form of said oath.

ss. The day of , A.D. 17 .

This certif[y][*ie*]s that A. B. personally appeared the day above, and made solemn oath that the within report by him subscribed is a just and true report of the current prices of the several articles of corn, beef, sheeps-wool, and sole-leather, in the county of , for the months of , upon an average of each month, respectively, (upon a medium taking the county together), according to the best of his judgment, upon the best information he could obtain.

Before me,

A. B., *Justice of the Peace for the county of* .

— and the justices of the superior court, as also the committee of the general court who may be hereafter appointed to settle with the army for future service, shall have recourse to said reports in order to assist them in their calculations.

And be it further enacted,

Tax to be levied on the polls and estates, for the redemption of said notes.

[SECT. 8.] That there be and there is hereby granted a tax of eight millions of pounds, to be levied on the polls and estates, within this state; one million of which to be paid into the treasury, on or before the twentieth day of December, in each of the years of our Lord one thousand seven hundred and eighty, one thousand seven hundred and eighty-one, one thousand seven hundred and eighty-two, one thousand seven hundred and eighty-three, one thousand seven hundred and eighty-four, one thousand seven hundred and eighty-five, one thousand seven hundred and eighty-six, [and] one thousand seven hundred and eighty-seven; each of the said millions to be levied according to such rules and in such proportions as shall be agreed upon and ordered by the general court or assembly, at their sessions in June in each of the years aforesaid, respectively; and the sums so granted shall be applied for the redemption of the aforesaid notes, which shall be issued by virtue of this act; and if any part of the said tax should remain after redeeming such notes, the remainder shall be applied to defrey the necessary expences of government.

And be it further enacted,

[SECT. 9.] That if the general court shall not, some time before the first day of August in each of the years before mentioned, respectively, agree and conclude upon an act apportioning the said sum to be paid in such year, respectively, then and in such case each town and other place in this state shall pay, by a tax, to be levied on the polls and estates within their limits, respectively, the same proportion of the said sum as such town or other place was taxed by the general court, in the tax act then next preceeding.

[SECT. 10.] And the treasurer of this state is hereby [i][*e*]mpowered and directed, some time in the month of August in every such year, to issue and send forth his warrants, directed to the selectmen or assessors of each town or other incorporated place within this state, or to some suitable person or persons in such place or places therein as are not incorporated, requiring them to assess the polls and estates within their several towns and other places, for their respective parts and

proportions of the sums before directed and engaged to be assessed, to be paid into the treasury on or before the twentieth day of December, in such year respectively; and the assessors, as also all persons thereby assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act.

Provided, nevertheless, —

[Sect. 11.] That if the general court shall make provision for the redemption of the notes which may be issued in consequence of this act, before the several years, respectively, on which the tax granted hereby is ordered to be laid, then the clause granting said tax, together with the other clauses grounded thereon, to be void; otherwise to remain in force.

Provided, also, —

[Sect. 12.] That in all cases where the bal[l]ance due to any officer and soldier shall not exceed the sum of one hundred pounds, the treasurer is directed to issue one note, only, for the whole bal[l]ance; and the times of payment shall be the same as the second payment would be, where it is made in four notes. Proviso.

[Sect. 13.] And in case of the death, or removal out of the county, of any of the persons herein appointed in the several counties to keep an account of the prices of said articles, there shall be other persons appointed in the room of such by the general assembly, or in their recess, by the council of this state; and all such persons appointed for said purposes, shall have such reasonable allowance for their services as shall hereafter be determined by the general assembly. [*Passed January* 13, 1780.*

CHAPTER 30.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF TWO MILLIONS SEVEN HUNDRED AND SEVENTY THOUSAND SIX HUNDRED AND NINETY-FIVE POUNDS TWO SHILLINGS AND TWOPENCE, UPON THE SEVERAL TOWNS AND OTHER PLACES IN THIS STATE HEREINAFTER NAMED, FOR DEFREYING [*THE*†] PUBLIC CHARGES; AND ALSO FOR ASSESSING A TAX OF TWENTY-THREE THOUSAND FOUR HUNDRED AND FIFTY-TWO POUNDS, PAID THE MEMBERS OF THE HOUSE OF REPRESENTATIVES FOR THEIR TRAVEL AND ATTENDANCE IN THE GENERAL COURT THE TWO FIRST SITTINGS IN THE PRESENT YEAR.

Whereas it is necessary that the aforesaid sum of two millions seven hundred and ninety-three thousand six hundred and forty-seven pounds two shillings and twopence, should be raised and paid into the public treasury of this state, as soon as may be [*be*], for[*e*] the payment of this state's quota of the Continental charges which Congress, by their order of the [6th][*sixth*] of October last, have recommended to be d[*one*†] as soon as may be; and also to defrey such public charges as have arisen, or may arise, for the support of government, —

* Passed January 10, according to the printed act.
† Engrossment mutilated.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That each town and other place within this state be assessed and pay, as such town and other place's proportion of the sum of two millions seven hundred and ninety thr[*ee**] thousand six hundred and forty-seven pounds two shillings and twopence, the following sums set against them respectively; that is to say, —

*. Engrossment mutilated.

IN THE COUNTY OF SUFFOLK.

TOWNS.	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTY OF £14 AGREEABLE TO A RESOLVE OF 12[TH] JUNE, 1778.	BOUNTY AND MILEAGE AGREEABLE TO A RESOLVE OF 8TH JUNE, 1779.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE OF JUNE 9[TH], 1779, FOR RAISING MEN FOR 9 MONTHS.		[SUM TOTAL EACH TOWN HATH TO PAY.]	
					BOUNTIES.	FINES.		
Boston, . .	£978 0s. 0d.	£154,000 0s. 0d.	£0 0s. 0d.	£240 0s. 0d.	£6,720 0s. 0d.	£0 0s. 0d.	One hundred and forty-eight thousand and eighteen pounds, ...	£148,018 0s. 0d.
Roxbury, . .	162 0 0	23,216 13 4	0 0 0	99 14 0	960 0 0	0 0 0	Twenty-two thousand three hundred and eighteen pounds nineteen shillings and four-pence, ...	22,318 19 4
Dorchester, .	162 0 0	17,360 0 0	0 0 0	132 12 0	1,080 0 0	0 0 0	Sixteen thousand three hundred and nine pounds eight shillings, ...	16,309 8 0
Milton, . .	147 0 0	12,133 6 8	0 0 0	0 0 0	480 0 0	1,200 0 0	Thirteen thousand pounds six shillings and eightpence, .	13,000 6 8
Braintree, . .	111 0 0	27,300 0 0	0 0 0	0 0 0	480 0 0	0 0 0	Twenty-six thousand nine hundred and thirty-one pounds, ...	26,931 0 0
Weymouth, .	61 10 0	13,300 0 0	0 0 0	136 0 0	240 0 0	4,200 0 0	Seventeen thousand one hundred and eighty-five pounds ten shillings, ...	17,185 10 0
Hingham, . .	15 0 0	15,493 6 8	0 0 0	245 0 0	0 0 0	9,000 0 0	Twenty-four thousand two hundred and sixty-three pounds six shillings and eightpence, ...	24,263 6 8
Cohasset, . .	0 0 0	6,020 0 0	0 0 0	0 0 0	0 0 0	2,400 0 0	Eight thousand four hundred and twenty pounds, . . .	8,420 0 0
Dedham, . .	108 0 0	28,000 0 0	0 0 0	0 0 0	1,800 0 0	0 0 0	Twenty-six thousand three hundred and eight pounds,	26,308 0 0
Medfield, . .	165 0 0	9,800 0 0	0 0 0	65 8 0	600 0 0	0 0 0	Nine thousand two hundred and ninety-nine pounds twelve shillings, ...	9,299 12 0
Wrentham, .	105 0 0	13,440 0 0	0 0 0	159 0 0	1,200 0 0	0 0 0	Twelve thousand one hundred and eighty-six pounds, .	12,186 0 0
Brookline, . .	123 0 0	9,380 0 0	0 0 0	0 0 0	360 0 0	0 0 0	Nine thousand one hundred and forty-three pounds, .	9,143 0 0

IN THE COUNTY OF SUFFOLK — *Continued.*

TOWNS.	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTY OF £14 AGREEABLE TO A RESOLVE OF [12TH] JUNE, 1778.	BOUNTY AND MILEAGE AGREEABLE TO A RESOLVE OF 8TH JUNE, 1779.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE OF JUNE [9TH], 1779, FOR RAISING MEN FOR 9 MONTHS.		[*SUM TOTAL EACH TOWN HATH TO PAY.*]	
					BOUNTIES.	FINES.		
Needham, . .	£147 0*s.* 0*d.*	£11,503 6*s.* 8*d.*	£0 0*s.* 0*d.*	£100 10*s.* 0*d.*	£840 0*s.* 0*d.*	£600 0*s.* 0*d.*	Eleven thousand three hundred and nine pounds sixteen shillings and eightpence, ...	£11,309 16*s.* 8*d.*
Stoughton, . .	178 10 0	18,200 0 0	0 0 0	134 8 0	1,680 0 0	0 0 0	Sixteen thousand five hundred and sixty-four pounds two shillings, ...	16,564 2 0
Stoughtonham, .	81 0 0	8,411 13 4	0 0 0	66 0 0	480 0 0	1,200 0 0	Nine thousand one hundred and forty-six pounds thirteen shillings and fourpence,	9,146 13 [4*]
Medway, . .	126 0 0	10,640 0 0	0 0 0	98 2 0	720 0 0	0 0 0	Nine thousand nine hundred and forty-seven pounds eighteen shillings, . . .	9,947 18 0
Bellingham, .	15 0 0	4,900 0 0	0 0 0	32 8 0	360 0 0	0 0 0	Four thousand five hundred and twenty-two pounds twelve shillings, ...	4,522 12 0
Hull, . . .	0 0 0	1,726 13 4	0 0 0	0 0 0	0 0 0	600 0 0	Two thousand three hundred and twenty-six pounds thirteen shillings and fourpence,	2,326 13 4
Walpole, . .	108 0 0	9,053 6 8	0 0 0	0 0 0	600 0 0	600 0 0	Nine thousand one hundred and sixty-one pounds six shillings and eightpence, .	9,161 6 8
Chelsea, . .	177 0 0	6,650 0 0	0 0 0	0 0 0	0 0 0	1,800 0 0	Eight thousand six hundred and twenty-seven pounds, .	8,627 0 0
Franklin, . .	45 0 0	10,686 13 4	0 0 0	0 0 0	840 0 0	0 0 0	Nine thousand eight hundred and ninety-one pounds thirteen shillings and fourpence,	9,891 13 [4*]
Foxborough, .	93 0 0	8,120 0 0	0 0 0	92 0 0	360 0 0	1,200 0 0	Eight thousa[*nd**] nine hundred and sixty-one pounds,	8,961 0 0
	£3,108 0*s.* 0*d.*	£419,335 0*s.* 0*d.*	£0 0*s.* 0*d.*	£1,601 2*s.* 0*d.*	£19,800 0*s.* 0*d.*	£22,800 0*s.* 0*d.*	Four hundred and [*tw**]nty-three thousand eight hundred and forty-one pounds eighteen shillings, . .	£423,841 18*s.* 0*d.*

* Engrossment mutilated.

Salem, . . .	£357	0s.	0d.	£56,618	6s	8d.	£0	0s.	0d.	£474	10s.	0d.	£3,360	0s.	0d.	£0	0s.	0d.
Danvers, . .	180	0	0	21,443	6	8	0	0	0	219	12	0	1,440	0	0	600	0	0
Ipswich, . .	286	16	0	37,100	0	0	0	0	0	412	10	0	1,200	0	0	7,200	0	0
Newbury, . .	150	0	0	34,230	0	0	0	0	0	0	0	0	2,400	0	0	0	0	0
Newburyport, .	525	0	0	37,800	0	0	0	0	0	0	0	0	2,640	0	0	0	0	0
Marblehead, .	225	0	0	35,735	0	0	0	0	0	0	0	0	1,560	0	0	4,800	0	0
Lynn, . . .	61	10	0	16,800	0	0	0	0	0	0	0	0	1,080	0	0	3,000	0	0
Andover, . .	166	10	0	31,896	13	4	0	0	0	223	4	0	1,800	0	0	0	0	0
Beverly, . .	225	0	0	23,193	6	8	0	0	0	259	0	0	600	0	0	5,400	0	0
Rowley, . .	174	4	0	17,313	6	8	0	0	0	190	0	0	1,320	0	0	0	0	0
Salisbury, . .	88	10	0	13,253	6	8	0	0	0	160	0	0	1,200	0	0	0	0	0
Haverhill, . .	114	0	0	19,600	0	0	0	0	0	114	0	0	1,560	0	0	0	0	0
Glocester, . .	0	0	0	24,710	0	0	0	0	0	0	0	0	840	0	0	7,800	0	0
Topsfield, . .	174	0	0	9,846	13	4	0	0	0	112	10	0	600	0	0	0	0	0

Fifty-three thousand one hundred and forty pounds sixteen shillings and eightpence, ...	£53,140	16s.	[8d*]
Twenty thousand five hundred and sixty-three pounds fourteen shillings and eightpence, ...	20,563	14	[8*]
Forty-two thousand nine hundred and seventy-four pounds six shillings, . . .	42,974	6	0
Thirty-one thousand nine hundred and eighty pounds, .	31,980	0	0
Thirty-five thousand six hundred and eighty-five pounds,	35,685	0	0
Thirty-nine thousand two hundred pounds, ...	39,200	0	0
Eighteen thousand seven hundred and eighty-one pounds ten shillings, ...	18,781	10	0
Thirty thousand and thirty-nine pounds nineteen shillings and fourpence, . . .	30,039	19	4
Tw[e*]nty-seven thousand nine hundred and fifty-nine pounds six shillings and [8d] [*eight*]pence, . . .	27,959	6	8·
Fifteen thousand nine hundred and seventy-seven pounds ten shillings and eightpence, ...	15,977	10	8
Eleven thousand nine hundred and eighty-one pounds sixteen shillings and eightpence, ...	11,981	16	8
Eighteen thousand and forty pounds, ...	18,040	0	0
Thirty-one thousand six hundred and seventy pounds, .	31,670	0	0
Nine thousand three hundred and eight pounds three shillings and fourpence, . .	9,308	3	4

* Engrossment mutilated.

IN THE COUNTY OF ESSEX—*Continued.*

TOWNS.	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTY OF £14 AGREEABLE TO A RESOLVE OF 12[TH] JUNE, 1778.	BOUNTY AND MILEAGE AGREEABLE TO A RESOLVE OF 8TH JUNE, 1779.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE OF JUNE 9[TH], 1779, FOR RAISING MEN FOR 9 MONTHS.		[*SUM TOTAL EACH TOWN HATH TO PAY.*]	
					BOUNTIES.	FINES.		
Almsbury, . .	£198 0*s.* 0*d.*	£12,098 6*s.* 8*d.*	£0 0*s.* 0*d.*	£156 0*s.* 0*d.*	£1,200 0*s.* 0*d.*	£0 0*s.* 0*d.*	Ten thousand nine hundred and forty pounds six shillings and eightpence, . .	£10,940 6*s.* 8*d.*
Bradford, . .	120 0 0	12,541 13 4	0 0 0	0 0 0	840 0 0	0 0 0	Eleven thousand eight hundred and twenty-one pounds thirteen shillings and [4] [*four*]pence, . . .	11,821 13 4
Methuen, . .	0 0 0	10,243 6 8	0 0 0	76 0 0	480 0 0	0 0 0	Nine thousand six hundred and eighty-seven pounds six shillings and eightpence, .	9,687 6 8
Boxford, . .	87 0 0	10,721 13 4	0 0 0	111 0 0	480 0 0	1,200 0 0	Eleven thousand four hundred and seventeen pounds thirteen shillings and fourpence,	11,417 13 4
Wenham, . .	0 0 0	5,320 0 0	0 0 0	0 0 0	360 0 0	0 0 0	Four thousand nine hundred and sixty pounds, . .	4,960 0 0
Manchester, .	0 0 0	5,238 6 8	0 0 0	0 0 0	240 0 0	1,200 0 0	Six thousand one hundred and ninety-eight pounds six shillings and eightpence, . .	6,198 6 8
Middleton, . .	0 0 0	7,595 0 0	0 0 0	73 0 0	480 0 0	0 0 0	Seven thousand and forty-two pounds, ...	7,042 0 0
	£3,132 10*s.* 0*d.*	£443,298 6*s.* 8*d.*	£0 0*s.* 0*d.*	£2,581 6*s.* 0*d.*	£25,680 0*s.* 0*d.*	£31,200 0*s.* 0*d.*	Four hundred and forty-nine thousand five hundred and sixty-nine pounds ten shillings and eightpence, . .	£449,569 10*s.* 8*d.*

IN THE COUNTY OF MIDDLESEX.

Cambridge, .	£168 0*s.* 0*d.*	£21,420 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£1,320 0*s.* 0*d.*	£0 0*s.* 0*d.*	Twenty thousand two hundred and sixty-eight pounds,	£20,268 0*s.* 0*d.*
Charlestown, .	132 0 0	7,000 0 0	0 0 0	69 0 0	480 0 0	0 0 0	Six thousand five hundred and eighty-three pounds, . .	6,583 0 0
Watertown, .	177 0 0	9,730 0 0	0 0 0	0 0 0	720 0 0	0 0 0	Nine thousand one hundred and eighty-seven pounds, .	9,187 0 0

Woburn, . .	94	10	0	14,630	0	0	0	0	0	177	10	0	1,320	0	0	0	0	0	Thirteen thousand two hundred and twenty-seven pounds, ...	13,227	0	0
Concord, . .	102	0	0	13,440	0	0	0	0	0	148	16	0	960	0	0	0	0	0	Twelve thousand four hundred and thirty-three pounds four shillings, ...	12,433	4	0
Newton, . .	192	0	0	12,810	0	0	0	0	0	0	0	0	840	0	0	600	0	0	Twelve thousand seven hundred and sixty-two pounds,	12,762	0	0
Reading, . .	138	0	0	14,525	0	0	0	0	0	108	0	0	1,320	0	0	0	0	0	Thirteen thousand two hundred and thirty-five pounds,	13,235	0	0
Marlborough, .	168	0	0	16,800	0	0	0	0	0	0	0	0	720	0	0	2,400	0	0	Eighteen thousand six hundred and forty-eight pounds,	18,648	0	0
Billerica, . .	135	0	0	11,200	0	0	0	0	0	111	0	0	960	0	0	0	0	0	Ten thousand two hundred and sixty-four pounds, .	10,264	0	0
Framingham, .	271	16	0	13,020	0	0	0	0	0	0	0	0	240	0	0	2,400	0	0	Fifteen thousand four hundred and fifty-one pounds sixteen shillings, . . .	15,451	16	0
Lexington, . .	177	0	0	9,065	0	0	0	0	0	70	0	0	720	0	0	0	0	0	Eight thousand four hundred and fifty-two pounds, . .	8,452	0	0
Chelmsford, .	159	0	0	10,710	0	0	0	0	0	120	0	0	840	0	0	0	0	0	Nine thousand nine hundred and nine pounds, . . .	9,909	0	0
Sherburne, . .	0	0	0	6,790	0	0	0	0	0	0	0	0	480	0	0	600	0	0	Six thousand nine hundred and ten pounds, ...	6,910	0	0
Sudbury, . .	159	0	0	18,106	13	4	0	0	0	170	0	0	1,320	0	0	1,200	0	0	Seventeen thousand nine hundred and seventy-five pounds thirteen shillings and fourpence, ...	17,975	13	4
Malden, . .	108	0	0	8,353	6	8	0	0	0	0	0	0	720	0	0	0	0	0	Seven thousand seven hundred and forty-one pounds six shillings and eightpence,	7,741	6	8
Weston, . .	135	0	0	9,251	13	4	0	0	0	69	0	0	720	0	0	0	0	0	Eight thousand five hundred and ninety-seven pounds thirteen shillings and fourpence, ...	8,597	13	4
Medford, . .	126	0	0	10,920	0	0	0	0	0	0	0	0	600	0	0	600	0	0	Eleven thousand and forty-six pounds, ...	11,046	0	0
Hopkington, .	0	0	0	8,493	6	8	0	0	0	0	0	0	480	0	0	1,200	0	0	Nine thousand two hundred and thirteen pounds six shillings and eightpence, . .	9,213	6	8
Wes[t]ford, .	82	10	0	9,730	0	0	0	0	0	111	0	0	720	0	0	0	0	0	Eight thousand nine hundred and eighty-one pounds ten shillings, ...	8,981	10	0
Waltham, . .	186	0	0	8,400	0	0	0	0	0	69	0	0	600	0	0	0	0	0	Seven thousand nine hundred and seventeen pounds, . .	7,917	0	0
Stow, . . .	0	0	0	7,770	0	0	0	0	0	106	10	0	600	0	0	0	0	0	Seven thousand and sixty-three pounds ten shillings, .	7,063	10	0

IN THE COUNTY OF MIDDLESEX — *Continued.*

TOWNS.	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTY OF £14 AGREEABLE TO A RESOLVE OF 12[TH] JUNE, 1778.	BOUNTY AND MILEAGE AGREEABLE TO A RESOLVE OF 8TH JUNE, 1779.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE OF JUNE 9[TH], 1779, FOR RAISING MEN FOR 9 MONTHS.		[*SUM TOTAL EACH TOWN HATH TO PAY.*]	
					BOUNTIES.	FINES.		
Groton, . .	£141 0*s.* 0*d.*	13,020 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£1,200 0*s.* 0*d.*	£0 0*s.* 0*d.*	Eleven thousand nine hundred and sixty-one pounds,	£11,961 0*s.* 0*d.*
Shirl[*e*]y, . .	0 0 0	5,086 13 4	0 0 0	0 0 0	340 0 0	600 0 0	Five thousand three hundred and forty-six pounds thirteen shillings and fourpence,	5,346 13 4
Pepper[*r*]el[*l*], .	0 0 0	7,956 13 4	0 0 0	0 0 0	720 0 0	0 0 0	Seven thousand two hundred and thirty-six pounds thirteen shillings and fourpence,	7,236 13 4
Townsend, . .	0 0 0	6,066 13 4	0 0 0	112 10 0	600 0 0	0 0 0	Five thousand three hundred and fifty-four pounds three shillings and fourpence,	5,354 3 4
Dracut, . .	0 0 0	8,236 13 4	0 0 0	77 0 0	720 0 0	0 0 0	Seven thousand four hundred and thirty-nine pounds thirteen shillings and fourpence,	7,439 13 4
Bedford, . .	0 0 0	6,358 6 8	0 0 0	71 0 0	360 0 0	0 0 0	Five thousand nine hundred and twenty-seven pounds six shillings and eightpence,	5,927 6 8
Holliston, . .	81 0 0	7,560 0 0	0 0 0	66 0 0	480 0 0	1,200 0 0	Eight thousand two hundred and ninety-five pounds,	8,295 0 0
Acton, . .	0 0 0	7,070 0 0	0 0 0	0 0 0	480 0 0	0 0 0	Six thousand five hundred and ninety pounds, . . .	6,590 0 0
Dunstable, . .	0 0 0	6,568 6 8	0 0 0	74 0 0	600 0 0	0 0 0	Five thousand eight hundred and ninety-four pounds six shillings and eightpence,	5,894 6 8
Lincoln, . .	0 0 0	6,580 0 0	0 0 0	69 0 0	480 0 0	600 0 0	Six thousand six hundred and thirty-one pounds, . .	6,631 0 0
Wilmington, .	48 0 0	5,320 0 0	0 0 0	0 0 0	600 0 0	0 0 0	Four thousand seven hundred and sixty-eight pounds,	4,768 0 0
Tewk[*e*]sbury, .	0 0 0	6,416 13 4	0 0 0	75 4 0	600 0 0	600 0 0	Six thousand three hundred and forty-one pounds nine shillings and fourpence,	6,341 9 4
Littleton, . .	0 0 0	8,446 13 4	0 0 0	0 0 0	600 0 0	0 0 0	Seven thousand eight hundred and forty-six pounds thirteen shillings and fourpence,	7,846 13 4
Ashby, . .	0 0 0	3,220 0 0	0 0 0	0 0 0	360 0 0	0 0 0	Two thousand eight hundred and sixty pounds, . .	2,860 0 0

Natick, . .	0 0 0	4,690 0 0	0 0 0	0 0 0	120 0 0	1,200 0 0	Five thousand seven hundred and seventy pounds, . . . 5,770 0 0
Stoneham, . .	0 0 0	3,115 0 0	0 0 0	0 0 0	240 0 0	0 0 0	Two thousand eight hundred and seventy-five pounds, . 2,875 0 0
	£2,980 16*s.* 0*d.*	£347,876 13*s.* 4*d.*	£0 0*s.* 0*d.*	£1,874 10*s.* 0*d.*	£25,180 0*s.* 0*d.*	£13,200 0*s.* 0*d.*	Three hundred [and] thirty-seven thousand and two pounds nineteen shillings and fourpence, . . . £337,002 19*s.* 4*d.*

IN THE COUNTY OF HAMPSHIRE.

Springfield, .	£85 4*s.* 0*d.*	£16,835 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£960 0*s.* 0*d.*	£1,800 0*s.* 0*d.*	Seventeen thousand seven hundred and sixty pounds four shillings, ... £17,760 4*s.* 0*d.*
W[est] Springfield, .	84 0 0	16,858 0* 0	0 0 0	0 0 0	720 0 0	3,000 0 0	Nineteen thousand two hundred and twenty-two pounds, 19,222 0 0
Wilbraham, .	0 0 0	9,695 0 0	0 0 0	111 0 0	720 0 0	1,200 0 0	Ten thousand and sixty-four pounds, ... 10,064 0 0
Northampton, .	156 0 0	13,253 6 8	0 0 0	200 0 0	1,200 0 0	0 0 0	Twelve thousand and nine pounds six shillings and eightpence, ... 12,009 6 8
Southampton, .	159 0 0	5,891 13 4	0 0 0	78 0 0	720 0 0	0 0 0	Five thousand two hundred and fifty-two pounds thirteen shillings and fourpence, 5,252 13 4
Hadley, . .	138 0 0	8,120 0 0	0 0 0	0 0 0	720 0 0	0 0 0	Seven thousand five hundred and thirty-eight pounds, . 7,538 0 0
South Hadley, .	99 0 0	4,036 13 4	0 0 0	0 0 0	480 0 0	0 0 0	Three thousand six hundred and fifty-five pounds thirteen shillings and fourpence, . 3,655 13 4
Amherst, . .	214 10 0	8,306 13 4	0 0 0	118 10 0	720 0 0	0 0 0	Seven thousand six hundred and eighty-two pounds thirteen shillings and fourpence, 7,682 13 4
Granby, . .	79 10 0	4,340 0 0	0 0 0	38 8 0	360 0 0	0 0 0	Four thousand and twenty-one pounds two shillings, . . 4,021 2 0
Hatfield, . .	171 0 0	7,851 13 4	0 0 0	0 0 0	240 0 0	1,800 0 0	Nine thousand five hundred and eighty-two pounds thirteen shillings and fourpence, 9,582 13 4
Whately, . .	0 0 0	3,418 6 8	42 0 0	40 0 0	360 0 0	0 0 0	Two thousand nine hundred and seventy-six pounds six shillings and eightpence, . 2,976 6 8

* "6" in the printed act.

IN THE COUNTY OF HAMPSHIRE — *Continued.*

TOWNS.	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTY OF £14 AGREEABLE TO A RESOLVE OF 12[TH] JUNE, 1778.	BOUNTY AND MILEAGE AGREEABLE TO A RESOLVE OF 8TH JUNE, 1779.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE OF JUNE 9[TH], 1779, FOR RAISING MEN FOR 9 MONTHS.		[SUM TOTAL EACH TOWN HATH TO PAY.]	
					BOUNTIES.	FINES.		
Williamsburg[h],	£0 0*s.* 0*d.*	£4,153 6*s.* 4*d.*	£0 0*s.* 0*d.*	£60 0*s.* 0*d.*	£0 0*s.* 0*d.*	£2,400 0*s.* 0*d.*	Six thousand four hundred and ninety-three pounds six shill[*in*]gs and fourpence, .	£6,493 6*s.* 4*d.*
Westfield, . .	102 0 0	12,576 13 4	0 0 0	0 0 0	1,200 0 0	0 0 0	Eleven thousand four hundred and seventy-eight pounds thirteen shill[*in*]gs and fourpence, ...	11,478 13 4
Deerfield, . .	0 0 0	9,135 0 0	0 0 0	0 0 0	480 0 0	1,200 0 0	Nine thousand eight hundred and fifty-five pounds, . .	9,855 0 0
Greenfield, . .	0 0 0	5,658 6 8	0 0 0	84 0 0	600 0 0	0 0 0	Four thousand nine hundred and seventy-four pounds six shillings and eightpence, .	4,974 6 8
Shelburne, . .	0 0 0	6,265 0 0	0 0 0	0 0 0	600 0 0	0 0 0	Five thousand six hundred and sixty-five pounds, . .	5,665 0 0
Conway, . .	165 0 0	7,676 13 4	0 0 0	80 0 0	360 0 0	1,800 0 0	Nine thousand two hundred and one pounds thirteen shillings and fourpence, . .	9,201 13 4
Sunderland, .	78 0 0	3,780 0 0	0 0 0	39 0 0	360 0 0	0 0 0	Three thousand four hundred and fifty-nine pounds, . .	3,459 0 0
Montague, . .	162 0 0	4,200 0 0	42 0 0	80 0 0	480 0 0	0 0 0	Three thousand seven hundred and sixty pounds, . .	3,760 0 0
Northfield, . .	180 0 0	6,591 13 4	0 0 0	0 0 0	480 0 0	600 0 0	Six thousand eight hundred and ninety-one pounds thirteen shill[*in*]gs and fourpence, ...	6,891 13 4
Brimfield, . .	99 0 0	8,785 0 0	0 0 0	105 0 0	720 0 0	0 0 0	Eight thousand and fifty-nine pounds, ...	8,059 0 0
S[outh] Brimfield, .	0 0 0	5,191 13 4	0 0 0	0 0 0	600 0 0	0 0 0	Four thousand five hundred and ninety-one pounds thirteen shill[*in*]gs and fourpence, ...	4,591 13 4
Monson, . .	147 0 0	6,043 6 8	42 0 0	36 8 0	600 0 0	0 0 0	Five thousand five hundred and eleven pounds eighteen shillings and eightpence, .	5,511 18 8
Pelham, . .	0 0 0	6,241 13 4	0 0 0	0 0 0	600 0 0	0 0 0	Five thousand six hundred and forty-one pounds thirteen shillings and fourpence,	5,641 13 4

Greenwich, .	0	0	0	5,775	0	0	0	0	0	76	0	0	720	0	0	0	0	0
Blanford, . .	0	0	0	6,965	0	0	0	0	0	0	0	0	240	0	0	1,800	0	0
Leverett, . .	0	0	0	2,473	6	8	0	0	0	0	0	0	240	0	0	0	0	0
Palmer, . .	75	0	0	5,670	0	0	0	0	0	74	0	0	360	0	0	1,200	0	0
Granville, . .	81	0	0	10,721	13	4	56	0	0	40	0	0	840	0	0	0	0	0
New Salem, .	0	0	0	7,128	6	8	0	0	0	0	0	0	720	0	0	0	0	0
[*Be**]lchertown,	0	0	0	7,420	0	0	0	0	0	0	0	0	720	0	0	600	0	0
Col[er]ain, . .	132	0	0	4,526	13	4	0	0	0	40	0	0	480	0	0	0	0	0
Ware, . . .	0	0	0	3,628	6	8	0	0	0	0	0	0	360	0	0	600	0	0
Warwick, . .	0	0	0	4,946	13	4	0	0	0	80	0	0	600	0	0	0	0	0
B[a][*e*]rnardston,	0	0	0	3,920	0	0	0	0	0	0	0	0	360	0	0	600	0	0
Murrayfield, .	79	10	0	4,480	0	0	0	0	0	0	0	0	360	0	0	0	0	0
Charlemont, .	0	0	0	3,616	13	4	0	0	0	42	0	0	240	0	0	600	0	0
Ashfield, . .	0	0	0	4,981	13	4	70	0	0	80	0	0	600	0	0	0	0	0
Worthington, .	195	0	0	4,678	6	8	0	0	0	82	0	0	0	0	0	2,400	0	0
Shutesbury, .	0	0	0	3,698	6	8	0	0	0	0	0	0	480	0	0	0	0	0
Southwick, .	177	0	0	3,605	0	0	0	0	0	0	0	0	360	0	0	0	0	0

Four thousand nine hundred and seventy-nine pounds, .	4,979	0	0
Eight thousand five hundred and twenty-five pounds, .	8,525	0	0
Two thousand two hundred and thirty-three pounds six shillings and eightpence, .	2,233	6	8
Six thousand five hundred and eleven pounds, . . .	6,511	0	0
Nine thousand eight hundred and sixty-six pounds thirteen shillings and fourpence, .	9,866	13	4
Six thousand four hundred and eight pounds six shillings and eightpence, . . .	6,408	6	8
Seven thousand three hundred pounds, ...	7,300	0	0
Four thousand one hundred and thirty-eight pounds thirteen shillings and fourpence,	4,138	13	4
Three thousand eight hundred and sixty-eight pounds six shillings and eightpence, .	3,868	6	8
Four thousand two hundred and sixty-six pounds thirteen shillings and fourpence, .	4,266	13	4
Four thousand one hundred and sixty pounds, . .	4,160	0	0
Four thousand one hundred and ninety-nine pounds ten shillings, ...	4,199	10	0
Three thousand nine hundred and thirty-four pounds thirteen shillings and fourpence,	3,934	13	4
Four thousand two hundred and thirty-one pounds thirteen shillings and fourpence,	4,231	13	4
Seven thousand one hundred and ninety-one pounds six shillings and eightpence, .	7,191	6	8
Three thousand two hundred and eighteen pounds six shillings and eightpence, . .	3,218	6	8
Three thousand four hundred and twenty-two pounds, .	3,422	0	0

* Engrossment mutilated.

IN THE COUNTY OF HAMPSHIRE — *Continued.*

TOWNS.	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTY OF £14 AGREEABLE TO A RESOLVE OF 12[TH] JUNE, 1778.	BOUNTY AND MILEAGE AGREEABLE TO A RESOLVE OF 8TH JUNE, 1779.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE OF JUNE 9[TH], 1779, FOR RAISING MEN FOR 9 MONTHS.		[*SUM TOTAL EACH TOWN HATH TO PAY.*]	
					BOUNTIES.	FINES.		
Suffield, . .	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*		£0 0*s.* 0*d.*
Enfield, . .	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0		0 0 0
Somers, . .	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0		0 0 0
Ludlow, .	117 0 0	2,566 13 4	0 0 0	0 0 0	360 0 0	0 0 0	Two thousand three hundred and twenty-three pounds thirteen shillings and fourpence, ...	2,323 13 4
Norwich, . .	0 0 0	1,831 13 4	0 0 0	0 0 0	120 0 0	600 0 0	Two thousand three hundred and eleven pounds thirteen shillings and fourpence, .	2,311 13 4
Merryfield, .	0 0 0	1,703 6 8	0 0 0	0 0 0	120 0 0	600 0 0	Two thousand one hundred and eighty-three pounds six shillings and eightpence, .	2,183 6 8
N[o]. 5 Cumington, .	0 0 0	3,021 13 4	0 0 0	0 0 0	0 0 0	1,200 0 0	Four thousand two hundred and twenty-one pounds thirteen shillings and fourpence,	4,221 13 4
Westhampton, .	0 0 0	2,193 6 8	0 0 0	0 0 0	240 0 0	0 0 0	One thousand nine hundred and fifty-three pounds six shillings and eightpence, .	1,953 6 8
Chesterfield, .	187 10 0	6,486 13 4	98 0 0	160 0 0	720 0 0	0 0 0	Five thousand six hundred and ninety-six pounds thirteen shillings and fourpence,	5,696 13 4
Chesterfi[eld] Gore, . .	0 0 0	1,081 2 2	14 0 0	41 0 0	120 0 0	0 0 0	Nine hundred and six pounds two shillings and twopence,	906 2 2
	£3,163 4*s.* 0*d.*	£292,024 8*s.* 10*d.*	£364 0*s.* 0*d.*	£1,785 6*s.* 0*d.*	£23,640 0*s.* 0*d.*	£24,000 0*s.* 0*d.*	Two hundred [and] ninety-three thousand [*and*] three hundred and ninety-eight pounds six shill[*in*]gs and 10*d.* [*tenpence*], . . .	£293,398 6*s.* 10*d.*

IN THE COUNTY OF PLYMOUTH.

| | | |

IN THE COUNTY OF BARNSTABLE.

TOWNS.	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTY OF £14 AGREEABLE TO A RESOLVE OF 12[TH] JUNE, 1778.	BOUNTY AND MILEAGE AGREEABLE TO A RESOLVE OF 8TH JUNE, 1779.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE OF JUNE 9[TH], 1779, FOR RAISING MEN FOR 9 MONTHS.		[SUM TOTAL EACH TOWN HATH TO PAY.]	
					BOUNTIES.	FINES.		
Barnstable, . .	£0 0s. 0d.	£18,095 0s. 0d.	£0 0s. 0d.	£0 0s. 0d.	£0 0s. 0d.	£0 0s. 0d.	Eighteen thousand and ninety-five pounds, ...	£18,095 0s. 0d.
Sandwich, . .	138 0 0	12,973 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Thirteen thousand one hundred and eleven pounds, .	13,111 0 0
Yarmouth, . .	126 0 0	11,771 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Eleven thousand eight hundred and ninety-seven pounds thirteen shill[in]gs and fourpence, ...	11,897 13 4
Eastham, . .	129 0 0	8,458 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Eight thousand five hundred and eighty-seven pounds six shillings and eightpence, .	8,587 6 8
Harwich, . .	106 10 0	9,741 13 1	0 0 0	0 0 0	0 0 0	0 0 0	Nine thousand eight hundred and forty-eight pounds three shillings and one penny, .	9,848 3 1
Wellfleet, . .	61 10 0	4,223 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Four thousand two hundred and eighty-four pounds sixteen shillings and eightpence, ...	4,284 16 8
Chatham, . .	0 0 0	4,503 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Four thousand five hundred and three pounds six shillings and eightpence, . .	4,503 6 8
Truro, . .	55 10 0	4,293 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Four thousand three hundred and forty-eight pounds sixteen shillings and eightpence, ...	4,348 16 8
Falmouth, . .	120 0 0	9,100 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Nine thousand two hundred and twenty pounds, . .	9,220 0 0
	£736 10s. 0d.	£83,159 13s. 1d.	£0 0s. 0d.	£0 0s. 0d.	£0 0s. 0d.	£0 0s. 0d.	Eighty-three thousand eight hundred and ninety-six pounds three shillings and one penny, ...	£83,896 3s. 1d.

IN THE COUNTY OF BRISTOL.

Taunton, . .	£166 0s. 0d.	£22,248 6s. 8d.	£0 0s. 0d.	£0 0s. 0d.	£0 0s. 0d.	£0 0s. 0d.	Twenty-two thousand four hundred and fourteen pounds six shillings and eightpence, ...	£22,414 6s. 8d.
Rehoboth, . .	192 0 0	25,585 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Twenty-five thousand seven hundred and seventy-seven pounds, ...	25,777 0 0
Swanzey and Shawamet, .	178 10 0	13,685 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Thirteen thousand eight hundred and sixty-three pounds ten shillings, ...	13,863 10 0
Dartmouth, .	207 0 0	41,136 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Forty-one thousand three hundred and forty-three pounds thirteen shillings and fourpence, ...	41,343 13 4
Norton, . .	159 0 0	9,963 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Ten thousand one hundred and twenty-two pounds six shillings and eightpence, . . .	10,122 6 8
Mansfield, . .	111 0 0	6,568 6 8	0 0 0	64 0 0	600 0 0	600 0 0	Six thousand six hundred and fifteen pounds six shillings and eightpence, . . .	6,615 6 8
Attleborough, .	123 0 0	16,333 6 8	0 0 0	187 4 0	1,440 0 0	600 0 0	Fifteen thousand four hundred and twenty-nine pounds two shill[*in*]gs and eightpence, .	15,429 2 8
Dighton, . .	46 0 0	9,088 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Nine thousand one hundred and thirty-four pounds six shillings and eightpence, .	9,134 6 8
Freetown, . .	183 0 0	10,196 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Ten thousand three hundred and seventy-nine pounds thirteen shillings and fourpence, ...	10,379 13 4
Raynham, . .	49 10 0	7,000 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Seven thousand and forty-nine pounds ten shillings, .	7,049 10 0
Easton, . .	0 0 0	7,630 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Seven thousand six hundred and thirty pounds, . .	7,630 0 0
Berk[e]ley, .	37 10 0	4,911 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Four thousand nine hundred and forty-nine pounds three shillings and fourpence, .	4,949 3 4
	£1,452 10s. 0d.	£174,346 13s. 4d.	£0 0s. 0d.	£251 4s. 0d.	£2,040 0s. 0d.	£1,200 0s. 0d.	One hundred and seventy-four thousand seven hundred and seven p[*oun*]ds nineteen shill[*in*]gs and fourpence, .	£174,707 19s. 4d.

IN THE COUNTY OF YORK.

TOWNS.	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTY OF £14 AGREEABLE TO A RESOLVE OF 12[TH] JUNE, 1778.	BOUNTY AND MILEAGE. AGREEABLE TO A RESOLVE OF 8TH JUNE, 1779.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE OF JUNE 9[TH], 1779, FOR RAISING MEN FOR 9 MONTHS. BOUNTIES.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE OF JUNE 9[TH], 1779, FOR RAISING MEN FOR 9 MONTHS. FINES.	[SUM TOTAL EACH TOWN HATH TO PAY.]	
York,	£195 0s. 0d.	£17,453 6s. 8d.	£0 0s. 0d.	£0 0s. 0d.	£0 0s. 0d.	£0 0s. 0d.	Seventeen thousand six hundred and forty-eight pounds six shillings and eightpence,	£17,648 6s. 8d.
Kittery,	186 0 0	18,935 0 0	0 0 0	168 0 0	0 0 0	0 0 0	Eighteen thousand nine hundred and fifty-three pounds,	18,953 0 0
Wells,	159 0 0	15,400 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Fifteen thousand five hundred and fifty-nine pounds,	15,559 0 0
Berwick,	132 0 0	23,613 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Twenty-three thousand seven hundred and forty-five pounds six shill[*in*]gs and eightpence,	23,745 6 8
Arundell,	0 0 0	6,650 0 0	0 0 0	89 0 0	0 0 0	0 0 0	Six thousand five hundred and sixty-one pounds,	6,561 0 0
Biddeford,	0 0 0	7,210 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Seven thousand two hundred and ten pounds,	7,210 0 0
Pepper[*r*]el[*l*]-boro[ugh],	57 0 0	6,720 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Six thousand seven hundred and seventy-seven pounds,	6,777 0 0
Lebanon,	0 0 0	4,025 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Four thousand and twenty-five pounds,	4,025 0 0
Sandford,	0 0 0	3,745 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Three thousand seven hundred and forty-five pounds,	3,745 0 0
Buxton,	0 0 0	5,320 0 0	0 0 0	46 10 0	0 0 0	0 0 0	Five thousand two hundred and seventy-three pounds ten shillings,	5,273 10 0
Fryeburgh,	0 0 0	4,200 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Four thousand two hundred pounds,	4,200 0 0
Coxhall,	0 0 0	1,750 0 0	0 0 0	0 0 0	0 0 0	0 0 0	One thousand seven hundred and fifty pounds,	1,750 0 0
Massabesec,	0 0 0	2,030 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Two thousand and thirty pounds,	2,030 0 0
Limeric,	0 0 0	560 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Five hundred and sixty pounds,	560 0 0

Brownfield, .	0 0 0	560 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Five hundred and sixty pounds, ...	560 0 0
Little Falls, .	0 0 0	980 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Nine hundred and eighty pounds, ...	980 0 0
	£729 0*s.* 0*d.*	£119,151 13*s.* 4*d.*	£0 0*s.* 0*d.*	£303 10*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	One hundred [and] nineteen thousand five hundred and seventy-seven pounds three shill[*in*]gs and[four pence], [4*d.*], ...	£119,577 3*s.* 4*d.*

IN THE COUNTY OF DUKES COUNTY.

Edgartown, .	£0 0*s.* 0*d.*	£6,906 13*s.* 4*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Six thousand nine hundred and six pounds thirteen shillings and fourpence, .	£6,906 13*s.* 4*d.*
Chilmark, . .	0 0 0	7,443 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Seven thousand four hundred and forty-three pounds six shillings and eightpence, .	7,443 6 8
Tisbury, . .	0 0 0	5,915 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Five thousand nine hundred and fifteen pounds, . .	5,915 0 0
							Twenty thousand two hundred and sixty-five pounds,	£20,265 0*s.* 0*d.*

IN THE COUNTY OF NANTUCKET.

Sherburne, . .	£0 0*s.* 0*d.*	£30,881 13*s.* 4*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Thirty thousand eight hundred and eighty-one pounds thirteen shillings and fourpence, ...	£30,881 13*s.* 4*d.*

IN THE COUNTY OF WORCESTER.

TOWNS.	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTY OF £14 AGREEABLE TO A RESOLVE OF 12[TH] JUNE, 1778.	BOUNTY AND MILEAGE AGREEABLE TO A RESOLVE OF 8TH JUNE, 1779.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE OF JUNE 9[TH], 1779, FOR RAISING MEN FOR 9 MONTHS. BOUNTIES.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE OF JUNE 9[TH], 1779, FOR RAISING MEN FOR 9 MONTHS. FINES.	[*SUM TOTAL EACH TOWN HATH TO PAY.*]	
Worcester,	£132 0s. 0d.	£20,580 0s. 0d.	£0 0s. 0d.	£138 0s. 0d.	£1,200 0s. 0d.	£0 0s. 0d.	Nineteen thousand three hundred and seventy-four pounds,	£19,374 0s. 0d.
Lancaster,	117 0 0	22,166 13 4	0 0 0	252 0 0	2,040 0 0	0 0 0	Nineteen thousand nine hundred and ninety-one pounds thirteen shillings and four-pence,	19,991 13 4
Mendon.	192 0 0	16,380 0 0	0 0 0	162 0 0	1,200 0 0	1,800 0 0	Seventeen thousand and ten pounds,	17,010 0 0
Brookfield,	63 0 0	21,700 0 0	0 0 0	0 0 0	1,680 0 0	0 0 0	Twenty thousand and eighty-three pounds,	20,083 0 0
Oxford,	108 0 0	6,720 0 0	42 0 0	68 0 0	120 0 0	0 0 0	Six thousand five hundred and ninety-eight pounds,	6,598 0 0
Charleton,	142 10 0	10,290 0 0	0 0 0	0 0 0	1,080 0 0	0 0 0	Nine thousand three hundred and fifty-two pounds ten shillings,	9,352 10 0
Sutton,	195 0 0	20,440 0 0	0 0 0	201 0 0	1,680 0 0	1,200 0 0	Nineteen thousand nine hundred and fifty-four pounds,	19,954 0 0
Leicester,	120 0 0	5,320 0 0	0 0 0	69 0 0	720 0 0	0 0 0	Four thousand six hundred and fifty-one pounds,	4,651 0 0
Spencer,	126 0 0	8,400 0 0	0 0 0	141 12 0	840 0 0	0 0 0	Seven thousand five hundred and forty-four pounds eight shillings,	7,544 8 0
Rutland,	135 0 0	9,660 0 0	0 0 0	70 0 0	720 0 0	0 0 0	Nine thousand and five pounds,	9,005 0 0
Paxton,	0 0 0	5,600 0 0	0 0 0	0 0 0	480 0 0	0 0 0	Five thousand one hundred and twenty pounds,	5,120 0 0
Oakham,	0 0 0	3,990 0 0	0 0 0	12 0 0	360 0 0	600 0 0	Four thousand two hundred and eighteen pounds,	4,218 0 0
Barre,	156 0 0	11,620 0 0	0 0 0	0 0 0	960 0 0	0 0 0	Ten thousand eight hundred and sixteen pounds,	10,816 0 0
Hubbardston,	0 0 0	3,990 0 0	0 0 0	0 0 0	360 0 0	600 0 0	Four thousand two hundred and thirty pounds,	4,230 0 0
New Braintree,	156 0 0	7,700 0 0	0 0 0	0 0 0	120 0 0	1,200 0 0	Eight thousand nine hundred and thirty-six pounds,	8,936 0 0
Southborough,	138 0 0	7,560 0 0	0 0 0	72 0 0	0 0 0	2,400 0 0	Ten thousand and twenty-six pounds,	10,026 0 0

Westborough, .	£147	0s.	0d.	£7,921	13s.	4d.	£0	0s.	0d.	£67	4s.	0d.	£600	0s.	0d.	£0	0s.	0d.
Northborough, .	129	0	0	5,180	0	0	0	0	0	9	12	0	0	0	0	1,800	0	0
Shrewsbury, .	198	0	0	14,700	0	0	0	0	0	0	0	0	1,080	0	0	0	0	0
Lunenburgh, .	159	0	0	9,800	0	0	0	0	0	120	0	0	840	0	0	0	0	0
Fitchburgh, .	0	0	0	5,600	0	0	70	0	0	73	0	0	480	0	0	0	0	0
Uxbridge, . .	61	10	0	9,310	0	0	70	0	0	97	4	0	720	0	0	600	0	0
Harvard, . .	153	0	0	10,430	0	0	0	0	0	112	8	0	960	0	0	0	0	0
Dudley, . .	153	0	0	6,720	0	0	0	0	0	69	4	0	720	0	0	0	0	0
Bolton, . .	120	0	0	9,870	0	0	0	0	0	0	0	0	600	0	0	1,200	0	0
Upton, . .	0	0	0	4,340	0	0	0	0	0	0	0	0	360	0	0	0	0	0
Sturbridge, .	0	0	0	9,660	0	0	0	0	0	105	0	0	840	0	0	1,200	0	0
Leominster, .	126	0	0	8,400	0	0	0	0	0	0	0	0	720	0	0	0	0	0
Hardwick, . .	180	0	0	11,200	0	0	0	0	0	110	0	0	1,080	0	0	0	0	0
Holden, . .	0	0	0	5,600	0	0	0	0	0	0	0	0	600	0	0	0	0	0
Western, . .	126	0	0	7,140	0	0	0	0	0	6	0	0	600	0	0	600	0	0
Douglas, . .	105	0	0	4,270	0	0	56	0	0	98	8	0	600	0	0	600	0	0
Grafton, . .	126	0	0	7,735	0	0	0	0	0	0	0	0	480	0	0	0	0	0
Petersham, . .	132	0	0	8,680	0	0	0	0	0	74	8	0	720	0	0	1,200	0	0
Royalston, . .	0	0	0	5,051	13	4	0	0	0	0	0	0	480	0	0	0	0	0
Westminster, .	189	0	0	7,490	0	0	0	0	0	0	0	0	720	0	0	0	0	0
Templeton, .	210	0	0	7,490	0	0	0	0	0	74	0	0	720	0	0	0	0	0

Seven thousand four hundred and one pound[s] nine shillings and fourpence, . .	£7,401	9s.	4d.
Seven thousand and ninety-nine pounds eight shillings,	7,099	8	0
Thirteen thousand eight hundred and eighteen pounds, .	13,818	0	0
Eight thousand nine hundred and ninety-nine pounds, .	8,999	0	0
Four thousand nine hundred and seventy-seven pounds, .	4,977	0	0
Nine thousand and eighty-four pounds six shillings, . .	9,084	6	0
Nine thousand five hundred and ten pounds twelve shillings, ...	9,510	12	0
Six thousand and eighty-three pounds sixteen shillings, .	6,083	16	0
Ten thousand five hundred and ninety pounds, . .	10,590	0	0
Three thousand nine hundred and eighty pounds, . .	3,980	0	0
Nine thousand nine hundred and fifteen pounds, . .	9,915	0	0
Seven thousand eight hundred and six pounds, . . .	7,806	0	0
Ten thousand one hundred and ninety pounds, . .	10,190	0	0
Five thousand pounds, . .	5,000	0	0
Seven thousand two hundred and sixty-six pounds, . .	7,266	0	0
Four thousand two hundred and twenty pounds twelve shillings, ...	4,220	12	0
Seven thousand three hundred and eighty-one pounds, .	7,381	0	0
Nine thousand two hundred and seventeen pounds twelve shillings, ...	9,217	12	0
Four thousand five hundred and seventy-one pounds thirteen shillings and fourpence,	4,571	13	4
Six thousand nine hundred and fifty-nine pounds, .	6,959	0	0
Six thousand nine hundred and six pounds, . . .	6,906	0	0

IN THE COUNTY OF WORCESTER — *Continued.*

TOWNS.	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTY OF £14 AGREEABLE TO A RESOLVE OF 12[TH] JUNE, 1778.	BOUNTY AND MILEAGE AGREEABLE TO A RESOLVE OF 8TH JUNE, 1779.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE OF JUNE 9[TH], 1779, FOR RAISING MEN FOR 9 MONTHS. BOUNTIES.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE OF JUNE 9[TH], 1779, FOR RAISING MEN FOR 9 MONTHS. FINES.	[*SUM TOTAL EACH TOWN HATH TO PAY.*]	
Princeton, . .	£0 0*s.* 0*d.*	£5,740 0*s.* 0*d.*	£0 0*s.* 0*d.*	£18 0*s.* 0*d.*	£480 0*s.* 0*d.*	£0 0*s.* 0*d.*	Five thousand two hundred and forty-two pounds, . .	£5,242 0*s.* 0*d.*
Ashburnham, .	96 0 0	3,640 0 0	0 0 0	0 0 0	360 0 0	0 0 0	Three thousand three hundred and seventy-six pounds, .	3,376 0 0
Winchendon, .	0 0 0	4,060 0 0	0 0 0	0 0 0	120 0 0	1,200 0 0	Five thousand one hundred and forty pounds, . .	5,140 0 0
Woodstock, .	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	0 0 0	– –	0 0 0
Northbridge, .	24 0 0	2,800 0 0	0 0 0	0 0 0	360 0 0	0 0 0	Two thousand four hundred and sixty-four pounds, .	2,464 0 0
Ward, . . .	0 0 0	3,278 6 8	0 0 0	0 0 0	360 0 0	0 0 0	Two thousand nine hundred and eighteen pounds six shillings and eightpence, .	2,918 6 8
Athol, . . .	0 0 0	6,020 0 0	0 0 0	76 0 0	720 0 0	0 0 0	Five thousand two hundred and twenty-four pounds, .	5,224 0 0
	£4,215 0*s.* 0*d.*	£374,243 6*s.* 8*d.*	£238 0*s.* 0*d.*	£2,290 10*s.* 0*d.*	£29,880 0*s.* 0*d.*	£16,200 0*s.* 0*d.*	Three hundred and sixty-two thousand two hundred and fifty pounds six shillings and eightpence, . . .	£362,250 6*s.* 8*d.*

IN THE COUNTY OF CUMBERLAND.

Falmouth, . .	£0 0*s.* 0*d.*	£14,420 0*s.* 0*d.*	£0 0*s.* 0*d.*	£120 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Fourteen thousand three hundred pounds, . . .	£14,300 0*s.* 0*d.*
North Yarmouth,	198 0 0	13,265 0 0	0 0 0	60 0 0	0 0 0	0 0 0	Thirteen thousand four hundred and three pounds, .	13,403 0 0
Cape Elizabeth, .	0 0 0	8,260 0 0	0 0 0	90 0 0	0 0 0	0 0 0	Eight thousand one hundred and seventy pounds, . .	8,170 0 0
Gorham, . .	174 0 0	7,011 13 4	0 0 0	120 0 0	0 0 0	0 0 0	Seven thousand and sixty-five pounds thirteen shillings and fourpence, ...	7,065 13 4
Brunswick, .	0 0 0	6,580 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Six thousand five hundred and eighty pounds, . . .	6,580 0 0

Harpswell, . .	£0	0s.	0d.	£4,900	0s.	0d.	£0	0s.	0d.	£0	0s.	0d.	£0	0s.	0d.	£0	0s.	0d.	Four thousand nine hundred pounds, ...	£4,900	0s.	0d.
Windham, . .	0	0	0	3,045	0	0	0	0	0	47	6	0	0	0	0	0	0	0	Two thousand nine hundred and ninety-seven pounds fourteen shillings, . .	2,997	14	0
New Gloucester,	0	0	0	4,340	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Four thousand three hundred and forty pounds, . .	4,340	0	0
Scarborough, .	0	0	0	10,885	0	0	0	0	0	120	0	0	0	0	0	0	0	0	Ten thousand seven hundred and sixty-five pounds, . .	10,765	0	0
Pearsontown, .	0	0	0	2,333	6	8	0	0	0	0	0	0	0	0	0	0	0	0	Two thousand three hundred and thirty-three pounds six shillings and eightpence, .	2,333	6	8
Royalsburgh, .	0	0	0	1,341	13	4	0	0	0	0	0	0	0	0	0	0	0	0	One thousand three hundred and forty-one pounds thirteen shillings and fourpence,	1,341	13	4
Gray, . . .	0	0	0	1,505	0	0	0	0	0	0	0	0	0	0	0	0	0	0	One thousand five hundred and five pounds, . . .	1,505	0	0
Raymondtown, .	0	0	0	560	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Five hundred and sixty pounds,	560	0	0
Bakerstown, .	0	0	0	280	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Two hundred and eighty pounds, ...	280	0	0
Sylvestertown, .	0	0	0	280	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Two hundred and eighty pounds, ...	280	0	0
Bridgetown, .	0	0	0	210	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Two hundred and ten pounds,	210	0	0
	£372	0s.	0d.	£79,216	13s.	4d.	£0	0s.	0d.	£557	6s.	0d.	£0	0s.	0d.	£0	0s.	0d.	Seventy-nine thousand and thirty-one pounds seven shillings and fourpence, .	£79,031	7s.	4d.

IN THE COUNTY OF LINCOLN.

Pownalboro[*ugh*],	£0	0s.	0d.	£8,260	0s.	0d.	£0	0s.	0d.	£0	0s.	0d.	£0	0s.	0d.	£0	0s.	0d.	Eight thousand two hundred and sixty pounds, . .	£8,260	0s.	0d.
Georgetown, .	0	0	0	10,208	6	8	0	0	0	0	0	0	0	0	0	0	0	0	Ten thousand two hundred and eight pounds six shillings and eightpence, . . .	10,208	6	8
Newcastle, . .	0	0	0	4,060	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Four thousand and sixty pounds, ...	4,060	0	0
Woolwich, . .	0	0	0	3,208	6	8	0	0	0	0	0	0	0	0	0	0	0	0	Three thousand two hundred and eight pounds six shillings and eightpence, . .	3,208	6	8
Topsham, . .	0	0	0	4,736	13	4	0	0	0	0	0	0	0	0	0	0	0	0	Four thousand seven hundred and thirty-six pounds thirteen shillings and fourpence,	4,736	13	4

IN THE COUNTY OF LINCOLN — *Continued.*

TOWNS.	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTY OF £14 AGREEABLE TO A RESOLVE OF 12[TH] JUNE, 1778.	BOUNTY AND MILEAGE AGREEABLE TO A RESOLVE OF 8TH JUNE, 1779.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE OF JUNE 9[TH], 1779, FOR RAISING MEN FOR 9 MONTHS.		[*SUM TOTAL EACH TOWN HATH TO PAY.*]	
					BOUNTIES.	FINES.		
Bowdoinham, .	£0 0*s.* 0*d.*	£1,621 13*s.* 4*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	One thousand six hundred and twenty-one pounds thirteen shillings and fourpence, .	£1,621 13*s.* 4*d.*
Boothbay, . .	0 0 0	5,448 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Five thousand four hundred and forty-eight pounds six shillings and eightpence, .	5,448 6 8
Bristol, . .	109 10 0	5,716 13 4	56 0 0	0 0 0	0 0 0	0 0 0	Five thousand seven hundred and seventy pounds three shillings and fourpence, .	5,770 3 4
Vassalboro[*ugh*],	69 0 0	4,433 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Four thousand five hundred and two pounds six shillings and eightpence, . . .	4,502 6 8
Winslow, . .	0 0 0	2,823 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Two thousand eight hundred and twenty-three pounds six shillings and eightpence, .	2,823 6 8
Waldoboro[*ugh*],	0 0 0	3,920 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Three thousand nine hundred and twenty pounds, . .	3,920 0 0
Edgecomb, . .	0 0 0	2,601 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Two thousand six hundred and one pounds thirteen shillings and fourpence, .	2,601 13 4
Hallowell, . .	0 0 0	3,803 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Three thousand eight hundred and three pounds six shillings and eightpence, . .	3,803 6 8
Bellfast, . .	0 0 0	571 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Five hundred and seventy-one pounds thirteen shillings and fourpence, . . .	571 13 4
Warren, . .	207 0 0	2,076 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Two thousand two hundred and eighty-three pounds thirteen shillings and fourpence, ...	2,283 13 4
Thomastown, .	0 0 0	2,076 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Two thousand and seventy-six pounds thirteen shillings and fourpence, ...	2,076 13 [4*]
The lower town of St. Georges,	0 0 0	1,820 0 0	0 0 0	0 0 0	0 0 0	0 0 0	One thousand eight hundred and twenty pounds, . .	1,820 0 0
Medumcook. .	0 0 0	1,411 13 4	0 0 0	0 0 0	0 0 0	0 0 0	One thousand four hundred and eleven pounds thirteen shillings and fourpence, .	1,411 13 4

Pittston, . .	£0	0	0	£4,106	13	4	£0	0	0	£0	0	0	£0	0	0	£0	0	0	Four thousand one hundred and six pounds thirteen shillings and fourpence, . .	£4,106	13	4
Winthrop, . .	72	0	0	4,200	0	0	0	0	0	0	0	6	0	0	0	0	0	0	Four thousand two hundred and seventy-two pounds, .	4,272	0	0
	£457	10	0	£77,105	0	0	£0	0	0	£0	0	0	£0	0	0	£0	0	0	Seventy-seven thousand five hundred and six pounds ten shillings, ...	£77,506	10	0

IN THE COUNTY OF BERKSHIRE.

Sheffield, . .	£393	0	0	£13,813	6	8	£0	0	0	£0	0	0	£0	0	0	£0	0	0	Fourteen thousand two hundred and six pounds six shillings and eightpence, .	£14,206	6	8
Great Barrington,	135	0	0	10,150	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Ten thousand two hundred and eighty-five pounds, .	10,285	0	0
Partridgefield, .	0	0	0	3,406	13	4	0	0	0	0	0	0	0	0	0	0	0	0	Three thousand four hundred and six pounds thirteen shillings and fourpence, . .	3,406	13	4
Williamsto[w]n,	198	0	0	7,991	13	4	0	0	0	0	0	0	0	0	0	0	0	0	Eight thousand one hundred and eighty-nine pounds thirteen shillings and fourpence,	8,189	13	4
New Marlboro, .	165	0	0	6,708	6	8	0	0	0	0	0	0	0	0	0	0	0	0	Six thousand eight hundred and seventy-three pounds six shillings and eightpence,	6,873	6	8
Lanesborough, .	0	0	0	11,970	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Eleven thousand nine hundred and seventy pounds, . .	11,970	0	0
Pittsfield, . .	231	0	0	10,955	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Eleven thousand one hundred and eighty-six pounds, .	11,186	0	0
Lenox, . .	84	0	0	6,790	0	0	70	0	0	0	0	0	0	0	0	0	0	0	Six thousand eight hundred and four pounds, . . .	6,804	0	0
Stockbridge, .	210	0	0	7,175	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Seven thousand three hundred and eighty-five pounds, .	7,385	0	0
Egremont, . .	0	0	0	4,036	13	4	0	0	0	0	0	0	0	0	0	0	0	0	Four thousand and thirty-six pounds thirteen shillings and fourpence, . . .	4,036	13	4
Tyringham, .	132	0	0	5,378	6	8	0	0	0	0	0	0	0	0	0	0	0	0	Five thousand five hundred and ten pounds six shillings and eightpence, . . .	5,510	6	8

* Engrossment mutilated.

IN THE COUNTY OF BERKSHIRE — *Continued.*

TOWNS.	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTY OF £14 AGREEABLE TO A RESOLVE OF 12[TH] JUNE, 1778.	BOUNTY AND MILEAGE AGREEABLE TO A RESOLVE OF 8TH JUNE, 1779.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE OF JUNE 9[TH], 1779, FOR RAISING MEN FOR 9 MONTHS.		[*SUM TOTAL EACH TOWN HATH TO PAY.*]	
					BOUNTIES.	FINES.		
Sandisfield, .	£90 0*s.* 0*d.*	£6,941 13*s.* 4*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Seven thousand and thirty-one pounds thirteen shillings and fourpence, . . .	£7,031 13*s.* 4*d.*
Becket, . .	51 0 0	3,488 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Three thousand five hundred and thirty-nine pounds six shill[*in*]gs and eightpence, .	3,539 6 8
Windsor, . .	0 0 0	5,133 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Five thousand one hundred and thirty-three pounds six shill[*in*]gs and eightpence, .	5,133 6 8
Hancock, . .	114 0 0	6,685 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Six thousand seven hundred and ninety-nine pounds, .	6,799 0 0
Richmond, . .	114 0 0	8,015 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Eight thousand one hundred and twenty-nine pounds, .	8,129 0 0
Loudon, . .	0 0 0	1,843 6 8	0 0 0	0 0 0	0 0 0	0 0 0	One thousand eight hundred and forty-three pounds six shill[*in*]gs and eightpence, .	1,843 6 8
Washington, .	0 0 0	3,756 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Three thousand seven hundred and fifty-six pounds thirteen shill[*in*]gs and fourpence, .	3,756 13 4
West Stockbridge,	0 0 0	4,048 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Four thousand and forty-eight pounds six shillings and eightpence, ...	4,048 6 8
Alford, . .	0 0 0	2,216 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Two thousand two hundred and sixteen pounds thirteen shillings and fourpence, .	2,216 13 4
New Ashford, .	0 0 0	1,983 6 8	0 0 0	0 0 0	0 0 0	0 0 0	One thousand nine hundred and eighty-three pounds six shillings and eightpence, .	1,983 6 8
Ashawelot, .	0 0 0	2,100 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Two thousand one hundred pounds, ...	2,100 0 0
Plantation No. 7,	0 0 0	1,843 6 8	0 0 0	0 0 0	0 0 0	0 0 0	One thousand eight hundred and forty-three pounds six shillings and eightpence, .	1,843 6 8
Adams, . .	0 0 0	7,361 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Seven thousand three hundred and sixty-one pounds thirteen shillings and fourpence,	7,361 13 4

New Providence,	0 0 0	3,033 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Three thousand and thirty-three pounds six shillings and eightpence, . .	3,033 6 8
Lee, . . .	0 0 0	4,141 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Four thousand one hundred and forty-one pounds thirteen shillings and fourpence,	4,141 13 4
	£1,917 0*s.* 0*d.*	£150,966 13*s.* 4*d.*	£70 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	One hundred and fifty-two thousand eight hundred and thirteen pounds thirteen shillings, ...	£152,813 13*s.* 0*d.*

SUMS TOTAL.

	REPRESENTATIVES' PAY.	STATE TAX.	£14 0*s.* 0*d.* BOUNTY.	BOUNTY AND MILEAGE AGREEABLE TO A RESOLVE OF 8TH JUNE, 1779.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE [*OF*] JUNE 9, 1779, FOR RAISING MEN FOR 9 MONTHS. BOUNTIES.	FINES.	[*SUMS TOTAL.*]	
Suffolk, . .	£3,108 0*s.* 0*d.*	£419,335 0*s.* 0*d.*	£0 0*s.* 0*d.*	£1,601 2*s.* 0*d.*	£19,800 0*s.* 0*d.*	£22,800 0*s.* 0*d.*	Four hundred and twenty-three thousand eight hundred and forty-one pounds eighteen shillings, . .	£423,841 18*s.* 0*d.*
Essex, . .	3,132 10 0	443,298 6 8	0 0 0	2,581 6 0	25,680 0 0	31,200 0 0	Four hundred and forty-nine thousand three hundred and sixty-nine pounds ten shillings and [eightpence] [*8d.*],	449,369 10 [*8**]
Middlesex, .	2,980 16 0	347,876 13 4	0 0 0	1,874 10 0	25,180 0 0	13,200 0 0	Three hundred and thirty-seven thousand and two pounds nineteen shillings and fourpence, . . .	337,002 19 [*4**]
Hampshire, .	3,163 4 0	292,024 8 10	364 0 0	1,785 6 0	23,640 0 0	24,000 0 0	Two hundred and ninety-three thousand three hundred and ninety-eight pounds six shillings and [tenpence] [*10d.*],	293,398 6 [*10**]
Plymouth, .	1,188 0 0	189,210 0 0	196 0 0	1,097 6 0	0 0 0	0 0 0	One hundred and eighty-nine thousand one hundred and four pounds fourteen shillings, ...	189,104 14 0
Barnstable, .	736 10 0	83,160 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Eighty-three thousand eight hundred and ninety-six pounds ten shillings, . .	83,896 10 0

* Engrossment mutilated.

SUMS TOTAL — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	£14 0*s.* 0*d.* BOUNTY.	BOUNTY AND MILEAGE AGREEABLE TO A RESOLVE OF 8TH JUNE, 1779.	BOUNTIES AND FINES AGREEABLE TO A RESOLVE [*OF*] JUNE 9, 1779, FOR RAISING MEN FOR 9 MONTHS. BOUNTIES.	FINES.	[*SUMS TOTAL.*]	
Bristol, . .	£1,452 10*s.* 0*d.*	£174,346 13*s.* 4*d.*	£0 0*s.* 0*d.*	£251 4*s.* 0*d.*	£2,040 0*s.* 0*d.*	£1,200 0*s.* 0*d.*	One hundred and seventy-four thousand seven hundred and seven pounds nineteen shillings and [fourpence] [*4d.*],	£174,707 19*s.* 4*d.*
York, . .	729 0 0	119,151 13 4	0 0 0	303 10 0	0 0 0	0 0 0	One hundred and nineteen thousand five hundred and seventy-seven pounds three shill[*in*]gs and [fourpence] [*4d.*], ...	119,577 3 4
Dukes County,	0 0 0	20,265 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Twenty thousand two hundred and sixty-five pounds,	20,265 0 0
Nantucket, .	0 0 0	30,881 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Thirty thousand eight hundred and eighty-one pounds thirteen shillings and fourpence, ...	30,881 13 [4†]
Worcester, .	4,215 0 0	374,243 6 8	238 0 0	2,290 10 0	29,830 0 0	16,200 0 0	Three hundred and sixty-two thousand two hundred and forty-nine pounds sixteen shillings and [eightpence] [*8d.*], ...	362,249 16 [8‡]
Cumberland, .	372 0 0	79,216 13 4	0 0 0	557 6 0	0 0 0	0 0 0	Seventy-nine thousand and thirty-one pounds seven shillings and fourpence, . . .	79,031 7 4
Lincoln, . .	457 10 0	77,105 0 0	56 0 0	0 0 0	0 0 0	0 0 0	Seventy-seven thousand five hundred and six pounds ten shillings, ...	77,506 10 0
Berkshire, .	1,917 0 0	150,966 13 4	70 0 0	0 0 0	0 0 0	0 0 0	One hundred and fifty-two thousand eight hundred and thirteen pounds thirteen shillings and [fourpence] [*4d.*], ...	152,813 13 [4*]
	£23,452 0*s.* 0*d.*	£2,801,081 2*s.* 2*d.*	£924 0*s.* 0*d.*	£12,342 0*s.* 0*d.*	£126,220 0*s.* 0*d.*	£108,600 0*s.* 0*d.*	Two millions seven hundred and ninety-three thousand six hundred and forty-seven pounds two shill[*in*]gs and [2] [*two*] pence, ...	£2,793,647 2*s.* [2*]*d.*

* Engrossment mutilated. † Engrossment mutilated, "*8d.*" in the printed act. ‡ "*4d.*" in the printed act.

And be it further enacted by the authority aforesaid,

[Sect. 2.] That the treasurer do forthwith send his warrants, directed to the selectmen or assessors of each town or other place, within this state, that are taxed, requiring them, respectively, to assess the sum hereby set[t] upon such town or other place, in manner following; that is to say, to assess all the male polls above the age of sixteen years, within their respective towns or other places next adjo[y][*i*]ning to them, belonging to no other town or place, including negroes and mollat[*t*]oes (and such of them as are under the government of a master or mistress, to be taxed to [the] said master or mistress, respectively, in the same manner as minors and apprentices are taxed), at ten pounds; and to assess the remainder of the sum set to each town (after deducting the amount of the sums assessed to the polls as aforesaid) on the inhabitants of said town or place as aforesaid, according to the just value of the whole real estate by each inhabitant of such town or place, respectively, possessed in his own right, or in the right of others, lying within said town or place, improved or not improved; and on the non-resident possessors of real estate, lying within said town or place, in their own right, or in the right[*s*] of others, improved or not improved: *saving* all agreement[s] between landlords and tenants, and where no agreement is, the landlord to reimburse one-half of the tax; and also on the inhabitants of such town or place, according to the proportion of the amount and just value of their whole personal estate, including money at interest more than they pay interest for, debts due to them, not on interest, more than they are indebted, monies of all kind[*s*] in hand, and also the amount of the just value of all goods, wares and merchandize, stock in trade, vessel[l]s of all sorts, with their stores, appurtenances and appendages, plate, horses, oxen, and cattle of all sorts and ages, sheep, swine, and grain of all sorts, and all kind of produce of the land, and all other property whatsoever (excepting hous[e]hold furniture, wearing apparel, farming utensils, and the tools of mechanicks), on the first day of December instant; and the current price of the real and personal estate on the said first day of December before mentioned in the currency of these United States, shall be considered as the just value of the same; and on the amount of their income from any profession, faculty, handicraft, trade or employment; and also on the amount of all incomes and profits gained by trading by sea and on shore, and by means of advantages arising from the war, and the necessities of the community; and in considering the incomes and profits last mentioned, the assessors are to have special regard to the way and manner in which the same have been made, as well as the *quantum* thereof, and to assess them at such rate as they on their oaths shall judge to be just and reasonable: *provided*, they do not in any case assess such incomes and profits at more than ten times the sum of the same amount in other kind of estate: and the treasurer in his said warrant shall likewise require the assessors to make a fair list of said assessments, setting forth, in distinct columns, against [each] [*such*] person's name, how much he or she is assessed at for polls, and how much for real estate, and how much for personal estate as aforesaid; and if as [*a*] guardian or for any estate in his or her improvement, in trust, to be distinctly expressed; and shall also insert upon their rate-bills the number of acres of unimproved land which they have taxed to each of the non-resident proprietors of land within their respective towns, and also the value at which they have estimated the same; and the list or lists so perfected, and signed by them,

or the major part of them, to commit to the collector or collectors, constable or constables, of any such town or place, and to return a certificate of the name or names of such collector or collectors, constable or constables, with the sum total to each of them committed unto himself, some time before the twentieth day of January next, and on failure thereof, each assessor so refusing or neglecting his duty herein, shall be subject to pay a fine of one hundred pounds, to be recovered by execution from the state treasurer for the time being, which fine shall be paid into the state treasury for defraying the public charges; and in case of neglect by the assessors, in making return as aforementioned, the treasurer of this state is hereby impowered and directed to send his executions accordingly, unless such assessors shall make it appear that their rate-bills were compleated, and delivered to the collectors before the said twentieth day of January next.

[SECT. 3.] And the treasurer for the time being, on the receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector or collectors, constable or constables, of such town or place, requiring him or them, respectively, to collect the whole of the respective sums assessed on each particular person, and to pay in their collections, the one half part by the [twenty-eighth] [*28th*] day of February next, and the remaining half part thereof by the [first] [*1st*] day of April next, and to issue their accounts of the whole at or before the [first] [*1st*] day of April next.

Provided, nevertheless, —

[SECT. 4.] That the following persons; viz[t]., the president, fellows, professors, tutors, librarian and students of Harvard College, who have their usual residence there, and settled ministers of the gospel, and grammar-school masters, are not to be assessed for their poll[s] or their estates, unless their real estate be not under their actual management and improvement, or not in the parishes where they are settled; and also all persons who have the management and improvement of the estate of Harvard College, are not to be assessed for the same; and if there are any other persons who, through age, infirmity or poverty, are unable to pay as others towards the public charges, or any widows or orphans who, depending on the interest of their money for subsist[a][e]nce, are by the state of the currency so reduced as that, in the judgment of the assessors, they ought to be relieved in their taxes; in any such case the assessors may exempt their polls or estates, or abate any part of what they are set[t] at, as they on their oaths shall think just and equitable.

[SECT. 5.] And the justices in their sessions in their respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns and other places in such county in proportion to this tax, and the assessors in each town in this state are also directed, in making a town [or] [*and*] county tax or assessment, to govern themselves by the same rule. And where no person appears to discharge the taxes on non-resident proprietors' unimproved land, [*and*] to the collector[*s*], he shall publish [*it*] in two of the Boston newspapers; viz[t]., the "Continental Journal" and "Boston Gazette," three weeks successively, the names of all such proprietors, where they are known, with the sum of the taxes assessed on their lands, respectively, and also the time and place of sale; and where they are not known, he shall, in the same manner, publish the sum of the taxes on the several rights or divisions, and in each case shall post the same in some public place in the town where the said land[*s*] lays, for the term of one month; and if

no person shall appear thereupon to discharge said taxes, then the constable or collector shall proceed to sell at public sale to the highest bidder so much only of said unimproved land[*s*] as will be sufficient to discharge said taxes and necessary intervening charges, having first given notice of the intended sale thereof, and the time and place where it will be made, and shall have power to adjourn from day to day, if necessary, to compleat the sale, not to exceed three days, and shall give and execute a deed to the purchaser, expressing therein the cause of such sale, and saving to the aforesaid proprietor or proprietors the right of redemption of any lands so sold, at any time within three years from the time of sale; and the same shall be conveyed to him or them on paying, within three years, as aforesaid, the sum such land sold for, and twelve per cent annual interest on said sum, together with all necessary intervening charges thereon.

Be it further enacted,

[Sect. 6.] That the several officers and soldiers that may be in the army on the first day of December inst[*ant*], shall be considered as resident in the several towns and places to which they belonged at the time of their engaging in the army, their absence notwithstanding; and the assessors of the several towns and other places in this state shall consider such officers and soldiers as resident in such town or place, and shall tax them accordingly; *provided*, that such as are engaged in the Continental Army for the term of three years, or during the war, be, and they hereby are, exempted from their poll tax.

And be it further enacted,

[Sect. 7.] That the assessors of each town or other place, respectively, in convenient time before [making] the assessment, shall give seasonable warning to the inhabitants, in any town meeting, or by posting up notifications in some public place or places in such town or other place, or notify the inhabitants some other way, to make and bring in to the assessors true and perfect lists of their polls, and of all their real and personal estate they are possessed of on the first day of December inst[*ant*], — viz[t]., houses, lands, and all real estate whether improved or not improved, — to the assessors of the town or place where such houses and lands and other real estates lay; distinguishing those in the management and possession of some other person, as also a list of all their personal estate, including money at interest more than they pay interest for, debts due, not on interest, more than they are indebted; and of monies of all kinds, in hand, and also the amount of the just value of all goods, wares and merchandize, stock in trade, plate, horses, oxen, cattle of all sorts and ages, sheep, swine, grain of all sorts, and all kind of produce of the lands, and of all other property whatsoever (excepting household furniture, wearing apparel, farming utensils, and the tools of mechanicks), on the said first day of December, according to the current price of such real and personal estate in the currency of the United States on the said first day of December; and also of the amount of their income from any profession, faculty, handcraft, trade or employment; and of the amount of all incomes and profits gained by trading by sea or on shore, and by means of advantages arising from the war, and the necessities of the community; all which they are to render to the assessors, on oath, if required; which oath the said assessors are hereby impowered to administer. And if any person or persons shall, upon such notice given, neglect or refuse to give in to the assessors the list of their polls and rateable estate, according to their description thereof before given, which they were possessed of on the said first

of December, or shall bring in a list, which the assessors are, in their judgment, convinced is a false one, it shall be lawful to and for the assessors, and they are hereby directed, to assess such person or persons, according to the best judgment and estimation they can form of the real and personal estate of the said person, according to the description before given. And if any person or persons shall not bring in a list of their estates as aforesaid to the assessors, he or they so neglecting or refusing shall not be admitted to make application to the court of general sessions, for any abatement of the assessment lay[*e*]'d on him or them.

[SECT. 8.] And if the assessors are not, in their judgment, convinced of any fals[e]hood in the list, to them presented, of the polls and real and personal estate, such list shall be a rule of that person's proportion to the tax who presented the same, which the assessors may not exceed.

Provided, nevertheless, —

[SECT. 9.] That nothing in this act shall be construed to extend so as to require any assessors to assess any person for [for] any estate, real or personal, in his possession (absentees' estate[*s*] excepted), that is the property of the United States, or any [them] of them.

Whereas there are, within this state, several tracts of unimproved land belonging to persons who have left the same and gone over to the enemy, and no provision has been made by the government of the same for the payment of the taxes, otherwise than by the sale of such lands, which may be [be] attended with great loss to the state; for the preventing of which, —

Be it enacted,

[SECT. 10.] That all constables and collectors of taxes be, and they hereby are, directed to stay the sale of all such lands until[l] a further order of this court [*to*] be taken thereon.

And be it further enacted by the authority aforesaid,

[SECT. 11.] That the treasurer of this state be, and he hereby is, impowered and directed to allow or pay to such constables or collectors, the amount, in their respective lists, of the taxes on such unimproved lands on a certificate from the major part of the assessors who made such tax, being produced, setting forth the sum taxed in any list exhibited, on said unimproved lands, and to keep an account of all monies by him so allowed or paid.

And whereas doubts have arisen respecting the true intent and meaning of the word "inhabitant" in some former tax acts, —

Be it therefore enacted by the authority aforesaid,

[SECT. 12.] That all male persons from sixteen years old and upwards, residing or usually doing business in any town within this state, shall be considered within the true intent and meaning of this act, and the assessors are directed to proceed to assess them for their trade and faculties, exercised there, and for their polls, if not taxed elsewhere.

And be it further enacted,

[SECT. 13.] That the treasurer of this state be, and he is hereby, directed to grant orders in favor of the selectmen or committee upon the collectors of this tax, to pay such accounts as may appear to be due to any town or plantation, that have complied with the several resolutions of the general court requiring the selectmen or committees to supply the soldiers' families, said accounts being examined and passed by the committee on accounts, and certificates produced from

said committee that said account is due to said town, for supplies as aforesaid, and that the treasurer give his orders accordingly. [*Passed December 7.*

CHAPTER 31.

AN ACT FOR SUPPLYING THE TREASURY OF THIS STATE WITH A SUM OF MONEY, TO BE PAID IN BILLS OF THE CONTINENTAL CURRENCY, EQUAL IN VALUE TO THE SUM OF ONE HUNDRED AND FIFTY THOUSAND POUNDS STERLING MONEY OF GREAT BRITAIN, TO ENABLE THE TREASURER OF THIS STATE TO DISCHARGE ANY SUMS WHICH MAY BE BORROWED ON LOAN, IN EUROPE, IN BEHALF OF SAID STATE.

Whereas the general court of this state have ordered that a loan be negociated on the credit, and in behalf, and for the use, of this state, in Europe, to the amount of one hundred and fifty thousand pounds sterling; *and whereas*, it is necessary that suitable provision be made for discharging and repaying any sum or sums which may be so borrowed on loan, and also any interest that may arise on said loan, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That there be and hereby is granted a tax of a sum of money, to be paid in bills of the Continental currency, equal in value to the sum of one hundred and fifty thousand pounds, sterling money of Great Britain, according to the rate of exchange subsisting at the time of levying such tax, to be levied on the polls and estates within this state, according to such rules, and in such proportion on the several towns and places therein, as the general court of this state may hereafter order and direct, seasonably to discharge the sums which may be loaned as aforesaid, or any parts thereof, as the same may become due.

And be it further enacted by the authority aforesaid,

[Sect. 2.] That if the general court shall neglect to make provision, one full year previous to the becoming due of any sum, and the interest arising thereon in consequence of the loan aforesaid, for discharge and payment of the sum so to become due, that then and in that case, the treasurer of this state for the time being, shall, and he is hereby authorised, impowered and directed, within two months after such neglect, to issue and send forth his warrants, directed to the selectmen or assessors of each town or other incorporated place within this state, and to some suitable person or persons in any place or places not incorporated, requiring them, respectively, to assess the polls and estates within their several towns and other places, for the respective sums so about to become payable as aforesaid, according to the rate of exchange as aforesaid, to be paid into the treasury six months after the date of the warrant requiring the same; and the sums ordered by such warrant to be levied on the several towns and places, respectively, shall be in proportion to the sums by them paid in the then last preceeding tax act; and the assessors, as also all persons assessed thereby, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in said act.

And be it further enacted by the authority aforesaid,

[SECT. 3.] That the treasurer of this state shall, and he is hereby authorized, impowered and directed, as soon as he shall receive any of the monies that may be collected by virtue of this act, to pay the same into the hands of the Board of War, or such other persons as the general assembly may appoint to receive the same, who are hereby impowered and directed immediately to vest the same in good bills of exchange, drawn upon persons in Europe, or otherways, for such articles as will best suit the markets there, and remit the same to Holland or France, and give directions for the neet proceeds of said bills or articles to be applied to the payment of the money, together with the interest thereon, that may be borrowed in Europe on account of this state, and to no other purpose whatever. [*Passed January* 11, 1780.

ACTS

Passed at the Session begun and held at Boston, on the Ninth day of March, A. D. 1780.

CHAPTER 32.

AN ACT TO INDEMNIFY, AND SECURE FROM PROSECUTIONS IN LAW, PERSONS WHO, BY THEIR LAUDABLE EXERTIONS UNDER THE LATE GOVERNMENT OF THE KING OF GREAT BRITAIN, HAVE EXPOSED THEMSELVES TO ACTIONS OF DAM[M]AGE, AND OTHER PROSECUTIONS, IN CERTAIN CASES.

Preamble.

Whereas the administration of the late government of the king of Great Britain, within the late province of the Massachusetts Bay, became in the greatest degree oppressive and intol[l]erable, and the measures taken under pretence of legal government were manifestly calculated and designed for the destruction of the just rights and liberties of the people of the said province, insomuch as to render it highly necessary and justifiable that open opposition should be made to the said violent and destructive measures, and that persons should be seized, and property taken, and, in some instances, destroyed; *and whereas* divers[e] patriotic[k] and good men did then stand forth, and, at the utmost risque of their own persons and property, did stedfastly oppose the violent and destructive measures of the said government of the king of Great Britain, for which they are now threat[e]ned with, or actually have, actions of damages or other prosecutions commenced against them by evil and disaffected persons, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

All actions brought against committees of correspondence, etc., from and after the 1st day of January, 1766, and before the 4th day of July, 1776, declared null and void.

That all actions for dam[m]ages, and other prosecutions in law, that have been, or that may be hereafter commenced or brought forward, against any committee of correspondence, inspection and safety, or against any member or members of such committee, or any member of this state, or county, convention, or any person or persons acting under their or any of their advice or direction, for the taking or destroying any property, or apprehending and confining any person from and after the first day of January, *Anno Domini* one thousand seven hundred and sixty-six, and before the fourth day of July, *Anno Domini* one thousand seven hundred and seventy-six, be and hereby are declared null and void; and that no court of law within this state shall render judgment upon, or in anywise sustain, such actions or prosecutions; any law to the contrary notwithstanding. [*Passed April* 10, 1780.

CHAPTER 33.

AN ACT FOR ANNEXING THE PLANTATION CALLED NEW PROVIDENCE, IN THE COUNTY OF BERKSHIRE, TO THE TOWN OF ADAMS.

Preamble.

WHEREAS it appears that the plantation called New Providence, in the county of Berkshire, is so situated as to make it necessary and convenient to be annexed to the town of Adams, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Annexing the plantation called New Providence to the town of Adams,

[SECT. 1.] That the plantation called New Providence, in the county of Berkshire, together with the inhabitants thereon, be and hereby is annexed to and incorporated with the town of Adams; and that said plantation, with the inhabitants thereon, shall be considered as belonging to said town of Adams.

Provided, nevertheless, —

— they to pay their taxes aforesaid on said plantation.

[SECT. 2.] That the said inhabitants shall pay their proportionable part of all taxes which are already assessed and levied on said plantation as heretofore; anything in this act notwithstanding.

And be it further enacted by the authority aforesaid,

[SECT. 3.] That the account of the estate contained in said plantation, and the polls thereon, returned by the assessors of said plantation, in the valuation last taken, be set to the town of Adams. [*Passed April* 10, 1780.

CHAPTER 34.

AN ACT FOR INCORPORATING THE EASTERLY PART OF THE TOWN OF SUDBURY, IN THE COUNTY OF MIDDLESEX, INTO A SEP[E][A]RATE TOWN BY THE NAME OF EAST SUDBURY.

Preamble.

WHEREAS it appears to this court that the inhabitants of the easterly part of the town of Sudbury, in the county of Middlesex, labour under many difficulties in their present situation; *and whereas*, for the remedying of which, they have earnestly requested that they may be incorporated into a sep[e][a]rate town. —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Boundary line.

[SECT. 1.] That the easterly part of the town of Sudbury, in the county of Middlesex, bounded as followeth: viz[t]., begin[n]ing with the river between Concord and Lincoln; thence, to run with the river till it comes to the mouth of a ditch on the westerly side of said river, between the meadows of William Baldwin, Esq[r]., and Eliakim Rice; thence, on the said ditch, to the county road leading to Stow, crossing said road, and bounded on the southerly side thereof, till it comes to the line between the land of Nathaniel Rice and Jonathan Carter; thence, southerly, with the line between said Rice and Carter, to the land of Lieut. Elisha Wheeler; then, run[n]ing eastwardly, with the line between said Carter and Wheeler, to the county road leading to Marlborough; thence, run[n]ing up and bounding on the westerly side of said road, till it comes opposite to the line between the heirs of

Lieut. Daniel Goodeno[w][*ugh*], deceased, and land in possession of Robert Emes, at Sandy Hill, so called; thence, crossing said road, to the corner aforesaid; thence, run[*n*]ing to a white-oak tree near the head of Capt. Moses Maynard's meadow; thence, run[*n*]ing a straight line, to a swamp-white-oak tree standing on the bank of the river, eastwardly from the dwelling-house of Capt. Moses Stone; thence, up and with said river, to Framingham line; thence, bounded on all other parts agre[*e*]able to the known and ancient bounds of the town of Sudbury, on the towns of Framingham, Natick, Westo[w]n and Lincoln, to the first-mentioned bounds, — be and hereby is incorporated into a town by the name of East Sudbury; and that the inhabitants thereof be, and they are hereby, invested with all the powers, privileges and immunities which the inhabitants of towns within this state do or may by law enjoy.

Provided, nevertheless, —

And be it further enacted,

The town of East Sudbury and the town of Sudbury to support and maintain bridges, etc., over the river.

[SECT. 2.] That the inhabitants of said town of East Sudbury, and the town of Sudbury, shall support and maintain the bridges and the long causeways over the river and meadows near Mr. Jonathan Carter's, within said town of East Sudbury, notwithstanding said causeways' and bridges', lying within the said town of East Sudbury, in equal proportion between the said town of East Sudbury and the town of Sudbury; and that the town stock of arms and ammunition, be divided according to the number of persons that are obliged to bear arms in said town[*s*]; and that the donation[*s*] given by Mary Dean, to the inhabitants of the east side of the river, be disposed of according to the direction of the donor, and all other donations given to the poor, or for the benefit of schools, and all lands and all monies now in the treasury, or due on bonds under the care of trustees, or by any other way or means, that doth belong to the town of Sudbury, shall be equally divided between said town and the town of East Sudbury. And the poor which now belong to the said town of Sudbury shall be divided between the town of Sudbury and the town of East Sudbury, according to the last tax act.

Donations, lands, moneys, etc., how divided.

And it is also enacted,

[SECT. 3.] That the house and lands of Caleb Wheeler, together with the training-field adjoining thereto, remain to the town of Sudbury.

And be it further enacted,

Proprietors to hold all their rights and privileges.

[SECT. 4.] That the proprietors in the town of Sudbury shall forever hold all their rights and privileges in all their common and undivided lands, and remain a joint propriety in the town of Sudbury and the town of East Sudbury, as if the town of East Sudbury had not been set off into a sep[e][*a*]rate town.

And be it further enacted,

Proportion of charges granted to be paid, etc.

[SECT. 5.] That the said town of East Sudbury shall be held to pay their proportionable part of all town, county, and state, taxes that have been assessed or granted, or that shall be granted, to be assessed on the town of Sudbury, by the great and general court, during their present session.

And be it further enacted,

Town meetings, by whom ordered.

[SECT. 6.] That Josiah Stone, Esq[uire], be, and he is hereby, directed and impowered to issue his warrant, directed to some principal inhabitant of said town of East Sudbury, requiring him to warn the inhabitants of said town of East Sudbury, qualified by law to act in town affairs, to assemble, at some suitable time, and place in said

town, to choose all such officers as towns, by law, are required to choose in the month of March, annually, and to transact all other matters and things necessary to be done in said town. [*Passed April* 10, 1780.

CHAPTER 35.

AN ACT FOR INCORPORATING THE EASTERLY PRECINCT IN THE TOWN OF MENDON, IN THE COUNTY OF WORCESTER, INTO A SEP[E][A]-RATE TOWN BY THE NAME OF MILFORD.

Preamble. 4 Mass., 390.

WHEREAS it appears that the inhabitants of the easterly precinct in the town of Mendon, in the county of Worcester, labour under many difficulties in their present situation, for remedying of which they earnestly request they may be incorporated into a sep[e][a]rate town, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Boundary line.

[SECT. 1.] That the easterly part of the town of Mendon, in the county of Worcester, bounded as follows; viz[t]., begin[n]ing at a heap of stones on Bellingham line, on the north side of the country road; then, run[n]ing west, and bounded south on said road, until it comes to a road called the Eight-rod Road, now reduced to a four-rod road; then, north, and bounded westerly on said road, as it is now stated by the town of Mendon, until it comes to Upton line; thence, on Upton line, to Hopkinton line; thence, on Hopkinton line, to Holliston line; thence, on Holliston line, to Bellingham line; thence, on Bellingham line, to the bounds first mentioned, — be and hereby is incorporated into a town by the name of Milford; and that the inhabitants thereof be, and they are hereby, invested with all the powers, privil[i][e]ges and immunities which the inhabitants of the towns in this state do or may by law enjoy.

And provided, nevertheless, —

And be it further enacted,

Inhabitants of Milford to pay a proportionable part of the poor of Mendon.

[SECT. 2.] That the inhabitants of the said town of Milford shall be held to take and maintain their proportionable part of the poor of said town of Mendon that are now maintained as such, or that shall be hereafter returned from any other town as belonging to said Mendon before the said town of Milford was incorporated.

And be it further enacted,

The town of Milford to pay their proportionable part of taxes.

[SECT. 3.] That the inhabitants of said town of Milford shall be held to pay their proportionable part of all town, county, and state, taxes that are already raised or granted to be assessed on the inhabitants of said town of Mendon, or that shall be granted to be assessed on said town of Mendon, during the present sitting of the great and general court, and be held to repair and build one-half of the bridges, and mend and repair one-half the roads on which they are bounded, lying in the said town of Mendon, forever.

And be it further enacted,

Proprietors to hold their common rights.

[SECT. 4.] That all the proprietors belonging to the propriety of the town of Mendon, that shall be incorporated into the town of Milford, shall hold all their common rights, in the common and undivided lands in the propriety of the former township of said Mendon, as

though they had not been set off into a sep[e][*a*]rate town, and their proportionable part of the ministry-, and school-money belonging to said town of Mendon, that have accrued to them by the sale of the school-, and ministry-lands.

And be it further enacted,

First meeting, how to be notified.

[Sect. 5.] That Joseph Dorr, Esq[r]., be, and he is hereby, directed and [i][*e*]mpowered to issue his warrant, directed to some principal inhabitant of said town of Milford, requiring him to warn the inhabitants of said town of Milford, qualified by law to vote in town affairs, to assemble and meet at some suitable time, and place in said town, to choose all such officers as towns, by law, are required and [i][*e*]mpowered to choose in the month of March, annually, and to transact all other matters and business necessary to be done in said town. [*Passed April* 11, 1780.

CHAPTER 36.

AN ACT MORE EFFECTUALLY PROVIDING FOR THE SECURITY, SUPPORT AND EXCHANGE OF PRISONERS OF WAR BROUGHT INTO THIS STATE; AND FOR REPEALING AN ACT INTITLED "AN ACT FOR SECURING AND MAKING PROVISION FOR THE SUPPORT OF PRISONERS WHO MAY BE TAKEN BY ANY AMERICAN ARMED VESSEL, AND BRO[*UGH*]'T INTO ANY PORT IN THIS STATE."

Preamble. 1776-77, chap. 35.

Whereas many inconveniences attend the present mode of securing, supporting and exchanging prisoners of war, being conducted by various directions and divers commissaries, independent of each other, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

All prisoners of war captured and brought into this state to be delivered to the commissary-general of prisoners of the United States, his deputy, etc.

[Sect. 1.] That all prisoners of war, whether captured by the army or navy of the United States, or armed ships or vessels of any of the United States, or by the subjects, troops, ships, or vessels of war, of this state, and brought into the same, or cast on shore by shipwreck on the coast thereof, shall be delivered into the care and custody of the commissary-general of prisoners of the United States, his deputy or assistant, or to the goaler of the county goal in which such prisoners may be landed or cast on shore (and said goaler is hereby required to receive and deliver, by order of authority, such prisoners, without fee or reward from the persons receiving or delivering, charges for support excepted; which charges are to be paid as is hereinafter expressed); and that all such prisoners, so brought in or cast on shore, including Indians, negroes and m[u][*o*]l[l]at[t]oes, be treated, in all respects, as prisoners of war to the United States; any law or resolve of this court to the contrary notwithstanding: *provided*, *nevertheless*, that when any prisoners brought into this state shall be found to have taken passage on board such vessels as may be captured or cast on shore as aforesaid, for the end of transacting private business, a list of the names of such passengers shall be returned by the masters or claimers of such captured or stranded vessel, to the council of this state, who are hereby authorized and [i][*e*]mpowered to admit them to their parole, or otherwise order as they shall judge proper, consistent with the public safety.

Proviso.

Be it further enacted by the authority aforesaid,

Commanders of all armed vessels, upon their arrival to make report, on oath, to the judge of the admiralty.

[SECT. 2.] That if a master or commander of any armed ship or vessel of war, belonging to this state or any of the subjects thereof, from necessity or otherwise, shall dismiss any prisoners at sea, he shall, on return into any of the ports or harbours of this state, make report thereof, on oath, to the judge of admiralty for the district in which he shall arrive, within twenty days thereafter, with his reasons for such dismission; and if such judge shall not be satisfied with the reasons assigned, or if it shall appear that the prisoners were discharged to avoid the trouble and expence of bringing them into port, and delivering them into custody, or in anywise unnecessarily, then the judge shall transmit an account thereof to the major part of the council of this state, who are hereby invested with power to examine into the reasons of such dismission; and if it shall appear to them thereon to have been improperly or unnecessarily made, they shall vacate the commission granted to such delinquent master or commander of any ship or vessel of war owned as aforesaid

Be it further enacted by the authority aforesaid,

Prisoners captivated, to be at the expense of the masters, owners and captors of said vessels, and delivered to the commissary of prisoners on pain of forfeiture of commissions granted.

[SECT. 3.] That all prisoners of war captivated, brought into, or cast on shore by shipwreck, on the coasts of this state, either by ships or vessels of war, owned as aforesaid, or any of the subjects thereof, be delivered, by and at the expence of the masters, owners and capt[ors][*ares*] of such armed or stranded ships or vessels, to the commissary-general of prisoners, his deputy or assistant, nearest the place of landing such prisoners, or into the nearest county goal, if no such commissary, deputy or assistant reside within such county, on pain of forfeiture of the commission granted such armed ship or vessel of war, or of all right to the hull, tackle, furniture and apparel of such stranded vessel, which, in such cases, shall [i][*e*]nure to the use of the United States, and for that end shall be paid into the treasury of this state, and placed to their credit; that on the delivery of any prisoners of war into any goal of this state, the goaler thereof is hereby required to make a return of the same to the commissary aforesaid, his deputy or assistant, if any, within this state, if not, to the major part of the council, who are hereby [i][*e*]mpowered to give orders, from time to time, to remove from place to place, at the expence of the United States, any prisoners of war, whenever they shall deem the security of said prisoners, or the safety of this state, may require.

And be it further enacted by the authority aforesaid,

Jailers to transmit their account of charges to the commissary of prisoners.

And in case.

[SECT. 4.] That any goaler within this state, who may hereafter have custody of any prisoners of war by virtue of this act, shall transmit his copy of account of charges against the United States, for the support and maintenance of such prisoners, to the commissary-general aforesaid, or his nearest deputy, when they shall leave the goal for removal or exchange; and if said commissary or deputy neglect or refuse to pay the last-mentioned account, such goaler shall present said copy (with his declaration, on oath, of such neglect or refusal, that said account is just and true, and that he has received only so much, or no part thereof, as the case may be), to the major part of the council; which account, so far as they shall allow, shall be paid, upon their warrant, out of the treasury of this state, and be charged to the account of the United States; and that all prisoners of war, 'till the further order of Congress, be furnished with two-thirds of a soldier's ration of provision[s]; that sick and wounded, only, when travelling, be allowed carriages at public expence; that

Rations allowed.

Expenses of sick and wounded, how paid.

prisoners on parole pay all their own expences; and that officers, prisoners of war not in hospitals, pay their physicians, surgeons and attendants.

Be it further enacted by the authority aforesaid,

[SECT. 5.] That all such parts, clauses or paragraphs, of an act passed and enacted in the year of our Lord one thousand seven hundred and seventy-seven, [e][*i*]ntitled "An act for securing and making provision for the support of prisoners who may be taken by any American armed vessel, and brought or sent into any port in this state," not in time past made null and void, is hereby repealed; and, in future, shall have no force or validity as a law. [*Passed April* 12, 1780. 1776-77, chap. 35.

CHAPTER 37.

AN ACT FOR FURTHER AUGMENTING CERTAIN FEES, ALLOWANCES AND PENALTIES, ESTABLISHED BY LAWS OF THIS STATE, AND FOR ENLARGING THE JURISDICTION OF JUSTICES OF THE PEACE.

WHEREAS the fees and allowances to civil officers and other persons, as now established by law, are found very unequal to their services and expences, — Preamble. 1779-80 chaps. 1, 23 and 28.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the several officers and persons, except as are hereinafter excepted, mentioned in an act made in the year of our Lord one thousand seven hundred and seventy-eight, which act is contained from page one hundred fifty-one to page one hundred fifty-nine of the state laws, entitled "An Act for the repealing one part of a law of this state, made and passed in the year of our Lord one thousand seven hundred and seventy-six, entitled 'An Act for the repealing one law of this colony, made and passed in the fourth year of the reign of William and Mary, king and queen, entitled "An Act for regulating the fees and allowances of the several officers and persons, within this colony, hereinafter mentioned,"'" be and hereby are allowed and [i][*e*]mpowered to demand and receive for their services, respectively, thirty-two times the fees and allowances set down therein; anything in said act, or in any law or resolve of court relating thereto, notwithstanding. Augmentation of fees. 1777-78, chap. 17

Provided, nevertheless, —

[SECT. 2.] That sheriffs, co[n][*r*]oners and constables shall receive for levying monies upon writ[t]s of execution, or warrants of distress, for the first one hundred pounds and under, ninepence on the pound; above that, and not exceeding two hundred pounds, sixpence on the pound; and on all sums above two hundred pounds, and not exceeding five hundred pounds, threepence on the pound; and on all sums above five hundred pounds, twopence on the pound, and no more. Proviso.

Provided, also,

[SECT. 3.] That the fees to be taken by the several naval officers through this state, shall be twenty times the fees mentioned in said act, and no more. Proviso.

And be it further enacted,

[SECT. 4.] That the fees to be taken in the maritime courts, shall be ten times the fees set down in a resolve of the general court, of the ninth of February, one thousand seven hundred seventy-nine.

And whereas the fines and penalties annexed to any offences by the laws of this state, or to be incurred by refusing to serve in any office, or do any duty required by law, do not answer the purposes for which they were intended, —

Be it therefore further enacted by the authority aforesaid,

Fines and penalties annexed to any offences augmented to thirty-two for one.

[SECT. 5.] That all such fines and penalties annexed to any offences, or to be incurred, as aforesaid, by any laws of this state, whether known by the name of province, colony, or state, laws or resolves of court, made and enacted before the first day of January, one thousand seven hundred and seventy-eight, shall be increased, and taken to be thirty-two times as much as in said acts or resolves they are called, and no more.

And whereas the fines and penalties annexed to certain offences mentioned in an act or law of this state, made and passed March, one thousand seven hundred and seventy-eight, entitled "An Act in addition to an act entitled 'An Act for forming and regulating the militia within the colony of Massachusetts Bay, in New England, and for repealing all the laws heretofore made for that purpose,'" do not answer the purposes for which they were intended, —

1777-78, chap. 24.

Be it further enacted by the authority aforesaid,

[SECT. 6.] That all such fines and penalties annexed to any offences mentioned in the aforesaid additional militia act, shall be increased and taken to be thirty-two times as much as in said act they are called, and no more.

And whereas it is necessary that provision should be made to enlarge the jurisdiction of justices of the peace, who, by the laws of this state, cannot take cognizance of any of the offences or crimes aforesaid, or of debts, trespasses or other matters, exceeding sixteen times the value of forty shillings, whereby the course of justice may be greatly retarded, and great inconvenience and unnecessary expence may arise to many persons in recovering small debts and dam[m]ages,—

Be it therefore enacted by the authority aforesaid,

Justices empowered to take cognizance of offences and to impose penalties, and to give judgment where the fines do not exceed thirty-two times the value of forty shillings.

[SECT. 7.] That the justices of the peace of this state be, and they are hereby, authorized and [i][e]mpowered, within their respective counties, to take cognizance and have jurisdiction of any of said offences or crimes, and to impose and inflict the penalties therein mentioned, and to give judgment accordingly, where the fines doth not exceed thirty-two times the value of forty shillings; and also to hear, try, adjudge and determine, any manner of debts, trespasses and other matters as heretofore by the law of this province, colony, or state, to the amount of thirty-two times the value of forty shillings, as aforesaid; and in case of appeals from their judgment, or sentence, in criminal matters, to the court of general sessions of the peace, to recognize the appellant or appellants, in the manner and form they were by law [i][e]mpowered to do heretofore, in a sum not exceeding thirty-two times the value of five pounds; any law of this state to the contrary notwithstanding.

In case.

And be it further enacted,

All laws passed since the year 1779 for the purpose of augmenting fees, repealed.

[SECT. 8.] That all the acts or laws of this state, made and passed since the year of our Lord one thousand seven hundred and seventy-eight, for the purpose of increasing the fees and allowances to civil officers, and for augmenting fines and penalties, or for enlarging the

jurisdiction of justices of the peace, and every part and clause therein contained, be, and they are hereby, repealed and declared null and void.

[Sect. 9.] This act to continue and be in force until[1] the tenth day of October next, and from thence to the end of the next sitting of the general court, and no longer. [*Passed April* 13, 1780. Said act to continue in force until the tenth day of October next.

CHAPTER 38.

AN ACT FOR ANNEXING JOHN ADAMS AND OTHERS, INHABITANTS OF THE TOWN OF SUTTON, WITH THEIR LANDS, TO THE TOWN OF NORTHBRIDGE.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That John Adams, Micah Thayer, Stephen Goldthwait, Ezekiel Goldthwait and Abner Adams, with their lands and estates that they now own, together with all the inhabitants that now dwell, or shall hereafter dwell, thereon, be and hereby is annexed to the town of Northbridge; who hereby are, and shall be, subjected to do duty, and intitled to receive equal privileges, with other inhabitants of the said town of Northbridge, to all intents and purposes whatsoever. Annexing the lands and estates of John Adams and others to the town of Northbridge, and investing them with equal privileges.

Provided, nevertheless, —

[Sect. 2.] That the said inhabitants set off to the said town of Northbridge, as aforesaid, shall and are hereby held to pay all town, parish, and state, taxes which have been heretofore lawfully assessed upon them by the said town of Sutton, together with the tax now to be laid on the town of Sutton, by order of the general court, in their present session; anything in this act to the contrary notwithstanding. [*Passed April* 20, 1780. Proviso.

CHAPTER 39.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT FOR INCORPORATING THE PLANTATION CALLED COXHALL, IN THE COUNTY OF YORK, INTO A TOWN BY THE NAME OF COXHALL."

Whereas some of the boundary lines of said town are not explicitly set forth in said act, and are found to inte[r]fere with the bounds, and include part of the town, of Sanford, not intended by said act, — Preamble. 1777-78, chap. 23.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the said town of Coxhall shall hereafter be bounded as follows, anything in the act incorporating said town to the contrary notwithstanding; viz[t]., begin[n]ing on the western side of Mousom River, at a pitch-pine stump on the edge of the bank of said river, and on the head line of Wells; from thence, to run north-easterly, on the head line of Wells and Arundell, six miles (viz[t]., until it Boundaries.

comes within four miles of Saco River), to an Oak Island, so called; thence, from said Arundel[l] line, on a north-easterly course, on a str[e][a]ight line, bounded at four miles distance from said Saco River, back into the country, six miles and one hundred and twenty rods; from thence, to a hemlock-tree, marked on four sides, about forty rods to the northward of a pond called Swan Pond; from thence, across said pond, excluding about two-thirds thereof, on a south-west course, until[l] it comes to the line on the north-east side of the town of Sanford; and from thence, south-easterly, on a str[e][a]ight line, to the bounds and pine stump, by said Mousom River, first mentioned; which bounds will include about five thousand acres of land which was included in the eight-miles-square, incorporated into a town by the name of Sanford.

And whereas the operation of said act of incorporation was suspended by two resolves, one of which passed the general court the first day of October, one thousand seven hundred and seventy-eight, and the other passed said court June fifth, one thousand seven hundred and seventy-nine, —

Two resolves for suspending the operation of incorporation of said act, passed by the general court, October, 1778 and 1779, declared null and void.

Be it therefore further enacted by the authority aforesaid,

[SECT. 2.] That said resolves be and hereby are repealed, and declared null and void.

And be it further enacted by the authority aforesaid.

The inhabitants to pay their proportionable part of taxes.

[SECT. 3.] That the inhabitants of Coxhall shall pay their proportionable part of all taxes which are already assessed or levied on said inhabitants, in like manner as though this act had not been made.

And be it further enacted.

Empowering the selectmen chosen in the year 1778 to call a meeting of the inhabitants to choose town officers.

[SECT. 4.] That the selectmen, or the major part of them, that were chosen in the year one thousand seven hundred and seventy-eight, be and hereby are [i][e]mpowered to call a meeting of the inhabitants of said town, to meet at such time and place as they shall appoint, to choose all such officers as towns are, by law, [i][e]mpowered to choose in the month of March, annually. [*Passed April* 24, 1780.

CHAPTER 40.

AN ACT MAKING PROVISION FOR CALLING IN, TO BE DESTROYED, THIS STATE'S QUOTA, ACCORDING TO THE PRESENT APPORTIONMENT, OF ALL THE PUBLIC BILLS OF CREDIT WHICH HAVE BEEN EMITTED BY CONGRESS; AND FOR MAKING AND EMITTING, ON THE CREDIT OF THIS STATE, OTHER BILLS OF CREDIT, NOT TO EXCEED THE SUM OF FOUR HUNDRED AND SIXTY THOUSAND POUNDS; AND FOR ESTABLISHING FUNDS SUFFICIENT TO SECURE THE REDEMPTION OF THE BILLS SO EMITTED, BY THE LAST DAY OF DECEMBER, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-SIX, AS RECOMMENDED BY A RESOLUTION OF CONGRESS, OF THE EIGHTEENTH OF MARCH, IN THE PRESENT YEAR, AND IN CONFORMITY THERETO; ALSO FOR PAYING, ANNUALLY, IN SPECIE, THE INTEREST ARISING ON NOTES WHICH HAVE BEEN ISSUED UPON THE CREDIT OF THE PROVINCE, COLONY, OR, NOW, STATE, OF MASSACHUSETTS BAY, PROMISING TO BE PAID IN GOLD OR SILVER.

Preamble.

WHEREAS the just and necessary war into which the United States of America have been driven, obliged the Congress to emit bills of credit before the several states were sufficiently organized to [i][e]nforce

the collection of taxes, or funds could be established to support the credit of such bills, and before the powers of Europe were sufficiently convinced of the justice of their cause, or probable event of the controversy, to afford them aid or credit; by which means the bills so emitted having increased in quantity beyond the sum necessary for a circulating medium, and, wanting sufficient funds to rest on, for their redemption, have daily sunk in value; whereby it is necessary to reduce the quantity of said bills, and to establish and appropriate funds that shall ensure the punctual redemption of the bills which may be emitted on the credit of this state for the purpose of calling in and destroying this state's quota of the present paper medium in circulation; *and whereas* Congress, by their said resolution of the eighteenth day of March, have called upon the several states to make proper provision for the purposes aforesaid, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Granting a tax of £5,600,000, over and above the like sum ordered to be levied the present session, for the purpose of drawing out of circulation this state's proportion of the present currency.

[SECT. 1.] That there be and hereby is granted a tax of five millions six hundred thousand pounds, lawful money, over and above the tax for a like sum ordered to be levied the present session (the said two taxes being sufficient to draw out of circulation this state's proportion of the present currency), to be levied on polls, and estates both real and personal, within this state, according to such rules, and in such proportion in the several towns and other places within this state, as shall be agreed upon and ordered by the general court or assembly of this state, on or before the twentieth day of September next, to be pa[ye][*i*]d into the treasury in the manner following; that is to say, two million eight hundred thousand pounds, part of the five millions six hundred thousand pounds aforesaid, on or before the twentieth day of December next, and the remaining two million eight hundred thousand pounds, being the other half of the five millions six hundred thousand pounds, on or before the twentieth day of March, one thousand seven hundred and eighty-one.

And be it further enacted by the authority aforesaid,

Towns' and other places' apportionment of the tax.

[SECT. 2.] That if the general court, on or before the twentieth day of September next, shall not agree and conclude upon an act apportioning the sum which by this act is engaged to be assessed and levied, that then and in such case each town and other place in this state shall pay, by a tax, to be levied on the polls, and estates both real and personal, within their limits, the same proportion of the said sum as the said towns and other places were taxed by the general court in the tax act then last preceeding.

State treasurer empowered to issue forth his warrants to the selectmen in each town, to assess, etc.

[SECT. 3.] And the treasurer of this state is hereby fully [i][*e*]mpowered and directed, some time in the month of September next, to issue and send forth his warrants, directed to the selectmen or assessors of each town within this state, requiring them to assess the polls, and estates both real and personal, within their several towns, for their respective parts and proportions of the sum before directed and engaged to be assessed, to be paid into the treasury at the aforementioned times; and the assessors, and also persons assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last pr[o][*e*]ceeding tax act.

And be it further enacted by the authority aforesaid,

What shall be received in payment for taxes.

[SECT. 4.] That silver and gold, and also the new bills that may be issued by Congress on the funds of this state established for that purpose, shall be received, in payment of said taxes, at the rate of

one dollar in specie, or of the new emission, in lieu of forty dollars of the bills now in circulation.

And in order to furnish a circulating medium in lieu of the bills so called in to be destroyed, —

Be it further enacted by the authority aforesaid,

The sum to be emitted.

[SECT. 5.] That there be emitted on the funds hereinafter provided, and the faith of the United States as pledged by their resolution aforesaid, a sum not exceeding the sum of four hundred and sixty thousand pounds, in bills of [of] credit, bearing an annual interest of five per cent; and that the face of the bills to be emitted read as follows: —

Form of the bills.

The possessor of this bill shall be paid Spanish milled dollars, by the thirty-first day of December, one thousand seven hundred and eighty-six, with [the] interest, in like money, at the rate of five per cent per annum, by the state of Massachusetts Bay, according to an act of the legislature of the said state, of the , day of , one thousand seven hundred and eighty.

—and that there be an indorsement on each as follows: —

The form of the endorsement thereon.

The United States insure the payment of the within bill, and will draw bills of exchange for the interest, annually, if demanded, according to a resolution of Congress, of the eighteenth of March, one thousand seven hundred and eighty.

— said indorsement to be signed by such commissioner as Congress shall appoint for that purpose.

And be it further enacted by the authority aforesaid,

Bills to be redeemed in specie, and interest paid.

[SECT. 6.] That the bills which may issue on this act, shall be redeemable in spe[i]c[*i*]e by the said thirty-first day of December, one thousand seven hundred and eighty-six; as also the interest thereof, paid at the redemption of the bills, or at the election of the holder, annually, according to the said resolution of Congress and the promis[s]es in the said bills; and said bills to be emitted shall be compleated no faster than in the proportion of one to twenty of the other bills brought in to be destroyed, and which shall be lodged for that purpose in the Continental loan-office in this state.

And be it further enacted by the authority aforesaid,

Commissioners to be appointed to number and sign the bills.

[SECT. 7.] That there shall be appointed, on the part of this state, six commissioners, any two of whom, and no more, together with the commissioner that is, or may be, appointed by Congress, shall compleat said bills by signing and numbering the same before the emission thereof.

And be it further enacted by the authority aforesaid,

What proportion of said bills shall be received into the treasury.

[SECT. 8.] That as fast as said bills to be emitted shall be compleated, six[th]-tenths thereof in value shall be received into the treasury of this state, to be thence issued, from time to time, to support the war, or defray other charges of the state, as the general court, for the time being, may order and direct; the other four-tenths to be subject to the orders of Congress, and carried to the credit of this state.

And be it further enacted by the authority aforesaid,

[SECT. 9.] That whenever interest on the bills to be emitted shall be paid prior to the time fixed for their redemption, such bills shall be thereupon exchanged for other bills of the like tenor, to bear date from the expiration of the year for which such interest is paid;

and the commissioners on the part of this state, or any two of them, are hereby authori[s][z]ed to join with the commissioner of Congress in compleating such other bills for that purpose.

And in order to establish funds effectually to secure the punctual redemption of the bills to be emitted on the credit of this state, and for annually paying the interest of the notes aforesaid, —

Be it further enacted by the authority aforesaid,

Tax to be levied.

[SECT. 10.] That there be and hereby is granted a tax of seventy-two thousand pounds, annually, for seven years, including the present year, to be levied on the polls and estates within this state, according to such rules, and in such proportions on the several towns and other places therein, as shall be agreed upon and ordered by the general court for each of said seven years, at their several May sessions in those years, respectively, to be paid into the treasury of this state on or before the first day of November then next after; and sixty-six thousand pounds, part of every the said seventy-two thousand pounds, shall be appropriated to, and applied for, the redemption of the bills which may be emitted, on the credit of this state, pursuant to the resolution of Congress aforesaid; and the remaining six thousand pounds to pay the interest annually arising on the notes, owing from, or which have been issued by, this state, promis[s]ing to be paid in gold or silver. And the said taxes shall be paid only in the several species of gold and silver coins current in this state before the present war, and at the rates they then passed; or in uncoined silver, of sterling alloy, at six shillings and eightpence an ounce; or in uncoined gold, of like alloy, at five pounds one shilling and fourpence an ounce; or in good merchantable codfish, at twenty-four shillings per quintal; Indian corn, at four shillings per bushel; rye, at six shillings per bushel; wheat, at eight shillings p[e]r bushel; wheat flour, at twenty-four shillings per hundred weight, gross: beeswax, at one shilling and eightpence per pound; pork, at four pounds per barrel; beef, at two pounds eight shillings per barrel; potash, at forty pounds per t[u][o]n; pearlash, of the best quality, sixty pounds per t[u][o]n; hemp, at three pounds per hundred weight; refined bar-iron, at forty shillings per hundred weight; bloomery iron, at thirty shillings per hundred weight; flax, well dressed, tenpence per pound: *provided*, that all the aforesaid articles be good and merchantable, and of the produce or manufacture of this state; and that the rates and prices herein affixed shall be the rates and prices at which they shall be received only during the war; and that from and after the end of the war, and during the remainder of the term of years on which the taxes aforesaid are laid, the rates and prices at which the articles aforesaid shall be received in each year so remaining, shall be set by the respective general courts for those years, at the May session.

Tax to be paid in specie and in certain articles.

Rates and prices:

— to be received only during the war.

Persons paying their taxes in said articles to pay for transportation.

[SECT. 11.] And if the general court for either of the years so remaining, shall not, before the tenth day of July, in such year, agree upon and set the rates and prices at which the articles aforesaid shall be received, that then the oldest coun[c][s]ellor, for the time being, of each of those counties, in the state, of which any one of the council is an inhabitant, together with the treasurer, for the time being, or the major part of them, shall be a committee, who are hereby fully authori[s][z]ed and [i][e]mpowered and directed to do it; and the rates and prices at which the articles aforesaid shall be received at the place that may be appointed, shall be certified in the warrant issued by the treasurer to the respective constables or collectors of the taxes for which the rates and prices aforesaid shall be fixed; and

the persons paying their taxes in either of the articles aforesaid, shall run the risk, and pay the charges, of transporting the same to such store, in the town of Boston, or elsewhere, as may be ordered by the general court or by the treasurer for the time being.

And be it further enacted by the authority aforesaid,

In case. [SECT. 12.] That if the general court, for the time being, in either of the said seven years, shall not, before the tenth day of July, in each year, agree and conclude upon an act apportioning the sums to be paid in such year, then and in that case each town and other place in this state shall pay, by a tax, to be levied on the polls and estates therein, the same proportion of the said sums as such town or other place was taxed by the general court in the tax act then last preceeding.

[SECT. 13.] And the treasurer of this state, for the time being, is hereby [i][*e*]mpowered and directed, some time in the month of August, in such year, to issue and send forth his warrants, directed to the selectmen or assessors of each town, or other incorporated place, within this state; or to some suitable person or persons in such place or places therein as are not incorporated, requiring them to assess the polls and estates within their several towns and other places, for their respective parts and proportions of the sums before engaged and directed to be assessed in such year, to be paid into the treasury on or before the said first day of November then next after: all the sums so assessed to be paid in the several species of gold and silver coins, uncoined gold and silver, or articles of produce, before mentioned, and at the rates herein established; and the assessors, as also all persons assessed, in such case, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act.

Provided, nevertheless, —

And it is hereby further enacted by the authority aforesaid,

Proviso. [SECT. 14.] That if the general court shall, by taxing or otherwise draw into the treasury, not to be reissued, all or any part of the bills to be emitted as aforesaid, redeemable in any one of said years as the quota for that year, the general court, in issuing the tax act, or the treasurer his warrant, shall issue the same for so much only of the tax, for that purpose charged on that year, as shall be sufficient, with the bills drawn in as aforesaid, to compleat the redemption of that year's quota of the bills aforesaid.

And be it further enacted by the authority aforesaid,

Bills emitted, to be received in all payments, except.

To be made a tender

[SECT. 15.] That the bills of credit to be emitted as aforesaid, shall be received in all payments within this state, except for the annual tax of seventy-two thousand pounds above mentioned; and a tender of the same may be pleaded to any action brought for the recovery of any money or other demand, and shall avail as though the tender had been made of gold and silver, except for money due on special contract, expres[s]ly promising the payment of gold or silver, made since the twentieth day of May, A[*nn*]o D[*omin*]i one thousand seven hundred and seventy-five, or that shall hereafter be made, or for the satisfaction of legacies and donations expres[s]ly made payable in silver or gold; in which case, the judgment obtained for the breach of such contract, or on such demand, shall be rendered for gold or silver, payable according to the rates by law established.

And whereas this state are indebted to divers persons for sums of money lent in silver and gold upon an express promise to pay the same, and the interest thereof, in specie; and also for sums of money

in bills of credit lent upon the reasonable expectation that the same shou[*l*]'d be paid them according to the just value thereof at the time of lending the same; *and whereas* the exigencies of this state arising to them in common with all other nations, even the most powerful and opulent, from a time of war, are such that, at present, sufficient means cannot be provided for the discharging the same, or the interest that has already arisen thereon, —

Be it therefore enacted by the authority aforesaid,

Government securities to be paid in silver and gold. 1779-80, chap. 29.

[SECT. 16.] That all the government securities issued by the treasurer of this state, payable in silver or gold, shall be paid to the possessor in silver or gold, according to the rates established by the law of this state, on or before the thirty-first day of December, *Anno Domini* one thousand seven hundred and eighty-eight; and the interest arising on the same shall be paid in the like specie; and that all government securities issued by the treasurer of this state, for the bills of credit of the United States of America, on supply bills, or acts made by this state, except such as are or may be given for the bal[l]ances due to officers and soldiers of the Continental Army, shall be paid in the currency of the state, in a nominal sum equal to the value of such securities at the time of issuing the same, on or before the thirty-first day of December, one thousand seven hundred and eighty-nine; and the interest arising on the same shall be paid in the like value: the said value at the time of issuing and paying the said notes, and the interest thereof, to be ascertained by such rule as the general court shall hereafter order: the interest which has already arisen to be paid as soon as the said rates shall be established, and the funds shall produce sufficient therefor; and all interest hereafter arising shall be paid annually. [*Passed May* 5, 1780.

CHAPTER 41.

AN ACT FOR ENQUIRING INTO THE RATEABLE PROPERTY IN THIS STATE.

Preamble. 1777-78, chap. 29.

WHEREAS, by reason of the frequent shifting of property and alteration of the value thereof, arising from various causes now existing, it is necessary that a valuation should be often taken, that a just proportion of taxes may be laid on the several town[e]s and places in this state, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Assessors of each town to lodge in the secretary's office a true and perfect list of all ratable property (a copy of which to be sent, by the treasurer, to the clerk of each town in the state), containing an account of all the male polls, distinguishing those

[SECT. 1.] That the assessors of each town in this state, chosen for the year one thousand seven hundred and eighty, shall, on oath, take, and lodge in the secretary's office, by the twentieth day of July in the present year, a true and perfect list, according to their best skill and judgment, agreeable to the form set[*l*]led by the general court (a printed copy of which, and of this act, shall be by the treasurer of this state sent without delay to the clerk of each town therein), of all male polls, of sixteen years old and upwards, whether at home or abroad, except such as are known to be in captivity (negroes and molattoes not excepted), distinguishing those rateable from those not rateable; of all real estate, improved or not improved, lying within their respective towns, specifying the different kinds, their quantities

ratable from those not; — of all real estate;

and value[s]; tons of hay of the different kinds, and barrels of cyder, and bushels of grain produced; and cows the pasturing will keep, one year with another; money on interest and on hand (exclusive of gold and silver coins); and debts due to persons more than they are indebted, and debts due from persons more than is due to them; the value of all woolen, lin[*n*]en and silk goods, hardware and other goods, and merchandize of every kind on hand, not in this act particularly enumerated, or included under any other description therein; the quantities of wine, rum and other distilled liquors, molasses, sugars, cotton, sheepswool, indigo, coffee and cocoa, salt and tea; tons of vessels of every sort, upwards of ten tons, whether at home or abroad; the value of the same with their appurtenances; ounces of gold and ounces of silver, coined or not coined, including plate; horses, horned cattle of all kinds, sheep and goats and swine; value of grain of all sorts and kinds (exclusive of wheat flour), and all other produce of the land on hand; quantity of wheat flour on hand; value of all coaches, chaises and carriages of that kind, and all other property whatsoever not before enumerated or included, except hous[e]hold furniture, wearing apparel, implements of husbandry, and tools of mechanic[k]s; also the amount of the annual income arising from any profession, faculty, handicraft, trade or employment; incomes and profits by trading by sea and on shore, and by means of advantages arising from the war, and the necessities of the community: the aforesaid polls, estate, property, incomes and profits, and the value thereof, where required, to be arranged in their proper columns in said lists; s[*ai*]d values to be estimated in specie, or money current in this state in the year one thousand seven hundred and seventy-four. And the said assessors shall cause all the columns in their several lists to be carefully added up and footed.

— the value of all goods, wares and merchandize;

— also the amount of all incomes, etc.

Provided, nevertheless, —

Assessors to cause the columns in their several lists to be added up, and footed;

[SECT. 2.] That the following persons; viz[t]., the president, fellows, professors, tutors, librarian and students of Harvard College, and who have their usual residence there, and set[*t*]led ministers of the gospel, and grammar-school masters, shall be exempted out of this act, so far as relates to their polls and their real and personal estates under their own actual improvement, and lying within the town whereof they are inhabitants; as also the estate of the Rev[*erend*]d Mr. Prentice of Charlestown, laying in the town of Cambridge: *provided, also,* that such officers and soldiers as are engaged in the Continental Army for three years, or during the war, and still serving therein, are exempted from being returned in this act so far as relates to their polls. *Provided, also,* that all the estate of Harvard College, and lands belonging to the Indians, are excluded from this act.

— exempting the president, fellows and students of Harvard College, etc.

To exempt officers and soldiers in the Continental Army.

To exclude the estate of Harvard College and Indian lands.

[SECT. 3.] And the said assessors shall certify, at the end of the list for their respective towns, the whole number of acres therein, including ponds, rivers, roads and unimprov[*e*]able land, to be estimated according to their best judgments, on oath; also the number of acres covered by, and contained in, such ponds, rivers, roads and unimprov[*e*]able land, to be estimated as aforesaid; and each assessor, before he enters on the business assigned him by this act, shall take the following oath: viz[t]., —

Oath to be taken.

You, A. B., do swear that you will faithfully and impartially, without favor or prejudice, according to your best skill and judg[*e*]ment, do and perform the whole duty of an assessor, as directed and enjoined by an act of this state made the present year, [i][*e*]ntitled "An Act for [i][*e*]nquiring into the rateable property in this state." So help you God.

— which oath, in such town where no justice of the peace dwells, shall be administred by the town clerk, who is hereby [i][*e*]mpowered and directed to administer the same; and each such assessor who shall neglect or refuse to take said oath shall forf[ie][*ei*]t and pay the sum of five hundred pounds. To be administered by the town clerk, where there is no justice.

And be it further enacted by the authority aforesaid,

[SECT. 4.] That any person who shall not be necessarily absent from his or her town at the time of taking this valuation, and neglect or refuse to give in to the assessors a true account of his or her rateable estate and improvements, according to the true intent of this act, shall be doomed by the assessors according to their best skill and judgment. Such persons refusing, to be doomed by the assessors.

And be it further enacted by the authority aforesaid,

[SECT. 5.] That any person of the people called Quakers may be admitted, instead of taking the oath aforesaid, to make his or her solemn affirmation or declaration, under the pains and penalties of perjury, to the same purpose. Quakers admitted to make affirmation.

And each assessor shall be allowed out of the treasury of his respective town, the sum of eight pounds for each day he shall be necessarily employed in doing the duty enjoined by this act. Allowance to assessors.

And be it further enacted by the authority aforesaid,

[SECT. 6.] That the list given in to the assessors by any person, pursuant to this act, shall contain all the rateable estate possessed by such person, in his or her own right or the right of others, on the twentieth day of May in the present year; and any person doomed, shall be doomed for what he or she was so possessed of, on that day. Penalties and forfeitures, how recovered.

And be it further enacted by the authority aforesaid,

[SECT. 7.] That all penalties and forf[ie][*ei*]tures arising by this act may be recovered by action of debt, presentment or indictment, at any court of judicature within this state proper to try the same; and shall be applied, one moiety thereof to him or them who shall sue for the same, and the other moiety to the use of this state. [*Passed April* 28, 1780.

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*A valuation-list of the town of , in the county of , taken by the subscribers, assessors of said town, in obedience of and agreeable to an act of the great and general court of the state of Massachusetts Bay, in the year of our Lord one thousand seven hundred and eighty, entitled "An Act for enquiring into the rateable property in this state."

Names.	Polls rateable	No.
	Polls not rateable.	No.
	Dwelling-houses.	No.
	Value thereof.	*l. s. d.*
	Barns.	No.

* This form was not engrossed, but a draught of it was filed with the bill, and it was printed with the act. — ED.

Names.		
	Value.	*l. s. d.*
	Stores, warehouses and other buildings not otherways mentioned.	No.
	Value.	*l. s. d.*
	Distill-houses, furnaces, and mills of all sorts, and iron-works.	No.
	Value.	*l. s. d.*
	Acres and parts of an acre of English mowing-land and orcharding.	No.
	Value of such mowing-land and orcharding.	*l. s. d.*
	Tons of English hay, one year w[*i*]th another.	No.
	Barrel[l]s of cyder, one year w[*i*]th another.	No.
	Acres of land tilled, one year w[*i*]th another.	No.
	Value thereof.	*l. s. d.*
	Bushel[l]s of grain, one year w[*i*]th another.	No.
	Acres of salt and fresh meadow.	No.
	Value thereof.	*l. s. d.*
	Tons of salt and fresh meadow hay, one year with another.	No.
	Acres of pasturing land.	No.
	Value thereof.	*l. s. d.*
	Cows the same will keep one year with another.	No.
	Acres of woodland and land unimproved.	No.

Names.		
	Value thereof.	*l. s. d.*
	Superficial feet of w[*h*]arves.	No.
	Value thereof.	*l. s. d.*
	Money on interest and on hand (except gold and silver coins), and debts due to any person more than such person is indebted.	*l. s. d.*
	Debts due from any person more than is due to such person.	*l. s. d.*
	Gallons of wine of all sorts on hand.	No.
	Gallons of rum and other distilled liquors on hand.	No.
	Gallons of molasses on hand.	No.
	Weight of sugars of all sorts on hand.	No.
	Weight of cotton on hand.	No.
	Weight of sheepswool on hand.	No.
	Pounds weight of indigo on hand.	No.
	Weight of coffee and cocoa on hand.	No.
	Bushel[l]s of salt on hand.	No.
	Pounds weight of tea on hand.	No.
	Value of woolen, linnen and silk goods on hand.	*l. s. d.*
	Value of hardware and other goods and merchandize of every kind and species not before enumerated.	*l. s. d.*
	Tons of vessels of every sort.	No.
	Value thereof w[*i*]th their appurtenances.	*l. s. d.*

Names.		
	Ounces of gold, coined or not coined, includ[*in*]g plate.	No.
	Ounces of silver, coined and not coined, including plate	No.
	Horses of all ages.	No.
	Oxen of four years old and upwards.	No.
	Cows of [3] [*three*] years old and upwards.	No
	All other horned cattle not before enumerated.	No.
	Sheep and goats of all ages.	No.
	Swine of all ages.	No.
	Weight of wheat flour on hand.	Cwt.
	The value of grain of all sorts and kinds, and other produce of the land, on hand.	*l. s. d.*
	Value of all coaches, chaises and carriages of that kind, and all other property, whatsoever, not before enumerated or included, except hous[e]hold furniture, implements of husbandry, wearing apparel[l] and tools of mechanicks.	*l. s. d.*
	The amount of the annual income arising from any profession, faculty, handicraft, trade or employment; and also the amount of all incomes and profits, by trading by sea or on shore, and by means of advantages arising from the war and the necessities of the community.	*l. s. d.*
	The whole number of acres in the town, including ponds, rivers, roads and unimproved land[*s*].	No.
	Number of acres covered by and contained in such ponds, rivers, roads and unimprov[able][*ed*] land[*s*].	No.

The foregoing is a true list of the polls and rateable estates in the town of , taken by us, the assessors of said town, on oath, in obedienc[*e*] to an act of the general court, passed in the year 1780, for enquiring in the rateable property in this state.

A. B.,
C. D.,
E. F.,
} Assessors of

CHAPTER 42.

AN ACT FOR ERECTING A DISTRICT [WITH]IN THE COUNTY OF MIDDLESEX, BY THE NAME OF CARLISLE.

Whereas the inhabitants of the extre[e]m[e] parts of the towns of Concord, Acton, Chelmsford and Billerica, have for many years labo[u]red under great difficulties and inconvenienc[*i*]es by reason of their remoteness from the places of public worship in the towns to which they, respectively, belong, and have supported the cost and charge of preaching for several years past, and labour under other great difficulties and disadvantages; and have earnestly requested this court that they may be incorporated into a district, — Preamble. 1753-54, chap. 36.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the tract of land bounded as follows; viz[t]., beginning at the corner of land belonging to Issacher Andrews, upon Concord River; then, running north, sixty degrees west, thirty-six poles; north, nine degrees west, sixty-six poles; north, fifty-eight degrees west, forty poles; north, thirty-two degrees west, two hundred and forty-five poles; north, twenty-seven degrees east, one hundred and fifty poles; north, thirty-six degrees west, one hundred and fifteen poles; north, sixty degrees west, ninety poles; north, fifty-two degrees west, one hundred and sixty-two poles; north, twenty-two degrees east, eighteen poles; north, sixty-eight degrees west, two hundred poles; south, seventy-eight degrees west, three hundred and eighty poles; south, sixty-five degrees west, three hundred and sixty-eight poles; south, three degrees east, two hundred and thirty-five poles; south, seventy-five degrees west, two hundred and sixty poles; south, one degree west, one hundred and seventy-two poles; south, seven degrees east, four hundred and thirty-five poles; south, fifty-eight degrees east, one hundred and seven poles; south, seventy-nine degrees east, five hundred and fifteen poles; south, sixty-four degrees east, six hundred poles; from thence, on the river aforesaid, to the corner first mentioned, running in a strai[*gh*]t line north, twenty-six degrees east, eight hundred and fifty-five poles; containing about ten thousand one hundred and twenty-four acres,—be and hereby is incorporated into a district by the name of Carlisle; and that the said district be and hereby is invested with all the powers, privileges and immunities that towns in this state do or may enjoy, that of sending a representative to the general assembly only excepted; and that the inhabitants of said district shall have liberty, from time to time, to join with the town of Acton in chusing a representative, and shall be notified of the time and place of election in like manner with the inhabitants of the said town of Acton, by a warrant from the selectmen of said town, directed to a constable or constables of the said district, requiring him or them to warn the inhabitants to attend the meeting at time and place assigned; which warrant shall be seasonably returned by the said constable or constables, and the representative may be chosen indifferently from the said town or district, the pay or allowance to be borne by the town and district in proportion as they shall, from time to time, pay to the state tax.

Boundaries.

Investing the district with all the privileges that other towns enjoy, — except.

To join with the town of Acton, in the choice of representatives.

How notified.

And be it further enacted,

William Stickney, Esq., empowered to call the first meeting.

[SECT. 2.] That William Stickney, Esq[r]., be and hereby is [i][e]mpowered to issue his warrant, directed to some principal inhabitant within said district, requiring him to warn the inhabitants of said district, qualified to vote in town affairs, to assemble at some suitable time, and place in said district, to ch[u][*oo*]se such officers as are necessary to manage the affairs of said district.

Provided, nevertheless, —

The district to pay part of the charges of the North Bridge in Concord.

[SECT. 3.] The said district shall pay one sixth part of the charges that may arise from the maintaining of the North Bridge in Concord, until[l] the inhabitants of said district shall build a bridge from said district over said river, and no longer.

And provided further, —

To support Sarah Fletcher, a pauper.

[SECT. 4.] The inhabitants of the said district shall support a pauper named Sarah Fletcher, and all the other poor who now are or may be inhabitants within the limits of the same, let them belong to either of the towns aforesaid.

Provided, likewise, —

To pay their proportionable part of taxes.

[SECT. 5.] The inhabitants of said district shall pay their proportionable part of all such town, county, and state, taxes as are already assessed or may be assessed upon them during the present s[e][*i*]tting of the general court, by the respective towns to which they have belonged, and of all public debts which may be now due from said towns.

And it is hereby f[a][*u*]*rther enacted*,

To receive their just proportion of arms and ammunition.

[SECT. 6.] That the inhabitants of said district be intitled, and they hereby are enabled, to demand and receive their just proportion of the arms and ammunition to which they were intitled from their several towns, previous to this act being passed.

Provided, nevertheless, —

And be it further enacted,

Excluding certain persons out of said bill.

[SECT. 7.] That Thomas Brown, Nathan Butrick, Oliver Barron, Sam[*ue*]l Kibby, John Blood and Willard Blood, included in the boundary line of this bill, with their lands, be excluded out of said bill; but that they have liberty of inserting their names in the secretary's office within one year from the date of this bill, that they choose to belong to Carlisle; that such of them as shall so insert their names, shall be considered as part of the district of Carlisle, anything in this bill to the contrary notwithstanding. [*Passed April* 28, 1780.

CHAPTER 43.

AN ACT FOR ALTERING THE TIMES OF HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE AND INFERIO[U]R COURT OF COMMON PLEAS WITHIN THE COUNTY OF ESSEX.

Preamble. 1769-70, chap. 18.

WHEREAS it appears that the holding of the court of general sessions of the peace and inferio[u]r court of common pleas, within and for the county of Essex, on the last Tuesdays of March and December, yearly, is very inconvenient to the officers and parties attending said courts by reason of the bad travelling and inclemency of the weather in those seasons, and that it would be much more convenient that the

said courts should be holden, annually, on the first Tuesdays of April and December, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That the court of general sessions of the peace, and inferio[u]r court of common pleas, which, by law, are now to be holden, annually, at Ipswich, within and for the county of Essex, on the last Tuesday of March, shall forever hereafter be holden at Ipswich, within and for the county of Essex, on the first Tuesday of April, annually; and that the court of general sessions of the peace and inferio[u]r court of common pleas, which by law are now to be holden at Salem, within and for the county of Essex, on the last Tuesday of December, annually, shall forever hereafter be holden at Salem, within and for the county of Essex, on the first Tuesday of December, annually; any law, usage or custom to the contrary notwithstanding. [*Passed May* 2, 1780.

CHAPTER 44.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF TEN HUNDRED THOUSAND POUNDS.

Preamble.

WHEREAS it is necessary, immediately, to make provision to enable the treasurer of this state to pay into the hands of the Board of War, the sum of ten hundred thousand pounds in securities of this state, five hundred thousand pounds thereof to be appl[y][*i*]ed for the discharge of any part of the demands of the creditors of the state aforesaid on the account of the Penobscot expedition, and the other five hundred thousand pounds to be appl[y][*i*]ed for any exigences of this state, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Treasurer directed to issue his notes.

[SECT. 1.] That the treasurer of this state be and hereby is directed, on the credit thereof, to issue his notes, payable the first day of September, one thousand seven hundred and eighty-five, to draw interest at six per cent per annum, not to exceed the sum of ten hundred thousand pounds, and that the said notes be of the form following: —

Form of the notes.

State of Massachusetts Bay, the day of , 17 .
For value received, for the use of the state of Massachusetts Bay, I do, in behalf of said state, hereby promise and oblige myself and successors in the office of treasurer, to pay the possessor of this note, the sum of , by the first day of September, one thousand seven hundred and eighty-five, with six per cent interest per annum; the interest to be paid annually.

Witness my hand, H. G., Treasurer.

A. B., C. D., } Committee.

— which form shall be printed on good paper, and a suitable border round the same; and when said notes are issued, a counterpart, indented, of each note, shall be kept by the treasurer.

And be it further enacted,

Committee appointed to sign blank notes.

[SECT. 2.] That Thomas Dawes and Richard Cranch, Esq'rs, be a committee to sign blank notes, at the left hand, as by the form prescribed, before the same are filled up by the treasurer.

And be it further enacted,

Tax to be levied on polls and estates.

[SECT. 3.] That there be and hereby is granted a tax of ten hundred thousand pounds, to be levied on the polls and estates within this state, according to such rules, and in such proportions on the several towns and places therein, as shall be agreed upon and ordered by the general court or assembly of this state, in their session in May, one thousand seven hundred and eighty-five, and to be paid into the treasury on or before the first day of September, one thousand seven hundred and eighty-five, and to be applied for the redemption of the notes which may be issued by virtue of this act.

And be it further enacted,

[SECT. 4.] That if the general court shall not, some time before the tenth day of June, in the year one thousand seven hundred and eighty-five, agree and conclude upon an act apportioning the sums which by this act are agreed to be paid in said year, then and in such case each town and other place or places in this state shall pay, by a tax, to be levied on the polls and estates within their limits, respectively, the same proportion of the said sum as such town or other place was taxed by the general court in the tax act then last preceeding.

Treasurer to issue his warrants, on assessments.

[SECT. 5.] And the treasurer of this state is hereby impowered and directed, some time in said month of June, in said year, to issue and send forth his warrant, directed to the selectmen or assessors of each town or other incorporated place within this state, or to some suitable person or persons in such place or places therein as are not incorporated, requiring them to assess the polls and estates within their several towns and other places, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury on or before the said first day of September, one thousand seven hundred and eighty-five; and the assessors, as also all persons thereby assessed, shall observe, and be governed by, and subjected to, all such rules and directions as shall have been given in the then last preceeding tax act.

And be it further enacted by the authority aforesaid,

Notes issued by the treasurer, upon his receiving warrants from the council, to be delivered to the Board of War.

[SECT. 6.] That the notes that may be issued by the treasurer by virtue of and in conformity to this act, shall, by him, upon his receiving a warrant from the council for the aforesaid sums, be delivered to the Board of War, or their order, from time to time, to be by them applied as in this act is before prescribed.

And be it further enacted by the authority aforesaid,

At what time the notes are to bear date, for the discharge of the demands of the creditors on account of the Penobscot expedition.

[SECT. 7.] That the notes that are issued by the treasurer, by virtue of this act, for the discharge of any part of the demands of the creditors of this state on account of the Penobscot expedition, shall bare date the day when those sums became due. [*Passed May* 3, 1780.

CHAPTER 45.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF FORTY-NINE THOUSAND EIGHT HUNDRED AND THIRTY POUNDS.

Preamble. 1778-79, chap. 42.

Whereas it is necessary, immediately, to make provision to enable the treasurer of this state to pay the prizes of fifty dollars and upwards, drawn in the fourth class of the lottery order[*e*]d by a resolve of the general court, passed May the first, *Anno Domini* one thousand seven hundred and seventy-eight, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Treasurer directed to issue his notes.

[Sect. 1.] That the treasurer of this state be, and [he] hereby is, directed, on the credit thereof, to issue his notes, payable the first day of January, *Anno Domini* one thousand seven hundred and eighty-three, to draw interest [of] [*at*] six per cent per annum, to be paid annually; not to exceed the sum of forty-nine thousand eight hundred and thirty pounds: and that the said notes be of the tenor and form following; viz[t]., —

Form of notes.

State of Massachusetts Bay, the day of , one thousand seven hundred and eighty. For value re[ce]ceived, for the use of the Massachusetts Bay, I do, in behalf of said state, hereby promise and oblige myself and successors in the office of treasurer, to pay to the possessor of this note, the sum of , by the first day of January, one thousand seven hundred and eighty-three, with interest at six per cent per annum; the interest to be paid annually.

Witness my hand, H. G., Treasurer.

A. B., } Com[*m*]ittee.
C. D., }

— which form shall be printed on good paper, and a suitable border round the same; and when said notes are issued, a counterpart, indented, of each note, shall be kept by the treasurer.

And be it further enacted,

Committee to countersign.

[Sect. 2.] That John Scollay, Esq[r]., and Mr. Edward Green, be a committee to sign blank notes, at the left hand, as by the form prescribed, before the same are filled up by the treasurer.

And be it further enacted,

Tax to be levied.

[Sect. 3.] That there be and hereby is granted a tax of forty-nine thousand eight hundred and thirty pounds, to be levied on the polls and estates within this state, according to such rules, and in such proportion[*s*] on the several towns and places therein, as shall be agreed upon and ordered by the general court or assembly, at their sessions in June, one thousand seven hundred and eighty-two, and to be paid into the treasury on or before the twentieth day of November then next after, and to be applied for the redemption of the notes which may be issued by virtue of this act.

And be it further enacted,

[Sect. 4.] That if the general court shall not, some time before the first day of September, in the year one thousand seven hundred and eighty-two, agree and conclude upon an act apportioning the sums which by this act are agreed to be paid in said year, then and in such case each town and other place in this state shall pay, by a tax, to be levied on the polls and estates within their limits, respec-

tively, the same proportion of the said sum as such town or other place was taxed by the general court in the tax act then last preceeding.

Treasurer to issue his warrants to the towns.

[SECT. 5.] And the treasurer of this state is hereby [e][*i*]mpowered and directed, some time in the said month of September, in said year, to issue and send forth his warrants, directed to the selectmen or assessors of each town or other incorporated place within this state, or to some suitable person or persons in such place or places therein as are not incorporated, requiring them to assess the polls and estates within their several towns and other places, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury on or before the said twentieth day of November, one thousand seven hundred and eighty-two; and the assessors, as also all persons thereby assessed, shall observe, be governed by, and subject to, all such rules and directions as shall have been given in the then last preceeding tax act.

And be it further enacted by the authority aforesaid,

Notes to be delivered to the managers of the lottery.

[SECT. 6.] That the notes that may be issued by the treasurer by virtue of and in conformity to this act, shall, by him, upon his receiving a warrant from the council for the aforesaid sum, be delivered to the managers of the lottery aforesaid, or their order, from time to time, and in such proportions and sums as said managers may draw for. [*Passed May* 3, 1780.

CHAPTER 46.

AN ACT TO INCORPORATE AND ESTABLISH A SOCIETY FOR THE CULTIVATION AND PROMOTION OF THE ARTS AND SCIENCES.

Preamble.

As the arts and sciences are the foundation and support of agriculture, manufactures and commerce; as they are necessary to the wealth, peace, independence and happiness of a people; as they essentially promote the honor and dignity of the government which patronises them; and as they are most effectually cultivated and diffused through a state by the forming and incorporating of men of genius and learning into public societies for these beneficial purposes, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Certain persons incorporated into a body politic, by the name of the American Academy of Arts and Sciences.

[SECT. 1.] That the Hon[*ora*]ble Samuel Adams, Esq[r]., Hon[ble]. John Adams, Esq[r]., John Bacon, Esq[r]., Hon[ble]. James Bowdoin, Esq[r]., Rev[d]. Charles Chauncy, D.D., Rev[d]. John Clark, David Cobb, Esq[r]., Rev[d]. Samuel Cooper, D.D., Hon[ble]. Thomas Cushing, Esq[r]., Hon[ble]. Nathan Cushing, Esq[r]., Hon[ble]. William Cushing, Esq[r]., Tristram Dalton, Esq[r]., Hon[ble]. Francis Dana, Esq[r]., Rev[d]. Samuel Deane, Rev[d]. Perez Fobes, Rev[d]. Caleb Gannet[*t*], Hon[ble]. Henry Gardner, Esq[r]., Mr. Benjamin Guild, Hon[ble]. John Hancock, Esq[r]., Hon[ble]. Joseph Hawley, Esq[r]., Edward Augustus Holyoke, Esq[r]., Doct[*o*]r Ebenezer Hunt, Jonathan Jackson, Esq[r]., Doct[*o*]r Charles Jarvis, Rev[d]. Samuel Langdon, D.D., Hon[ble]. Levi Lincoln, Esq[r]., Rev[d]. Daniel Little, Rev[d]. Elijah Lothrop, John Lowell, Esq[r]., Rev[d]. Sam[*ue*]l Mather, D.D., Samuel Moody, Esq[r]., Hon[ble]. Andrew Oliver, Esq[r]., Doct[*o*]r Joseph Orne, D[oct]r.

Theodore Parsons, Hon[ble]. George Partridge, Esq[r]., Hon[ble]. Robert Treat Paine, Esq[r]., Rev[d]. Phillips Payson, Samuel Phillips, jun[r]., Esq[r]., Hon[ble]. John Pickering, Esq[r]., Hon[ble]. Oliver Prescot[t], Esq[r]., Rev[d]. Zedekiah Sanger, Hon[orable] Nathaniel Peaslee Ser[g][j]eant, Esq[r]., Micajah Sawyer, Esq[r]., Theodore Sedgwick, Esq[r]., Hon[ble]. William Sever, Esq[r]., Stephen Sewall, Esq[r]., Hon[ble]. David Sewall, Esq[r]., John Sprague, Esq[r]., Ebenezer Storer, Esq[r]., Caleb Strong, Esq[r]., Hon[ble]. James Sullivan, Esq[r]., D[oct]r. John Bernard Sweat, Mr. Nathaniel Tracy, Cotton Tufts, Esq[r]., Hon[ble]. James Warren, Esq[r]., Rev[d]. Samuel West, Rev[d]. Edward Wigglesworth, Rev[d]. Joseph Willard, Rev[d]. Samuel Williams, Rev[d]. Abraham Williams, Rev[d]. Nehemiah Williams and Mr. James Winthrop, be, and they hereby are, formed into, constituted and made a body politic and corporate by the name of the American Academy of Arts and Sciences; and that they and their successors, and such other persons as shall be elected in the manner hereafter mentioned, shall be, and continue, a body politic and corporate by the same name, forever.

And be it further enacted by the authority aforesaid,

The fellows of the said academy to elect a president and other officers.

[Sect. 2.] That the fellows of the said academy may, from time to time, elect a president, one or more vice-presidents, one or more secretaries, and such other officers, of the said academy, as they shall judge necessary or convenient; and they shall have full power and authority, from time to time, to determine and establish the names, number and duties of their several officers, and the tenure or estate they shall, respectively, have in their offices, and also to authori[s][z]e and impower their president, or some other fellow of the academy, at their pleasure, to administer such oaths, to such officers, as they shall appoint and determine for the well ordering and good government of the said academy: *provided*, the same be not repugnant to the laws of this state.

Vested with certain powers.

And be it further enacted by the authority aforesaid,

Said fellows to have one common seal.

[Sect. 3.] That the fellows of the said academy shall have one common seal, which they may make use of in whatsoever cause or business shall concern the academy, or be relative to the end and design of its institution, and shall have power and authority, from time to time, to break, change and renew the common seal, at their pleasure; and that they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same unto final judgment and execution, by the name of the President and Fellows of the American Academy of Arts and Sciences.

Made liable to be sued.

And be it further enacted by the authority aforesaid,

The fellows to elect persons to be fellows thereof, with power to displace.

[Sect. 4.] That the fellows of the said academy may, from time to time, elect such persons to be fellows thereof as they shall judge proper; and that they shall have full power and authority, from time to time, to suspend, expel or disfranchise any fellow, of the said academy, who shall by his conduct render himself unworthy of a place in that body, in the judg[e]ment of the academy; and also to settle and establish the rules, forms and conditions of election, suspension, expulsion and disfranchisement: *provided*, that the number of the said academy, who are inhabitants of this state, shall not at any one time be more than two hundred, nor less than forty.

Proviso.

And be it further enacted by the authority aforesaid,

Empowered to make laws, etc., and to annex fines.

[Sect. 5.] That the fellows of the said academy shall have full power and authority, from time to time, to make and enact such reasonable rules, orders and bye-laws, not repugnant to the laws of this state, as shall be necessary or convenient for the well ordering and

good government of the said academy, and to annex reasonable pecuniary fines and penalties to the breach of them, not exceeding the sum of twenty pounds, to be sued for and recovered in any court of record within this state, in the name and for the use of the president and fellows of the said academy; and the same rules, orders and bye-laws to repeal at their pleasure: and also to settle and establish the times, places and manner of convening the fellows of the said academy; and also to determine the number of fellows which shall be present to constitute a meeting of the said academy: *provided*, that the fellows of the said academy shall meet twice in a year, at the least, and that the place of their meeting shall never be more than thirty miles distant from the town of Boston.

Proviso.

And be it further enacted by the authority aforesaid,

The fellows to be deemed capable, in the law, of having, holding and taking in fee-simple, by gift, grant, etc.

[SECT. 6.] That the fellows of the said academy may, and shall, forever, hereafter, be deemed capable, in the law, of having, holding and taking, in fee-simple or any less estate, by gift, grant, devise or otherwise, any lands, tenements or other estate, real and personal: *provided*, that the annual income of the said real estate shall not exceed the sum of five hundred pounds, and the annual income or interest [*of*] the said personal estate shall not exceed the sum of two thousand pounds; all the sums aforementioned in this act to be valued in silver, at the rate of six shillings and eightpence by the ounce: and the annual interest and income of the said real and personal estate, together with the fines and penalties aforesaid, shall be appropriated for premiums, to encourage improvements and discoveries in agriculture, arts and manufactures, or for other purposes consistent with the end and design of the institution of the said academy, as the fellows thereof shall determine.

Proviso.

And be it further enacted by the authority aforesaid,

The design of said institution.

[SECT. 7.] That the end and design of the institution of the said academy, is to promote and encourage the knowledge of the antiquities of America, and of the natural history of the country, and to determine the uses to which the various natural productions of the country may be applied; to promote and encourage medical discoveries, mathematical disquisitions, philosophical enquiries and experiments; astronomical, meteorological and geographical observations; and improvements in agriculture, arts, manufactures and commerce; and, in fine, to cultivate every art and science which may tend to advance the interest, honor, dignity and happiness of a free, independent and virtuous people.

And it is further enacted,

The place where the first meeting shall be held; and empowering the Hon. James Bowdoin, Esq., to fix the time.

[SECT. 8.] That the place where the first meeting of the fellows of the said academy shall be held, shall be the philosophy chamber in the university at Cambridge; and that [*the*] Hon[*ora*]ble James Bowdoin, Esq[r]., be, and he hereby is, authorised and impowered to fix the time for holding the said meeting, and to notify the same to the fellows of the academy. [*Passed May* 4, 1780.

CHAPTER 47.

AN ACT FOR GRANTING OR CONFIRMING CERTAIN PRIVIL[I][*E*]GES TO THE SUBJECTS OF THE MOST CHRISTIAN KING, RESIDING WITHIN THIS STATE.

Preamble.

WHEREAS, in and by the thirteenth article of the treaty of amity and commerce, between His Most Christian Majesty and the United States of North America, it is concluded and agreed that the subjects and inhabitants of the said United States, or any [one] of them, shall not be reputed *aubains*, in France, and consequently shall be exempted from the *droit d'aubaine*, or other similar duty, under what name soever they may, by testament, donation or otherwise, dispose of their goods, mov[*e*]able and immoveable, in favour of such persons as to them shall seem good; and their heirs, subjects of the said United States, residing whether in France or elsewhere, may succeed them, *ab intestat*, without being obliged to obtain letters of naturalization, and without having the effect of this concession contested or impeded under pretext of any rights or pr[o][*e*]rogatives of provinces, cities or private persons; and the said heirs, whether such by particular title, or *ab intestat*, shall be exempt from all duty called *droit de detraction*, or other duty of the same kind (*saving, nevertheless*, the local rights or duties), as much and as long as similar ones are not established by the United States or any of them. And that the subjects of the Most Christian King shall enjoy, on their part, in all the dominions of the said states, an [i][*e*]ntire and perfect recipro[c][*s*]ity relative to the stipulations contained in the said article; *and whereas* it is reasonable and just that the strict conformity to the principles of equality and recipro[c][*s*]ity upon which the treaty aforesaid, between the contracting parties, was grounded, should be observed on the part of this state, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

The subjects of The Most Christian King, not to be subject to the *droit d'aubaine*:

— they may, by will or otherwise, dispose of their goods.

Heirs not to be subject to any duty called *droit de detraction.*

That the subjects of The Most Christian King, or any of them, shall not be reputed *aubains*, within this state, and consequently shall not be subject or liable to the *droit d'aubaine*, or other similar duty, under what name soever; that they may, by last will and testament, donation or otherwise, dispose of their goods, moveable and immoveable, in favour of such persons as to them shall seem good; and their heirs, subjects of the said Most Christian King, residing whether in this state or els[*e*]where, may succeed them, *ab intestat*, without being obliged to obtain letters or an act of naturalization, and without having the effect of this concession contested or impeded, under any pretext whatsoever; and the said heirs, whether such by particular title, as legatees or otherways, or *ab intestat*, shall not be subject or liable to any duty called *droit de detraction*, or other duty of the same kind: *saving, nevertheless*, the local rights or duties as much and as long as the subjects of this state are exempted from the said duties, and similar ones, by the said Most Christian King; and the subjects of the said Most Christian King shall enjoy, within this state, an [i][*e*]ntire and perfect recipro[c][*s*]ity relative to the stipulations contained in the thirteenth article of the said treaty, on behalf of the subjects and inhabitants of the said United States, or any one of them; any law, custom or us[u]age to the contrary notwithstanding. [*Passed May* 5, 1780.

Said subjects to enjoy, within this state, an entire and perfect reciprocity.

CHAPTER 48.

AN ACT TO PREVENT AND PUNISH DESERTION, AND FOR APPREHENDING AND SECURING DESERTERS, FROM THE CONTINENTAL ARMY.

Preamble. 1779-80, chap. 9.

WHEREAS many of the soldiers of the Continental Army have deserted from the several battalions belonging to this state, to the dishonor and great injury thereof; and as the laws already made are found to be insufficient to deter from desertion, or for the effectual apprehending, securing and sending deserters to their several companies from whence they have or shall desert; therefore, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Commanding officers of militia companies, etc., to apprehend deserters from the Continental Army, and to command assistance to deliver such deserters, so apprehended, to some Continental officer, and commit them to jail:

[SECT. 1.] That the commanding officer of every militia company, and the committees of the several towns and plantations within this state, where no such commanding officer is, are hereby directed and [i][e]mpowered to apprehend all deserters from the Continental Army, that may reside or come within the limits of their respective companies and plantations (and to command the assistance of the militia, if necessary, for that purpose) and deliver him or them so apprehended, to some Continental officer, within the county, going to the Continental Army, or commit him or them to the common goal of the county, there to remain in close confinement till he or they can be sent to the company or companies, in the said army, they belong to.

— jailers directed to receive them, and fees to be paid out of the treasury.

[SECT. 2.] And the several goalers within this state are directed to receive them accordingly; whose fees therefor shall be paid out of the treasury of this state. And the person or persons apprehending and securing any deserters, as aforesaid, shall make return of his or their doings touching the same, with his or their reasonable charges, to the council of this state; and in case any deserters shall be committed to goal, and return thereof be made, as aforesaid, the council shall send them to their respective companies, in the said army, in the way and manner most advantageous to the state, and allow and pay out of the public treasury the reasonable expences of any commanding officer, committee, or any Continental officer, who shall apprehend or convey any deserter to goal, or to his company, as aforesaid, and charge the same to the account of such deserter or deserters, to be adjusted in a future settlement.

In case,

— expenses to be charged to said deserters.

And it is further enacted by the authority aforesaid,

Commanding officers, etc., neglecting their duty,

[SECT. 3.] That if any commanding officer of a company, or committee within this state, shall neglect to perform the duty by this act enjoined, he or they shall, for every such neglect, severally, forfeit and pay a fine not exceeding fifteen hundred pounds nor less than five hundred pounds; one moiety thereof to be for the use of this state, the other moiety to him or them who shall prosecute for the same to final judgment, by action, information or indictment, before any court proper to try the same, in any county within this state where the said neglect may happen, or in the next adjoining county;

— penalty.

State-attorney directed to prosecute all offences committed against this act.

and the state-attorney, and all others acting, or who may act, on behalf of this state, in the several counties within the same, are hereby directed to assist in the prosecution of all offences committed against this act.

And whereas many deserters may escape, on board the armed ships and other vessels sailing from this state, as seamen or otherwise, to the great injury of the land service; to prevent which, —

Be it further enacted by the authority aforesaid,

A penalty for commanders of armed vessels to carry away deserters, knowing them to be such. 1779-80, chap. 9.

[SECT. 4.] That every commander of an armed ship or vessel, or other ship or vessel, that shall hereafter sail from any port or harbour of this state, who shall ship or convey away, on board his ship or vessel, any deserter or deserters from the Continental Army, knowing him to be such, and be convicted thereof, shall pay, for every deserter he shall be convicted of shipping or conveying away, as aforesaid, a fine not exceeding fifteen hundred pounds, nor less than five hundred pounds, to be recovered and enure as aforesaid; and all prizes, or shares of prizes, that otherwise might accrue to such deserter[s], shall be paid by the agent of such deserter or deserters, into the state treasury.

Commanders of armed vessels to file in the naval office a descriptive list of their men.

Penalty.

[SECT. 5.] And every commander of any arm[e]d vessel within this state shall, before he sails upon his cruise, make out, upon oath, and file in the naval office for the port he shall last sail from, within this state, upon his cruise, a descriptive list of all his officers, marines and mariners, belonging to his said vessel, for the said cruise, together with the shares and parts of shares they are respectively entitled to, upon pain of forfeiting a sum of money not exceeding fifteen hundred pounds, nor less than five hundred pounds; to be recovered as aforesaid, for the uses aforesaid.

Naval officer to transmit such lists to the council of this state.

[SECT. 6.] And the naval officer is hereby directed and enjoined to transmit the said list, immediately, to the council of this state, who are to take the same into consideration as soon as may be, and return the same to the said naval officer, certifying the deserters, if any there are, contained therein; and the several naval officers are directed to make out attested copies of such lists so returned, for any person requesting the same, for which he shall receive not more than three pounds.

Agents to be accountable for all shares, etc., delivered to deserters: —penalty.

[SECT. 7.] And if the agent of any officers, marines or mariners, belonging to any armed vessel as aforesaid, shall, at any time hereafter, pay, deliver or distribute any share or shares, or parts of a share, of any prize which shall hereafter be taken by any armed vessel, the commander of which is required by this act to make out such list, to any officer, marine or mariner who shall be certified by the council to be a deserter in manner aforesaid, such agent shall be accountable to the treasurer of this state, for the time being, for the share or shares, or parts of a share, so paid, delivered or distributed, and shall also forfeit a sum of money, not exceeding fifteen hundred pounds, nor less than five hundred pounds, to be recovered as aforesaid, for the uses aforesaid.

Commanding officers in the Continental Army to send descriptive lists of deserters into the secretary's office.

[SECT. 8.] And the several commanding officers of the respective regiments in the Continental Army, belonging to this state, are hereby required to send descriptive lists of the deserters from their several regiments, into the said secretary's office, for the purpose of detecting said deserters.

And whereas, it appears that many deserters from the aforesaid battalions are sensible of their folly and wickedness, in violating their faith and oaths, in dishonorably abandoning the cause of their country, by desertion, and would gladly be restored to the favour of their fellow citizens, by a speedy return to their several companies and regiments in the Continental Army, during the war, or a certain time over and above their several engagements, were it not for the apprehension

of an ignominious punishment; therefore, to quiet the minds of such, and to prevent all appearance of excuse to any who shall dare to reject the pardon and indemnification in this act freely offered, —

Be it further enacted by the authority aforesaid, —

The council of this state directed to request the commander-in-chief of the army, to proclaim pardon to all deserters.

[SECT. 9.] That the council of this state be directed to write to the commander-in-chief of the said army, immediately, inclosing a copy of this act, and, in the name of the general assembly of Massachusetts Bay, requesting him to proclaim a pardon to all deserters from the Massachusetts line of the army, who shall, within three months after the publication of this act, return to their several companies, if on land, and, if at sea, within one month after their return, and serve during the present war, if so engaged, and if otherwise, shall serve nine months over and above the time for which he or they engaged.

In case.

[SECT. 10.] And in case the commander-in-chief shall offer pardon as aforesaid, such deserter[*s*] as shall take the benefit of the same shall be [i][*e*]ntitled to receive all bounties, gratuities and allowances for depreciation, offered or granted, or that are or may be due to the soldiers of the Continental Army, belonging to this state, for the time that he or they may have served, as tho'[*ugh*] he or they had never deserted; and all who shall neglect to avail themselves of the benefits thereof, shall be considered as having forfeited their right to the liberties and privileges of a free citizen, and may be apprehended, by virtue of this act, any time hereafter, within the term of twenty years; and if apprehended after the expiration of the present war, and before the expiration of said twenty years, they shall be committed on board some ship in the service of this state, or into some fort or garrison belonging to the same, there to serve the term of ten years, as the commanding officer of the militia of this state shall direct.

And to the intent that no one who shall refuse the offer of pardon, and neglect to return to his duty, may escape the punishment due to his ag[*g*]ravated crime, —

Be it further enacted by the authority aforesaid,

[SECT. 11.] That from and after the expiration of the time limited for the return of any deserter, in the pardon which may be proclaimed by the commander-in-chief, aforesaid, any male inhabitant of this state, who shall detect and apprehend any non-commissioned officer or soldier who hath deserted, or shall hereafter desert, from the army of the United States, and secure him in any of the public goals in this state (which he is hereby [i][*e*]mpowered to do, and each goaler is hereby required to receive and keep him in close custody until[*l*] called for by an officer of said army), or shall deliver him to any Continental or militia officer, or any committeeman, so that the said deserter may be returned to the corps to which he belongs, shall, for every deserter so taken up and secured, receive, out of the public treasury of this state, the sum of thirty pounds, on his producing a certificate thereof to the council of this state, from any of the officers or committeemen aforesaid, with a d[i][*e*]scription of the person or persons so taken up, and also the regiment and company to which he belongs.

And whereas many of the men who have been inlisted, or detached from the militia, to reinforce the Continental Army, and serve for the term of nine months, have deserted before they have joined the said army, or before the time of service for which they engaged was expired; therefore, —

Be it [*further*] *enacted by the authority aforesaid*,

[Sect. 12.] That such persons shall be considered as included within the true meaning of this act, to all intents and purposes, and in the same manner as those deserters who were inlisted for three years or during the war, excepting only that they shall not be held to serve a longer time than that for which they were [e][*i*]nlisted or detached, and shall not be [i][*e*]ntitled to have the depreciation of the money made good, in the manner provided by this act for those who were inlisted for three years or during the war.

And be it further enacted by the authority aforesaid,

[Sect. 13.] That any person who shall employ for more than forty-eight hours, or who shall conceal or secrete, any deserter from the Continental Army, knowing him to be such, and be convicted thereof, shall forfeit a sum of money not exceeding fifteen hundred pounds, nor less than five hundred pounds, to be recovered as aforesaid, for the uses aforesaid. Persons concealing prisoners for more than 48 hours: — penalty.

Provided, *nevertheless*, —

And be it further enacted,

[Sect. 14.] That any person prosecuted for employing, concealing or secreting such deserter shall be deemed and taken to have known him to have been such deserter, unless he shall give in evidence, upon the trial, a certificate of some justice of the peace, or town clerk, within this state, or of some field officer of the militia thereof, bearing date previous to the time of such employing, concealing or secreting, and certifying that such justice, town clerk or field officer, hath good reason to believe that the person so employed, secreted or concealed (mentioning his name and describing his person), is not a deserter from the Continental Army. Proviso.

And, to the intent that no person shall be subjected to pay the penalties in this act provided, before the same shall be sufficiently published within this state, —

Be it therefore enacted by the authority aforesaid,

[Sect. 15.] That this act shall not be of any force or effect until[l] twenty days after its publication. The time when this act shall be in force.

[Sect. 16.] This act shall be printed in handbills; and the secretary of this state is hereby directed to send a sufficient number of copies of them to the several brigadiers or commanding officers of the several brigades in this state, who are hereby directed, without delay, to send one copy to the commanding officer of each company in their respective brigades; and where no such officer is, to the committees of the several towns and plantations, who are also directed to cause the same to be read to their several corp[e]s, as soon as may be; and also one copy to each officer commanding any battalion or corp[e]s of this state's quota of the Continental Army. [*Passed May* 5, 1780.

CHAPTER 49.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF FIVE MILLIONS SIX HUNDRED AND ONE THOUSAND AND TWENTY-FIVE POUNDS SIX SHILLINGS AND SEVENPENCE, UPON THE SEVERAL TOWNS AND OTHER PLACES IN THIS STATE HEREINAFTER NAMED, FOR DEFREYING THE PUBLIC CHARGES; AND FOR THE CARRYING INTO EXECUTION THE RESOLVES OF CONGRESS OF THE EIGHTEENTH OF MARCH, ONE THOUSAND SEVEN HUNDRED AND EIGHTY; AND ALSO FOR ASSESSING A TAX OF THIRTY-THREE THOUSAND FOUR HUNDRED FORTY-FOUR POUNDS TEN SHILLINGS, PAID THE MEMBERS OF THE HOUSE OF REPRESENTATIVES FOR THEIR TRAVEL AND ATTENDANCE IN THE GENERAL COURT THE TWO LAST SITTINGS IN THE PRESENT YEAR.

WHEREAS it is necessary that the aforesaid sum of five millions six hundred and one thousand and twenty-five pounds six shillings and sevenpence, should be raised and paid into the public treasury of this state, as soon as may be, for the purpose of carrying into execution the resolves of Congress of the said eighteenth of March, one thousand seven hundred and eighty, wherein it is recommended to this state to pay in their proportion of all the Continental bills of credit, now in circulation, by the last day of April, one thousand seven hundred and eighty-one; and for defreying such public charges as have arisen, or that may arise, for the support of government; therefore, for the more effectual drawing into the treasury the said sum of five millions six hundred and one thousand and twenty-five pounds six shillings and sevenpence, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That each town and other place within this state be assessed and pay, as such town and other place's proportion of the said sum of five millions six hundred and one thousand and twenty-five pounds six shillings and sevenpence, the following sums set against them respectively; that is to say, —

IN THE COUNTY OF SUFFOLK.

	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF OCTOBER, 1779.	BOUNTIES AGREABLE TO A RESOLVE OF THE 8TH OF JUNE, 1779.	BOUNTIES AND FINES AGREABLE TO A RESOLVE OF THE 9TH JUNE, 1779, FOR RAISING MEN FOR 9 MONTHS.		SUM TOTAL EACH TOWN HATH TO PAY.	
					BOUNTIES.	FINES.		
Boston,	£1,956 0s. 0d.	£308,000 0s. 0d.	£2,010 0s. 0d.	£0 0s. 0d.	£0 0s. 0d.	£0 0s. 0d.	Three hundred and seven thousand nine hundred and forty-six pounds,	£307,946 0s. 0d.
Roxbury,	303 0 0	46,433 6 8	420 0 0	0 0 0	0 0 0	0 0 0	Forty-six thousand three hundred and sixteen pounds six shillings and eightpence,	46,316 6 8
Dorchester,	265 10 0	34,720 0 0	390 0 0	0 0 0	0 0 0	0 0 0	Thirty-four thousand five hundred and eighty-six pounds ten shillings,	34,586 10 0
Milton,	63 0 0	24,266 13 4	240 0 0	136 0 0	0 0 0	0 0 0	Twenty-three thousand nine hundred and fifty-three pounds thirteen shillings and fourpence,	23,953 13 4
Braintree,	318 0 0	54,600 0 0	390 0 0	300 0 0	0 0 0	0 0 0	Fifty-four thousand two hundred and twenty-eight pounds,	54,228 0 0
Weymouth,	258 15 0	26,600 0 0	300 0 0	0 0 0	0 0 0	0 0 0	Twenty-six thousand five hundred and fifty-eight pounds fifteen shillings,	26,558 15 0
Hingham,	0 0 0	30,986 13 4	450 0 0	0 0 0	0 0 0	0 0 0	Thirty thousand five hundred and thirty-six pounds thirteen shillings and fourpence,	30,536 13 4
Cohasset,	0 0 0	12,040 0 0	0 0 0	35 0 0	0 0 0	0 0 0	Eleven thousand six hundred and forty-five pounds,	11,645 0 0
Dedham,	0 0 0	56,000 0 0	540 0 0	241 10 0	0 0 0	0 0 0	Fifty-five thousand two hundred and eighteen pounds ten shillings,	55,218 10 0
Medfield,	333 10 0	19,600 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Nineteen thousand nine hundred and thirty-three pounds ten shillings,	19,933 10 0
Wrentham,	225 15 0	26,880 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Twenty-seven thousand one hundred and five pounds fifteen shillings,	27,105 15 0
Brookline,	81 0 0	18,760 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Eighteen thousand eight hundred and forty-one pounds,	18,841 0 0

IN THE COUNTY OF SUFFOLK — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF OCTOBER, 1779.	BOUNTIES AGREABLE TO A RESOLVE OF THE 8TH OF JUNE, 1779.	BOUNTIES AND FINES AGREABLE TO A RESOLVE OF THE 9TH JUNE, 1779, FOR RAISING MEN FOR 9 MONTHS.		SUM TOTAL EACH TOWN HATH TO PAY.	
					BOUNTIES.	FINES.		
Needham,	£138 0*s.* 0*d.*	£23,006 13*s.* 4*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Twenty-three thousand one hundred and forty-four pounds thirteen shillings and fourpence,	£23,144 13*s.* 4*d.*
Stoughton,	369 15 0	36,400 0 0	390 0 0	0 0 0	0 0 0	0 0 0	Thirty-six thousand three hundred and seventy-nine pounds fifteen shillings,	36,379 15 0
Stoughtonham,	105 0 0	16,823 6 8	150 0 0	0 0 0	0 0 0	0 0 0	Sixteen thousand eight hundred and thirty-eight pounds six shillings and eightpence,	16,838 6 8
Medway,	228 15 0	21,280 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Twenty-one thousand five hundred and eight pounds fifteen shillings,	21,508 15 0
Bellingham,	159 10 0	9,800 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Nine thousand nine hundred and fifty-nine pounds ten shillings,	9,959 10 0
Hull,	0 0 0	3,453 6 8	60 0 0	0 0 0	0 0 0	0 0 0	Three thousand three hundred and ninety-three pounds six shillings and eightpence,	3,393 6 8
Walpole,	246 0 0	18,106 13 4	0 0 0	65 8 0	0 0 0	0 0 0	Eighteen thousand two hundred and eighty-seven pounds five shillings and fourpence,	18,287 5 4
Chelsea,	165 0 0	13,300 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Thirteen thousand four hundred and sixty-five pounds,	13,465 0 0
Franklin,	454 10 0	21,373 6 8	0 0 0	64 0 0	0 0 0	0 0 0	Twenty-one thousand seven hundred and sixty-three pounds sixteen shillings and eightpence,	21,763 16 8
Foxborough,	261 0 0	16,240 0 0	90 0 0	0 0 0	0 0 0	0 0 0	Sixteen thousand four hundred and eleven pounds,	16,411 0 0
	£5,932 0*s.* 0*d.*	£838,670 0*s.* 0*d.*	£5,430 0*s.* 0*d.*	£841 18*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Eight hundred and thirty-eight thousand three hundred and thirty pounds two shillings,	£838,330 2*s.* 0*d.*

IN THE COUNTY OF ESSEX.

Salem, . . .	£483	0	0	£113,236	13	4	£1,350	0	0	£0	0	0	£0	0	0	£0	0	0	One hundred and twelve thousand three hundred and sixty-nine pounds thirteen shillings and fourpence, ...	£112,369	13	4
Danvers, . .	363	0	0	42,886	13	4	570	0	0	0	0	0	0	0	0	0	0	0	Forty-two thousand six hundred and seventy-nine pounds thirteen shillings and fourpence, .	42,679	13	4
Ipswich, . .	214	10	0	74,200	0	0	960	0	0	0	0	0	0	0	0	0	0	0	Seventy-three thousand four hundred and fifty-four pounds ten shillings, ...	73,454	10	0
Newbury, . .	352	10	0	68,460	0	0	900	0	0	234	0	0	0	0	0	0	0	0	Sixty-seven thousand six hundred and seventy-eight pounds ten shillings, ...	67,678	10	0
Newburyport, .	649	10	0	75,600	0	0	930	0	0	624	0	0	0	0	0	0	0	0	Seventy-four thousand six hundred and ninety-five pounds ten shillings, ...	74,695	10	0
Marblehead, .	105	0	0	71,470	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Seventy-one thousand five hundred and seventy-five pounds, .	71,575	0	0
Lynn, . . .	138	15	0	33,600	0	0	510	0	0	0	0	0	0	0	0	0	0	0	Thirty-three thousand two hundred and twenty-eight pounds fifteen shillings, ...	33,228	15	0
Andover, . .	485	5	0	63,793	6	8	720	0	0	0	0	0	0	0	0	0	0	0	Sixty-three thousand five hundred and fifty-eight pounds eleven shillings and eightpence,	63,558	11	8
Beverly, . .	381	0	0	46,386	13	4	600	0	0	0	0	0	0	0	0	0	0	0	Forty-six thousand one hundred and sixty-seven pounds thirteen shillings and fourpence, . .	46,167	13	4
Rowley, . .	378	15	0	34,626	13	4	450	0	0	0	0	0	0	0	0	0	0	0	Thirty-four thousand five hundred and fifty-five pounds eight shillings and fourpence, . .	34,555	8	4
Salisbury, . .	213	0	0	26,506	13	4	300	0	0	0	0	0	0	0	0	0	0	0	Twenty-six thousand four hundred and nineteen pounds thirteen shillings and fourpence, .	26,419	13	4
Haverhill, . .	246	0	0	39,200	0	0	570	0	0	0	0	0	0	0	0	0	0	0	Thirty-eight thousand eight hundred and seventy-six pounds, .	38,876	0	0
Glocester, . .	0	0	0	49,420	0	0	120	0	0	0	0	0	0	0	0	0	0	0	Forty-nine thousand three hundred pounds, ...	49,300	0	0
Topsfield, . .	353	5	0	19,693	6	8	270	0	0	0	0	0	0	0	0	0	0	0	Nineteen thousand seven hundred and seventy-six pounds eleven shillings and eightpence,	19,776	11	8
Almsbury, . .	363	0	0	24,196	13	4	360	0	0	0	0	0	0	0	0	0	0	0	Twenty-four thousand one hundred and ninety-nine pounds thirteen shillings and fourpence, ...	24,199	13	4

IN THE COUNTY OF ESSEX — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF OCTOBER, 1779.	BOUNTIES AGREABLE TO A RESOLVE OF THE 8TH* OF JUNE, 1779.	BOUNTIES AND FINES AGREABLE TO A RESOLVE OF THE 9TH JUNE, 1779, FOR RAISING MEN FOR 9 MONTHS.		SUM TOTAL EACH TOWN HATH TO PAY.	
					BOUNTIES.	FINES.		
Bradford, . .	£210 15*s.* 0*d.*	£25,083 6*s.* 8*d.*	£240 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Twenty-five thousand and fifty-four pounds one shilling and eightpence, ...	£25,054 1*s.* 8*d.*
Methuen, . .	0 0 0	20,486 13 4	300 0 0	0 0 0	0 0 0	0 0 0	Twenty thousand one hundred and eighty-six pounds thirteen shillings and fourpence, . .	20,186 13 4
Boxford, . .	322 10 0	21,443 6 8	270 0 0	0 0 0	0 0 0	0 0 0	Twenty-one thousand four hundred and ninety-five pounds sixteen shillings and eightpence, ...	21,495 16 8
Wenham, . .	0 0 0	10,640 0 0	150 0 0	60 0 0	0 0 0	0 0 0	Ten thousand four hundred and thirty pounds, ...	10,430 0 0
Manchester, .	0 0 0	10,476 13 4	30 0 0	0 0 0	0 0 0	0 0 0	Ten thousand four hundred and forty-six pounds thirteen shillings and fourpence, . . .	10,446 13 4
Middleton, . .	0 0 0	15,190 0 0	180 0 0	0 0 0	0 0 0	0 0 0	Fifteen thousand and ten pounds,	15,010 0 0
	£5,259 15*s.* 0*d.*	£886,596 13*s.* 4*d.*	£9,780 0*s.* 0*d.*	£918 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Eight hundred and eighty-one thousand one hundred and fifty-eight pounds eight shillings and fourpence, . .	£881,158 8*s.* 4*d.*

IN THE COUNTY OF MIDDLESEX.

Cambridge, .	£303 0*s.* 0*d.*	£42,840 0*s.* 0*d.*	£480 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Forty-two thousand six hundred and sixty-three pounds, .	£42,663 0*s.* 0*d.*
Charlestown, .	120 0 0	14,000 0 0	180 0 0	0 0 0	0 0 0	0 0 0	Thirteen thousand nine hundred and forty pounds, . . .	13,940 0 0
Watertown, .	304 10 0	19,460 0 0	270 0 0	60 0 0	0 0 0	0 0 0	Nineteen thousand four hundred and twenty-five pounds ten shillings, ...	19,425 10 0
Woburn, . .	203 5 0	29,260 0 0	450 0 0	0 0 0	0 0 0	0 0 0	Twenty-nine thousand and thirteen pounds five shillings, .	29,013 5 0

Concord,	202 10 0	26,880 0 0	390 0 0	0 0 0	0 0 0	0 0 0	Twenty-six thousand six hundred and ninety-two pounds ten shillings, 26,692 10 0
Newton,	174 0 0	25,620 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Twenty-five thousand seven hundred and ninety-four pounds, 25,794 0 0
Reading,	364 5 0	29,050 0 0	480 0 0	111 0 0	0 0 0	0 0 0	Twenty-eight thousand eight hundred and twenty-three pounds five shillings, 28,823 5 0
Marlborough,	409 10 0	33,600 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Thirty-four thousand and nine pounds ten shillings, 34,009 10 0
Billerica,	381 0 0	22,400 0 0	330 0 0	0 0 0	0 0 0	0 0 0	Twenty-two thousand four hundred and fifty-one pounds, 22,451 0 0
Framingham,	369 15 0	26,040 0 0	450 0 0	136 0 0	0 0 0	0 0 0	Twenty-five thousand eight hundred and twenty-three pounds fifteen shillings, 25,823 15 0
Lexington,	358 10 0	18,130 0 0	210 0 0	0 0 0	0 0 0	0 0 0	Eighteen thousand two hundred and seventy-eight pounds ten shillings, 18,278 10 0
Chelmsford,	280 10 0	21,420 0 0	330 0 0	0 0 0	0 0 0	0 0 0	Twenty-one thousand three hundred and seventy pounds ten shillings, 21,370 10 0
Sherburne,	0 0 0	13,580 0 0	210 0 0	0 0 0	0 0 0	0 0 0	Thirteen thousand three hundred and seventy pounds, 13,370 0 0
Sudbury,	132 0 0	36,213 6 8	480 0 0	0 0 0	0 0 0	0 0 0	Thirty-five thousand eight hundred and sixty-five pounds six shillings and eightpence, 35,865 6 8
Malden,	111 0 0	16,706 13 4	270 0 0	0 0 0	0 0 0	0 0 0	Sixteen thousand five hundred and forty-seven pounds thirteen shillings and fourpence, 16,547 13 4
Weston,	105 0 0	18,503 6 8	300 0 0	0 0 0	0 0 0	0 0 0	Eighteen thousand three hundred and eight pounds six shillings and eightpence, 18,308 6 8
Medford,	231 0 0	21,840 0 0	270 0 0	0 0 0	0 0 0	0 0 0	Twenty-one thousand eight hundred and one pound, 21,801 0 0
Hopkington,	0 0 0	16,986 13 4	270 0 0	102 0 0	0 0 0	0 0 0	Sixteen thousand six hundred and fourteen pounds thirteen shillings and fourpence, 16,614 13 4
Westford,	244 10 0	19,460 0 0	300 0 0	0 0 0	0 0 0	0 0 0	Nineteen thousand four hundred and four pounds ten shillings, 19,404 10 0
Waltham,	310 10 0	16,800 0 0	180 0 0	0 0 0	0 0 0	0 0 0	Sixteen thousand nine hundred and thirty pounds ten shillings, 16,930 10 0
Stow,	0 0 0	15,540 0 0	270 0 0	0 0 0	0 0 0	0 0 0	Fifteen thousand two hundred and seventy pounds, 15,270 0 0

* This date is given as the 9th, through the remainder of the tables, beginning with Medford.

IN THE COUNTY OF MIDDLESEX — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF OCTOBER, 1779.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF JUNE, 1779.	BOUNTIES AND FINES AGREABLE TO A RESOLVE OF THE 9TH JUNE, 1779, FOR RAISING MEN FOR 9 MONTHS.		SUM TOTAL EACH TOWN HATH TO PAY.	
					BOUNTIES.	FINES.		
Groton,	£217 10*s.* 0*d.*	£26,040 0*s.* 0*d.*	£300 0*s.* 0*d.*	£272 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Twenty-five thousand six hundred and eighty-five pounds ten shillings,	£25,685 10*s.* 0*d.*
Shirley,	0 0 0	10,173 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Ten thousand one hundred and seventy three pounds six shillings and eightpence,	10,173 6 8
Pepperell,	0 0 0	15,913 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Fifteen thousand nine hundred and thirteen pounds six shillings and eightpence,	15,913 6 8
Townsend,	0 0 0	12,133 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Twelve thousand one hundred and thirty-three pounds six shillings and eightpence,	12,133 6 8
Dracut,	0 0 0	16,473 6 8	210 0 0	77 0 0	0 0 0	0 0 0	Sixteen thousand one hundred and eighty-six pounds six shillings and eightpence,	16,186 6 8
Bedford,	0 0 0	12,716 13 4	180 0 0	0 0 0	0 0 0	0 0 0	Twelve thousand five hundred and thirty-six pounds thirteen shillings and fourpence,	12,536 13 4
Holliston,	181 10 0	15,120 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Fifteen thousand three hundred and one pounds ten shillings,	15,301 10 0
Acton,	0 0 0	14,140 0 0	0 0 0	71 0 0	0 0 0	0 0 0	Fourteen thousand and sixty-nine pounds,	14,069 0 0
Dunstable,	0 0 0	13,136 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Thirteen thousand one hundred and thirty-six pounds thirteen shillings and fourpence,	13,136 13 4
Lincoln,	0 0 0	13,160 0 0	210 0 0	0 0 0	0 0 0	0 0 0	Twelve thousand nine hundred and fifty pounds,	12,950 0 0
Wilmington,	208 10 0	10,640 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Ten thousand eight hundred and forty-eight pounds ten shillings,	10,848 10 0
Tukesbury,	0 0 0	12,833 6 8	210 0 0	0 0 0	0 0 0	0 0 0	Twelve thousand six hundred and twenty-three pounds six shillings and eightpence,	12,623 6 8
Littleton,	0 0 0	16,893 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Sixteen thousand eight hundred and ninety-three pounds six shillings and eightpence,	16,893 6 8
Ashby,	0 0 0	6,440 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Six thousand four hundred and forty pounds,	6,440 0 0

Natick,	0	0	0	9,380	0	0	90	0	0	35	0	0	0	0	0	0	0	0	Nine thousand two hundred and fifty-five pounds,	9,255	0	0
Stoneham,	0	0	0	6,230	0	0	90	0	0	0	0	0	0	0	0	0	0	0	Six thousand one hundred and forty pounds,	6,140	0	0
	£5,212	5s.	0d.	£695,753	6s.	8d.	£7,410	0s.	0d.	£873	0s.	0d.	£0	0s.	0d.	£0	0s.	0d.	Six hundred and ninety-two thousand six hundred and eighty-two pounds eleven shillings and eightpence,	£692,682	11s.	8d.

IN THE COUNTY OF HAMPSHIRE.

Springfield,	£352	10s.	0d.	£33,670	0s.	0d.	£480	0s.	0d.	£190	0s.	0d.	£0	0s.	0d.	£0	0s.	0d.	Thirty-three thousand three hundred and fifty-two pounds ten shillings,	£33,352	10s.	0d.
West Springfield,	262	10	0	33,716	13	4	600	0	0	0	0	0	0	0	0	0	0	0	Thirty-three thousand three hundred and seventy-eight pounds ten shillings,	33,378	10	0
Wilbraham,	66	0	0	19,390	0	0	300	0	0	0	0	0	0	0	0	0	0	0	Nineteen thousand one hundred and fifty-six pounds,	19,156	0	0
Northampton,	144	0	0	26,506	13	4	0	0	0	0	0	0	0	0	0	0	0	0	Twenty-six thousand six hundred and fifty pounds thirteen shillings and fourpence,	26,650	13	4
Southampton,	144	0	0	11,783	6	8	0	0	0	0	0	0	0	0	0	0	0	0	Eleven thousand nine hundred and twenty-seven pounds six shillings and eightpence,	11,927	6	8
Hadley,	0	0	0	16,240	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Sixteen thousand two hundred and forty pounds,	16,240	0	0
South Hadley,	180	0	0	8,073	6	8	120	0	0	0	0	0	0	0	0	0	0	0	Eight thousand one hundred and thirty-three pounds six shillings and eightpence,	8,133	6	8
Amherst,	0	0	0	16,613	6	8	330	0	0	0	0	0	0	0	0	0	0	0	Sixteen thousand two hundred and eighty-three pounds six shillings and eightpence,	16,283	6	8
Granby,	135	0	0	8,680	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Eight thousand eight hundred and fifteen pounds,	8,815	0	0
Hatfield,	0	0	0	15,703	6	8	210	0	0	39	0	0	0	0	0	0	0	0	Fifteen thousand four hundred and fifty-four pounds six shillings and eightpence,	15,454	6	8
Whately,	0	0	0	6,836	13	4	0	0	0	0	0	0	0	0	0	0	0	0	Six thousand eight hundred and thirty-six pounds thirteen shillings and fourpence,	6,836	13	4

IN THE COUNTY OF HAMPSHIRE — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF OCTOBER, 1779.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF JUNE, 1779.	BOUNTIES AND FINES AGREABLE TO A RESOLVE OF THE 9TH JUNE, 1779, FOR RAISING MEN FOR 9 MONTHS.		SUM TOTAL EACH TOWN HATH TO PAY.	
					BOUNTIES.	FINES.		
Williamsburgh,	£0 0*s.* 0*d.*	£8,306 13*s.* 4*d.*	£150 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Eight thousand one hundred and fifty-six pounds thirteen shillings and fourpence,	£8,156 13*s.* 4*d.*
Westfield,	174 0 0	25,153 6 8	390 0 0	0 0 0	0 0 0	0 0 0	Twenty-four thousand nine hundred and thirty-seven pounds six shillings and eightpence,	24,937 6 8
Deerfield,	0 0 0	18,270 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Eighteen thousand two hundred and seventy pounds,	18,270 0 0
Greenfield,	0 0 0	11,316 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Eleven thousand three hundred and sixteen pounds thirteen shillings and fourpence,	11,316 13 4
Shelburne,	0 0 0	12,530 0 0	180 0 0	82 0 0	0 0 0	0 0 0	Twelve thousand two hundred and sixty-eight pounds,	12,268 0 0
Conway,	0 0 0	15,353 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Fifteen thousand three hundred and fifty-three pounds six shillings and eightpence,	15,353 6 8
Sunderland,	102 0 0	7,560 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Seven thousand six hundred and sixty-two pounds,	7,662 0 0
Montague,	0 0 0	8,400 0 0	240 0 0	0 0 0	0 0 0	0 0 0	Eight thousand one hundred and sixty pounds,	8,160 0 0
Northfield,	0 0 0	13,183 6 8	210 0 0	80 0 0	0 0 0	0 0 0	Twelve thousand eight hundred and ninety-three pounds six shillings and eightpence,	12,893 6 8
Brimfield,	0 0 0	17,570 0 0	300 0 0	0 0 0	0 0 0	0 0 0	Seventeen thousand two hundred and seventy pounds,	17,270 0 0
South Brimfield,	0 0 0	10,383 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Ten thousand three hundred and eighty-three pounds six shillings and eightpence,	10,383 6 8
Monson,	126 0 0	12,086 13 4	270 0 0	36 8 0	0 0 0	0 0 0	Eleven thousand nine hundred and six pounds five shillings and fourpence,	11,906 5 4
Pelham,	0 0 0	12,483 6 8	270 0 0	0 0 0	0 0 0	0 0 0	Twelve thousand two hundred and thirteen pounds six shillings and eightpence,	12,213 6 8
Greenwich,	0 0 0	11,550 0 0	300 0 0	0 0 0	0 0 0	0 0 0	Eleven thousand two hundred and fifty pounds,	11,250 0 0

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IN THE COUNTY OF HAMPSHIRE — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF OCTOBER, 1779.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF JUNE, 1779.	BOUNTIES AND FINES AGREABLE TO A RESOLVE OF THE 9TH JUNE, 1779, FOR RAISING MEN FOR 9 MONTHS.		SUM TOTAL EACH TOWN HATH TO PAY.	
					BOUNTIES.	FINES.		
Ludlow, . .	£96 0*s.* 0*d.*	£5,133 6*s.* 8*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Five thousand two hundred and twenty-nine pounds six shillings and eightpence, . . .	£5,229 6*s.* 8*d.*
Norwich, . .	0 0 0	3,663 6 8	120 0 0	42 0 0	0 0 0	0 0 0	Three thousand five hundred and one pound six shillings and eightpence, ...	3,501 6 8
Merryfield, .	0 0 0	2,271 2 3	0 0 0	0 0 0	0 0 0	0 0 0	Two thousand two hundred and seventy-one pounds two shillings and threepence, . .	2,271 2 3
No. 5 Cummington, . .	0 0 0	6,043 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Six thousand and forty-three pounds six shillings and eightpence, ...	6,043 6 8
Westhampton, .	0 0 0	4,386 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Four thousand three hundred and eighty-six pounds thirteen shillings and fourpence, . . .	4,386 13 4
Chesterfield, .	123 0 0	12,973 6 8	360 0 0	0 0 0	0 0 0	0 0 0	Twelve thousand seven hundred and thirty-six pounds six shillings and eightpence, . . .	12,736 6 8
Chesterfield Gore,	0 0 0	2,162 4 4	90 0 0	0 0 0	0 0 0	0 0 0	Two thousand and seventy-two pounds four shillings and fourpence, ...	2,072 4 4
	£2,646 0*s.* 0*d.*	£582,912 13*s.* 3*d.*	£7,530 0*s.* 0*d.*	£652 18*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Five hundred and seventy-seven thousand three hundred and seventy-five pounds fifteen shillings and 3*d.*, ...	£577,375 15*s.* 3*d.*

IN THE COUNTY OF PLYMOUTH.

Plymouth, . .	£471 0*s.* 0*d.*	£30,450 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£1,560 0*s.* 0*d.*	£1,200 0*s.* 0*d.*	Thirty thousand five hundred and sixty-one pounds, . . .	£30,561 0*s.* 0*d.*
Scituate, . .	0 0 0	43,960 0 0	0 0 0	0 0 0	1,560 0 0	2,400 0 0	Forty-four thousand eight hundred pounds, ...	44,800 0 0

Duxborough, .	0	0	0	14,443	6	8	0	0	0	0	0	0	960	0	0	0	0	0	Thirteen thousand four hundred and eighty-three pounds six shillings and eightpence, . .	13,483	6	8
Marshfield, .	156	0	0	18,223	6	8	0	0	0	0	0	0	0	0	0	4,800	0	0	Twenty-three thousand one hundred and seventy-nine pounds six shillings and eightpence, .	23,179	6	8
Bridgewater, .	234	0	0	73,920	0	0	0	0	0	0	0	0	3,720	0	0	0	0	0	Seventy thousand four hundred and thirty-four pounds, . .	70,434	0	0
Middleborough, .	371	5	0	60,433	6	8	0	0	0	0	0	0	3,000	0	0	0	0	0	Fifty-seven thousand eight hundred and four pounds eleven shillings and eightpence, . .	57,804	11	8
Rochester, . .	247	10	0	27,136	13	4	0	0	0	0	0	0	1,560	0	0	600	0	0	Twenty-six thousand four hundred and twenty-four pounds three shillings and fourpence, .	26,424	3	4
Plympton, . .	409	10	0	22,236	13	4	0	0	0	0	0	0	960	0	0	1,200	0	0	Twenty-two thousand eight hundred and eighty-six pounds three shillings and fourpence, .	22,886	3	4
Pembroke, . .	183	0	0	24,780	0	0	0	0	0	0	0	0	1,440	0	0	0	0	0	Twenty-three thousand five hundred and twenty-three pounds,	23,523	0	0
Kingston, . .	0	0	0	13,206	13	4	0	0	0	0	0	0	480	0	0	1,200	0	0	Thirteen thousand nine hundred and twenty-six pounds thirteen shillings and fourpence, . .	13,926	13	4
Hanover, . .	0	0	0	13,720	0	0	0	0	0	0	0	0	360	0	0	2,400	0	0	Fifteen thousand seven hundred and sixty pounds, . . .	15,760	0	0
Abington, . .	239	0	0	18,550	0	0	0	0	0	102	0	0	960	0	0	600	0	0	Eighteen thousand three hundred and twenty-seven pounds, .	18,327	0	0
Halifax, . .	0	0	0	9,263	6	8	0	0	0	68	0	0	480	0	0	0	0	0	Eight thousand seven hundred and fifteen pounds six shillings and eightpence, ...	8,715	6	8
Wareham, . .	0	0	0	8,096	13	4	0	0	0	0	0	0	480	0	0	0	0	0	Seven thousand six hundred and sixteen pounds thirteen shillings and fourpence, . . .	7,616	13	4
	£2,311	5s.	0d.	£378,420	0s.	0d.	£0	0s.	0d.	£170	0s.	0d.	£17,520	0s.	0d.	£14,400	0s.	0d.	Three hundred and seventy-seven thousand four hundred and forty-one pounds five shillings,	£377,441	5s.	0d.

IN THE COUNTY OF BARNSTABLE.

Barnstable, . .	£0	0s.	0d.	£36,190	0s.	0d.	£0	0s.	0d.	£225	0s.	0d.	£720	0s.	0d.	£6,000	0s.	0d.	Forty-one thousand two hundred and forty-five pounds, . .	£41,245	0s.	0d.
Sandwich, . .	322	10	0	25,946	0	0	0	0	0	0	0	0	960	0	0	0	0	0	Twenty-five thousand three hundred and eight pounds ten shillings, ...	25,308	10	0

IN THE COUNTY OF BARNSTABLE — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF OCTOBER, 1779.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF JUNE, 1779.	BOUNTIES AND FINES AGREABLE TO A RESOLVE OF THE 9TH JUNE, 1779, FOR RAISING MEN FOR 9 MONTHS.		SUM TOTAL EACH TOWN HATH TO PAY.	
					BOUNTIES.	FINES.		
Yarmouth, . .	£0 0*s.* 0*d.*	£23,543 6*s.* 8*d.*	£0 0*s.* 0*d.*	£187 10*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Twenty-three thousand three hundred and fifty-five pounds sixteen shillings and eightpence, ...	£23,355 16*s.* 8*d.*
Eastham, . .	0 0 0	16,916 13 4	0 0 0	80 0 0	0 0 0	0 0 0	Sixteen thousand eight hundred and thirty-six pounds thirteen shillings and fourpence, . .	16,836 13 4
Harwich, . .	0 0 0	19,483 6 8	0 0 0	116 2 0	0 0 0	0 0 0	Nineteen thousand three hundred and sixty-seven pounds four shillings and eightpence, . .	19,367 4 8
Wellfleet, . .	0 0 0	8,446 13 4	0 0 0	0 0 0	0 0 0	3,000 0 0	Eleven thousand four hundred and forty-six pounds thirteen shillings and fourpence, . .	11,446 13 4
Chatham, . .	0 0 0	9,006 13 4	0 0 0	0 0 0	480 0 0	600 0 0	Nine thousand one hundred and twenty-six pounds thirteen shillings and fourpence, . .	9,126 13 4
Truro, . .	0 0 0	8,586 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Eight thousand five hundred and eighty-six pounds thirteen shillings and fourpence, . .	8,586 13 4
Falmouth, . .	0 0 0	18,200 0 0	0 0 0	225 0 0	720 0 0	1,800 0 0	Nineteen thousand and fifty-five pounds, ...	19,055 0 0
	£322 10*s.* 0*d.*	£166,319 6*s.* 8*d.*	£0 0*s.* 0*d.*	£833 12*s.* 0*d.*	£2,880 0*s.* 0*d.*	£11,400 0*s.* 0*d.*	One hundred and seventy-four thousand three hundred and twenty-eight pounds four shillings and eightpence, . .	£174,328 4*s.* 8*d.*

IN THE COUNTY OF BRISTOL.

Taunton, . .	£266 5*s.* 0*d.*	£44,496 13*s.* 4*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£960 0*s.* 0*d.*	£7,200 0*s.* 0*d.*	Fifty-one thousand and two pounds eighteen shillings and fourpence, ...	£51,002 18*s.* 4*d.*
Rehoboth, . .	487 10 0	51,170 0 0	0 0 0	277 4 0	2,640 0 0	0 0 0	Forty-eight thousand seven hundred and forty pounds six shillings, ...	48,740 6 0

Swansey with Shawanet, .	101 5 0	27,370 0 0	0 0 0	0 0 0	0 0 0	7,800 0 0	Thirty-five thousand two hundred and seventy-one pounds five shil ings, ...	35,271 5 0
Dartmouth, .	0 0 0	82,273 6 8	0 0 0	0 0 0	2,160 0 0	7,200 0 0	Eighty-seven thousand three hundred and thirteen pounds six shillings and eightpence, . .	87,313 6 8
Norton, . .	132 0 0	19,926 13 4	0 0 0	0 0 0	600 0 0	1,800 0 0	Twenty-one thousand two hundred and fifty-eight pounds thirteen shillings and fourpence, ...	21,258 13 4
Mansfield, . .	96 0 0	13,136 13 4	0 0 0	95 8 0	0 0 0	0 0 0	Thirteen thousand one hundred and thirty-seven pounds five shillings and fourpence, . .	13,137 5 4
Attleborough, .	155 5 0	32,666 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Thirty-two thousand eight hundred and twenty-one pounds eighteen shillings and fourpence, ...	32,821 18 4
Deighton, . .	94 10 0	18,176 13 4	0 0 0	0 0 0	960 0 0	0 0 0	Seventeen thousand three hundred and eleven pounds three shillings and fourpence, . .	17,311 3 4
Freetown, . .	111 0 0	20,393 6 8	0 0 0	0 0 0	0 0 0	6,000 0 0	Twenty-six thousand five hundred and four pounds six shillings and eightpence, . .	26,504 6 8
Raynham, . .	45 0 0	14,000 0 0	0 0 0	0 0 0	600 0 0	3,000 0 0	Sixteen thousand four hundred and forty-five pounds, . .	16,445 0 0
Easton, . .	192 0 0	15,260 0 0	0 0 0	0 0 0	0 0 0	4,200 0 0	Nineteen thousand six hundred and fifty-two pounds, . .	19,652 0 0
Berkley, . .	142 10 0	9,823 6 8	0 0 0	0 0 0	0 0 0	3,000 0 0	Twelve thousand nine hundred and sixty-five pounds sixteen shillings and eightpence, . .	12,965 16 8
	£1,823 5*s.* 0*d.*	£348,693 6*s.* 8*d.*	£0 0*s.* 0*d.*	£372 12*s.* 0*d.*	£7,920 0*s.* 0*d.*	£40,200 0*s.* 0*d.*	Three hundred and eighty-two thousand four hundred and twenty-three pounds nineteen shillings and eightpence, . .	£382,423 19*s.* 8*d.*

IN THE COUNTY OF YORK.

York, . . .	£183 0*s.* 0*d.*	£34,906 13*s.* 4*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£600 0*s.* 0*d.*	£0 0*s.* 0*d.*	Thirty-four thousand four hundred and eighty-nine pounds thirteen shillings and fourpence, ...	£34,489 13*s.* 4*d.*
Kittery, . .	108 0 0	37,870 0 0	0 0 0	0 0 0	1,440 0 0	0 0 0	Thirty-six thousand five hundred and thirty-eight pounds, . .	36,538 0 0

IN THE COUNTY OF YORK — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF OCTOBER, 1779.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF JUNE, 1779.	BOUNTIES AND FINES AGREABLE TO A RESOLVE OF THE 9TH JUNE, 1779, FOR RAISING MEN FOR 9 MONTHS.		SUM TOTAL EACH TOWN HATH TO PAY.	
					BOUNTIES.	FINES.		
Wells,	£123 0*s.* 0*d.*	£30,800 0*s.* 0*d.*	£0 0*s.* 0*d.*	£176 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Thirty thousand seven hundred and forty-seven pounds,	£30,747 0*s.* 0*d.*
Berwick,	144 0 0	47,226 13 4	0 0 0	0 0 0	480 0 0	0 0 0	Forty-six thousand eight hundred and ninety pounds thirteen shillings and fourpence,	46,890 13 4
Arundell,	0 0 0	13,300 0 0	0 0 0	0 0 0	120 0 0	0 0 0	Thirteen thousand one hundred and eighty pounds,	13,180 0 0
Biddeford,	0 0 0	14,420 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Fourteen thousand four hundred and twenty pounds,	14,420 0 0
Pepperrelborough,	157 10 0	13,440 0 0	0 0 0	90 0 0	480 0 0	0 0 0	Thirteen thousand and twenty-seven pounds ten shillings,	13,927 10 0
Lebanon,	0 0 0	8,050 0 0	0 0 0	0 0 0	240 0 0	0 0 0	Seven thousand eight hundred and ten pounds,	7,810 0 0
Sanford,	0 0 0	7,490 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Seven thousand four hundred and ninety pounds,	7,490 0 0
Buxton,	0 0 0	10,640 0 0	0 0 0	0 0 0	480 0 0	0 0 0	Ten thousand one hundred and sixty pounds,	10,160 0 0
Fryeburgh,	0 0 0	8,400 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Eight thousand four hundred pounds,	8,400 0 0
Coxhall,	0 0 0	3,500 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Three thousand five hundred pounds,	3,500 0 0
Massabesec,	0 0 0	4,060 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Four thousand and sixty pounds,	4,060 0 0
Limerick,	0 0 0	1,120 0 0	0 0 0	0 0 0	0 0 0	0 0 0	One thousand one hundred and twenty pounds,	1,120 0 0
Brownfield,	0 0 0	1,120 0 0	0 0 0	0 0 0	0 0 0	0 0 0	One thousand one hundred and twenty pounds,	1,120 0 0
Little Falls,	0 0 0	1,960 0 0	0 0 0	0 0 0	0 0 0	0 0 0	One thousand nine hundred and sixty pounds,	1,960 0 0
	£715 10*s.* 0*d.*	£238,303 6*s.* 8*d.*	£0 0*s.* 0*d.*	£266 0*s.* 0*d.*	£3,840 0*s.* 0*d.*	£0 0*s.* 0*d.*	Two hundred and thirty-four thousand nine hundred and twelve pounds sixteen shillings and eightpence,	£234,912 16*s.* 8*d.*

IN THE COUNTY OF DUKES COUNTY.

Edgartown,	£0	0s.	0d.	£13,813	6s.	8d.	£0	0s.	0d.	£0	0s.	0d.	£0	0s.	0d.	Thirteen thousand eight hundred and thirteen pounds six shillings and eightpence,	£13,813	6s.	8d.
Chilmark,	0	0	0	14,886	13	4	0	0	0	0	0	0	0	0	0	Fourteen thousand eight hundred and eighty-six pounds thirteen shillings and fourpence,	14,886	13	4
Tisbury,	0	0	0	11,830	0	0	0	0	0	0	0	0	0	0	0	Eleven thousand eight hundred and thirty pounds,	11,830	0	0
	£0	0s.	0d.	£40,530	0s.	0d.	£0	0s.	0d.	£0	0s.	0d.	£0	0s.	0d	Forty thousand five hundred and thirty pounds,	£40,530	0s.	0d.

IN THE COUNTY OF NANTUCKET.

Sherburne,	£0	0s.	0d.	£61,763	6s.	8d.	£0	0s.	0d.	£0	0s.	0d.	£0	0s.	0d.	Sixty-one thousand seven hundred and sixty-three pounds six shillings and eightpence,	£61,763	6s.	8d.

IN THE COUNTY OF WORCESTER.

Worcester,	£336	0s.	0d.	£41,160	0s.	0d.	£360	0s.	0d.	£0	0s.	0d.	£0	0s.	0d.	Forty-one thousand one hundred and thirty-six pounds,	£41,136	0s.	0d.
Lancaster,	114	0	0	44,333	6	8	840	0	0	0	0	0	0	0	0	Forty-three thousand six hundred and seven pounds six shillings and eightpence,	43,607	6	8
Mendon,	433	10	0	32,760	0	0	570	0	0	0	0	0	0	0	0	Thirty-two thousand six hundred and twenty-three pounds ten shillings,	32,623	10	0
Brookfield,	0	0	0	43,400	0	0	0	0	0	252	0	0	0	0	0	Forty-three thousand one hundred and forty-eight pounds,	43,148	0	0
Lunenburgh,	419	5	0	19,600	0	0	360	0	0	0	0	0	0	0	0	Nineteen thousand six hundred and fifty-nine pounds five shillings,	19,659	5	0
Oxford,	465	10	0	13,440	0	0	210	0	0	0	0	0	360	0	0	3,000	0	0	Sixteen thousand three hundred and thirty-five pounds ten shillings,	16,335	10	0

IN THE COUNTY OF WORCESTER — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF OCTOBER, 1779.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF JUNE, 1779.	BOUNTIES AND FINES AGREABLE TO A RESOLVE OF THE 9TH JUNE, 1779, FOR RAISING MEN FOR 9 MONTHS.		SUM TOTAL EACH TOWN HATH TO PAY.	
					BOUNTIES.	FINES.		
Charleton,	£253 10*s.* 0*d.*	£20,580 0*s.* 0*d.*	£360 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Twenty thousand four hundred and seventy-three pounds ten shillings,	£20,473 10*s.* 0*d.*
Sutton,	397 10 0	40,880 0 0	660 0 0	0 0 0	0 0 0	0 0 0	Forty thousand six hundred and seventeen pounds ten shillings,	40,617 10 0
Leicester,	225 15 0	10,640 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Ten thousand eight hundred and sixty-five pounds fifteen shillings,	10,865 15 0
Spencer,	150 0 0	16,800 0 0	360 0 0	0 0 0	0 0 0	0 0 0	Sixteen thousand five hundred and ninety pounds,	16,590 0 0
Rutland,	141 15 0	19,320 0 0	0 0 0	70 0 0	0 0 0	0 0 0	Nineteen thousand four hundred and sixty-one pounds fifteen shillings,	19,461 15 0
Paxton,	0 0 0	11,200 0 0	150 0 0	0 0 0	0 0 0	0 0 0	Ten thousand nine hundred and eighty pounds,	10,980 0 0
Oakham,	0 0 0	7,980 0 0	120 0 0	0 0 0	0 0 0	0 0 0	Seven thousand eight hundred and sixty pounds,	7,860 0 0
Barre,	132 0 0	23,240 0 0	300 0 0	74 0 0	0 0 0	0 0 0	Twenty-two thousand nine hundred and ninety-eight pounds,	22,998 0 0
Hubbardston,	0 0 0	7,980 0 0	150 0 0	72 16 0	0 0 0	0 0 0	Seven thousand seven hundred and fifty-seven pounds four shillings,	7,757 4 0
New Braintree,	138 0 0	15,400 0 0	210 0 0	0 0 0	0 0 0	0 0 0	Fifteen thousand three hundred and twenty-eight pounds,	15,328 0 0
Southborough,	93 0 0	15,120 0 0	240 0 0	0 0 0	0 0 0	0 0 0	Fourteen thousand nine hundred and seventy-three pounds,	14,973 0 0
Westborough,	218 5 0	15,843 6 8	300 0 0	60 0 0	0 0 0	0 0 0	Fifteen thousand seven hundred and sixty-one pounds eleven shillings and eightpence,	15,761 11 8
Northborough,	274 10 0	10,360 0 0	150 0 0	0 0 0	0 0 0	0 0 0	Ten thousand four hundred and twenty-four pounds ten shillings,	10,424 10 0
Shrewsbury,	371 5 0	29,400 0 0	510 0 0	0 0 0	0 0 0	0 0 0	Twenty-nine thousand two hundred and sixty-one pounds five shillings,	29,261 5 0
Fitchburgh,	0 0 0	11,200 0 0	270 0 0	0 0 0	0 0 0	0 0 0	Ten thousand nine hundred and thirty-pounds,	10,930 0 0

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IN THE COUNTY OF WORCESTER — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF OCTOBER, 1779.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF JUNE, 1779.	BOUNTIES AND FINES AGREABLE TO A RESOLVE OF THE 9TH JUNE, 1779, FOR RAISING MEN FOR 9 MONTHS. BOUNTIES.	BOUNTIES AND FINES AGREABLE TO A RESOLVE OF THE 9TH JUNE, 1779, FOR RAISING MEN FOR 9 MONTHS. FINES.	SUM TOTAL EACH TOWN HATH TO PAY.	
Woodstock, .	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*		£0 0*s.* 0*d.*
Northbridge, .	141 0 0	5,600 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Five thousand seven hundred and forty-one pounds, . . .	5,741 0 0
Ward, . .	0 0 0	6,556 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Six thousand five hundred and fifty-six pounds thirteen shillings and fourpence, . . .	6,556 13 4
Athol, . .	0 0 0	12,040 0 0	240 0 0	0 0 0	0 0 0	0 0 0	Eleven thousand eight hundred pounds, ...	11,800 0 0
	£6,839 15*s.* 0*d.*	£748,486 13*s.* 4*d.*	£9,960 0*s.* 0*d.*	£785 16*s.* 0*d.*	£360 0*s.* 0*d.*	£3,000 0*s.* 0*d.*	Seven hundred and forty-seven thousand two hundred and twenty pounds twelve shillings and fourpence, ...	£747,220 12*s.* 4*d.*

IN THE COUNTY OF CUMBERLAND.

Falmouth, . .	£0 0*s.* 0*d.*	£28,840 0*s.* 0*d.*	£0 0*s.* 0*d.*	£105 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Twenty-eight thousand seven hundred and thirty-five pounds, .	£28,735 0*s.* 0*d.*
North Yarmouth,	0 0 0	26,530 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Twenty-six thousand five hundred and thirty pounds, . . .	26,530 0 0
Cape Elizabeth, .	0 0 0	16,520 0 0	0 0 0	141 6 0	0 0 0	0 0 0	Sixteen thousand three hundred and seventy-eight pounds fourteen shillings, ...	16,378 14 0
Gorham, . .	0 0 0	14,023 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Fourteen thousand and twenty-three pounds six shillings and eightpence, ...	14,023 6 8
Brunswick, .	0 0 0	13,160 0 0	0 0 0	159 0 0	0 0 0	0 0 0	Thirteen thousand and one pounds,	13,031 0 0
Harpswell, . .	0 0 0	9,800 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Nine thousand eight hundred pounds, ...	9,800 0 0
Windham, . .	0 0 0	6,090 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Six thousand and ninety pounds,	6,090 0 0
New Glocester, .	0 0 0	8,680 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Eight thousand six hundred and eighty pounds, ...	8,680 0 0
Scarborough, .	0 0 0	21,770 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Twenty-one thousand seven hundred and seventy pounds, .	21,770 0 0

Pearsontown, .	0	0	0	4,666	13	4	0	0	0	0	0	0	0	0	0	Four thousand six hundred and sixty-six pounds thirteen shillings and fourpence, . . .	4,666	13	4
Royalsborough, .	0	0	0	2,683	6	8	0	0	0	0	0	0	0	0	0	Two thousand six hundred and eighty-three pounds six shillings and eightpence, . .	2,683	6	8
Gray, . .	0	0	0	3,010	0	0	0	0	0	0	0	0	0	0	0	Three hundred * and ten pounds,	3,010	0	0
Raymondtown, .	0	0	0	1,120	0	0	0	0	0	0	0	0	0	0	0	One thousand one hundred and twenty pounds, ...	1,120	0	0
Bakerstown, .	0	0	0	560	0	0	0	0	0	0	0	0	0	0	0	Five thousand * and sixty pounds,	560	0	0
Sylvester, . .	0	0	0	560	0	0	0	0	0	0	0	0	0	0	0	Five hundred and sixty pounds, .	560	0	0
Bridgetown, .	0	0	0	420	0	0	0	0	0	0	0	0	0	0	0	Four hundred and twenty pounds,	420	0	0
	£0	0s.	0d.	£158,433	6s.	8d.	£0	0s.	0d.	£405	6s.	0d.	£0	0s.	0d.	£0	0s.	0d.	One hundred and fifty-eight thousand twenty-eight pounds and eightpence, ...	£158,028	0s.	8d.

IN THE COUNTY OF LINCOLN.

Pownalborough,	£0	0s.	0d.	£16,520	0s.	0d.	£0	0s.	0d.	£0	0s.	0d.	£0	0s.	0d.	£0	0s.	0d.	Sixteen thousand five hundred and twenty pounds, . . .	£16,520	0s.	0d.
Georgetown, .	0	0	0	20,416	13	4	0	0	0	0	0	0	0	0	0	0	0	0	Twenty thousand four hundred and sixteen pounds thirteen shillings and fourpence, . .	20,416	13	4
Newcastle, . .	0	0	0	8,120	0	0	0	0	0	0	0	0	0	0	0	0	0	0	Eight thousand one hundred and twenty pounds, ...	8,120	0	0
Woolwich, . .	0	0	0	6,416	13	4	0	0	0	0	0	0	0	0	0	0	0	0	Six thousand four hundred and sixteen pounds thirteen shillings and fourpence, ...	6,416	13	4
Topsham, . .	0	0	0	9,473	6	8	0	0	0	0	0	0	0	0	0	0	0	0	Nine thousand four hundred and seventy-three pounds six shillings and eightpence, . .	9,473	6	8
Thomastown, .	0	0	0	4,153	6	8	0	0	0	0	0	0	0	0	0	0	0	0	Four thousand one hundred and fifty-three pounds six shillings and eightpence, . . .	4,153	6	8
Bowdoinham, .	0	0	0	3,243	6	8	0	0	0	0	0	0	0	0	0	0	0	0	Three thousand two hundred and forty-three pounds six shillings and eightpence, . .	3,243	6	8
Boothbay, . .	402	10	0	10,896	13	4	0	0	0	0	0	0	0	0	0	0	0	0	Eleven thousand two hundred and ninety-nine pounds three shillings and fourpence, . .	11,299	3	4

* *Sic:* these numbers were probably accidentally transposed by the printers.

IN THE COUNTY OF LINCOLN — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF OCTOBER, 1779.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF JUNE, 1779.	BOUNTIES AND FINES AGREABLE TO A RESOLVE OF THE 9TH JUNE, 1779, FOR RAISING MEN FOR 9 MONTHS.		SUM TOTAL EACH TOWN HATH TO PAY.	
					BOUNTIES.	FINES.		
Bristol,	£414 10*s.* 0*d.*	£11,433 6*s.* 8*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Eleven thousand eight hundred and forty-seven pounds sixteen shillings and eightpence,	£11,847 16*s.* 8*d.*
Vassalborough,	432 0 0	8,866 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Nine thousand two hundred and ninety-eight pounds thirteen shillings and fourpence,	9,298 13 4
Medumcook,	0 0 0	2,823 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Two thousand eight hundred and twenty-three pounds six shillings and eightpence,	2,823 6 8
Winslow,	0 0 0	5,646 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Five thousand six hundred and forty-six pounds thirteen shillings and fourpence,	5,646 13 4
Waldoborough,	0 0 0	7,840 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Seven thousand eight hundred and forty pounds,	7,840 0 0
Edgecomb,	0 0 0	5,203 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Five thousand two hundred and three pounds six shillings and eightpence,	5,203 6 8
Pittston,	0 0 0	8,213 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Eight thousand two hundred and thirteen pounds six shillings and eightpence,	8,213 6 8
Hallowell,	0 0 0	7,606 13 4	0 0 0	0 0 0	0 0 0	0 0 0	Seven thousand six hundred and six pounds thirteen shillings and fourpence,	7,606 13 4
Bellfast,	0 0 0	1,143 6 8	0 0 0	0 0 0	0 0 0	0 0 0	One thousand one hundred and forty-three pounds six shillings and eightpence,	1,143 6 8
Warren,	0 0 0	4,153 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Four thousand one hundred and fifty-three pounds six shillings and eightpence,	4,153 6 8
The lower town of St. Georges,	0 0 0	3,640 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Three thousand six hundred and forty pounds,	3,640 0 0
Winthrop,	0 0 0	8,400 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Eight thousand four hundred pounds,	8,400 0 0
	£1,249 0*s.* 0*d.*	£154,210 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	One hundred fifty-five thousand four hundred and fifty-nine pounds,	£155,459 0*s.* 0*d.*

IN THE COUNTY OF BERKSHIRE.

Sheffield, . .	£276	0	0	£27,626	13	4	£570	0	0	£0	0	0	£1,200	0	0	£0	0	0	Twenty-six thousand one hundred and thirty-two pounds thirteen shillings and fourpence,	£26,132	13	4
Great Barrington,	0	0	0	20,300	0	0	270	0	0	0	0	0	480	0	0	600	0	0	Twenty thousand one hundred and fifty pounds, . . .	20,150	0	0
Partridgefield, .	0	0	0	6,813	6	8	0	0	0	0	0	0	120	0	0	1,200	0	0	Seven thousand eight hundred and ninety-three pounds six shillings and eightpence, .	7,893	6	8
Williamstown, .	0	0	0	15,983	6	8	390	0	0	0	0	0	720	0	0	0	0	0	Fourteen thousand eight hundred and seventy-three pounds six shillings and eightpence, .	14,873	6	8
New Marlborough, .	198	15	0	13,416	13	4	330	0	0	0	0	0	840	0	0	0	0	0	Twelve thousand four hundred and forty-five pounds eight shillings and fourpence, . .	12,445	8	4
Lanesborough, .	0	0	0	23,940	0	0	390	0	0	0	0	0	840	0	0	3,000	0	0	Twenty-five thousand seven hundred and ten pounds, . .	25,710	0	0
Pittsfield, . .	225	0	0	21,910	0	0	420	0	0	0	0	0	840	0	0	0	0	0	Twenty thousand eight hundred and seventy-five pounds, . .	20,815*	0	0
Lenox, . .	0	0	0	13,580	0	0	0	0	0	0	0	0	720	0	0	0	0	0	Twelve thousand eight hundred and sixty pounds, . . .	12,860	0	0
Stockbridge, .	202	10	0	14,350	0	0	0	0	0	0	0	0	720	0	0	0	0	0	Thirteen thousand eight hundred and thirty-two pounds ten shillings, ...	13,832	10	0
Egremont, . .	0	0	0	8,073	6	8	0	0	0	0	0	0	360	0	0	600	0	0	Eight thousand three hundred and thirteen pounds six shillings and eightpence, . .	8,313	6	8
Tyringham, .	0	0	0	10,756	13	4	0	0	0	0	0	0	360	0	0	1,200	0	0	Eleven thousand five hundred and ninety-six pounds thirteen shillings and fourpence, . .	11,596	13	4
Sandisfield, .	231	0	0	13,883	6	8	0	0	0	0	0	0	720	0	0	0	0	0	Thirteen thousand three hundred and ninety-four pounds six shillings and eightpence, . .	13,394	6	8
Becket, . .	0	0	0	6,976	13	4	0	0	0	0	0	0	360	0	0	0	0	0	Six thousand six hundred and sixteen pounds thirteen shillings and fourpence, . .	6,616	13	4
Windsor, . .	0	0	0	10,266	13	4	0	0	0	0	0	0	0	0	0	2,400	0	0	Twelve thousand six hundred and sixty-six pounds thirteen shillings and fourpence, . .	12,666	13	4
Hancock, . .	0	0	0	13,370	0	0	0	0	0	0	0	0	240	0	0	1,800	0	0	Fourteen thousand nine hundred and thirty pounds, . .	14,930	0	0
Richmond, . .	0	0	0	16,030	0	0	0	0	0	0	0	0	840	0	0	0	0	0	Fifteen thousand one hundred and ninety pounds, . . .	15,190	0	0

* *Sic.*

IN THE COUNTY OF BERKSHIRE — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF OCTOBER, 1779.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF JUNE, 1779.	BOUNTIES AND FINES AGREABLE TO A RESOLVE OF THE 9TH JUNE, 1779, FOR RAISING MEN FOR 9 MONTHS.		SUM TOTAL EACH TOWN HATH TO PAY.	
					BOUNTIES.	FINES.		
Loudon, . .	£0 0*s.* 0*d.*	£3,686 13*s.* 4*d*	£90 0*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	£600 0*s.* 0*d.*	Four thousand one hundred and ninety-six pounds thirteen shillings and fourpence, . . .	£4,196 13*s.* 4*d.*
Washington, .	0 0 0	7,513 6 8	0 0 0	0 0 0	360 0 0	600 0 0	Seven thousand seven hundred and fifty-three pounds six shillings and eightpence, . . .	7,753 6 8
West Stockbridge	0 0 0	8,096 13 4	0 0 0	0 0 0	360 0 0	0 0 0	Seven thousand seven hundred and thirty-six pounds thirteen shillings and fourpence, . . .	7,736 13 4
Alford, . .	0 0 0	4,433 6 8	0 0 0	0 0 0	360 0 0	0 0 0	Four thousand and seventy-three pounds six shillings and eightpence, ...	4,073 6 8
New Ashford, .	0 0 0	3,966 13 4	90 0 0	0 0 0	0 0 0	600 0 0	Four thousand four hundred and seventy-six pounds thirteen shillings and fourpence, . .	4,476 13 4
Ashawelet, .	0 0 0	4,200 0 0	0 0 0	240 0 0	0 0 0	0 0 0	Three thousand nine hundred and sixty pounds, ...	3,960 0 0
Plantation No. 7,	0 0 0	3,686 13 4	0 0 0	0 0 0	0 0 0	600 0 0	Four thousand two hundred and eighty-six pounds thirteen shillings and fourpence, . .	4,286 13 4
Adams, . .	0 0 0	1,473 6 8	270 0 0	0 0 0	360 0 0	1,800 0 0	Fifteen thousand eight hundred and ninety-three pounds six shillings and eightpence, .	15,893 6 8
New Providence,	0 0 0	6,066 13 4	0 0 0	0 0 0	0 0 0	1,200 0 0	Seven thousand two hundred and sixty-six pounds thirteen shillings and fourpence, . . .	7,266 13 4
Lee, . . .	0 0 0	8,283 6 8	0 0 0	0 0 0	480 0 0	0 0 0	Seven thousand eight hundred and three pounds six shillings and eightpence, ...	7,803 6 8
	£1,133 5*s.* 0*d.*	£301,933 6*s.* 8*d.*	£2,820 0*s.* 0*d.*	£0 0*s.* 0*d.*	£11,520 0*s.* 0*d.*	£16,200 0*s.* 0*d.*	Three hundred and four thousand nine hundred and twenty-six pounds eleven shillings and eightpence, ...	£304,926 11*s.* 8*d.*

SUMS TOTAL.

	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF OCTOBER, 1779.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF JUNE, 1779.	BOUNTIES AND FINES AGREABLE TO A RESOLVE OF THE 9TH JUNE, 1779, FOR RAISING MEN FOR 9 MONTHS.		SUMS TOTAL.	
					BOUNTIES.	FINES.		
Suffolk, . .	£5,932 0*s.* 0*d.*	£838,670 0*s.* 0*d.*	£5,430 0*s.* 0*d.*	£841 18*s.* 0*d.*	£0 0*s.* 0*d.*	£0 0*s.* 0*d.*	Eight hundred and thirty-eight thousand three hundred and thirty pounds two shillings, .	£838,330 2*s.* 0*d.*
Essex, . .	5,259 15 0	886,596 13 4	9,780 0 0	918 0 0	0 0 0	0 0 0	Eight hundred and eighty-one thousand one hundred and fifty-eight pounds eight shillings and fourpence, . .	881,158 8 4
Middlesex, .	5,212 5 0	695,753 6 8	7,410 0 0	873 0 0	0 0 0	0 0 0	Six hundred and ninety-two thousand six hundred and eighty-two pounds eleven shillings and eightpence, ...	692,682 11 8
Hampshire, .	2,646 0 0	582,912 13 3	7,530 0 0	652 18 0	0 0 0	0 0 0	Five hundred seventy-seven thousand three hundred and seventy-five pounds fifteen shillings and threepence, . .	577,375 15 3
Plymouth, .	2,311 5 0	378,420 0 0	0 0 0	170 0 0	17,520 0 0	14,400 0 0	Three hundred seventy-seven thousand four hundred forty-one pounds five shillings, . .	377,441 5 0
Barnstable, .	322 10 0	166,319 6 8	0 0 0	833 12 0	2,880 0 0	11,400 0 0	One hundred seventy-four thousand three hundred twenty-eight pounds four shillings and eightpence, ...	174,328 4 8
Bristol, . .	1,823 5 0	348,693 6 8	0 0 0	372 12 0	7,920 0 0	40,200 0 0	Three hundred eighty-two thousand four hundred twenty-three pounds nineteen shillings and eightpence, ...	382,423 19 8
York, . .	715 10 0	238,303 6 8	0 0 0	266 0 0	3,840 0 0	0 0 0	Two hundred thirty-four thousand nine hundred and twelve pounds sixteen shillings and eightpence, ...	234,912 16 8
Dukes County,	0 0 0	40,530 0 0	0 0 0	0 0 0	0 0 0	0 0 0	Forty thousand five hundred and thirty pounds, ...	40,530 0 0
Nantucket, .	0 0 0	61,763 6 8	0 0 0	0 0 0	0 0 0	0 0 0	Sixty-one thousand seven hundred sixty-three pounds six shillings and eightpence, . .	61,763 6 8

SUMS TOTAL — *Continued.*

	REPRESENTATIVES' PAY.	STATE TAX.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF OCTOBER, 1779.	BOUNTIES AGREABLE TO A RESOLVE OF THE 9TH OF JUNE, 1779.	BOUNTIES AND FINES AGREABLE TO A RESOLVE OF THE 9TH JUNE, 1779, FOR RAISING MEN FOR 9 MONTHS.		SUMS TOTAL.	
					BOUNTIES.	FINES.		
Worcester, .	£6,839 15*s.* 0*d.*	£748,486 13*s.* 4*d.*	£9,960 0*s.* 0*d.*	£785 16*s.* 0*d.*	360 0*s.* 0*d.*	£3,000 0*s.* 0*d.*	Seven hundred and forty-seven thousand two hundred and twenty pounds twelve shillings and fourpence, ...	£747,220 12*s.* 4*d.*
Cumberland, .	0 0 0	158,433 6 8	0 0 0	405 6 0	0 0 0	0 0 0	One hundred and fifty-eight thousand and twenty-eight pounds and eightpence, ...	158,028 0 8
Lincoln, . .	1,249 0 0	154,210 0 0	0 0 0	0 0 0	0 0 0	0 0 0	One hundred and fifty-five thousand four hundred and fifty-nine pounds, ...	155,459 0 0
Berkshire, .	1,133 5 0	301,933 6 8	2,820 0 0	0 0 0	11,520 0 0	16,200 0 0	Three hundred and four thousand nine hundred and twenty-six pounds eleven shillings and eightpence, ...	304,926 11 8
	£33,444 10*s.* 0*d.*	£5,601,025 6*s.* 7*d.*	£42,930 0*s.* 0*d.*	£6,119 2*s.* 0*d.*	£44,040 0*s.* 0*d.*	£85,200 0*s.* 0*d.*	Five millions five hundred forty-two thousand two hundred and thirty-two pounds fourteen shillings, ...	£5,542,232 14*s.* 7*d.*

And be it further enacted by the authority aforesaid,

[SECT. 2.] That the treasurer do forthwith send his warrants, directed to the selectmen or assessors of each town or other place, within this state, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town or other place, in manner following; that is to say, to assess all the male polls above the age of sixteen years, within their respective towns or other place next adjoining to them, belonging to no other town or place, including negroes and molattoes (and such of them as are under the government of a master or mistress, to be taxed to the said master or mistress, respectively, in the same manner as minors and apprentices are taxed), at twenty pounds; and to assess the remainder of the sum set to each town (after deducting the amount of the sums assessed to the polls as aforesaid) on the inhabitants of said town or place as aforesaid, according to the just value of the whole real estate by each inhabitant of such town or place, respectively, possessed in his own right, or in the right of others, lying within said town or place, improved or not improved; and on the non-resident possessors of real estate, lying within said town or place, in their own right, or in the right of others, improved or not improved: *saving* all agreements between landlords and tenants, and where no agreement is, the landlord to reimburse one-half of the tax; and also on the inhabitants of such town or place, according to the proportion of the amount and just value of their whole personal estate, including money at interest more than they pay interest for, debts due to them, not on interest, more than they are indebted, monies of all kind in hand, and also the amount of the just value of all goods, wares and merchandize, stock in trade, vessels of all sorts, with their stores, appurtenances and appendages, plate, horses, oxen, and cattle of all sorts and ages, sheep, swine, and grain of all sorts, and all kind of produce of the land, and all other property whatsoever (excepting houshold furniture, wearing apparel, farming utensils and the tools of mechanicks), on the twentieth day of May, one thousand seven hundred and eighty; and the current price of the real and personal estate on the said twentieth day of May, before mentioned, in the currency of these United States, shall be considered as the just value of the same; and on the amount of their income from any profession, faculty, handicraft, trade or employment; and also on the amount of all incomes and profits gained by trading by sea and on shore, and by means of advantages arising from the war, and the necessities of the community, — and in considering the incomes and profits last mentioned, the assessors are to have special regard to the way and manner in which the same have been made, as well as the *quantum* thereof, and to assess them at such rate, as they on their oaths, shall judge to be just and reasonable: *provided*, they do not in any case assess such incomes and profits at more than ten times the sum of the same amount in other kind of estate: and the treasurer in his said warrant, shall likewise require the assessors to make a fair list of said assessments, setting forth, in distinct columns, against each person's name, how much he or she is assessed at for polls, and how much for real estate, and how much for personal estate, as aforesaid; and if as a guardian, or for any estate in his or her improvement, in trust, to be distinctly expressed; and shall also insert upon their rate-bills the number of acres of unimproved land which they have taxed to each of the non-resident proprietors of land within the respective towns, and also the value at which they have estimated the same: and the list or lists so perfected,

and signed by them, or the major part of them, to commit to the collector or collectors, constable or constables, of any such town or place, and to return a certificate of the name or names of such collector or collectors, constable or constables, with the sum total to each of them committed, unto himself, some time before the first day of July next; and the collectors and constables shall specify in the receipts which shall be by them given, for any tax, on any such unimproved land, belonging to non-resident proprietors, the number of acres on which the tax is laid, and what proportion thereof is for state, what proportion for town, and what proportion for county, tax.

[SECT. 3.] And the treasurer for the time being, on the receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector or collectors, constable or constables, of such town or place, requiring him or them, respectively, to collect the whole of the respective sums assessed on each particular person, and to pay in their collections to the treasurer, aforesaid, in manner following; that is to say, one moiety thereof on or before the fifteenth day of July next, and the remaining moiety thereof on or before the fifteenth day of September next.

Provided, nevertheless, —

[SECT. 4.] That the following persons; viz., the president, fellows, professors, tutors, librarian and students of Harvard College, who have their usual residence there, and settled ministers of the gospel, and grammer-school masters, are not to be assessed for their polls or their estates, unless their real estate be not under their actual management and improvement, or not in the towns where they are settled; and also all persons who have the management and improvement of the estate of Harvard College, are not to be assessed for the same; and if there are any other persons who, through age, infirmity or poverty, are unable to pay as others towards the public charges, or any widows or orphans, who, depending on the interest of their money for subsistence, are, by the state of the currency, so reduced as that in the judgment of the assessors they ought to be relieved in their taxes; in any such case the assessors may exempt their polls or estates, or abate any part of what they are set at, as they on their oaths shall think just and equitable.

[SECT. 5.] And the justices in their sessions, in their respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns, and other places in such county, in proportion to this tax; and the assessors in each town in this state are also directed, in making a town or county tax or assessment, to govern themselves by the same rule. And where no person appears to discharge the taxes on non-resident proprietors' unimproved land, to the collector, he shall publish, in Gill's "Continental Journal and Weekly Advertiser," and that only, three weeks successively, the names of all such proprietors, where they are known, with the sum of the taxes assessed on their lands, respectively, and also the time and place of sale; and where they are not known, he shall, in the same manner, publish the sum of the taxes on the several rights or divisions, together with the time and place of sale, and in each case shall post the same in some public place in the town where the said land lays, for the term of one month; and if no person shall appear thereupon to discharge said taxes, then the constable or collector shall proceed to sell at public sale, to the highest bidder, so much only of said unimproved land as will be sufficient to discharge said taxes and necessary intervening

charges, and shall have power to adjourn, from day to day, if necessary, to compleat the sale, not to exceed three days, and shall give and execute a deed to the purchaser, expressing thereon the cause of such sale, and saving to the aforesaid proprietor or proprietors, the right of redemption of any lands so sold, at any time within three years from the time of sale; and the same shall be conveyed to him or them on paying, within three years, as aforesaid, the sum such land sold for, and twelve per cent annual interest on said sum, together with all necessary intervening charges thereon.

Provided, nevertheless, —

And be it further enacted,

[Sect. 6.] That no purchaser of such land shall cut down any trees or timber, or commit strip or waste thereon, until the three years, the time of redemption as aforesaid, shall expire.

Be it further enacted,

[Sect. 7.] That the several officers and soldiers that may be in the army on the 20th day of May, 1780, shall be considered as resident in the several towns and places to which they belonged at the time of their engaging in the army, their absence notwithstanding; and the assessors of the several towns and other places in this state, shall consider such officers and soldiers as resident in such town or place, and shall tax them accordingly: *provided*, that such as are engaged in the Continental Army for the term of three years, or during the war, be, and they hereby are, exempted from their poll tax.

And be it further enacted,

[Sect. 8.] That the assessors of each town or other place, respectively, in convenient time before making the assessment, shall give seasonable warning to the inhabitants, in any town meeting, or by posting up notifications in some public place or places in such town or other place, or notify the inhabitants some other way, to make and bring in to the assessors true and perfect lists of their polls, and of all their real and personal estates, lands and all real estate whether improved or not improved, — to the assessors of the town or place where such houses and lands and other real estates lay; distinguishing those in the management and possession of some other person, as also a list of all their personal estate, including money at interest more than they pay interest for, debts due, not on interest, more than they are indebted, and of monies of all kinds, in hand; and also the amount of the just value of all goods, wears and merchandize, stock in trade, plate, horses, oxen, cattle of all sorts and ages, sheep, swine, grain of all sorts, and all kind of produce of the lands, and of all other property whatsoever (excepting household furniture, wearing apparel, farming utensils and the tools of mechanicks), on the said 20th day of May, according to the current price of such real and personal estates in the currency of the United States, on the said 20th day of May; and also of the amount of their income from any profession, faculty, handicraft, trade or employment, and of the amount of all incomes and profits gained by trading by sea or on shore, and by means of advantages arising from the war, and the necessities of the community; all which they are to render to the assessors, on oath, if required; which oaths the said assessors are hereby impowered to administer. And if any person or persons shall, upon such notice given, neglect or refuse to give in to the assessors the list of their polls and rateable estates, according to their discription thereof before given, which they were possessed of on the 20th day of May, or shall bring in a list which the assessors are, in their

judgment, convinced is a false one, it shall be lawful to and for the assessors, and they are hereby directed, to assess such person or persons, according to the best judgment and estimation they can form of the real and personal estate of the said person, according to the discription before given. And if any person or persons shall not bring in a list of their estates as aforesaid to the assessors, he or they so neglecting or refusing shall not be admitted to make application to the court of general sessions, for any abatement of the assessment layed on him or them.

[SECT. 9.] And if the assessors are not, in their judgment, convinced of any falshood in the list, to them presented of the polls and real and personal estate, such list shall be a rule of that person's proportion to the tax who presented the same, which the assessors may not exceed.

Provided, nevertheless, —

[SECT. 10.] That nothing in this act shall be construed to extend so as to require any assessors to assess any person for any estate, real or personal, in his possession (absentees' estates excepted), that is the property of the United States, or any of them.

Whereas there are, within this state, several tracts of unimproved land belonging to persons who have left the same and gone over to the enemy, and no provision has been made by the government of the same for the payment of the taxes, otherwise than by the sale of such lands, which may be attended with great loss to the state; for the preventing of which, —

Be it enacted,

[SECT. 11.] That all constables and collectors of taxes be, and they hereby are, directed to stay the sale of all such lands until a further order of the general court be taken thereon.

And be it further enacted by the authority aforesaid,

[SECT. 12.] That the treasurer of this state be, and he hereby is, impowered and directed to allow or pay to such constables or collectors, the amount, in their respective lists, of the taxes on such unimproved lands on a cirtificate from the major part of the assessors who made such tax, being produced, setting forth the sum taxed in any list exhibited, on said unimproved lands, and to keep an account of all monies by him so allowed or paid.

And whereas doubts have arisen respecting the true intent and meaning of the word "inhabitants" in some former tax acts, —

Be it therefore enacted by the authority aforesaid,

[SECT. 13.] That all male persons from sixteen years old and upwards, residing or usually doing business in any town within this state, shall be considered within the true intent and meaning of this act, and the assessors are directed to proceed to assess them for their trade and faculties, exercised there, and also for their polls, if not taxed for their polls elsewhere.

And be it further enacted by the authority aforesaid,

[SECT. 14.] That each town in this state, which shall appear, upon the settlement of the next valuation, to have paid more than their proportion since the settlement of the last valuation, shall be allowed what they have so overpaid, in the next tax, after the said next valuation is settled.

Provided, nevertheless, —

And be it further enacted by the authority aforesaid,

[SECT. 15.] That the collectors or constables be and hereby are authorised and impowered to receive one dollar in specie, or one dol-

lar of the bills on interest, proposed to be emitted by an act passed the present session, for carrying into execution the resolve of Congress of the 18th of March, 1780, in lieu of forty dollars of the bills now in circulation; and the treasurer of this state shall receive of said constables or collectors, the specie or the new bills which may be emitted, at the rate aforesaid. [*Passed May* 5, 1780.

NOTES. — All the sessions of the General Court, this year, were held at Boston. The first session was prorogued on the thirtieth of June, to the eighth of September; and the second session was adjourned, on the ninth of October, to the tenth of November. The General Court continued in session from the day last named until the fourteenth of January, when it was again prorogued. Though this session was interrupted by an adjournment, from the seventh to the fourteenth of December, it is here treated as a continuous session, notwithstanding that the resolves after December fourteenth in the contemporaneous impression, are grouped and numbered in a distinct series, and under a new heading, and that, in the printed journal of the House, a new paging begins with the latter date, under a separate heading. The fourth session began March ninth, after a prorogation, and ended on the fifth of May, by prorogation to the seventeenth. On the twelfth of May, the Assembly was still further prorogued, by proclamation, to the thirtieth, when it was dissolved.

All the acts of this year were printed, except chapter 31, of which no printed copy has been discovered, and its secret purpose warrants the supposition that it was never sent to the printers. Chapter 30 was, like other tax acts, printed separately.

The engrossments of all these acts, except of chapters 12 and 49, are preserved. The following acts, only, are on parchment: chapters 1, 2, 3, 4, 5, 6, 8, 9, 20, 24, 25, 28, 31 and 36. The engrossed acts, except chapter 41, which was signed by fourteen councillors, and chapter 48, which was signed by twelve, bear the signatures of fifteen, or more, of the Council.

The following is the title of the only private act passed this year: —

"An Act for dissolving the Marriage of Philip Turner and Mercy Turner." — [*Passed April* 14, 1780.

Chap. 1. On the 15th of February, 1779, a committee, consisting of Messrs. Mitchell, Ely and White, was appointed by the House of Representatives "to consider the expediency of augmenting fines and penalties." This committee made a verbal report the day following, against the expediency of this measure, but their report was not accepted, and thereupon Messrs. Mitchell, Crane and Partridge were appointed a committee "to consider what penalties shall be augmented, and to bring in a bill accordingly."

On the 23d of February, a bill was reported entitled "An Act for augmenting the fines of constables and jurors," which was read twice and ordered to be recommitted, on the same day; and on the 26th, the further consideration of this bill was referred to the next session.

No further attempt to pass a separate act upon this subject has been discovered, but the object of the bill seems to have been accomplished by the present chapter. This was read a first time on the 10th of June, as reported by a committee, appointed on the 7th, consisting of Messrs. Pickering, Tudor, Gorham of Charlestown, Walley and Page. This committee was instructed "to revise the fee-bill, and report what further establishment is proper to be made for the several officers of government in this state."

The bill of this chapter was read a second time, on the 11th, and recommitted. On the 12th, it was read a third time, in the House, and ordered to be engrossed and sent up to the Council, where, on the same day, it was read a first time. On the 14th, the bill was read a second time, in the Council, and passed, in concurrence, to be engrossed, and on the 16th, it was passed to be enacted by both branches.

Chap. 2. One of the ten tracts of land sold at public auction June 2, 1762, by a committee of the General Court, was the territory afterwards incorporated as Murrayfield and now chiefly included in the towns of Chester and Huntington. It was knocked down to William Williams, who relinquished his claim to John Chandler, John Murray, Abijah Willard and Timothy Paine. On the 3d of February, 1764, Paine and Chandler presented to the General Court a petition, which has not been preserved, but in which they represented that they were the purchasers of this tract of land; that upon viewing it they found it to be "very uneven and very mountainous," and "divided in three parts by three very rapid, rocky rivers, that about 7500 acres of the best of the land was taken up in former grants, besides which there is a pond of about 500 acres greatly detrimental to the purchase"; that to prevent trouble with nineteen actual settlers on the best portions of the territory they had granted to each of them one hundred acres, and that they had "been at great expense in making roads and bridges"; wherefore they prayed for a rebate of some part of the £1500 purchase-money for the payment of which they had given security to the province treasurer. Upon this petition a grant was made to the petitioners and their associates, of twelve hundred acres of the unappropriated lands of the province, in full satisfaction of their claims for an allowance.

On the 20th of February, 1770, the proprietors of Murrayfield met, according to notice, at a tavern in Lancaster, and voted to give to the settlers and inhabitants of Murrayfield the meeting-house which they had erected there (though it was not entirely finished) at

their own expense, reserving six "pew-spots" to sundry of the proprietors, according to a plan submitted to the selectmen of the town with the vote aforesaid.

Such were the relations subsisting between the town and the proprietors, down to 1779, when the subject of bridging the Westfield River was brought to the attention of the Legislature, by the following petition: —

"To the Honourable Counsell and House of Representatives of the State of the Massachusetts Bay now Seting at Boston — We Your Humble Petitioners Beg leave to represent to your Honours the Importance and Necessity of a Bridge being built across Westfield River near the Mills in Norwich where two County Roads meet, as there is no Bridge across S^d^ River (which is very rapid and Violent) for near Twenty five Miles in Length, and as in that Length of Way There is a vast Deal of Travilling which is of Necessity to be made across S^d^ River especially by the People of Murrayfield in Order to Get out of Town Either to Northampton Westfield or into Connecticut, and Likewise as the County Road from Northampton to Blandford and so up into the County of Berkshire Crosses the River at S^d^ Place in Norwich & Likewise the County Road from Westfield up into Norwich & Worthington and from Thence into the State of Vermont Crosses the Same River & at the Same Place on which Roads There is Much Travilling to and from the State of Connecticut from the upper Towns and County & so from the State of Vermont as Well as from This State; and as this River and it's Branches are Soon raised by any Thing of a Freshet of Rain, which Renders the Crossing of Them very Dangerous and is a great Damage often to Perticular Persons as well as the Publick in General to be Stoped in their Business by the River's being unfoardable at Such Times, and as in the Year Domini 1764 There was Granted by the Honourable General Court of this State unto Timothy Pain Esq^r^ and others the Proprietors of Murrayfield Twelve Hundred Acres of Land Adjoining to N^o^ 5 for the Extraordinary Cost they the S^d^ Proprietors of Murrayfield said they had been at in Building Bridges across S^d^ River & its Branches and in Making Roads in Murrayfield as was represented by Them in a Petition to the General Court which is to be Seen on Record in the Secretary's Office, which Cost they the S^d^ Proprietors was never at, Neither did they ever Build a Bridge or was at any Cost in Building one or in making Roads Either Directly or Indirectly; as there was no Bridge ever Built across S^d^ River or its Branches in Norwich or Murrayfield, and as S^d^ Proprietor did Soon after they had Got S^d^ Town Incorporated Emediately raise the Price of their Lands to Such an Extravagant Price that hindered People from Buying in S^d^ Town and as a Number of the Proprietors of S^d^ Murrayfield have for a Number of Years Past been gon of to the Enimy so that People that would have been Glad to have purchased Them Farms in Town could not Buy because S^d^ Proprietors was not to be found which has been a great Hindrance to the Town's Settling; and the People that came first into Town were many of Them low & Poor in the World and always have had a great many Roads and of great Length to make and maintain in a New and rough Country which in a Great Measure was Occasioned by the Proprietors fixing Their Setling Lots in Every Part of The Town which Necessarily made more Roads in the Town to be made and keept in repair, which has keept the People Low and behindhand —

Therefore we Pray your Honours that Some Meathod may be Devised that a Bridge may be Built across S^d^ River and its Branches Either by S^d^ Grant of Land which the Proprietors got Granted Them for Services they never did, or out of their Estates, or any Other Way Your Honours in Your Wisdom Shall See most fit — and as in Duty Bound Your Petitioners Shall Ever Pray. —

Signed in the Name and behalf of the Town and by Order of the Select-Men of Murrayfield. DAVID SHEPARD T^n^ Clerk

Murrayfield January 6^th^ 1779." — *Mass. Files: Bills*, 1779.

This petition was read in the House, January 19th, and referred to a joint committee, consisting of Messrs. Goodman and Gray, of the House, and Baker, of the Council, "to consider the same and report." On the 22d, notice* of this petition was ordered to be served by leaving a copy thereof and of the order of notice thereon "with Timothy Paine, who is mentioned in said petition." Agreeably to the report of the committee the notice was made returnable "on the last Wednesday of February next, if the Court shall be then sitting; otherwise on the second Wednesday of the next session."

Although the Assembly was in session on the return day first mentioned in the order, nothing appears to have been done at that time besides the filing of the sworn certificate, and the answer of Timothy Paine, copies of which are given below: —

"Stephen Lyman of Murrayfield in the County of Hampshire Gentleman, Gideon Mathews Yeoman, & James Clark Gentleman, both of s^d^ Murrayfield, John Smith of West Hampton & William Milliar of Norwich in s^d^ County Yeoman Testify & say that in the year of our Lord 1762 the Proprietors of N^o^ 9 known by the name of Murrayfield proposed to admit Sixty Setlers to draw for Lots in s^d^ Township of a hundred acres each including those that had begun on s^d^ Lands before their purchase, that s^d^ Propritors allowed to draw for Lots, the number of those on the Land before the Proprietors purchase were nineteen persons, viz, Zebulon Fuller James Clark, John Webber, Thomas Kennedy, William Man, David Bolton, John Gilmore, Israel Rose, Moses Moss, Ebenezer Meachom William Miller, David Scott, Ebenezer Webber, Jonathan Hart Webber, William Kennedy Abraham Flemming, Moses Hale, James Bolton, David Gilmore Seven of the above men were allowed to hold a hundred acres where they had before began to Labour on the conditions of a bond as the other Settlers were under. Six of the above nineteen were allowed only to draw lots with the other Settlers promiscuously. The other Six were not allowed by s^d^ Proprietors the priviledge of drawing with other Settlers nor holding their Lands by their being on before their purchase.

* Printed resolves, chapter LXIX.

The condition of the bond s^d Proprietors required of the Settlers was to clear Seven acres fit for mowing or Plowing & build a house 24 feet long & 18 feet wide 7 feet Studd, within three years and to do the Sixtieth part of Settling a Minister, the Settler were under no obligation to do anything towards making roads or bridges, neither have s^d Proprietors laid out any cost to make roads or bridges in s^d Town since the Settlement of the Town. Only thirty one of the afores^d Sixty Settlers have had lots given to them by s^d Proprietors. Their is no Pond in s^d Township Excepting the Pond that is mostly in Green & Walkers Grants, according to the best of our judgement, the former grants are not better Lands than the Township is taken together

STEPHEN LYMAN
GIDEON MATTHEWS
JAMES CLARK
JOHN SMITH
WILLIAM MILLER

Hampshire ss. February 10th 1779 Then the within named Stephen Lyman, Gideon Mathews, James Clark, John Smith and William Miller after being carefully examined & cautioned to testify the truth made oath that the within deposition according to the best of their knowledge contains the truth & nothing but the truth, before

ABNER MORGAN Jus. Pacis." —*Ibid.*

"State of the Massachusetts Bay } To the Hon^ble Council & House of Representatives in general } Court Assembled at Boston —

Timothy Paine of Worcester in the County of Worcester Esq^r humbly Shews.

That he has been serv'd with a Copy of a Petition of the Inhabitants of Murrayfeild in the County of Hampshire, praying that the Proprietors of s^d Town for the Reasons in s^d Petition mentioned may be subjected to build a Bridge over the rapid Westfeild River at the Mills in Norwich with an Order of this Hon^ble Court thereon, that so the s^d Proprietors may shew Cause, if any they have why the Prayer of s^d Petition shou'd not be granted —

That, the said Tim^o and the Heirs of the late Col^o Otis are the only Proprietors in this Country — The other Proprietors being Absentees and a Proprietors Meeting cou'd not be Called, for the Purpose of making Answer to s^d Petition: Therefore the s^d Tim^o as one of s^d Proprietors begs Leave that he may offer his Reasons why the Prayer of said Petition shou d not be granted —

The first Part of s^d Petition is taken up in shewing the Necessity of a Bridge across s^d River at the Place aforesaid, which Your Respondent does not pretend to deny — they then go on to say that there was granted Anno Domini 1764 — by the Gen^l Court of this State, Twelve hundred Acres of Land adjoining to N^o 5 to your Respondent & others the Proprietors of Murrayfeild for the Extraordinary Cost the Proprietors said they had been at in Builduing Bridges across s^d River & its Branches & in making Roads in Murrayfeild as was represented by them in a Petition to the Gen^l Court which is to be seen on Record in the Secretary's Office — Now Your Respondent absolutely denies that in said Petition to the Gen^l Court above refer'd to, they ever did say that they had built a single Bridge across s^d River, or ever made any roads in s^d Town, as the Inhabitants of s^d Murrayfeild have alledged in their Petition — And if there is any such Record in the Secretary's Office such Record must have been made by some Mistake — And Your Respondent is well satisfied the said Inhabitants, before they preferd said Petition Knew that such Entry in the Secretary's Office was a mistake, And Your Respondent several Years ago Informd John Kirkland Esq^r formerly of Murrayfeild now of that Part called Norwich thereof & shew'd him a Copy of the original Petition attested by the Secretary. And further told him that the Extract which he then had from the Secretary's Office, was a wrong Entry —

The Truth of the matter relative to s^d Petition on which the grant of s^d Twelve hundred Acres was made is as follows. In said Petition the said Proprietors of Murrayfeild among other Things gave the Court to be informed— That they purchased s^d Township in the Year 1762 of the Goverment. that upon Veiw of the same they found it to be very uneven & Mountainous — divided into three Parts by three very rapid Rocky Rivers — that the Banks of s^d River were steep and Rocky & almost impossible in many Places to pass from one Side of s^d River to the other — That about seven thousand five hundred Acres of the best of the Land and that which would have settled soonest were taken up in former Grants, — That before the Purchase of s^d Township there was about nineteen Settlements begun upon the best of the Land — that they had no Power to turn the Possessors away and if they had such Power, it wou'd be attended with great Trouble & Charge, and were obliged to give them one hundred Acres of Land each where they had begun to settle— That the only Place that could be found to lay the Town Plot was upon a very high Mountain which would always make it extreemly Difficult to get to it. And that by Reason of great Sums of Money s^d Propietors must necessarily be at in making Roads over Mountains & necessary Expensive Bridges, over the said Rivers and for other Reasons mentioned in s^d Petition — they pray'd that Part of the Consideration Money might be remitted or that the Grant of a Peice of Land near to or adjoining to said Township might be granted to them — thereupon the Court made the grant of said Twelve hundred Acres in the following Words —' viz^t — In the House of Representatives Feb^y 3^d 1764 Read & orderd that Twelve hundred Acres of the unappropriated Land of this Province be granted to the Petitioner & their Associates & that they present a Plan thereof to this Court within twelve Months from this Time for their Confirmation, which is in full Consideration for the Complaint made in the Petition' as by s^d Petition & order of Court appears — from all which it is plain the said Grant was not made for the Purpose of recompensing the said Proprietors the Extraordinary Costs they had been at for builduing Bridges &c As the Inhabitants in their Petition say —

Your Respondent begs leave further to inform this Court that by the Extraordinary

Exertions of the Proprietors after they purchased s[d] Township, The said Town settled much sooner than any other Township sold at the same Time, and that the original Township of Murrayfeild which now includes the Town of Norwich pays more Taxes than any other of the Eight Townships then Sold — Therefore the Suggestion of s[d] Inhabitants in saying that after the Incorporation of said Township the Proprietors did raise the Price of their Lands to such an Extravagant Pitch that hindred People from buying in s[d] Town is without any Foundation —

Your Respondent wou'd further observe that the Proprietors gave away one hundred Acres of Land to each Settler — and what the s[d] Proprietors have done to encourage the Settlement of s[d] Town-ship over & above what they were obliged to do by the Courts Resolve when the Township was purchas'd cost them much more than the the Value of s[d] Twelve hundred Acres of Land when granted The s[d] Proprietors built a Saw Mill & Grist Mill in s[d] Town, And a Meeting House 45 Feet long 40 feet Wide boarded & shingled the same, made the Doors & laid the lower Floor, which they granted to the Inhabitants, which they were under no obligation to do and was done after the Grant of the said Twelve hundred Acres of Land was made —

That all the Proprietors except one carried on Settlements equal with the other Inhabitants & some of them had the greatest Improvements of any in the Place — And their Improvements were taxed with other Inhabitants in s[d] Town & did their Parts in making Bridges & Roads — Yet the said Inhabitants say that the Proprietors have never been at any Cost in making Roads &c — That the Proprietors gave away besides the lotts for Settlement all the Lands that were necessary for Roads, that so the Inhabitants in future might not be at any Expence in purchasing Lands for Roads when necessary to be laid out —

And as to the Complaint that the Proprietors by laying out the settlers Lotts in every Part of the Town has been a great Damage to the Inhabitants as thereby they have had a great many Roads & of great Lenght to make and maintain in a new and rough Country —

Your Respondent woud observe that the Settlements were not scatterd all over the Township but the first Settlement was made cheifly in that part called Murrayfeild and in that Part they were Scatterd, which was designed for the Benefit of the Settlers if they had been settled all in a Cluster they wou'd not have had an Opportunity of Inlarging their Farms when they were able to purchase, as many of them have since done. And the Plan of Settlement in that way was very agreable to the original Settlers tho' now for Want of Something Better they mention it to the Court by way of Complaint —

Your Respondent further says. That the Twelve Hundred acres of Land granted the Proprietors lay without the bounds of any Town and at the Time the Grant was made was looked upon of little Value and according as Lands were sold at that Time not worth more than sufficient to Recompence the Proprietors for the other Complaints mentioned in their Petition on which s[d] Grant was founded exclusive of making Roads & Bridges —

Lastly That by the late Law for Taxing non Resident Proprietors Lands The Proprietors of Murrayfield have been Taxed in a Greater Proportion then any other New Town in the Neighbourhood of Murrayfield — and the Inhabitants of s[d] Town have had the Benefit of said Taxes and they can well afford to build Bridges & make Roads. and if the said Proprietors should be Subjected to Build s[d] Bridge, over and above, Paying s[d] Lands Taxes, and what they have already done for s[d] Town their Interest will be rendered of little Value The said Respond·nt therefore Prays that the said Petition may be dismissed and as in Duty bound Shall ever pray

Worcester Feb. 14 1779 TIM[O] PAINE." — *Ibid.*

On the 27th of April, an order, originating in the Council, was passed, appointing a joint committee, consisting of Timothy Danielson, of the Council, and Messrs. Wood and Harrington, of the House, to take the foregoing petition and answer into consideration, "hear the parties, and report what may be proper to be done thereon." On the 29th, this committee made the following report, which, on the same day, was read and accepted in the Council, and sent down to the House for concurrence; and four days later the House concurred in the vote of acceptance: —

"The Committee of Both Houses on the Petition of David Shepard in Behalf of the Town of Murryfield praying a Bridge may be built over Westfield River near the Mills in Norwich in the County of Hampshire Report that the Prayer of the Petition ought to be grand, and that Expence of Building said Bridge ought to be defrayed by the Original Proprietors of the s[d] Town of Murryfield viz Tim[o] Payne John Chandler John Murry and Abijah Willard Esq[rs] They having rec[d] a Grant of Twelve hundred acres of unappropriated Lands Then lying near the said Town of Murrifield, as a Compensation for Building Bridges in said Murryfield, and other Public Services which They never have done or performed, and that the Petitioners have Liberty to bring in a Bill for that Purpose at the next Sitting of the General Court All which is Submitted

TIM[O] DANIELSON *p*[r] Ord." — *Mass. Archives, vol.* 222, *p.* 143.

In accordance with the above report, the bill of this chapter was introduced in the next Assembly. It was read a first time, in the House, June 14th, and a second time, on the 15th, when, "by a majority of 31 members out of 50," it was ordered to be read again the next day. On the 16th, it was read a third time, passed to be engrossed, and sent up for concurrence, and, on the 19th, was enacted by both branches and signed by fifteen members of the Council.

Chap. 3. Although there were actual settlers on the territory embraced within the limits of Mount Washington for nearly ninety years before the date of its incorporation, the history of this chapter requires only a reference to the efforts of the inhabitants to se-

cure the privileges of a town, and to the legislative proceedings thereupon, and to some other proceedings of the General Court relative to granting lands and confirming titles to the proprietors.

The uncertainty of the boundary lines between this territory and the adjacent plantations in Massachusetts, and between Massachusetts and New York, the claims of the Indians to this territory, and the disputes among the actual settlers, some of whose titles were solely by occupancy, and others by purchase, not only made this region for many years the scene of contention and violence, sometimes proceeding even to bloodshed, but they have involved its history in intricate details which pertain more properly to the history of the Indian reservations, and of the settlement of the boundary-line of the province; subjects reserved for special consideration in the Appendix.

From 1752 to 1774, upon the petitions of settlers and other parties interested, committees were repeatedly chosen by the Legislature to sell the public lands lying west of Sheffield and Stockbridge. At first, these sales were ordered to be made in Boston, by public auction; but this method was soon abandoned, and, thereafter, committees appointed for the purpose were directed to repair to the place where the lands lay, and personally attend to their allotment and disposal. In these sales, the liberal policy was adopted of giving a preference to purchasers who were in actual possession. The reclaimed lands of these settlers were ordered to be appraised as wild land, without regard to improvements they had made thereon; but the sales of unimproved lands were open to all bidders, equally. In all these sales, the price required was reasonably low, and easy terms of payment were offered upon security given by the purchasers.

Early in 1755, active measures were taken by the Legislature to have the above territory laid out into townships, and the settlement thereof promoted by grants of land, on favorable terms, to actual settlers. On the 14th of April, a conflict occurred between some of these settlers and the agents of Robert Livingston of New York (who claimed title to some of the lands thus settled), in which William Race, a citizen of Massachusetts was killed. This led to prompt and energetic measures for settling the territory and ending all disputes as to the New York boundary-line. A joint committee of the Legislature submitted two reports on the 28th of April, the latter of which, signed by Thomas Hutchinson, one of its members, alleged that the "unhappy state of the people situate westward of Sheffield and Stockbridge, is very much owing to the caution used by this government, and its forbearance to make grants of land, and bringing forward the settlement of that part of the province," etc., and recommended the liberal policy afterwards pursued by the Legislature.

At this stage, however, proceedings were delayed by the failure of the General Court to effect a settlement with the Stockbridge Indians, to whom £1000, in New York currency, had been awarded by a legislative committee, in full for their interest in these lands, but the first instalment of which sum had been diverted to the raising of men for the expedition against Crown Point, notwithstanding it had been promised as an immediate payment. Before the province had finally satisfied this Indian claim, certain of the settlers secured from the Indians a release of their title to part of these lands, by deeds duly recorded. Among these were the settlers on Tauconnock (or Taconic) Mountain, incorporated by this chapter; but nearly seventeen years elapsed before the Legislature confirmed the Indian conveyances and released to the original purchasers, and their representatives, the title of the province. This was done June 14, 1774, upon the petition of Nathan Benjamin and others, who filed, with their petition, a plan of the territory.

This petition has not been discovered; but a plan, on parchment, remaining in the state archives,* is probably the plan referred to, notwithstanding the committee of the proprietors who, in May, 1779, prayed for incorporation, declared that it could not be found. It is not unlikely that the legislative committee of 1774 adopted this plan: their report is endorsed thereon, and it is hardly probable that, in the short time allowed them for completing their work, they would be at the needless trouble and expense of procuring a duplicate.

The following is the report of the committee last referred to, which consisted of Messrs. Hopkins and Ingersoll, of the House, and Timothy Woodbridge, of the Council, appointed February 16th, and directed to report at the next session of the General Court:—

"The Report of the Committee of the General Assembly of the Province of the Massachusetts Bay who on the 16th Day of February last upon the Petition of Nathan Benjamin were appointed to Repair to Tauconnock Mountain to make Enquiry, and determine what Persons originally purchased of the Indians the Lands in said Petition mentioned, who are the Heirs or assigns of those Purchasors, and who ought to be admitted the Grantees of said Lands, is as follows, viz.

The Hon^ble Timothy Woodbridge Esq^r being Sick and unable to attend said Business; by his Consent, and Advice We the subscribers on the Twelfth Day of April last Repaired to the House of said Nathan Benjamin on said Mountain, (having previously given publick suitable, and Seasonable Notice of said Time, and place of our meeting) where the People living upon, and claiming those Lands Assembled, And upon Enquiry and Examination we found there was little or no Uncertainty who ought to be admitted the Grantees of all the Lands, Except three, or four Lots. We heard all that the parties had to say respecting those Controverted Lots, and after duly attending to & Considering the whole Report as our Opinion That the Persons herein after named are the Original Purchasers of the aforesaid Lands the Heirs and assigns of those Purchasers, and ought to be admitted the Grantees of said Land, And that they Hold the several

*Ancient Plans, Grants, &c., vol. 4, p. 92.

Lots of Land delineated in this Plan on which their names are wrote and in Proportion as is therein, (and herein after) expressed to them their Heirs, and assigns, in severalty. which are as follows. viz.

Lot N° 1. Samuel Judson. Samuel Cogswell, & Michael Palmer to hold in severalty according to their Deeds on Record.
2. John King the North Half. Philip Ruff, the south half.
3. Philip Ruff. —
4. All the Proprietors for the Use, and Purpose of Supporting y^e Gospel Ministry
5. William Campbell.
6. Selah Sage.
7. Allen Sage Junr.
8. all the Proprietors for the Use,and purpose of Supporting a School
9. John Barber.
10. Andrew Loomis.
11. William Fellows.
12 Joseph Benedict
13. Benjamin Osborn. 4 acres more than one half on y^e North side W^m Campbell y^e Residue
14. Abner Wooden.
15. Eleazer Stockwell, and Ichabod Stockwell
16. Elisha Sheldon.
17 { Nathan Benjamin one half of the North half in Common. Peleg Benjamin Judah Benjamin, & Mary Benjamin y^e other half of y^e same half in Common. Jonathan Petit, the south half. . . . .
18. John Ashley Esq^r.
19 Abraham Grimes 59½. acres on y^e North part. Allen Sage the Residue.
20. John Wright.
21. William Campbell
22. Peter Wooden.
23 { William Palmer, 25. acres at the Southwest Corner. Daniel Mead 50 acres at the South East. Corner & East side. Samuel Cogswell the Residue.
24. Peter Wooden: 50 Acres on y^e. East Side. John Wooden the Residue.
25. John King
26 John King
27. Daniel Dibble 60. acres on the North part. Samuel Dibble the Residue.
28. Jonah Keeler.
29. Thomas Jones 50 acres on y^e West part. Jonas Osborn y^e Residue
30. John Dibble.
31. John Dibble
32 Samuel Dibble
33. Samuel Dibble
34. Benjamin Osborn.
35 { Nathan Benjamin the one half in Common: Peleg Benjamin. Judan Benjamin & Mary Benjamin The other half in Common
36. John Tullar.
37. Andrew Patterson.
38. Elnathan Hall 60. acres on the North part. Charles Patterson the Residue —
39. Gilbert Murray
40. James Murray.
41. Nathan Benjamin
42. John Tullar.
43. John Tullar
44. James Robinson 40 acres: at the North end. George Robinson the Residue
45. Samuel Winchel 70¾. acres. at the South End. Joseph Winchel & Azariah Winchel the Residue
46 Nathan Benjamin
47. Andrew Haxton —

The residue of the Lands contained in the General Plan and not covered by the aforesaid Lots, to be held in Common by the several Proprietors abovenamed in Proportion to their Several Interests in the Lots aforesaid, & to be hereafter Divided as the Proprietors shall agree All which is humbly submitted by DAVID INGERSOLL
MARK HOPKINS."

Great Barrington May 20th 1774 — *Ancient Plans, Grants, &c., vol. 4, p 93.*

The following is the resolve which was passed on the above report: —

"In the House of Representatives June 13th 1774

On the report of the Committee, Appointed on the Petition of Nathan Benjamin to repair to Tanconnick Mountain there to make Enquiry and Determine who are the Original Purchasers their heirs and Assigns And who ought to be Admitted Grantees of the land mentioned in said Petition

Resolved that the said report be Accepted, and that there be, and hereby is granted and Confirmed to the Several persons named in said report their heirs and Assigns, the lands therein mentioned, to be Holden, as by said report and Plan is particularly described and Delineated the said grantees paying therefor into the Province Treasury or they giveing sufficient security within six months from this date to the Province Treasurer for the payment of the Sum of Two Hundred and forty pounds lawfull money within two years from & after this Day, with the lawfull interest of the same Sum

from the fifteenth Day of May ⁂Dom 1766 untill the same Shall be paid. Sent up for Concurrence. T CUSHING Spkr

In Council June 14th 1774 — Read & Concurred — JNO COTTON D. Secry

Consented to — THOS GAGE." — *Ibid.*, *p.* 92.

The plan filed with the foregoing report, seems to have been an enlargement of another from a survey purporting to have been made by "Samuel Trescott, surveyor," in November, 1771. Both plans are bound into the same volume.

At the same session in which the above grant was made, twenty-three of the grantees named in the committee's report, presented a petition praying for incorporation into a town or district. A bill was thereupon reported for incorporating this tract of land "into a town by the name of ." This bill, in which the territory was described by general boundaries, conferred upon the corporation all the powers, privileges and immunities of a town, without qualification or exception, and empowered David Ingersoll to call the first meeting of the inhabitants. It was passed, in the House, to be engrossed, June 15, and the Council concurred on the 17th; but the sudden dissolution of the Assembly on that eventful day prevented its enactment.

In 1776, another attempt was made to procure an act of incorporation. The petition, in this case, was signed by forty-three persons, twenty-one of whom appear in the committee's list of grantees. They represented that their lands, the boundaries of which were given in general terms, were situated upon a high mountain, separated from Egremont and Sheffield, the only adjoining towns, "by a long and steep precipice," and that the roads connecting them with said towns were "at all times extremely rugged, and at some seasons almost wholly impassable," so that they were debarred the enjoyment of many town privileges; and for these reasons, and because they had a sufficient population, they prayed that they might be incorporated into a town or district.

On the 29th of August this petition was referred to a committee of the House, consisting of Mr. Mayhew, Capt. Brown of Abington, and Doctor Whiting, who reported a bill, which was read September 2d, "for erecting the plantation called Tauconnuck Mountain" into a town — the name being omitted in the title. This bill was again read the next day, and ordered to lie. No further trace of this bill, nor any action upon it, has been discovered.

In the following spring, still another application was made to the Legislature, for an act of incorporation, in a petition by John King and thirty others, "in behalf of themselves and about forty-five families living on the Tockcanock Mountains lying west of Sheffield, in this state." Of these petitioners, twenty-one were among the grantees enumerated by the legislative committee of 1774. These petitioners alleged that they, with others, purchased the lands in question, of the natives, "some years since, by and with the consent and advice of a committee of the General Assembly," charged with the duty of settling some affairs relative to the lands west of Sheffield; that they had improved the lands, and built roads on to the mountain and from house to house; moreover, that they had, "for some years past, paid a province rate to support government," and raised their full quota of men for the army, and that they were willing to continue to do their "proportion both of men and money," in case they could be incorporated into a district or town with power to accomplish these objects, and to lay out and repair highways, "and also take proper care of some persons among us that are unfriendly to the United States of America." They concluded with a prayer that the General Court would therefor incorporate them into a town or district, "or otherwise relieve" them. The following postscript appears immediately after the signatures on the first leaf: "as we are on a Grat mounten we Desier your onors to giue us the Name of Mount washinton."

This petition was referred March 25, 1777, to a committee of the House, consisting of Messrs. Root, Pitts and Morse, which was subsequently changed, by substituting Messrs. Stratton and White, for Messrs. Root and Morse; but no further action upon this petition has been discovered in the state archives and records, nor in the journals of the House.

The next application for incorporation was the following petition, which was read in the House May 31, 1779, and committed to Mr. Nichols, Mr. Raymond and Major Pynchon: —

"To the Honorable the Councel and House of Representiues of the Great and General Court to be holden at Boston In the State of the Massechusets Bay on the last Wensday of May anno Domini 1779 —

The Petition of us the Subscribers a Committe of the Proprietors of the land on Tauconnock mountain In the County of Berkshire — Humbly sheweth —

That whereas the great & General Court on the 14th of June 1774 accepted the Report of their Committe on the petition of Nathan Benjamin having Repaied to Tauconnack mountain there to make enquiry and Determin who are the origanal purchasers their Heirs & assigns and who ought to be admitted Grantees of the land mentioned In said petition and it was then Resolved by said General Court that there be granted & Confirm to the several persons named In said Report their Heirs & assigns the land therein mentioned to be holden as by said Report and Plan is perticulerly Discriber and Delineated as will appear by a Coppey of said Resolve and whereas the said plan then Returned to the General Court by their said Committe with the proprietors names on Each lot is lost or Cant be found nor the Records of the same Wherefore your Honours petitioners have sent herewith a Coppy of said Plan with the names of the proprietors on Each origanal lot as laid out and hereby beg your Honours to Confirm the same with the undivided Lands Contained In said Plan agreable thereto upon the purchas money & Interest being paid which we have sent by Col Ashley the Representative of Sheffield and whereas there is some proprietors who Refuse to pay their proportion of the purchas money and Interest which others of us have advanced we therefore begg that we may be Impowerd to sell

so much of there Interest as to pay the purchas money & Interest & Cost and whereas we labour under great Difuculty and hardships (as we are oblidged to Raise men & money to Carry on the War & make Roads & many other ways for want of being Incorporated we your Honours Petitionors therefore Humbly beg your Honours to take our Case Into Consideration & Incorporate us Into a town or District with all the priviliges of towns Excepting sending a Representatiue & Desire we may be Joyned with Sheffield In that Choice — and your Honours petitioners as In Duty bound shall Ever pray —

JOHN KING
PETER WOODIN
CHARLES PATTERSON
JOHN DIBELL
ROBERT CAMPBELL
} Committe of the proprieters on Taucannack mountain." — *Mass. Files: Bills*, 1779.

On the 12th of June the above petition was recommitted to Col. Ashley, Mr. Harrington and Mr. Perry, who, on the 14th, reported the bill of this chapter, with the name of the town not written in. On the 17th, the bill, with the name inserted, and with sundry amendments (the most important of which was the insertion at the end of the first section of all the words that follow the word "Sheffield," in the last line but one) was passed to be engrossed in the House, and, on the 19th, in the Council, and on the 21st, it was passed to be enacted.

A resolve* was passed in December following, for apportioning the taxes of Mt. Washington and Sheffield. This is given in the note to chapter 30, *post*.

The last legislative proceeding that has been noticed relative to the territory of Mt. Washington, before the adoption of the state Constitution, is the reference of the following petitions to a committee of the House, consisting of Mr. Austin, Mr Singletary and Col. Davis of Charlton. On the 19th of September, Mr. Henshaw was substituted for Col. Davis, on this committee, but no trace has been found of further action on these petitions, which are here printed on account of the interesting facts they disclose: —

"To The Honble the Council & House of Representatives of Massachusetts Bay.—

The Selectmen of Mount Washington humbly shew, on Behalf of said Town; that on the twenty first day of June in the year of our Lord seventeen hundred & seventy nine, by an Act of the great and General Court said Mount Washington was incorporated into a Town, having before been known by the name of Tauconnuck Mountain, upon the following Condition viz: that the original Proprietors of said 'Tauconnuck mountain shall pay what is due from them to this state agreeable to the Report of the Committee, the fifteenth of May one thousand, seven hundred & sixty six, with the Interest arising thereon at some future time, when the state shall call for the same.'

Your Petitioners beg Leave to represent to your Honors, that the original Proprietors of said Tauconnuck Mountain, did make a *bona fide* Purchase of the whole Land included within the Limits of said Mount Washington, of the aboriginal Natives, the then rightful & independent Lords & Proprietors of the Soil, that said Town is situated on a Hight and the Land in a State of Nature so charged with Wood & Timber, that considering its almost inaccessible situation the Labour necessary to bring it into a State of Cultivation would cost nearly as much as the Land could now be sold for, that the original Purchasers of the Natives did not nor do your Petitioners now conceive that under these Circumstances the Government could reasonably demand any thing of them to be quieted in the Possession of Land which they had made their own by an honest Purchase from those who were the sole Owners.— they therefore humbly pray that the Clause aforesaid in the Act aforesd. may be repealed.—

they also humbly pray that the Farm of Land now in the Occupation of Daniel Porter lying in a triangular Form & bounded west on the Line of the State of New York, south on the Oblong so called & east on said Mount Washington, may be adjoined & annexed to said Mount Washington.—

and as in duty bound shall pray.—

May 29. 1780.— ROBARD CAMPLL, JESE RAYS, ANDRAW HAXTON } Selectmen of Mt. Washington

To the Honble the Council & House of Representatives, of Massachusetts-Bay.

Daniel Porter humbly prays that the Farm of Land which he now lives on may be annexed to & incorporated with Mount Washington, agreably to the Petition of the selectmen of said Town dated this day.

and as in Duty bound shall pray.—

May 29. 1780.— DANIEL PORTER." —*Mass. Archives*, *vol.* 186, *p.* 213.

Chap. 4. The former of the following petitions was read in the House, April 30, 1779, and referred to Messrs. Gorham, Crane and Titcomb. On the next day, the latter petition was read and referred to the same committee, which was, at the same time, enlarged by the addition of Messrs. Wales and Dawes: —

"To the Honble the Council, & the Honble the House of Representatives, of the State of Massachusets Bay,

The Petition of the Subscribers, Proprietors of Boston Pier, or Long Wharf, & Other Inhabitants of the Town of Boston, Humbly Sheweth,

That the said Wharf hath been, &, it is still hoped, will be, a great Accommodation & publick Advantage to Trade & Navigation in general, & particularly to the American

* Printed resolves of the November session, chapter CXXXVIII.

Navy, thô unprofitable to the Proprietors of it; & that in the Preservation thereof, the Town, the State, & the Continent are deeply interested.

That the Proprietors thereof have, within these few years been at an Expence of not less than £5000,—Sterling, built a most commodious Stone Head, having at it fifteen feet of Water at low Water; whereby they became very much involved in Debt. the greatest part of which remain stil unpaid —

That, immediately afterwards, the present cruel & unnatural War unhappily commenced, & in a manner put a Stop to the Income of said Wharf, & out of the power of the Proprietors, to keep it in Repair.

That by these means, & several late violent Storms, the said Wharf has suffered unspeakable Damage, & is now almost, & will soon be quite, rendered useless, & destroyed.

That the Proprietors, by reason of the great Cost of the Stone Head, & the Calamities before mentioned, are utterly unable, without considerable Assistance, to undertake the Repairs of said Wharf, & must unavoidably, thô with great Reluctance, as well for the Publick as themselves, stand still, & see the Ruin of it compleated

Your Petitioners would therefore humbly request your Honours, to grant such Benefit by a Lottery, as shall enable the Proprietors of said Wharf to put the same into Repair, & thereby save to the Publick the greatest Accommodation of the Sort anywhere known, or such other Relief, as to your Honours Wisdom & Justice shall seem meet, &, as in Duty bound, shall ever pray, &c

Boston 28. April 1779 —

BENJ WALDO	WILLM DAVIS	ANDW BRIMMER
WILL POWELL	PASCHAL N. SMITH	JOS. RUSSELL
HENDERSON INCHES	TUTHILL HUBBART	CHAS SIGOURNEY
JOHN SWEETSER JUNR	SAML BARRETT JUNR	SIMEON MAYO
HABIJAH SAVAGE	WM FOSTER	MUNGO MACKAY
EDWARD PAYNE	JOHN BROWNE	JOSH BLANCHARD JR
ISAAC SMITH	HENRY HILL	JOSEPH COOLIDGE
JOSEPH RUSSELL JUNR	JOHN ROWE	GT DEBLOIS JUNR
ADAM BABCOCK	TIMOTHY NEWELL	PEREZ MORTON
JOHN WELSH	DANIEL PARKER	JOSEPH OLNEY
JAMES DALTON	JONA MASON	J B HOPKINS
J. SCOLLAY	WM HOPKINS	EDWARD CARNES
SAMUEL AUSTIN	JAMES LAMB JUNR	SAML DUNN JUNR
G B GEDNEY	JOHN CARTER	JAMES DENNIE
JOSH WATERS JUNR	HERMAN BRIMMER	THOS DENNIE
SAMUEL BRECK	RICHARD GREEN	THO HILL
JACOB WILLIAMS	EDWD SOHIER	WM TUDOR
		MARTIN BRIMMER."—*Mass.*

Archives, vol. 222, *p.* 251.

"To the Hoñ the Councill and House of Representatives of the State of Massachusetts Bay— in General Court assembled the Memorial and Petition of the subscribers Late and at present Inhabitants of the Town of Charlestown

Humbly shews — that said Town of Charlestown was setled in the infancy of this Country when the growth thereof and of sd Town was not foreseen by which means the Streets were not properly laid out being crooked and narrow and in some places so much so as to be very inconvenient and even dangerous to travellors especially in carriages, and no convenient or roomly square for the accomodation of Teams and carriages from the Country

The unhappy catastrophy which has befallen us in having our Buildings destroyed by the Ravages of our Enemy, affords an Opportunity to rectify the mistakes of our Ancestors, and to Lay out the Streets Lanes &c of said Town in a way more conducive to convenienc and health of the inhabitants as well as the accomodation of all Travelors coming into or passing through said Town. Your petitioners being very desirous the favourable opportunity that now presents for the accomplishment of so desirable a work should not be Lost and finding themselves by reason of their great losses unable to make good all the damage that will fall upon individuals in the prosecution of this measure Humbly pray your Honors to grant them the Benefit of a Lottery to raise a sum of money to be applied to the above purpose and your Petitioners as in duty bound will ever pray —

JAMES RUSSELL	JOHN CARTER	ELIPHELET NEWELL
THOMAS RUSSELL	JOSHUA HOOPER	JAMES BRADISH JUNR
JOHN WYER	TIMO BRIGDEN	HENRY PHILLIPS SWEETSER
JOHN AUSTIN	JOHN AUSTIN JUNR	DAVID GOODWIN
JOHN HARRIS	NATH FROTHINGHAM	EBENR AUSTIN
JOHN HARRIS JUNR	SAML HENLEY	BENJA MIRICK
BENJ GOODWIN	JOHN TURNER	ANDREW KETTELL
EDWD GOODWIN	THOS FROTHINGHAM	RICHD DEVENS
THOMAS GOODWIN	NATHL RAND	SAML CONANT
WILLIAM STIMPSON	CALEB CALL	BATTRY POWARS
DAVID WOOD	DAVID WOOD JUNR	JOSEPH KETTELL
RICHD TRUMBULL	JOHN HAY	THOM HARRIS
		THOMAS WELSH." — *Ibid., p.* 249.

Upon the foregoing petitions the following resolve * was passed: —

* Printed resolves of the April session, chapter CXXI.

"State of Massachusetts Bay — In the House of Representatives May 1st 1779
Whereas James Russell Esq^r & others have petitioned this Court that a Lottery may be granted to raise a sum of Money to Amend and widen the streets in the Town of Charlestown, and M^r Benjamin Waldo and others have petitioned this Court for Liberty to raise a sum of money in the Like way and manner to repair the Long Wharf so called in the Town of Boston and as both requests appear well founded and reasonable Therfore Resolved that Lotteries be granted for both the above purposes to be for such sums and to be managed by such persons as the General Court of this State shall hereafter order neither of said Lotteries to commence till the present State Lottery shall be finished — Sent up for Concurrence. JOHN PICKERING Spk^r
In Council May 1^st 1779 Read & Concurred JOHN AVERY D Secy
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 243.

The subjects of the above petitions were again considered in the next Assembly, and, on the 22d of June, the House passed, and sent to the Council, for their concurrence, a resolve for carrying into effect the above resolve. The Council, however, had prepared, and passed to be engrossed, the bill of this chapter, which, on the same day, was sent down to the House, for concurrence; and, on the 23d, this bill was passed to be enacted, by both branches.

The schemes of these lotteries were published in the "Independent Chronicle and the Universal Advertiser," of Feb. 3, 1780.

Chap. 5. The bill of this chapter was read a first time in the House, June 11th, with the words "reviving and" omitted from the title, and "revived" omitted from the bill. On the 22d, Messrs. Paine, Prescott and Ward were appointed to revise the act which was revived by this bill, "and report what is proper to be done." They were also ordered to "consider and report what powers are proper to vest the honorable Council with, during the next recess of the General Court." On the next day the bill of this chapter was passed, in the House, to be engrossed, and was sent to the Council, for concurrence. On the same day the Council concurred in the passage to engrossment, and the bill was immediately enacted by both branches.

Chap. 6. The territory incorporated by this chapter included the fifth of the ten tracts of province lands sold by auction, June 2, 1762. This tract, known as "Number Five," was purchased by John Cummings, for £1800. The remainder of the township, being the north-eastern portion, and extending northerly from a point near the centre of the town, was a part of "Hatfield Equivalent" lands, granted to the town of Hatfield, June 13, 1743, in compensation for land set off from Hatfield to Deerfield, and it was laid out by order of the General Court, on the 28th of February, following.

Peter Harwood, as agent for the inhabitants of Number Five, presented a petition to the General Court, praying to be incorporated into a town, with the same privileges and immunities as the town of "Wetherington" [Worthington]. This petition was read April 6, 1771, and ordered to lie on the table; but was revived, in the next Assembly, and referred to a committee of the House, June 18, 1771, who reported, the next day, that notice thereof be served on the inhabitants of Hatfield, and on the non-resident proprietors of Number Five, returnable at the next sitting of the General Court. The petition alleged that about one-fifth of the township was exempt from town charges, and prayed for authority to tax these exempted lands for their proportion of the expense of settling a minister, building a meeting-house, making roads, etc. No further action upon this petition has been discovered.

On the 11th of January, 1773, there was read in the House the petition of "a number of the inhabitants" of Number Five, asking the Legislature for an act of incorporation which should include Hatfield Equivalent, and for a tax of one penny per acre, for three years, to be laid on the proprietors of lands in Number Five; and also, for the appointment of a committee, "to ascertain the bounds." This petition, which has not been found, was referred to a committee of the House, and, on the 28th, the petitioners had leave to withdraw.

The proprietors of the plantation, at a meeting held May 29, 1776, appointed Ebenezer Snell and Asa Hatch "a committee to apply to the Assembly to have the township incorporated." Accordingly, a petition for that purpose, signed by Snell, was read in the House, November 22d, and referred to a committee, who, on the 30th, reported that the prayer thereof be granted, and that the petitioner have leave to bring in a bill accordingly. Nothing further seems to have been done on this petition, which, in addition to the usual prayer for the grant of town privileges, asked that so much of the township as lay in the county of Berkshire may be annexed to Hampshire County, and for confirmation of certain acts and proceedings of the proprietors, touching taxes and assessments upon which lands had, in some instances, been sold in order to raise money for the making and necessary repairs of roads.

The next attempt to procure an act of incorporation for this territory, was the following petition: —

"State of the Massachusetts Bay } To the honorable the Council & the honble House of Representatives in General Court assembled in Octob^r 1778
Most humbly shew

The Proprietors of a Township of Land called Number five in the County of Hampshire — That your Petitioners for a Number of Years have been required to obey Laws which they could have no Influence in making & to pay Taxes set upon them by a legislative Body in whose Appointment they could have no Choice —

That it is impossible for all the Inhabitants of the said Township to be accommodated in one Town on Account of a Mountain which divides one part of s^d Township from the

other — That the s^d^ Inhabitants have therefore mutually agreed & given their Consent that the Lands lying westerly of the following Line with the Inhabitants thereon shall be set off to Gageborough viz beginning at the eastermost Corner of the Town of Partridgefield & from thence running in a straight Course to the north East Corner of Lot Number thirteen in the second Division of Lots in s^d^ Township of Number five — That on the other part of the s^d^ Township viz. that which lies east of the above mentioned Line there are now settled between eighty & ninety Familys —

Your Petitioners therefore most humbly pray the honorable Court that the Lands lying Easterly of the Line above described with the Inhabitants thereon may be incorporated into a Town by the Name of Cumington & be vested with all the Powers Priviledges & Immunities which Towns in this State are by Law entitled to — and that the s^d^ Town so incorporated may be declared to be Part of the County of Hampshire & be confirmed as such —

And as in Duty bound shall pray

JARED SMITH in the Name & by Order of s^d^ Proprietors." — *Mass. Archives, vol.* 220, *p.* 105.

Accompanying this petition was the following copy from the proprietors' records: —

"At a meeting of the Proprietors of Township N^o^ 5 the 3^d^ day of Sept^r^ 1778 s^d^ Proprietors Voted that the West Part of s^d^ Township be Set of to Gageborough Begining at the South East Corner of Lot N^o^ 20 at Partridgefield Corner and Run a Strait Line to the north East Corner of Lot N^o^ 13 in the Second Devision —

Attest WILLIAM WARD Prop^s^ Clerk." — *Ibid., p.* 104.

On the 9th of October, a petition from Gageborough, and a number of the inhabitants of plantation Number Five, praying that that part of the plantation which lies in the county of Berkshire may be annexed to Gageborough, was read, and referred to a committee of the House, and the above petition of Jared Smith was read in the House, on the 14th, and referred to another committee. On the fifteenth, the bill of this chapter was read three times, and the further consideration thereof was referred to the next session, by a vote of thirty-six to twenty-five. The House then passed a resolve* ordering notice of the petition of Jared Smith to be served on three of the principal inhabitants of Hatfield Equivalent fourteen days before the next sitting of the General Court. The bill was defeated, at this stage, probably through representations made by inhabitants of the plantation and of Hatfield Equivalent; for, at the next session of the Assembly, the following petitions, or remonstrances, were filed: —

"To the Hon^ble^ Counsel & House of Representitives Conveen^d^ at Boston in the County of Suffolk & State of Massachusetts Bay in New England

Gentlemen may it please your Hon^rs^

The Humbly petition of the inhabitants Plantation N^o^ 5 County of Hamshir & state afor: s^d^ Humbly Sheweth; they takeing into serions Consideration the Diffecuilties they are Like to be involv^d^ in by Haveing Hatfield Equivolent incorporated with s^d^ plantation: as it appears the Late Bill Rec^d^ from your Honours was not Exactly Agreeabel to the petition Laid in By s^d^ inhabitants But Rather in Conjunction to a former petition sent in the year 1772: which former petition by your Honours Leave we Wholley Disapprove of and Humbly pray your Honours if Consistant to answer the petition Lastly sent to incorporate Exclusive of s^d^ Equivolent for Reasons following Viz —

1^st^ The situation of s^d^ plantation of Being Conneted with Hatfield Equivolent Renders it Extreemly Diffecuilt Comeing to a Center for the setteling of the Gospel By Reason of mountains & Rivers that Attend —

2^dly^ as s^d^ River Divides; as much as four fifths of the inhabitants & intrest that must attend and support the Gospell must Be oblig^d^ often to Cross the River (Which their Circumstances will not at present admitt of Erecting Bridges) to a mountanious uninhabited part of s^d^ plantation As the Center will Naturaly fall their if Connected with Hatfield Equivolent And our infant state Does not at present admitt of a Division —

3^dly^ S^d^ inhabitants by your Honours Leave Consider themselves as injur^d^ if incorporated with s^d^ Equivolent as they must undoubtedly share a part of our publick Lands appropriated for the Benefitt of s^d^ plantation —

Therefore may it please your Hon^rs^ the Disadvantages that occur: by Being incorporated with s^d^ Equivolent Vastly more than Surmount the advantages that Can possibely arise; Either to the inhabitants of s^d^ plantation or those on the Equivolent

Therefore your petitioners as in Duty Bound shall Ever pray; Number five the 5 day of January 1779

By Order of the Inhabitants of S^d^ Plantation WILLIAM WARD Prop^r^ Clerk

At ameeting of the Proprietors of Township N°/5 the 23^d^ Day of Nou^br^ 1778 S^d^ Proprietors Voted not to have Hatfield Equivolent Incorporated With Number five for the abou Reasons Attest WILLIAM WARD Prop^r^ Clerk." — *Mass. Files: Bills*, 1779.

"Hatfield Equivolant January the 5 1779

To the Honorable Grate and General Cort Sirs

We the inhabitance of this Place having Received A warrant from No 5 by Order of the Great and Generel Cort to Give our Resons why we are Not Willing to Be incorprated with them Six miles Squar Into a town. Sirs we answer that the Setuation of the Six miles Is Such that it will Not answer for a town Lying to Gather Or for one Socyaty but must Bee Split By Reson Of a River Runing threw the Place Called westfield River which is will known to Bee as Deficult a Streem to Crost as any in the State of that Bigness and

* Printed resolves of the September session, chapter CLV.

the Center of the Six miles Square Coms Near the River which Has Very Broken uneven Land on each Side of it Sirs

We the inhabetence of the Equivolent are willing to Bee incorprated with that Part of No 5 on the North Side of westfield River if the Grate and General Cort will Bee Pleased to Lay to us Lands Sutable to make a town or a Parish

THOMAS MCINTYER } in Behalf and by
CALEB WHITE } order of the inhabetence
CALEB JOY } of the Equivalent."—*Ibid.*

"Hatfild Equivolent Jenuary y^e 5 1779

to the Greate and Janerel Cort Sirs

We the Inhabitence of the Equivolent to Gather With the Inhabitence of No 5 on the North Side of westfield River Earnestly Petition to the Grate and Genral Cort to Lay to us one mile further North threw the Equivolent then the Purposed Strait Lyne We allso Desir that the Cort would Lay to Us Sum Grants that Join East Laying Between No 5 and Chesterfield Goar or as much of them As the Cort Shall See fit if the Cort Should Not See fit to Grant our Petition we Pray the Cort wood Send a Committy to Vew Our Deficult Curcumstance of the Place Sirs these are the Desirs of your Most humble Petitioners whose names are under Ret

EBEN^R COLSON	NEHEMIAH SHAW	CALEB JOY
JOSIAH BAKER	ASA JOY	CALEB WHITE
ANDREW COOK	NATHAN BEALLS	THOMAS DUNTEN
DAVID WHITMARSH	DANIEL HILL	STEPHEN SMITH
JOSHUA SHAW	JOEL HILLS	SIMON BURROUGHS
ISAAC JOY	ASA DUNBAR	BENJAMIN CAR
OBED SHAW	WILLAM ROBINS	SAMUEL STREETER
BENJN REED	THOMAS MC'ENTYER	ALEXANDER MCINTYER
ISACK JOY JUNR	EDWARD CURTIS	SAMMUEL DAY
STEPHEN WALKER	JOHN STREETER	NATHAN FAY."—*Ibid.*
JOHN TAYLOR	EPH^M SMITH	

Upon the presentation of the above objections a resolve was prepared for appointing a committee to repair to the premises, at the charge of the proprietors, and to hear the parties, after due notice; and to report what is proper to be done thereon, at the next sitting of the General Court. This resolve does not appear to have been voted upon; but, on the 8th of February, the above remonstrances, the bill, and the vote of the proprietors, were referred to a committee of the House, consisting of "Gen. Farley, Col. Peck and Capt. Clark." No report by the above committee, and no further legislative action upon the subject, have been found in the records and files for that year; but on the 23d of June, 1779, the bill above mentioned was brought forward, and the date changed, in the heading, from 1778, to 1779; whereupon it had its three readings, was sent up for concurrence, and was passed, in concurrence, to be engrossed, all on that day.

Chap. 7. The Legislature having observed the futility of attempts to establish, by statute, a fixed schedule of prices of commodities while the currency was constantly fluctuating, it had become a settled policy, as shown in the note to 1778–79, chapter 30,* to entertain no bills expressly designed for that purpose unless in concert with other states, sufficient in number to give a promise of success. But the people were far from unanimous in their understanding of the natural laws of trade, by which the values of all mediums of exchange are determined; and of the delegates from Massachusetts in the Continental Congress, who voted on the question, three out of four declared in favor of further postponing the consideration of a measure reported by the committee on finance, and which was intended to remove all restrictions on the price of gold and silver; and the motion having been carried against them, they voted "no," on the proposition, "That all limitation of prices of silver and gold be taken off."

In their message at the opening of the May session in 1779, a majority of the Council called the attention of the House to the alarmingly rapid depreciation of the Continental currency, and suggested both an urgent appeal to Congress to provide a remedy for the evil, and the propriety of taking effectual measures for the enforcement of the laws of the state against such as should refuse to lease their real estate, and sell their goods or produce, except for coin. They denounced all such persons as public enemies, and predicted that the consequences of their conduct in this respect would be the disbanding of the army, and the failure of the patriotic cause in which so much blood and treasure had already been spent.

On the 29th of May, this message was referred to a committee of five members, who immediately submitted a report containing the following recommendation: —

"*Fourthly*, That a letter be addressed to Congress, signed by the President of Council, in the name of the General Court, on the depreciating and very alarming state of our currency."— *House Journal* p. 13.

This was read and accepted on the same day, and referred to a joint committee, consisting of Messrs Robert Treat Paine and John Pickering, of the House, and Thomas Cushing, of the Council.

On the 11th of June the House appointed a committee, consisting of Gen. Lovell, Mr. Nichols, Mr. Rawson, Mr. Perry and Mr. Gorham of Lunenburg, "to consider what is proper to be done to prevent persons from hoarding up and withholding the necessaries of life; also to consider what penalties are proper to be laid on persons who refuse to take Continental currency." On the next day, Col. Hutchinson was added to this committee.

* P. 1019, *ante*.

On the 14th, this committee was ordered to "take into consideration the evils consequent to the late resolution of Congress for taking off the limitation of prices of gold and silver, and report what is proper to be done;" and, at the same time, Mr. Cranch and Mr. Austin were added to the committee.

On the fifteenth, this committee made the following report: —

"The committee appointed to take into consideration the evils consequent to the late resolution of Congress for taking off the limitations of prices of gold and silver, reported as follows, *viz.* 'That the said resolve has occasioned a more rapid depreciation of our currency since that time than had taken place before; and that a committee be appointed to write to Congress upon the subject, desiring them, if agreeable to their plans, to order said limitation again to be laid on gold and silver.'" — *Ibid., p.* 46.

This report was immediately read and accepted, and Col. Dawes, Mr Gorham of Charlestown, and Capt. Wales were appointed a committee as therein recommended.

On the 17th, the bill of this chapter was read a first time, in the House, and on the 23d, it was passed to be engrossed, and sent up for concurrence, and on the next day it was passed to be enacted by both branches.

On the 23d, and before the bill had been passed in the House to be engrossed, a memorial from the town of Rehoboth was read in the House, and committed to Messrs. Allen, Prentiss and Starkweather. The memorialists represented that the unhappy state of public affairs, caused by the "extended depreciation of the currency," had led them to apply by petition to the late Assembly praying for a remedy by legislation, as the only sure way of checking "the malignant contagion," and that the preferable course to this end, and the one most just, and productive of the least evil, would be the passage of a "regulation act, lowering the prices of the necessary articles of life, from time to time, in equal or similar contrast to their rising in time past;" they further represented that, in order to make such legislation effectual, it must be "universal throughout the United States." Prompt action was urged both in passing such a law, and in submitting to the several towns the question of the propriety of such legislation, if that course should be deemed expedient. The memorialists professed to have intelligence, from some of "our sister states, that they are making vigorous efforts in this laudable business;" and they appended to their memorial the copy of a vote of the freeholders of the town, at a meeting held on the 21st of the same month, instructing the town clerk to sign the same in behalf of the town.

The following report of the committee upon this memorial, was read on the 23d, "and ordered to lie": —

"In the House of Representatives, June the 23: 1779

The Committee Appointed to Consider of the Memoral of the Town of Rehoboth Report that the Prayer of s^d^ menoral be Granted and that the House Prosed in the Folowing maner First that they Draw up a state Bill Loring The Price of the Necsarys and Conveneasces of Life wheather Raised or imported: one Eights from whot is Now the Currant Price, and as sum articals of life are Risson Vastly out of of Proprtion That a Commitey be Chosen to Proportion them in Sum proper order and to asartain what shall be Called the Present Currant Price, and that in November next the Price of the a Bove s^d^ articales be Lored one Eights and so on from year to year untill They Come Down to their old Price and thus Gradually Coming down in the Prices of thing Propotianly Rasing The Credet of our money, and that this Bill be Proposed to Each Town in this State to be Tryed at a meeting for that Purpose and if it gaineth a Vote in the Majior Part of The Towns To Enact it in to a Law with this Peniltey that He that will Not Keep the Law shal not have the Protection of the Law and that ths House Petion the Honorable Congress To Recomend to the Genarel assemblevs of the Several unighted stats to act sumthing simmlor to this." — *Mass. Archives, vol.* 137, *p.* 243.

See, further, the note to chapter 13, *post.*

Chap. 8. In the following copy of the original draught of the resolves * first establishing a Board of War, are preserved all the changes made by way of amendment. The words in *Italics* are such as were ordered to be stricken out, while the added words and clauses appear in the following list of amendments which are to be inserted at the places designated by the letters corresponding to letters placed opposite them, respectively: —

"In the House of Representatives, October 24th 1776.

Whereas the present exigences of our affairs, & the War we are, by the Injurious & Cruel conduct of Britain, forced into, for the defence of every thing dear to us, make it necessary that we should adopt the best measures for conducting the War with the greatest secrecy, dispatch & Oeconomy. It is therefore

1st Resolved, That *Seven*, A Persons be appointed by joint Ballot of both Houses of assembly, as a Committee, under the Title of a BOARD OF WAR; who shall keep in Boston, or such other Place or Places as the General Court may Order, K a public Office for the purposes hereafter mentioned; & continue as a Com^tee^ for those purposes, until the twentieth day of June next, & until others shall be appointed; subject nevertheless, to a discharge, at any time, by the General Assembly of this State: (Whose business it shall be, & they B are hereby impowered,) to order & direct the operations of the Forces in the pay of this State, both by Sea & Land; by giveing the Commanders of the Troops, Garrisons, and Vessels of War, such orders for their Conduct, & Cruises, from time to time, as they shall think proper; C such Land-Forces nevertheless Shall not be Sent out of this State without the express consent of the General Assembly thereof; and shall order the Commissary to furnish them, & also the Militia upon extraordinary occasions, with all Warlike & other Stores, Provisions & Cloathing, that shall appear to them proper & necessary. And for the more effectually enableing them to do this business, (it is also)

* Printed resolves of the October session, chapter LXXV.

2d Resolved, That the said Comtee or Board of War, D shall procure, or cause to be procured, Provisions, Cannon, Arms, Ammunition, Cloathing, & all other Articles necessary for carrying on the War by Sea & Land; for which purpose they shall take up, E Load, & fit out with Suitable Cargoes, Such Vessels as shall appear to them proper for Importing said Articles from other States; they not amounting, in the whole, to a greater Sum than shall from time to time be granted by the General Assembly, & appropriated for those purposes; which Articles, when procured, shall be lodged with the Commissary of this State, who shall Store them in such safe & convenient places for the defence of this State, as said Comtee or Board of War shall order; & them, with such Articles belonging to this State, now in his hands, from time to time deliver out according to the orders of said Committee; & also procure any such Articles as said Comtee Shall direct. And it is further

3d Resolved, That the Secretary & Commissary of this State, make such Returns to said Comtee without delay, as they shall from time to time require: (And all Officers in the service & pay of this State, by Sea or Land, are hereby required to be obedien. & Subject to such Orders as they shall from time to time receive from the said Comtee or Board of War, with the limitations aforesaid) which Comtee shall keep, in Books for that purpose provided, fair & clear Entries of all orders issued, & Returns made; & also of all their proceedings; & of all the Military & Warlike Stores, & Provisions, belonging to this State, & the places where deposited. And said Comtee or Board of War, shall produce their Books, & render account of their doings, to the General Assembly of this State, whenever, & so often as they shall be thereunto required. (And for the more effectually carrying into execution the purposes aforesaid, the said Comtee or Board of War, F shall be, & hereby are impowered to draw Warrants on the Treasurer of this State, for such Sums of money as the General Assembly shall appropriate for that purpose; & the said Treasurer is hereby directed to pay the same:) The said Committee or Board of War, to be accountable to the General Assembly of this State for the expenditure thereof.G And it is also

4th Resolved, That any five, & not less, of said Comtee or Board of War, shall be a Quorum, & vested with full powers to Act in all Cases; & their doings shall be as valid in all respects, as if the whole were present. M And it is also further

5th Resolved, That a Secretary, & if need be, one or more Clerks to said Board of War, H *be appointed by the General Assembly of this State, with competent Salaries, who shall*, H before they enter on their respective offices, take & subscribe the following Oath, or affirmation, before any one of the Council of this State, or the Chairman of said Board of War, who are hereby impowered to administer the same; a Certificate whereof shall be filed in said Office, viz.t

I — A. B — do solemnly swear (or affirm) that I will not directly, or indirectly, divulge any matter or thing which shall come to my knowledge as Secretary (or Clerk) I *of the War-Office* of the Board of War established by the State of Massachusetts-Bay, without the leave of the Board of War or by the direction of the General Assembly of this State: And that I will faithfully execute my said Office according to the best of my skill & Judgment, so help me God (or this I affirm on the Pains & Penalties of Perjury) Witness my hand, this day of AD 17

Sent up for Concurrence J WARREN Spkr

In Council Octr 26. 1776. Concurred with Amendments on the Paper annexed sent down for Concurrence JOHN AVERY Depy Secy

In the house of Represents Octr 28. 1776 Read and Concurred with all the Amendments proposed Save only the Amendmt at A:* M-- J WARREN Spkr

In Council Octr 29th. 1776. Read & Concurr'd JOHN AVERY Depy Secy

Consented to"— [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 210, *p.* 424.

The following are the amendments referred to above: —

"y† at A dele *seven* & insert *nine.* — At K, insert *or the sd. Board shall find necessary.*

y at B after *they* insert *or the major part of them.*

y At C insert *such orders to be signed in their name by the President of said Board, or in his absence by the member thereof officiating as President pro tempore.*

y At D insert, *or the major part of them*

y At E insert *or may purchase*

y At F insert *or the major part of them.*

y At G insert — And ye said Comtee or ye major part of them are hereby empowered to take up, or if need be, impress any Horses cattle and carriages, and such other articles as the exigencies of the public service may require.

N At M insert, Provided such Quorum are all agreed.

y Dele from H to H and insert, *shall be* appointed by the said Board, and shall have such allowances for their services as the General assembly of this State shall order, and such Secretary and Clerks shall —

y At I dele *of the War-Office.*"— *Ibid., p.* 426.

The Board chosen under these resolves consisted of James Bowdoin, John Whetcomb, Joseph Palmer, Henry Bromfield, Samuel Phillips Savage, James Prescott, Samuel Allyne Otis, Jonathan Jackson and Jonathan Glover. On the 31st, the secretary was directed immediately to notify these gentlemen of their appointment. Nearly a month later an attempt was made to revise the commission of this Board, and a joint committee, consist-

* This letter "A" was inserted by a mistake of the clerk. The only amendment not concurred in was at "M."— Ed.

† "Y," here, indicates an affirmative vote, in concurrence, and "N," a negative vote. -- Ed.

ing of Thomas Cushing, David Sewall and Francis Dana, of the Council, and Col. Orne, Judge Cushing and Mr. Wendell, of the House, was appointed, "to report what amendments may be thought necessary."

On the 8th of December, a resolve* was passed, that, until the 12th of the same month, any three members of the Board should constitute a quorum, "Samuel Allyne Otis being one of them."

The Board remained in service as thus constituted, until the next year, when the commission was revised, upon the report of a committee of conference, consisting of the Speaker (Mr. Paine) and Messrs. Porter, Greenleaf, Davis and Stone, of the House, and Preble, Cushing, Gill, Danielson and Edwards, of the Council, who had been appointed after a failure of the two houses to concur in the amendment proposed by the House. The following resolve† was accordingly passed,— the Council reconsidering its vote, and agreeing to concur in the amendment, as taken into a new draught: —

"July 7, 1777. In the House of Representatives — Whereas the present exigencies of Our affairs, and the War We are, by the injurious and cruil Conduct of Britain forced into, for the Defence of every thing dear to us, make it necessary that We should Adopt the best Measures for conducting the War with the greatest secrecey, dispatch & Oeconomy.

It is therefore Resolved, That nine Persons be appointed by joint ballot of both Houses of Assembly, as a Committee under the Title of a Board of War; who shall keep in Boston, or such other place or places, as the General Court may order, or the said Board shall find necessary, a public Office for the purposes hereafter mentioned; and continue as a Committee for those Purposes untill the Twentieth Day of June in the Year of our Lord, One Thousand Seven Hundred and Seventy Eight, and untill others shall be appointed in their place and stead; (subject nevertheless, to a discharge at any Time, by the General Assembly of this State); Whose business it shall be, and they, or the Major part of them, are hereby impowered to procure or purchase, or cause to be procured or purchased, Provisions, Cannon, Arms, Ammunition, Cloathing and all other Articles necessary for carrying on the War by Sea and Land; for which purpose, they may take up, or purchase, load & fit out with suitable Cargoes, such Vessels as shall appear to them proper for importing such Articles, as they shall judge necessary to be imported into this State, or from one part to another thereof. — And all Articles of every kind which they shall procure or purchase as aforesaid, they are hereby impowered to Lodge or Store in such places as they shall judge most safe, & Convenient, and may from Time to Time apply part thereof to the purposes within their Commission, as they deem necessary for the Execution of their Office.— And the said Board of War are hereby further impowered and required to repair, Victual, Man, Arm, fit Oute, and Compleatly equip for Sea, all Armed Vessels or Vessels of War, owned or Employed by this State; and the said Board may also from Time to Time, command order and direct all the Operations and Cruises of such Vessels, subject however to the Controle of the General Assembly, or in the recess thereof, to the Council, or the supreme executive Authority of this State, for the Time being.— And also receive this States proportion of all the Prizes that may be taken and sent into port, by any Armed Vessel or Vessels of War of this State, prosecute the Tryal to Condemnation thereof and dispose of the same as the General Court shall hereafter direct, excepting such Articles as may be in a Perishing Condition or may be wanted for the Use of this State, the Amount of which they are hereby directed to pay into the Treasury of this State, taking two receipts of the Treasurer for the same, One of which they are to Lodge in the Secretarys Office; And they are also impowered to substitute Attornies at Law to Appear in behalf of this State at the aforesaid ‡ and Condemnation. —

Provided Always That the said Board of War shall not expend any other or greater sums of Money in the Execution of their Office, than shall from Time to Time be granted by the General Assembly for that Purpose, and when any sum of Money so granted shall be appropriated to any special Purpose, the same shall not be otherwise expended — And the said Board of War, shall answer and obey all drafts or Orders for Articles in their Possession, which shall be made by the Council, or the Supreme Executive Authority of this State, for the Time being, in pursuance of, and to enable them effectively to Carry into Execution, the powers rights and Authorities which they now have vested in them, or which may at any Time be given to them for the greater safety of the Commonwealth. And it is further

Resolved, That the Commissary of this State shall make such returns to said Board of War, without delay as they shall from Time to Time require.

And said Board of War shall keep in Books for that purpose provided, fair Entries of all Orders issued by, and returns made to them; and also of all their proceedings; and of all the Military and Warlike Stores and Provisions the Property of this State which shall come to their hands or be under their Care or direction, together with the Places where the same shall be deposited; and shall make return thereof unto the General Assembly, Council or supreme Executive Authority of this State, for the Time being, when thereunto required.— And the said Board of War, shall produce their Books and render an Account of their doings in said Office, to the General Assembly, when and so often as they shall be called upon for that purpose; and shall stand Accountable to the General Assembly for the Expenditure of all Monies by them received.—

And the said Board of War are hereby impowered to hire and if need be to impress any Horses, Cattle, Teams & Carriages, or Boats, and any Articles they shall need for execution of their business or Office. And it is further

* Printed resolves of the November session, chapter CLXXI.

† *Ibid.*, May session, 1777, chapter CLXXX. ‡ "Trial" omitted.

Resolved, That any five, and not less, of said Board of War, shall be a Quorum, and vested with full powers to Act in all Cases, and their doings shall be as valid in all respects as if the whole were present.

And it is further Resolved That a Secretary, and if need be, one or more Clerks to said Board of War may be appointed by them, which Secretary (among other things) shall take an Account of the attendance of each member of the Board; and such Secretary or Clerks shall before they Enter upon their respective Offices, take the following Oath, or if a Quaker shall Affirm in the in the words thereof; which Oath or Affirmation shall be Administred by the Chairman of the Board of War, who is hereby impowered to administer the same, and a Certificate thereof shall be filed in said Office, Viz.t

You *A*, *B*, do solemnly swear (or affirm) that you will not directly or indirectly divulge any matter or thing which shall come to your knowledge as Secretary (or Clerk,) of the Board of War established by the State of Massachusetts-Bay, and which said Board shall direct to be kept Secret, without the leave of the Board, of War, or by the direction of the General Assembly; and that you will faithfully execute your said Office, according to the best of your Skill and Judgment, so help you God (or this you affirm upon the pains and Penalties of Perjury —

And be it further Resolved, That the Members of said Board of War their Secretary and Clerks shall receive such allowance for their respective Services, as the General Assembly shall order. In Council read and Concurred — Consented to by Fifteen of the Council."—*Council Records, vol. XXXVII., p.* 162.

Upon the passage of this resolve the following gentlemen were chosen as members of the Board of War, by the votes of the House and Council: Samuel Phillips Savage, John Brown, Jonathan Glover, James Prescott, Samuel Osgood, George Williams, Samuel Allyne Otis, Thomas Walker and Ellis Gray.

The original draught of the bill of this chapter was read a first time in the House, June 22, 1779. It authorized the Board of War to commence and prosecute suits at law, as in the act, and made them liable to the suits of others; but it contained no provision for the appointment of agents and attorneys, or for proving the agents' authority or for the manner in which process, in actions brought against the Board, should be served. In the Council, on the 24th, the bill passed, in concurrence, to be engrossed as taken into a new draught; in which form, on the same day it was passed to be enacted.

Chap. 9. A resolve was prepared, to be offered to the House, in February, 1778, against the enlistment in privateers or merchantmen, of deserters from the Continental Army or Navy, or from the land service or marine service of this state, and providing stringent measures, extending to the forfeiture of the vessel and its apparel, to prevent the clearance of any vessel with deserters on board. No action appears to have been taken on this resolve; but on the 6th of January, the next year, a message from the Council contained this passage: —

"Another thing we cannot omit mentioning for your Consideration, is the taking some effectual Measures to prevent the Owners of private Ships of War and Merchant-Men from seducing Seamen away that are engaged in the public Service, either in the Vessels fixed out by the Continent or any of the United States: We shall never be able to appear respectable at Sea unless proper Encouragement is given to the Vessels fitted out by the Public, their Commanders must have the Aid of Government in manning their Vessels, or they will lie by the Walls and so be of little or no Service; and it might have a happy Effect, if in this Law they were likewise prohibited from tempting away any Foreigners belonging to any Vessels in the Service of any Nation that is now or may hereafter be in Alliance with the United States." — *House Journal, p.* 87.

This message was immediately committed to Messrs. Gorham, Lowell, Sumner, Washburn and Wood, who reported on the 8th, when this clause of the message was specially referred to Messrs. Gray, Dawes and Frazier. On the 20th, this committee was changed, by the substitution of Messrs. Barrell and Cross, for Messrs. Gray and Dawes, excused. No report of this committee has been found, but at the next session the following proceedings were had, indicating the need of some statutory provision applicable to such cases of desertion: —

"Castle Island March 27 1779

The Honorable Council Gentlemen I beg leave to represent to your Honors that there is on board the Providence Frigate, the following men, Conrad Kramer, Richard Meridith, John Tuckerman, Spencer Voce, John Barker, Thomas Greenway, Jeremiah Blanchard, Ebenezer Hollis, Peleg Hearsey, and several Germans, whose names my informant did not know, who are Deserters from the State Regiment of Artillery.

This intelligence I have from Thos Acheson, a Bombardier; He says he went on board the Providence to see a Friend, and because He would not enter, they kept him several days, altho He told them, He belonged to the State Regt of Artillery; at last, by the intercession of his Wife, he got ashore. He says that Meridith, is kept on board, for the same reason, that they often strike, and abuse him, because he will not Enter, He say Meridith went on Board to git some money, that was due to him; and they charge Him with being a Spy.

There is another Deserter, on Board the Boston Frigate, William Bailey, He has been frequently seen by our Boat-men, in passing the Ship. I lay these matters before your Honors, hoping something may be done, to put an effectual stop, to such proceedings. For it is in vain for us to Recrute men, if the marine officers, may take them from us.

Your obeident Humᵉ Servant

PAUL REVERE Lᵗ Col Aʏ." — *Mass. Archives, vol.* 175, *p.* 211.

"State of Massachusetts Bay Council Chamber March 29 1779.
Whereas it hath been represent to this Board by Lie Colº Revere that there is now on board the Continental Frigates Providence & Boston Conrad Kramer, Richard Meridith John Tuckerman Spencer Voce John Barker, Thomas Greenway Jeremiah Blanchard, Ebenezer Hollis Peleg Hearsey, John Adams William Reinwater —— Knowlton Thoˢ. Nichols Wᵐ Bailey & Sundry Germans not named all which men belong to the Regiment of train raised by this State Therefore Ordered that Abraham Whipple & Samuel Tucker Esqʳˢ Commanders of the Continental Frigates Providence & Boston now in this Harbour be and they hereby are directed Immediately on sight hereof to deliver Conrad Kramer Richard Meridith, John Tuckerman Spencer Voce John Barker Thoˢ Greenway Jeremiah Blanchard Ebenezer Hollis Peleg Hearsey John Adams Wᵐ Bailey William Reinwater —— Knowlton Thoˢ Nichols and all others on board said Ships which belong to the Regim't of State train to Lieᵗ Colº Paul Revere Commanding officer of the sᵈ Regiment or to such officer as he shall appoint to Receive them And Lieᵗ Colonel Revere is hereby directed not to permit Either of the aforesaid Ships to pass the Castle untill the Commanders of the Ships aforesaid have delivered the men aforesaid as above directed — and Said Revere is hereby directed to stop the Continental Bounties paid Said men out of their Wages & pay the same to the Honᵗ. Navy Board taking their Receipts for yᵉ same
Attest JNº AVERY D Secʸ"— *Ibid.*, *p.* 210.

"Sir, Upon the information of Mr Henly that a soldier in Col. Henly's Regmᵗ. has enlisted on board the Providence frigate, and is withheld from him, by the Arts of the Officers or Seamen on board — It is Gen. Gates's request that, Council would issue an order for his restoration; — this step may probably prevent such a practice hereafter, a practice which must certainly distress both services if connived at by the Officers of either. By the Generals command. JOHN ARMSTRONG JR AD Camp & Adtᵗ. Gen. E Dᵗ.
Honᵇˡᵉ Presdᵗ. of Council. Head Qu'rs 29th March 1779.
In Council March 29, 1779 Read & Ordered that the Secretary be and he hereby is directed to transmit a Copy of this Information to the Hon'ble Navy Board — that they may make due Enquiry into this Affair & give the necessary Orders for the Liberation of said Soldier — Attest JNº AVERY D Secʸ."— *Ibid.*, *p.* 212.

In the first session of the next Assembly, the subject of preventing the enlistment, in any armed vessel, of deserters from the Continental Army, or of soldiers in the service and pay of this state, and the concealing of such deserters, for this purpose, was introduced in a series of resolves brought down from the Council. These were read in the House, and committed to Messrs. Wales, Walley and Dawes, who reported them in a new draught. This draught having been read, it was ordered that Messrs. Tudor, Warren and Gerrish, be a committee to bring in a bill for the purpose therein mentioned.

The bill of this chapter was read a first time on the fifteenth of June. On the 26th, it was passed to be engrossed, and sent up for concurrence, and on the 29th, it was passed to be enacted.

The resolves above mentioned contained, substantially, the provisions of this chapter — the most important difference being the authority given to the Board of War, in section five, which was omitted in the resolve.

Several amendments to the original bill were proposed by the Council, chiefly to fix the amount of the fines named in sections two and three, and to change the provision for the recovery of these fines (which, as section three was originally drawn, was by action of debt); also to insert the clause relative to the Board of War, in the fifth section. As to the first of these, the House voted to adhere to its own vote, but on the last two voted to concur with the Council.

The officers of the third and fourth Massachusetts brigades in the Continental Army, through a committee appointed for that purpose, presented to the General Court, with the leave of the commander-in-chief, a memorial in which, among other things, they recommended the laying of heavy fines on all persons harboring or concealing deserters, or carrying them off on armed vessels, whether public or private; and on towns neglecting to secure deserters and to return them into camp, under guard, at the expense of such towns This memorial was read Oct. 6, 1779, and immediately referred to a joint committee, consisting of Messrs. Nichols, Brooks and Warren, of the House, and Messrs. Gill and Gardner, of the Council; upon which the following proceedings ensued: —

"The Committee of both Houses Appointed upon the within Application of Colº Thomas Marshall in behalf of himself, and the rest of the Officers of the Massachusetts Brigades in the Continental Army; have attended that Service Hearᵈ. Colº Tupper upon the Subject beg leave to report as their Unanimous Opinion that the Secretary be directed to Publish in all the Boston Thurdays News Papers, and in the Worcester News Paper three weeks successively for the Benifit of the Public An Act to Prevent Deserters from the American Troops entering on board ships of warr, Passᵈ 29 June last, and that the Consideration of the remaining Part of said Application be referᵈ to the Next sitting of the General Assembly —
The Committee further report that a Coppy of the aforesaid Act be Transmitted to General Washington and to General Gates to the end that if they see fit the Same may be Communicated to the Army in General Orders or Otherwise
Which is Submitted MOSES GILL ᵈᵗᵉ order
In Council Octʳ. 8th 1779 Read & Accepted Sent down for Concurrence
JOHN AVERY D Secʸ
In the House of Representatives Oct. 8th 1779 Read & Concurrd
JOHN HANCOCK Spkʳ
Consented to"— [Signed by fifteen of the Council].— *Ibid.*, *vol.* 224, *p.* 382.

The following resolve * seems appropriately inserted here: —

"In the House of Representatives Novr 23d 1779

Whereas by an Act of this State passed in the present year entitled 'An Act to prevent Deserters from the American Troops entering on board ships of war,' it is, among other things enacted, 'That any non commissioned officer or private soldier belonging to the Continental army, or the troops in the service & pay of this State, who shall desert & enter on board any armed ship or vessell of war & proceed on a cruize, & shall assist in capturing any vessell or vessells, goods, wares or merchandizes, which may hereafter be condemned as prizes, shall forfeit all his right & title to the same; & all share of any such prizes or dividends of prize-goods, which he might otherwise be entitled to shall enure & accrue to the use of this State;' And as by said Act no Reward is offered for the Discovery of such Deserters, therefore Resolved that one Moiety of all Dividends of Prize Goods & shares of Prize Money which any such Deserter might otherwise be intitled to, shall enure & accrue to the Person or Persons who shall inform against & secure such Deserter so as he shall be returned to the Corps he belonged to at the Time of his Desertion; the other Moiety to accrue to the Use of the sd State; any Law, Usage or Custom to the Contrary notwithstanding —

And the Secretary is directed to cause this Resolve to be published in the several Boston News-Papers —

Sent up for Concurrence — JOHN HANCOCK Spkr

In Council Novr 23d 1779 Read & Concurred — JOHN AVERY D Sey

Consented to" — [Signed by fifteen of the Council]. — *Ibid., vol.* 225, *p.* 49.

Chap. 10. "*Resolved*, That Congress, or such person or persons as they appoint to hear and determine appeals from the courts of admiralty have necessarily the power to examine as well into decisions on facts as decisions on the law, and to decree finally thereon, and that no finding of a jury in any court of admiralty or court for determining the legality of captures on the high seas can or ought to destroy the right of appeal and the re-examination of the facts reserved to Congress:

That no act of any one state can or ought to destroy the right of appeals to Congress in the sense above declared:

That Congress is by these United States invested with the supreme sovereign power of war and peace:

That the power of executing the law of nations is essential to the sovereign supreme power of war and peace:

That the legality of all captures on the high seas must be determined by the law of nations:

That the authority ultimately and finally to decide on all matters and questions touching the law of nations, does reside and is vested in the sovereign supreme power of war and peace:

That a controul by appeal is necessary, in order to compel a just and uniform execution of the law of nations:

That the said controul must extend as well over the decisions of juries as judges in courts for determining the legality of captures on the sea; otherwise the juries would be possessed of the ultimate supreme power of executing the law of nations in all cases of captures, and might at any time exercise the same in such manner as to prevent a possibility of being controuled; a construction which involves many inconveniencies and absurdities, destroys an essential part of the power of war and peace entrusted to Congress, and would disable the Congress of the United States from giving satisfaction to foreign nations complaining of a violation of neutralities, of treaties or other breaches of the law of nations, and would enable a jury in any one state to involve the United States in hostilities; a construction which for these and many other reasons is inadmissible:

That this power of controuling by appeal the several admiralty jurisdictions of the states, has hitherto been exercised by Congress by the medium of a committee of their own members." — *Journals of Congress: Mar.* 6, 1779.

"*Resolved*, That the resolutions of Congress passed on the sixth day of March last, relative to the controul of Congress by appeal in the last resort over all jurisdictions for deciding the legality of captures on the high seas, be immediately transmitted to the several states; and that they be respectively requested to take effectual measures for conforming therewith." — *Ibid., May* 22, 1779.

The foregoing resolves having been transmitted by John Jay, President of Congress, with his letter dated May 25th (erroneously given as the 24th, in the record), to Jeremiah Powell President of the Council, were probably read in the Council on the fourth of June, since the House Journals show that they were brought down that day, although neither the minutes nor the records of the Council give the date of their reception, or of any vote thereon until June 5th, when that Board joined with the House in referring them to a committee. This committee consisted of Messrs. Warren, Pickering and Gorham, of the House, and Thomas Cushing and Nathan Cushing, of the Council.

By the 29th of June the bill of this chapter had been reported to the Council, and read twice, whereupon the Council ordered that the further consideration thereof be referred to the next session of the Assembly, and, on the same day, sent it down to the House, for concurrence. The House immediately voted a nonconcurrence, and returned it to the Council, who reconsidered their vote, and passed it to be engrossed. On the 30th, the bill was passed to be engrossed, by both branches, in concurrence, and was enacted the same day.

* Printed resolves, chapter LXVIII.

Chap. 12. The following are the resolves of the Continental Congress making the "recommendation" referred to in the preamble of this chapter: —

"*Resolved*, That these United States be called upon, in addition to the sum required by a resolution of Congress of the second of January last, for their respective quotas of forty-five millions of dollars, to be paid into the continental treasury before the first day of January next, in the proportion following:

New-Hampshire,	1,500,000	Pennsylvania,	5,700,000
Massachusetts-Bay,	6,000,000	Delaware,	450,000
Rhode-Island,	750,000	Maryland,	4,680,000
Connecticut,	5,100,000	Virginia,	7,200,000
New-York,	2,400,000	North-Carolina,	3,270,000
New-Jersey,	2,400,000	South-Carolina,	5,550,000
			45,000,000

Georgia being invaded is hereafter to raise her proportion.

Resolved, That the said several sums, or any greater sums, which shall be paid by any of the states into the continental treasury, shall be passed to their respective credits on interest, on the same terms as are prescribed by the resolution of Congress passed the 22d of November, 1777." — *Journals of Congress: May* 21, 1779.

"It appeared proper to us to fix the first day of next January for the payment of the whole; but as it is probable that some states, if not all, will raise part of the sums by installments or otherwise before that time, we recommend in the strongest manner the paying as much as can be collected as soon as possible into the continental treasury." — *Extract from Address of Congress "to the inhabitants of the United States," &c.: ibid., May* 26, 1779.

A copy of the above resolves was communicated by John Jay, President of the Congress. The letter accompanying this copy was dated May 22, 1779, and both papers were brought down to the House on the fourth of June, when a day was assigned for taking them into consideration. On the 9th, after a proposition to raise three millions of pounds, by a tax, had been voted down, a motion that the sum of two millions eight hundred thousand pounds be raised as aforesaid, was carried in the affirmative, "by sixty-one members out of one hundred and three."

A committee to prepare a tax bill had already been appointed on the first day of the month, consisting of Messrs. Bowman, Osgood, Frazier, Ely and Gerrish. On the 10th, this committee was changed by the substitution of Messrs. Hunt, Choate, and Phillips of Andover, for Messrs. Bowman, Frazier and Gerrish, and on the same day it was moved that this committee "examine the three last tax acts, and compare the sums set on the several towns therein, with the sums which would be set on them agreeably to the present valuation, and adjust the tax bill now to be brought in, accordingly." This motion was lost by a vote of thirty-eight to forty-three.

On the 16th, a bill for apportioning and assessing £2,800,000, for defraying public charges, and £32,048, 8*s.* 6*d.*, to be paid the representatives, was read a first time. On the 17th, it was read a second time, and on the 19th, was read a third time and passed to be engrossed, and was sent up for concurrence, after a motion for an abatement of the sum laid upon Suffolk County in the last valuation, had been voted down, and after a committee, consisting of one member "from each county present," had been appointed, "to compare the sums set on the several towns, in the three last tax acts, with what would be their proportion according to the valuation settled the last session, and report what sums appear on such examination to be due to and from each town, agreeable to the clauses, in said acts, for adjusting the same on the said valuation."

On the 22d, the House sent a message to the Council, requesting them to send down the bill, if they had not passed it; whereupon it was brought down. The committee appointed, on the 19th, to compare the former tax acts, now reported, and, the sum set by them against the town of Charlestown having been struck out, on motion, an attempt to postpone further action upon the report until the next session was defeated by the casting vote of the speaker, and, after a contest, was accepted, and the same committee (changed only by the substitution of Mr. Walley for Col. Dawes) was ordered "to introduce" this report into the tax bill.

On the 25th, the committee on the tax bill again reported, "and, after debate thereon," the House "passed the addition, reported, by a majority of twenty-nine out of fifty-five." On the next day, the bill, with its title changed to the title of this chapter, was passed in the Council, to be engrossed, in concurrence, and, on the 28th, it was passed to be enacted by both branches.

The bill shows that every page was redrawn, down to the twelfth line of the second section, and that many alterations were made in the subsequent parts of the bill. The last amendment adopted appears to have been on the proposition of the Council, on the 29th, to strike out the words "to be" in one of the columns. This was agreed to; but a resolve offered in the House, on the same day, for deducting £2,840 10*s.* 5*d.* from the sum set on the town of Falmouth, although passed by the House, was not concurred in by the Council.

To expedite the collection of this tax, the following resolve * was passed: —

"In the House of Representatives June 30 1779 —

Whereas the Hon^ble^ the Congress of the united States in their late most seasonable & important Address have 'recommended in the strongest manner, the paying as much as can be collected (of the tax of forty-five millions of dollars) as soon as possible into the

* Printed resolves of the May session, chapter CCXXXIII.

Continental Treasury,' and from the good disposition that has taken place, high expectations are entertained of the exertions that will be made to comply with this recommendation. — Resolved — That, for the encouragement of Collectors to spare no pains on their part, there shall be allowed to each Collector, in addition to any recompence he shall receive from the town to which he belongs, One half p^r Cent on all money he shall bring into the Treasury of this State; upon the tax issued in the present setting of the general Assembly before the tenth day of September next, provided such Collector shall have first compleated the payment of all other State taxes committed to him to collect: — And those who bring the largest proportion of the said tax soonest, will be considerd as meriting most of their Country. Sent up for Concurrence JOHN HANCOCK Spk^r

In Council June 30'. 1779 Read & Concurred JOHN AVERY DSec^y

Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 223, *p.* 407.

Petitions for relief, and remonstrances against the inequality of valuations and assessments, were this year presented to the General Court, from towns widely separated. Upon a representation from the town of Foxborough that the adjoining towns of Wrentham, Stoughton, Stoughtonham and Walpole, from which Foxborough was set off, had been overrated before the separation, and an abatement, of which Foxborough was entitled to a portion, had been made to the towns of Wrentham and Walpole, a resolve was reported by a committee to whom the subject had been referred, ordering the four towns above named to pay over to Foxborough its just proportion of the sum abated. This resolve was ordered to lie on the files * — possibly on account of a manifest error in the committee's report, by which the sum abated to the town of Hull, was mistaken for the much larger amount abated to Walpole.

The town of Gloucester sent in a memorial, approved at a town meeting held August 17th; but as the memorialists were granted relief from the operation of both this and the second tax act of this year, the memorial and the proceedings thereon are given in the note to the latter act: chapter 30, *post.*

The town of Worcester, at a town meeting held Nov. 15, 1779, directed their selectmen to present a memorial and remonstrance to the General Assembly to obtain relief from the excessive tax imposed upon them by this chapter, and to secure more equal taxation for the future. The remonstrance and the report of a committee to whom it was referred, November 19th, are as follows: —

"To the Honorable the General Assembly of the State of ye Massachusetts Bay—

The Memorial & Remonstrance of the Town of Worcester Humbly Sheweth

That your Remonstrants Apprehend that the Proportion of Taxes set & affixed to & for the Town of Worcester is Manifestly unequal, & that their Burden, if continued on the Same Scale of proportion must be insupportably Great.

That The Numbers of Rateable Polls & Estates in the Town of Worcester are far less than in many other of their Neighboring Towns whose Taxes are palpably inferior in proportion to the Tax of the Town of Worcester last set upon them — Several Towns whose Number of Polls & Quantum of Real & & personal Property, in any of them, Exceed the Town of Worcester nearly one third, are not Taxed So much as the Town of Worcester That your Remonstrants apprehend their Tax Rather a punishment than a Rateable Proportion of the public burden — That they Conceive that they may without vanity, assure the Court they have never Been deficient in furnishing their full Quota of men or money — & for Two years last past, they apprehend, much More than their Proportion of Soldierey & Soldiers Cloathing —

That your Memorialists are informed, that it has been held up to veiw & Suggested to the Court that they Neglected to present a valuation of their Property to the General Assembly A D 1778, Choosing Rather to Conceal their Property lest their Real abilities Should be Known & their Taxes Augmented — Your Memorialists & Remonstrants Reprobate the Idea — They despise the Suggestion — The almost uninterrupted usage of the Town of Worcester has been to Constitute their Select men their assessors — That at the Time of their appointment their then future Burdens were not foreseen — Their Selectmen were under frequent Orders of Council, & of the General assembly to procure Teams for Conductors — to procure & pay Bounties & Mileage to their Soldiery to procure Cloathing for their Complement of Soldiery — by which means an attention to all the Requisitions [of †] Government was entirely impracticable — Besides it was presumed that the Contest between the Town of Worcester & the New Town of Ward must have left Such Impressions on the minds of the Court, that the Memory of the Extent of the Numbers property & abilities of the Town of Worcester must be fresh in the mind of the Court on Recollection — From thence it must appear that the Town of Worcester is diminished in property & Numbers & their Burden Notwithstanding increased —

Your Remonstrants have it in Proof that their greivances in this Respect are Such that to pass over them would argue the Greatest Insensibility — The Number of Rateable polls in the Town of Worcester in the year 1778, belonging to Said Town was 357 — 68 of them Minors or Servants — 30, Single polls — Only 19 Rateable Estates, without polls — Half of the Estates last mentioned Scarce Noticeable enough to be put in the List of valuation your Remonstrants have Received Information y^t One Reason of the Augmentation of the Tax on Worcester, was the opulence of the Trading Interest there — Whatever is the Real Wealth of the Trading Interest here Your Remonstrants can only Say that their Invoice of Estate under oath denote their Estates not to be of the first magnitude — very different.!! — Your Remonstrants are Ready with alacrity & Alertness to assess & pay their Just & proportional *Quantum* of State Taxes & to Comply with & obey the Requisitions, orders & Injunctions of this Honorable Court in every possible &

* June 26, 1779.

† Manuscript mutilated.

Rational Case — But they have Such a Demonstrative Conviction of the Great Inequality of the Present *Scale* of Proportion, that they cannot in Conscience & in Justice to themselves & their Families, proceed to assess or pay any further Taxes, on the Same Scale of valuation, At least, untill a Determination of this Honorable Court Shall be had on the Merits of this Memorial & Remonstrance —

Your Memorialists therefore, Humbly pray, that a Just proportion of the Last Tax may be abated & Refunded — & that their Taxes may be, in future, in a Direct & Just proportion to their Numbers & Property. And in Such Method as to the Honorable Court, in their Wisdom, Shall Seem most Equitable, & your Memorialists & Remonstrants as in Duty bound Shall ever Pray —

In the Name & behalf of the Town of Worcester

WILLIAM STEARNS, DAVID BIGELOW, ROBERT SMITH, NATHANIEL BROOKS } Selectmen of Worcester."— *Ibid.*, *vol.* 185, *p.* 418.

"The Committee appointed upon the Memorial & Remonstrance from the Town of Worcester in the County of Worcester take leave to Report.

'That the proportion of taxes set and affixed to, and for the Town of Worcester is manifestly unequal, and that said tax is rather a punishment than a rateable proportion of the public burden' as represented by said Remonstrance do not appear to the Committee a candid representation.

First. Because, the Town of Worcester did not send into the Secretary's Office a Valuation of their rateable estate and property agreable to the Resolution of the General Court of the 20th of June* 1778 for said purpose.

Second. Because, the Committee on the Valuation did not enter upon the consideration of the Town of Worcester, until they had proceeded upon all the Towns in the County, not knowing but that the said Town would before the close of the Valuation, send theirs in, and thereby have sufficient light to proceed upon.

Third. Because, when said Committee had no other way to finish, than to doom said Town; they proceeded to refer the value of said Town to several members of the County, to compare a number of Towns with said Town, and that after such comparative view, instead of punishing for not adhering to the Resolution aforesaid, it was the general oppinion that Worcester considers some peculiar advantages stood as low as other Towns in the County.

Fourth. Because, a Sub Committee was appointed to consider what proportion was taken off in the Town of Ward, before said Town of Worcester was doom'd — And it is the opinion of the Committee that the Town of Worcester did not suffer for neglecting to send in their valuation.

That the Town of Worcester has furnished their Quota of men & money is not disputed, neither their future alacrity and alertness in serving the cause of their Country on any future Occassion apprehended.

Upon the whole, the Committee are of opinion, that they have not at present sufficient light to grant Relief to the Town of Worcester, But would further report as their opinion, that a Resolve pass, giving leave to the select men (who are the Assessors) of the Town of Worcester to send in a True and perfect list upon oath, of all the rateable property of said Town according to their best judgement at the Time the Resolution above refer'd to required; and that said valuation be considered upon the same scale that others were, And if it should appear said Town was doom'd too high; then the abatement pray'd for might take place. All which is humbly submitted

THO^S DAWES p^r Order." — *Ibid.*, *p.* 420.

The inhabitants of Charlemont presented a petition in which they represented that the sum of £586 14*s.* 4*d.* 3*q.*, which, in this chapter, was added to the assessment on that town, to make up for former deficiencies, was disproportionately large, — no account having been made of the setting off of territory, either in estimating their proportion of the tax, or the amount to be paid by them on account of arrearages; that the town comprised but about sixty families, most of which were but just able to support themselves if not taxed; that the people were generally poor, settled upon new farms remote from any market "for the sale of their effects", and that they were so frequently called into the military service as to be unable to clear land more than sufficient for the production of crops to supply their own needs; that they had raised their full quota of men for the Continental Army, and answered all calls upon the militia, and, upon alarms, had turned out more men than most other towns of equal population; that they had not remonstrated against former inequalities of taxation by which they had been unduly burdened, but that the tax imposed by this act, "is so heavy that" they "know not how to be silent any longer," wherefore they prayed for relief.

This petition was referred to a committee, September 15th, who reported, in October, "as the petitioners, through mistake, did not produce a valuation to support their petition, that it be referred to the next sitting of the General Court"; but, November 25th, the petitioners were granted leave to withdraw.

From Great Barrington a petition authorized by vote of the inhabitants, at a town meeting held Dec. 23, 1779, and representing the unequal burden imposed on that town by this chapter, and calling the attention of the Legislature to the fact that their proportion of the tax was as great as it was before Alford and a part of the town of Lee were set off from it, was referred to a committee, April 10, 1780. No further action upon this petition has been found, save, that, on the 21st, a change was made in the committee.

* *Sic*: 6th of October; p. 861, *ante*.

This petition asked for "such an abatement as shall be equal and just"; and complained that the town of Stockbridge, which they declared to be superior in wealth, "is taxed much below them," and that their tax is nearly equal to that of the "large town of Sheffield, which is more than double to the town of Great Barrington, in extent, numbers and wealth."

The following petition from Cape Elizabeth, was referred to a committee, June 21st, and afterwards ordered to lie. In the next Legislature this petition was again referred to a committee, Sept. 21, 1780, upon whose report, finding the facts as alleged by the petitioners, a resolve was prepared granting their prayer, and directing that "the sum of eight shillings and fourpence on the thousand, be deducted from their said valuation." The resolve, however, was not passed; and not until after the adoption of the Constitution was the recommendation of the committee embodied in a resolve *: —

"To the Honble the Council, and the Honble the House of Representatives of the State of Massachusetts Bay, in General Court Assembled.

This Petition Humbly sheweth, that by some mistate the Town of Cape Elizabeth is returned as having Four Hundred & two polls in the State Valuation, which is one Hundred more than there is in Said Town, which will appear by the Original List, taken by order of the Honble Court, by the Assessers of said Town, in the Year 1778. which is herewith exhibited, which mistake we apprehend greatly augments our proportion of the publick Charge, both in the Taxes already paid and passed to the Credit of said Town, and in the future till another Valuation is taken And although there appears a Chearfullness in the Town to pay their Just Quota to Support the Countrys cause, Yet, our inability is such by reason of our Fishery & Navigations failing that to pay more then our Just proportion will soon render us incapable of paying any.

Wherefore pray your Honors will take the matter into your wise consideration and order the mistake to be Rectified and the Just Surplus passed to our Credit, if in Your Great Wisdom Shall think it Just, And as in Duty bound your partitioner Shall ever pray. —

Cape Elizabeth June 9th 1779 — GEORGE STROUT, CLEMENT JORDAN, GEORGE DEAKE } Selectmen for Cape Elizabeth."— *Ibid.*, *p.* 220.

The following proceedings upon the petitions from the towns of Fryeburg and Plymouth, are inserted as appropriate to this chapter: —

"State of ye Massachusetts Bay In ye House of Representatives Jany 6th 1780 — † Whereas ye Assessors of ye Town of Fryburg did not receive ye Requisition from the Genl Court ordering them to render an Account of ye Polls and Rateable Estate within sd Town till after ye last Valuation was settled:

And upon being since required thereto, the sd Assessors have returned to this Court a fair List of sd Polls & rateable Estate, from which it appears that said Town is greatly injured by ye Sums at which they are Assessed in the two last Tax Acts — provided the Rateable property in sd Town is set by sd Assessors in a just & equal proportion according to its real worth, with ye rateable property in the other parts of ye County in which sd Town of Fryburg lies — Therefore

Resolved that ye Assessors of ye Town of Fryburg be & they hereby are directed to Assess ye Polls & rateable Estates within sd Town the Sums assigned to them in the Tax Act of June last — And sd Assessors are directed to stay all proceedings upon ye last Tax Act till a Revision of ye Valuation shall take Place —

Sent up for Concurrence JOHN HANCOCK Spkr
In Council Jany 6th 1780 Read & Concurred JOHN AVERY D Secy — Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *vol.* 226, *p.* 13.

"State of Massachusetts Bay } In the House of Representatives Jany 13 1780‡

Whereas the Assessors of the Town of Fryeburg have not yet received the late determination of this Court respecting the taxes assessed on said Town,

Resolved that the Treasurer be, and he is hereby directed to stay his executions against the Collectors of the town of Fryeburg A

Sent up for Concurrence JOHN HANCOCK Spkr
In Council Jany 13. 1780 Read & Concurred with an Amendment at A Vizt at A 'till further Order of this Court — Sent down for Concurrence JOHN AVERY D Secy
In the House of Representatives Jany 14—1780 Read & concurred JOHN HANCOCK Spkr
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 95.

"State Of Massachusetts Bay In the house of Representatives January 7th 1780 — § Whereas it is Represented to this Court that by unavoidable misfortunes the Assessors of the town of Plymouth were unable to make their Rates (in season) which were payable into the publick treasury on the first of January Instant

Resolved That the treasurer of this State be and he hereby is directed to suspend sending his Executions to the Collectors of the town of Plymouth untill the fourteenth day of February next, and no longer. Any Resolve of this Court to the contrary notwithstanding Sent up for Concurrence JOHN HANCOCK spkr
In Council Jany 8th 1780 Read & Concurred JOHN AVERY D Secy — Consented to" — [Signed by sixteen of the Council]. — *Ibid.*, *p.* 25.

The relief granted to the plantation of Myrifield is shown in the note to chap. 30, *post.*

In addition to the extra reward offered as an encouragement to collectors, the following

* Printed resolves of the January session, 1781, chapter CXXI.
† *Ibid.*, December session, 1779, chapter LXXXVII.
‡ *Ibid.*, chapter CXIII.
§ *Ibid.*, chapter XCIV.

resolves were passed to enforce the speedy collection of the tax ordered to be assessed by this act: —

"State of Massachusetts Bay — In the House of Representatives Decemr 17 1779

* Whereas the exigencys of Government are such as renders it absolutely necessary that the Collectors of Taxes should be punctual in their payments of taxes to the Treasurer at the time when said taxes become due —

Therefore Resolved that the Treasurer of this State be directed and he is hereby accordingly directed to issue his Executions against all the Collectors of taxes who shall be deficient in their payments on the fifteenth day of January next for any taxes that were payable on or before the first day of said January —

† And be it further Resolved that the Secretary of this State be directed and he is hereby accordingly directed to cause those resolves to be imediateely published in the Boston and Worcester News papers that all persons concernd may be duly notifyed hereof that they may govern themselves accordingly

And it is further Resolved that the several Sheriffs to whom said Executions shall be directed, & who live within forty miles of the Treasurer's office shall return their executions with their doings thereon in fifteen days and those Sheriffs who live more than forty miles and less than one hundred miles shall make the like return in twenty days and all other sheriffs shall make the like return in thirty days after the respective dates of said execution — Sent up for Concurrence JOHN HANCOCK Spkr

In Council Decr 17, 1779 Read & Concurrd S ADAMS Secry

Consented to" — [Signed by fifteen of the Council]. — *Ibid., vol.* 225, *p.* 265.

"State of Massachusetts Bay In the house of Representatives January 11. 1780

‡ Whereas it is necessary on account of the difficulty of the traveling to extend the time which by a resolve of this Court of the 17th Decr last was limited for the payment of taxes into the public treasury

Therefore Resolved That the treasurer of this State be and he hereby is directed to suspend his Executions ordered by the Resolve of the 17th Decemr aforesaid. And he is hereby directed to Issue his Executions against all collectors of taxes who live within One hundred miles of Boston who shall be deficient in their payment on the A *first day of February next.* And against all Collectors of taxes who live more than One hundred miles from Boston who shall be deficient in their payment on the B *fourteenth* day of February next for any taxes that were payable on or before the first day of January Instant — And it is further Resolved That the several sheriffs to whom said Executions shall be sent are directed to gouern themselves agreeable to the aforesaid resolve of the seuenteenth day of December — Sent up for Concurrence JOHN HANCOCK Spkr.

In Council Jany 12th 1780 Read & Concurred with the Amendments at A & B

Sent down for Concurrence JOHN AVERY D Sey

at A dele *first day of February next* and insert *twenty Second Day of January Inst.*

at B dele *fourteenth* and insert *Seventh*

In the House of Representatives Jany 12th 1780 Read & unanimously nonconcurred & the House adhere to their own Vote —

Sent up for Concurrence JOHN HANCOCK Spkr

In Council Jany 12th 1780 Read & Nonconcurred and the Board adhere to their own Vote JOHN AVERY D Sey

In the House of Representatives Jany 13. 1780 Read & concurrd so far as to dele at A the word *first* & at B the word *fourteenth* and ye House propose at A to insert *twenty eighth* and at B to insert *tenth* Sent up for Concurrence JOHN HANCOCK spkr

In Council Jany 13th 1780 Read & Concurred JOHN AVERY D Secy

Consented to" — [Signed by fifteen of the Council]. — *Ibid., vol.* 226, *p.* 74.

Chap. 13. By the beginning of the year 1779 the depreciation of paper currency, both of the Continental and state emissions, had not only caused great financial embarrassment, but the rapid depreciation of the former threatened a total interruption of trade, the collapse of the general government, and a disastrous termination of the war, for want of means to maintain the army. The advance of prices, consequent upon this depreciation, was generally attributed, chiefly, to the unscrupulous artifices of "monopolizers"; and this view was proclaimed by Congress, in its address of the 26th of May, which accompanied the requisition on the states for $15,000,000, and in which an appeal was made to the people to discountenance forestalling and monopoly.

Before this address had been distributed, a majority of the Council of Massachusetts had, in their message of the 28th, called the attention of the House to the necessity of prompt and vigorous measures against all persons who refused to take the Continental currency, as shown in the note to chapter 7, *ante.*

In Philadelphia, the citizens met, May 27th, and passed a series of votes demanding the instant reduction of prices to the standard of the rates which prevailed at the beginning of the month. They appointed a committee to prepare a list of prices, and adopted stringent measures for enforcing compliance with the rates so established.

The example of Philadelphia was followed by Boston, where a meeting of merchants and traders was held on the 16th of June, who expressed their determination that no advance upon existing prices should be made in any article of merchandize; and that, from and after the 15th of July, prices should be reduced to the standard rates of the first of May preceding, and that, thereafter, a monthly reduction in prices should be made, provided the other towns in this state should adopt similar measures. They further resolved

* Printed resolves, chapter VI.
† The second and third resolves are transposed in the print.
‡ Printed resolves of the December session, chapter CXIX.

not to buy or sell silver or gold, nor any property whatever for coin; to expose any person who, to their knowledge, should demand hard money for goods or rents, and to exert themselves to bring to punishment all offenders against the act to prevent monopoly and forestalling. They thereupon adjourned to the next day, when they met again, in the court house, whence they repaired to Faneuil Hall by invitation of the inhabitants, who were there assembled in a general town meeting. Here the merchants reported seven resolves which they had adopted, and the last of which was, that these resolves were to be offered to every trader in town to sign, and the name of any person refusing was to be reported.

The first of these resolves bound the subscribers not to sell any of certain articles then on hand, at a higher price than that named for it in a list of prices of these articles (nine in number) reported therewith. The rest of the report was substantially a repetition of the resolves passed by them the day before.

The inhabitants, after listening to this report, adopted some twenty resolutions, in which "roused by a feeling sense of" "impending ruin, and animated with the same zeal which warmed the generous breasts of" their "fellow countrymen in Philadelphia," they proposed, "by the blessings of Providence on the united efforts of" their fellow countrymen, to rescue themselves, their country and posterity, "from poverty, misery and destruction," through the same organization, and by much the same methods, which had been found effectual in starting and carrying on the revolution.

After declaring it to be the right of a free people to inquire into all public and private grievances, and to seek proper means of redress therefor, and resolving that the extravagant demands for the necessaries of life are subjects "to be instantly inquired into and suitably redressed," they voted to approve the regulations adopted by the merchants, and also "the circular letters proposed to be sent by them to the several seaports in this state;" and they voted to direct the committee of correspondence of Boston to send "a circular letter, forthwith, to the several committees of correspondence in this state, requiring their united advice, assistance and counsel, that some general measures may be instantly adopted for redressing the present grievances."

The committee of correspondence, inspection and safety, for the town of Boston, issued the circular letters as directed, naming the town of Concord, and the 14th of July, as the time and place for holding a convention for the purposes indicated in the aforesaid resolves of the town of Boston.

In answer to these circulars, one hundred and seventy-four delegates, representing one hundred and twenty-one towns, in eight counties, met, in convention, as requested. Azor Orne, of Marblehead, was chosen chairman, and Samuel Ruggles, of Boston, was appointed secretary.

The circular letter declared the object of this convention to be "to take into consideration the present distressed situation of the people at large, and particularly the excessive high prices of every article of consumption; and, by tracing to their causes, those evils, to discover and point out the safest and best remedies;" but in the published record of their proceedings, the convention declares that it met "for the purpose of carrying into effect the several interesting and important measures recommended by Congress to the inhabitants of the United States, in their late wise, seasonable and animating address."

This is not the only indication of a disposition to moderate the severity of the measures which it was at first thought the unprecedented exigency demanded. The Boston resolves had not only denounced as public enemies those who refused to comply with the regulations approved by them, but had declared that they should not remain in the community, but should "be transported to our enemies as unworthy and dangerous members of society." But the convention simply resolved that such offenders should be deemed enemies of their country, and treated as such; and that the several committees of correspondence, &c., or selectmen, publish their names; and the same authorities were recommended to arrest and detain any offender not an inhabitant of their respective towns, until his name and place of residence could be ascertained so that a return thereof may be made to the town where he belongs, "that he may be served according to his demerit." And the buying and selling of silver and gold, or receiving them in trade, was left to the several towns to denounce in such "spirited resolutions as shall prevent such wicked and pernicious practices in future."

In Philadelphia, the extreme measures of the self-constituted redressers of the alleged public wrong, were resisted, in some instances to bloodshed, and here these measures were resented as unjust and illegal, by some who were courageous enough to brave public exposure, and threats of ostracism, in the assertion of what they deemed to be their legal rights; and it is likely the example of these intractable citizens was not without influence on others similarly situated, and helped to check the impetuosity of the "redressers."

Again, notwithstanding all these efforts to prevent it, the paper currency continued to depreciate. The enactment of chapter 7, making it a penal offence to refuse paper money in payment for merchandise, country produce, or rent, had not put an end to depreciation notwithstanding the Legislature, in order to prevent the exportation of goods to markets where no such law was in force, had, before that act was passed, laid an embargo on foreign and coasting trade by the following resolve: —

"State of Massachusetts Bay In Council June 21 1779. —

* Whereas the Exportation of Provisions from this State, hath a direct tendency to increase the distresses of the good people of the same; and also to Supply the Armies of the Enemy with those articles which they are in pressing need of Therefore

Resolved, that an Embargo be, and hereby is laid to Prohibit the Exportation of

* Printed resolves of the May session, chapter CXXXVII.

Wheat, Flour, Rye, Indian Corn, Rice, Bread, beef, Pork, Bacon, Live-Stock, and other Provisions from any Sea Port within this State, from and after the twenty second day of June Instant, untill the fifteenth day of November next. And any master or owner of any Ship or Vessel that, presume to lade on board any ship or Vessel in any Sea Port within this state within the term aforesaid, any of the above Enumerated articles, and shall Put to sea with any of the said Articles on board, The said Ship or Vessel with her Cargo shall be liable to be seized, and declared forfeited upon conviction thereof in the Maritime Court of this State one moitey thereof to the use of this State & the other moiety to the use of him or them that shal seize & bring forward a Process against the said Ship or Vessel. Unless such owner or master shall first have and obtain leave from the General Court of this State or in the recess from the Council of the same. Provided, that this Embargo shall not be Construed to prevent the taking on Board such Provisions as shall be necessary for the Stores only of any ship or Vessel of War, or others trading to, and from these States. Sent down for Concurrence JOHN AVERY D Secy

In the House of Representatives June 21, 1779 Read & concurrd
JOHN HANCOCK Spkr

Consented to"—[Signed by fifteen of the Council].— *Mass. Archives, vol.* 223, *p.* 189.

The act was also supplemented by resolves for extending this embargo, as follows: —

"State of Massachusetts Bay In the House of Representatives June 24th 1779

* Resolved that their be an Embargo laid on all outward bound Vessells for the Term of Twenty days And the Naval Officers of the Ports in this State Be and are hereby ordered & directed not to clear out any Vessell during said Term. And the Honble Council are hereby requested imediatly to issue their order to the Commanding officers of the several Forts in the Ports in this State, that they permit no Vessells to depart the Harbours aforesaid, except the Fishing boats that daily go out for the supplying the Inhabitants of said Towns with Fresh Fish Sent up for Concurrence
JOHN HANCOCK Spkr,

In Council June 25' 1779 Read & Concurred JOHN AVERY D Secy

Consented to" — [Signed by fifteen of the Council].— *Ibid., p.* 337.

"State of Massachusetts Bay Council Chamber June 25. 1779

Ordered that, the Commanding officers of the Respective Forts in the Several Sea Ports within this State be and hereby are directed not to Permit any Vessels to depart the respective Harbours aforesaid, (Excepting the Fishing boats that daily, go out for the Supplying the Inhabitants of the Sea Port towns with Fish) For the term of twenty days from this day without leave first had & obtained from the General Court or Council
Attest JOHN AVERY D Secy."— *Ibid., vol.* 175, *p.* 363.

"State of Massachusetts Bay In the House of Representatives June 30 1779

† Whereas a Resolve passed the 24th Instant, laying an Embargo on all outward bound Vessells for the Term of *Twenty days*. And as the Exegency of the Times makes it necessary, That said Embargo be continued for a Longer term than *Twenty days*

Resolved, that the Embargo aforesaid be continued for the Term of *Forty days* from the date hereof; agreable to the aforesaid Resolve of the 24th Instant — allowing the same Provission, as was made by the Resolve of the *26th Instant.*

Sent up for Concurrence JOHN HANCOCK Spkr

In Council June 30.' 1779 Read & Concurred JOHN AVERY D Secy —

Consented to"— [Signed by fifteen of the Council].— *Ibid., vol.* 223, *p.* 411.

From the operation of the embargo, the following exceptions had been made: —

"State of Massachusetts Bay In the House of Representatives June 26 1779

‡ Whereas by a Resolve passed the 25th instant laying an Embargo on outward bound Vessels unnecessary Embarrasments arise to small Vessels passing from one harbour to another

Resolvd That the sd Resolve of the 25th instant shall not be construed to extend to prevent any wood, or Oyster Vessels or other small Craft from passing from one Harbour to another within Cape Ann & Cape Codd and it is further

Resolvd That the Honle Council be and they are hereby empowered to grant permits to such Vessels (employd, in the publick Service) to proceed on any Voyage as they Judge proper, any thing in the said Resolve of 25th Inst. to the Contrary notwithstanding — Sent up for Concurrence JOHN HANCOCK Spk

In Council June 26'. 1779 Read & Concurred JOHN AVERY D Secy

Consented to"—[Signed by fifteen of the Council].— *Ibid, p.* 355.

To make the above embargo more general, a committee, consisting of Messrs. Brown of Framingham, Page and Dunbar, of the House, and Messrs. Niles and Pitts, of the Council, was appointed, September 9th, and instructed "to devise ways and means for preventing the exportation of salt and West-India articles from this state to the other states." On the 10th, this committee was changed by the substitution of Mr. Walley, and Mr. Gorham of Lunenburg, for Messrs. Page and Dunbar, who were absent; and a resolve was passed instructing the committee "to consider what measures are necessary to be taken to carry the resolves of the convention held at Concord, on the fourteenth day of July last, for the purpose of appreciating the currency of the United States, and lowering the prices of the articles of consumption, into full execution within this state." The following are the report of this committee and the order of the Council thereon: —

"State of Massachusetts Bay In Council Septemr 11th 1779

The Committee of both Houses appointed to devise ways and means for preventing the exportation of Salt and West India produce from this State to the other united States, & to carry the resolves of the Convention at Concord into execution, are of opinion.

That an Embargo would be inexpedient at this time, but that a free trade between this

* Printed resolves of the May session, chapter CXCII. † *Ibid.*, chapter CCXXIX.
‡ *Ibid.*, chapter CXCV.

& the other United States, and similar measures adopted for appreciating the Currency thereof & reducing the prices of the articles of consumption are of great importance, to effect which your Committee are of opinion,

That application be made to the States of New-Hampshire, Rhode-island, Connecticutt & New-York, to appoint Commissioners to meet, as soon as may be, such as this State shall appoint for the purpose aforesaid, & also to take into consideration the measures adopted by the Convention at Concord on the 14th day of July last, that by mutual exertions, salutary measures for the purposes aforesaid may be carried into execution.

Your Committee are also of opinion that the doings of the Convention at Concord are highly expedient & merit the approbation of this State, & therefore beg leave to report the following Resolve viz[t]

Whereas the doings of the Convention held at Concord on the 14th day of July last if carried into execution, will have a happy tendency to appreciate the Currency and produce very salutary effects, therefore resolved that it be & hereby is recommended to the good People of this State to use their utmost endeavours that the doings of said Convention be carried into execution.

In Council Sep[t] 11'. 1779 Read & Ordered — That this Report be recommitted for further Consideration Sent down for Consideration

JOHN AVERY D Sec'." — *Ibid., vol.* 137, *p.* 248.

The bill of this chapter was passed to be engrossed, in the House, September 21st, and sent up for concurrence. As first reported, the bill did not contain the fifth section of the act, which was proposed by the Council, as an amendment, and agreed to by the House. Five other amendments were made in like manner; viz., in the first section, the words "or any," in the first and second lines, were substituted for the words "and all other"; and the clause at the end of that section, beginning with the words "to be carried," was added. In the second section, the clause in the seventh line, beginning with the words "which evidence," and embracing the form of a certificate, and the words "as aforesaid," in the first line after the certificate, were inserted; and in the fifth line of section four, the words "a special action of the case," were substituted for the words "action of debt."

On the 23d, the Council passed the bill to be engrossed, with the foregoing amendments, and on the same day it was passed to be enacted. On the next day, the House sent up a message to the Council, representing that there were a great number of teams in the town of Boston, for the purpose of transporting stores from this state to the other states, and expressing their desire that this act be published from the balcony of the State House, at 11 o'clock before noon, and that the secretary be directed to have the act distributed in handbills throughout the state, "in order to prevent the inconveniences that may arise in consequence of transporting stores from this to other states." In a later message, the House request that the publication from the State House balcony be deferred until one o'clock.

On the 27th, a committee consisting of Messrs. Gorham of Charlestown, Dawes and Ashley, of the House, and Gill and Pitts, of the Council, was appointed, "to consider what is proper to be done to possess the minds of the inhabitants of the other states, of the principles on which the General Court passed the late embargo act."

This committee reported the following letter * as, "in their opinion, a necessary measure to be adopted by this court;" which, being amended in the Council by the substitution of October 20th, for November 27th (the time of meeting in convention, as first reported), was adopted, in concurrence, on the twenty-seventh: —

"Sep[r] 28, 1779

Sir The good people of this State greatly alarm'd at the late rapid depreciation of our currency have by a meeting of their delegates at Concord, agreed to regulate the prices of the most considerable articles of merchandize, and the necessaries of life, which at present appears likely to answer very good and salutary purposes, unless destroyed by those hawkers and sharpers that have heretofore so largely contributed to the inconveniencies we now feel But a regulation in this Government without similar measures are adopted by our sister States — affords opportunity to people of this class to execute all their refinement in sharping and tricking greatly to the damage both of your State and ours; the mischiefs arising from their practices have already been very apparent, such large quantities of goods being carried from hence as threaten us with so great a scarcity as will deprive us of the means for procuring bread and other provisions, of which we are at present in great want. Those monopolisers having made such exertions for transportation that the price of Cattle has almost doubled within a few weeks — those measures unless speedely prevented threaten the very existence of the community. The General Assembly of this State have therefore been under the necessity for the present of making an act to prohibit the exportation of sundry articles of merchandize and live stock out of this State. nothing but the most absolute necessity could have induced us to enter into a measure which may appear to militate with that spirit of brotherly love and friendship which the American States ought to bear to each other and for our common interest is so necessary to prevail throughout the whole. in order therefore that a free and general intercourse may take place upon principles correspondent with the publick good, and effectually to cut up and destroy the practices of those people who prey both upon you and us, we take the liberty to propose a consultation on the part of the Governments of New Hampshire, Rhode Island, Connecticut, N York, and Massachuset Bay to be holden at Hartford on the Twentieth day of October next for the purposes afors[d] and Thomas Cushing & Nathaniel Gorham Esq[rs] are deputed by this assembly with full powers to appear on the part of this State. We have wrote a similar letter to the several States above mentioned and as

* Printed resolves of the September session, chapter XCIII.

the business proposed appears to us of great importance & to require dispatch we shall take the liberty to direct our Commissioners to appear at the time & place above proposed without further advice from you we have only to request you Sir to lay this Letter before the Assembly of your State if seting & if not before the Councill that they may have opportunity to take such measures thereon as the publick good may appear to them to require I am in the name & by Order of the Assembly Sir

To his Excellency Your &c." — *Ibid., vol.* 201, *p.* 324.

Before the General Court had met in a second session, the subject of embargoes had been discussed in the Continental Congress, and, on the 21st of August, a resolve, recommending all states which had laid embargoes, to continue them to the first of January, and to extend them, if they were not already sufficiently comprehensive, so as to apply to wheat, flour, rye, Indian corn, rice, bread, beef, pork, bacon and live stock, "and to all other kind of provisions not herein enumerated," and also recommending "to such other of the states as have not embargoes in existence, to take the most effectual and immediate measures to lay on embargoes for the purposes before mentioned," had been reported, and, on a division of the question, the last clause, only, had been adopted (the rest having been rejected by the votes of six out of ten states: two voting "no," and two being divided); and, on the 25th, the same body had resolved, "that it be earnestly recommended to the several states, to take off every restriction on the inland trade between the said states."

These resolves, the transmission of which was purposely delayed, were communicated in the following letter, which was read in Council, October 1st, and, with the accompanying papers, referred to a joint committee, consisting of Messrs. Thomas Cushing, and Gill, of the Council, and Messrs. Strong, Davis and Williams, of the House, "to consider this letter * * and report what may be proper to be done thereon": —

"Philadelphia 14th Sept: 1779

Sir, You will receive herewith enclosed Copies of three Acts of Congress — one of the 21st Inst,* on the subject of an Embargo — one of the 25th Augt. against Restrictions on the inland trade between the states & the third of the 10th Inst: for providing cloathing for the troops — The two first should have been, as usual sent to the states directly after they were passed, but it was the sense of Congress 'till within a few days to delay their transmission — I have the honor to be Sir with great Respect

Your most Obedt. Servant —

The Honorable President Powell — JOHN JAY — Presidt.

P: S: You will also receive herewith a printed copy of a circular Letter from Congress to their Constituents." — *Ibid*, *p.* 299.

The committee last named reported the following resolve,† as "proper to be passed by the General Assembly," and asked leave to sit again: —

"State of Massachusetts Bay Octr. 4 1779

Whereas Commissioners have by this Court been Appointed to meet at Hartford in the State of Connecticut on the 20 of October Instant, such Commissioners as may be Appointed by the States of New Hampshire, Rhode Island, Connecticut and New York to Confer amoung other Matters upon the Subject of Embargo's relative to the Inland Trade between the States above mentioned,

Therefore Resolved That the Honble The Council of this State be and they Hereby are Authorised and Impowered, in the recess of the General Court, to Suspend the Operation of an Act of this state entituled an Act to prevent sundry Articles being Exported from this to the Neighbouring states, provided the result of said Conferrence shall be in favour of repealing the Embargo Acts of this & the other States." — *Ibid., vol.* 224, *p.* 280.

This report was accepted and, on the fifth, the resolve was passed.

The convention at Hartford, referred to in the foregoing resolve, and which assembled, at the suggestion of the General Court of Massachusetts, at the time and place designated in their circular letter of September 28th, above printed, consisted of thirteen delegates from five states; viz., Josiah Bartlett and Joshua Wentworth, from New Hampshire; Thomas Cushing and Nathaniel Gorham, from Massachusetts; Stephen Hopkins and Charles Holden, from Rhode Island; Eliphalet Dyer, Benjamin Huntington, Oliver Elsworth and James Wadsworth, from Connecticut; and John Sloss Hobart, William Floyd and Ezra L'Hommedieu, from New York.

The "powers" of the several delegates were not uniform. The professed purpose for which the New Hampshire delegates were sent, was "to agree upon some method for keeping up a free and general intercourse in trade, &c., upon principles correspondent with the public good;" to endeavor to destroy the practices of those "who prey upon their country;" and to consult and agree upon any other measures that may be thought necessary for the public weal. The delegates from Rhode Island had only an appointment to meet the other delegates, without further instruction. The appointment of the delegates from Connecticut was the same as the New Hampshire delegates received, with a more explicit instruction to devise measures to prevent the further depreciation of the currency. New York directed its delegates to act conformably to the proposals in the circular letter of Massachusetts, and also to consider and act upon such other matters "as may be deemed proper subjects of such consultation and conference." All the delegates, except those from Rhode Island and Massachusetts, were instructed to report the result of the conference.

* *Sic:* August.

† Printed resolves of the September session, chapter CLXXXIX. The report refers to accompanying "resolves." No other resolve than the above, relevant to the subject, has been found of that date; and the third page of the sheet upon which the report is written, bears the following memorandum: "Resolve impowering ye Council to Suspend ye Inland Embargo," — which seems to certainly indicate that this was the only one intended.

The following is the resolve * under which the delegates from Massachusetts acted; —

"State of Massachusetts Bay In the House of Representatives September 30th 1779.

Whereas the good People of This State have entered into measures not only to prevent the depreciation but to obtain an appreciation of our Currency, and the honest part of the community are making every exertion to carry said measures into execution which laudable endeavours, might have been over thrown by some who prefer even the smallest private gain to the publick interest unless prevented by the Embargo Act which this Court have thought proper to pass to cooperate with the resolutions of the People — And as it is necessary that our neighbour States should be made acquainted with the principles which induced this Court to pass said Embargo Law. —

Resolved That the Honble Thomas Cushing and Nathaniel Gorham Esqrs be a Committee in behalf of this Court to repair to Hartford by the Twentieth of October next & meet and confer with such Committees as may appear there on the part of New York, Connecticut, Rhode Island and New Hampshire and explain to them the motives that operated with this Court to pass said Embargo Law — and to concert with them such measures as may appear proper to appreciate our Currency and open a free and general intercourse of trade upon principles correspondent with the Public good

And be it further Resolved that said Committee represent in the most forceable manner to the Committee of New York and Connecticut the great wants of Flour in this State both for Public & private uses — and endeavour to Settle with them a proper mode of Supply. Sent up for Concurrence JOHN HANCOCK Spkr.

In Council Septemr. 30th 1779 Read & Concurred JOHN AVERY D Secy

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 197.

After comparing credentials, the delegates adjourned, from day to day, discussing the matters of interest laid before them. On the 28th, they adopted five resolutions, introduced by separate preambles In the first preamble they agreed that the depreciation of the currency was "much beyond what could naturally arise from the quantity of the circulating medium;" and attributed this to the avarice of some well-meaning but inconsiderate people, and to the artful designs of others, — secret or open enemies, bent upon ruining "the credit of our money," which, if effected, though it would not cause the convention to "despair of the Commonwealth, yet must be attended with the most alarming and dangerous consequences;" for the prevention of which, they declared they had "come into" the resolution which followed. They proceeded to express their opinion that the failure of former attempts "to prevent the growing mischief, by regulating and limiting the prices of the articles of commerce and produce," was owing to the multiplied emissions of Continental bills, in circulation;" "too great a reduction in the then current prices of articles"; and to "the partial extent of the agreements entered into for regulation;" by which last-named error, an unreasonable advantage had been given, to the inhabitants of such states as "had not adopted the same measures, not only to drain those states" where prices had been regulated, of articles needed for home consumption, "but to supply the army at a much higher price, of which the regulating states must pay their proportion." After expressing the belief that, by the action of Congress, in recommending frequent taxation, and the encouragement of loans to support the annual expenses of the army, and their resolution not to emit bills to an amount exceeding $200,000,000 in all, — "the natural depreciation of the bills in circulation may be nearly ascertained, and thereby a foundation laid on which a reasonable price for the articles of commerce and produce "could" be fixed with greater justice and precision," they offered arguments to overcome the scruples of some who might, possibly, apprehend "that the regulation of prices "was then" altogether unnecessary." They called attention to the fact that, notwithstanding the wise precautions of Congress, "the constant demands of the army" were "such, and the dispositions of the people to obtain the highest prices * * * so great and general, (and these confirmed by long habit and custom) that a regulation of prices, with the other measures hereafter recommended," appeared then, necessary; especially since the engrosser, monopolizer, opulent farmer and trader would, unless restricted, raise the prices of commodities in their hands, to keep pace with the increase of taxation (which would bear hardest on the poor and middling farmer), and so oblige Congress to either make further emissions, or leave the army destitute. Therefore, "in aid of the measures Congress have so wisely adopted," the first resolution declared that a limitation of prices would have a tendency to prevent the further depreciation of the currency, and "that to render such limitation permanent and salutary, it "was" expedient that all the states, or all of them as far westward as Virginia, inclusive, should accede thereto." The resolution closed with a proposal for a convention of commissioners from the New-England states, New York, New Jersey, Pennsylvania, Delaware, Maryland and Virginia, to be held at Philadelphia, on the first Wednesday of January, 1780, for the purpose of considering the expediency of limiting the prices of merchandise and produce; and, if they deemed such a course expedient, to limit the prices of such articles as they deem proper, in their several states, etc., and to report their proceedings to the respective legislatures.

The preamble of the second resolve set forth that, whereas Massachusetts, New Hampshire and Rhode Island had, by their conventions, limited the prices of the principal articles of merchandise and produce, this action would prove abortive unless the other states, especially those contiguous, "immediately pursue similar measures;" therefore the resolve recommended the states of Connecticut and New York, immediately, to adopt measures for limiting prices.

The third resolve recommended the raising, by taxes, so much of the monthly supplies called for by Congress, "as the circumstances of the people" would "admit of, without

* Printed resolves, chapter CXXIV.

distressing them;" that, in inviting loans, it would not be expedient to offer higher inducement than security that the lender should receive back, at the specified time, an equivalent of the sum lent, with interest, annually, at the rate of "six per cent, in like value as the money loaned;" and that it would be expedient to open the loan offices, as soon as possible, to receive such loans as should be judged necessary, and to take measures to facilitate and expedite such loans.

The fourth resolve was as follows: —

"Resolved that it be and hereby is recommended to the States of Massachusetts and Connecticut to repeal their Embargo Acts respecting Inland Trade and also to the States of Rhode Island & New Hampshire to do the same if any Embargo Acts are now subsisting there, so far as concerns those States who may Adopt Measures for Limiting the Prices of Merchandize & Produce." — *Ibid.*, *vol* 144, *p.* 94.

The preamble to the fifth resolve set forth that the public safety would not admit of the immediate repeal of the embargo, in New York, upon the exportation of flour, meal and grain, as the Continental Army was dependent upon that state for its supply of those articles; but, since the people of Massachusetts, Rhode Island and New Hampshire must be greatly distressed without some supply of flour from that state, it was resolved to recommend to the state of New York to furnish the three states named, such a quantity of flour (if consistent with the public safety) as would be sufficient for the subsistence of the troops in service there, and for the use "of the inhabitants upon their sea-coasts."

A circular letter, signed by Stephen Hopkins, president of the convention, and attested by Hezekiah Wyllys, secretary, was addressed to each of the states named to be represented at Philadelphia, inviting their coöperation. Letters similarly signed and attested, were sent to the more southern states, enclosing copies of the resolves, and containing the expression of an earnest wish that they would adopt similar measures; and still another letter, with similar signatures and enclosures, was forwarded to the President of Congress, giving an account of the origin of the convention, and of its doings, and of the letters sent out to all the states, and requesting him to lay before Congress the papers addressed to him, in order to secure the coöperation of the southern states through the recommendation of that body. In this letter it was declared that, though they "do not conceive that a radical cure" for depreciation, "is to be obtained other than by taxes and loans," yet the large demands made upon New York and Connecticut for flour, for the army, greatly increased the distress of the people to the eastward. The letter also submitted to the consideration of Congress the practicability of getting part of the public supplies from the southward, so as to permit New York and Connecticut to afford some relief to their eastern neighbors.

Before considering the action of the Legislature upon the report of the doings of the convention at Hartford, the following measures, adopted by the General Court, to afford relief to teamsters delayed at Boston, for failure to comply with the strict requirements of this chapter, and to the Navy Board, for the eastern department, who were also embarrassed by the operation of the new law, deserve attention: —

"State of Massachusetts-Bay. In the House of Representatives, Sepr. 30 1779

* Whereas it appears to this Court that a Number of Teams belonging to Inhabitants of this State who live at a great Distance from the Metropolis, are now detained with their Loading in Boston and Places adjacent for want of such a Certificate as the Embargo-Act just passed, requires: And whereas it would be attended with very great Expence to the Owners to retain the said Teams untill such Certificates could be procured from such distant Places: Therefore,

Resolved that Majr Joseph Hosmer & Mr Josiah Smith be a Committee, who are hereby impowered to grant Permits to all such Teamsters, to proceed with their Loading to the Towns within this State to which they belong, provided the Purchaser, or the Seller, or the Teamster of the Articles which are proposed to be carried away, will give Security to the satisfaction of the said Committee that the Articles to be sent by the said Teams shall not be carried out of this State, nor be disposed of in any way inconsistant with the true End and Design of the late Embargo-Act, any thing in said Act to the contrary notwithstanding. Sent up for Concurrence JOHN HANCOCK Spkr

In Council Septemr 30th. 1779 Read & Concurred JOHN AVERY D Secy —

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *vol.* 224, *p.* 202.

"In the House of Representatives Sept. 30. 1779

† Resolved, That Mr Hastings, Mr Allen & Coll Hutchinson be added to the Committee this Day appointed to grant Permits to Teamsters and —

Orderd, That the Petitions of Samuel Broome, James Vernor & others — and John Peak & others, be committed to said Committee

Sent up for Concurrence JOHN HANCOCK Spkr

In Council Septemr 30th 1779 Read & Concurred JOHN AVERY D Secy

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 193.

"To The Honble the Council and Honble House of Representatives of the State of Massachusetts Bay in General Court Assembled at Boston Sepr 1779

The Navy Board for the Eastern Department Beg leave to represent to your honors, the great inconvenience, & distress, they Labour under, in respect to the officers & Crews of the Continental Ships, not being permitted to Transport their Goods, taken in Prizes, to their Several places of abode; they being under the necessity of receiving the Goods, in consequence of public Sales being prohibited: which if they are not Allowed to Transport, to their Several places of abode, must Constrain them to leave the Service, many of them having Teams now waiting in this Town to carry them off — We Conceive their

* Printed resolves, chapter CXXII. † *Ibid.*, chapter CXXV.

Complaints, if not redressed by your honors, will have a Tendency to prevent our getting the Ships to Sea for many reasons too obvious to need mentioning —

Therefore beg Your honors will take such measures in this matter, as in Your wisdom you may think proper & necessary. We are with the greatest respect Your honors most obed^{t} hum^{ble} Serv^{ts}

Navy Board East^{n} Departm^{t} WM VERNON
Boston Septem^{r} 29, 1779 for the Board." — *Ibid.*, *p.* 199.

"The Committee appointed to consider the Representation made by the Navy-Board, setting forth 'the great Inconvenience and Distress they labour under in respect to the Officers and Crews of the Continental Ships not being permitted to Transport their Goods, taken in Prizes, to their several Places of Abode': have attended that Service, and ask Leave to Report the following Resolve

State of Massachusetts-Bay In the House of Representatives, Sep^{r} 30 1779.

* Resolved that Jonathan Metcalf Esq^{r} M^{r} Nathaniel Morton & Capt Benjamin Bonney be, and they hereby are impowered and directed to grant Permits to such of the Officers or Crews of the continental Ships of War now in this State, as may apply for the same, for transporting to their respective Places of Abode, such Shares or parts of Shares of Prize-Goods by them taken, as they may want to have so transported: Provided the Person so applying, shall first produce a Certificate from the Continental Agent, ^ that the Goods for which the Permit is requested, are the Property of the Person so requesting, and that he received the same as his Share, or part of his Share of the Prize or Prizes taken by the said Continental Ships: any thing in the embargo-Act to the contrary notwithstanding. Sent up for Concurrence JOHN HANCOCK Spk^{r}

In Council Septem^{r} 30th 1779 Read & Concurred with an Amendment at A Viz^{t} at A insert *to the Truth of which he shall make Oath*

Sent down for Concurrence JOHN AVERY D Sec^{y}
In the House of Representatives Sept 30. 1779 Read & concurrd.
JOHN HANCOCK Spk

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 198.

"State of }
Massachusetts Bay } In the House of Representatives October 1 1779

† Whereas a Resolve passed this Court the 30th of Sep^{r} appointing a Committee with Powers & Directions to grant Permits to any Officers or Crews belonging to any of the Continantal Frigates in this State on Provision that the Continantal Agant Should furnish the Party applying with a Certificate on oath that the articles for which the permit was wanted, were the Property of the Person so applying: which upon Experience is found Impracticable, Therefore

Resolved that if any of the Officers or Crews, or any of their Agants, shall make oath that the Goods for which the Permit is Requested, are the Property, of the Person, for whom Such Request is made, & that the Said Person, Received the Same, as his Share, or Part of his Share, of the Prize or Prizes taken by the Said Continantal Ships in their last Cruse, the Committee aforesaid are authorized & Directed to Grant Permits accordingly, the aforesaid Resolve Notwithstanding.

Sent up for Concurrence JOHN HANCOCK Spk^{r}
In Council Octo^{r} 1st 1779 Read & Concurred JOHN AVERY D Sec^{y}
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 208.

The following proceedings show how the assistant commissaries of purchases for the army were embarrassed by the act, and what relief was afforded them: —

"State of the Massachusetts Bay. —

To the Hon^{ble} the Council & House of Representatives in General Court Assembled Octo^{r} 2^{d} 1779 —

The Memorial of the Subscribers, Commisaries Appointed to forward provisions &c. for the use of the Continental Army. — Humbly Shew.

That very great inconvenience Arises in Consequence of a late Act of the General Assembly of this State, prohibiting all Articles from being forwarded to the Army unless passes for the same are signed by certain Persons mention'd in said Act. Your Memorialists would inform the Hon^{ble} Court that large quantities of stores are Order'd immediately from Boston and the several Magazeines at Sherburne, Sudbury Watertown and Westborough, that as there is only one Person Appointed in each of those Counties to sign permits, And as they can Attend at one place only, at one and the same time, it will be Utterly impossible for said Stores to be forwarded with that dispatch, that the public good requires, Great Number of Teams, are now waiting at several of those places, & cannot be forwarded without riding Twenty or Thirty miles for a pass for each Team and Teamsters will not wait untill they are Regularly supply'd with passes Agreable to said Act, & it being with the utmost difficulty Teams are procured at any rate —

Wherefore Your Memorialist pray the same may be taken under the Consideration of the General Assembly And the inconveniences now subsisting removed. And as in Duty bound will ever pray — MILLER & TRACY A. C. P
JA RICHARDSON A. C. Iss^{s}
WILL^{M} HUNT A. C. Iss^{s}." — *Ibid.*, *p.* 266.

"State of Massachusetts Bay

To the hon^{ble} Council & house of Representatives in gen^{l}. Court asembled —

The petition of Nathaniel Ruggles of Roxbury humbly sheweth. — that whereas he being appointed Assistant Commissary of purchases in the eastern Department, & is directed

* Printed resolves, chapter CXXIII. † *Ibid.*, chapter CXXXII.

by the Depy Comsy Genl of Purchs of sd department to supply the troops of the United States at the post of Boston with Fresh provisions, likewise to send Cattle & sheep to Cumberland to supply the troops at the post of Providence in the State of Rhode-Island. — Your petitioner has, since the commencement of this Year, sent a drove of Cattle or Sheep to said place, once in about every ten or twelve days, & still continues to send after the same manner. —

He collects the greatest part of the Cattle in Medfield, Medway, Bellingham, Sherbune, Holliston, Mendon, Wrentham, Franklin & their neighbourhood, which is the greatest part of the way from Boston to Cumberland aforesaid; (he now finds himself greatly embarrassed by the late embargo Act of said State;) by which he is to obtain a certificate from the honble board of War of this State and as he cannot ascertain the number of his drove untill he gets the greater part of the way to Cumberland aforesd he then must be oblidged to return to Boston to obtain a Certificate, which will cause a great delay & likewise a great expence to the public; Your petitioner prays your honors, to take the matter into consideration, & releive him as you in your great Wisdom shall think best; & your petitioner as in duty bound, shall ever pray. —

Roxbr 2d Octor /79 NATHL RUGGLES A. C. Pus_." — *Ibid.*, *p.* 265.

"State of Massachusetts Bay. In the House of Representatives Octo 5. 1779

* On The Memorial of Messrs Miller & Tracey & others A. C. P. — Also Nathl Ruggles of Roxbury A C P. — have represented to this Court that Great inconvenience Arises in Consequence of a late Act of the General Assembly of this State prohibiting all Articles from being forwarded to the Army unles passes for the same are signed by certain Persons mentioned in said Act,

Resolved that Messrs Miller & Tracey A. C P. be and thay hereby are impowered to give permits to any Teamer or Teamers Loaded with Continental Stores, Transporting from Town to Town in this State or out of it, provided each of them First Take the Following Oath before some Justice of the peace in the County of Suffolk viz — I, A, C, do solemenly Sware that I will not directly or indirectly give a permit to any Teamer or Teamers or any other person to carry any Goods wares or Marchandize but what is Continental property, for the use of the Continental Army or Navy, so help me God.

And If any Teamer or Teamers Shall have any Goods wares or marchandize Other than is contained in his permit it shall be liable to be Stopped seized & Forfeited in the Same way and manner as is Prescribed in the Act made to prevent sundry Articles being exported from this to the neighbouring States.

And it is Further Resolved that Nathl Ruggles A. C. P of Roxbury, be & he hereby is empowered to give permits to any of his Drovers of Live Stock purchased for the Continental Army or Navy to drive from Town to Town in this State or out of it, provided he Shall First Take the Following oath before some Justice of the peace in the County of Suffolk viz.

I A C do solemenly Sware that I will not directly or indirectly give a permit to any Drover or any Other person to drive Live stock but what is Continental property for the use of the Continental Army or Navy. so help me god.

And If any drover shall have any more Live Stock than is contained in his permit it shall be liable to be stopped seized & Forfeited in the same way and manner as is Prescribed in the Act made to prevent Sundry Articles being exported from this to the Neighbouring States

And it is Further Resolved that Joseph Baker A. C P of Westbourgh in the County of Worcester, be & he hereby is empowered to give permits to any of his drovers of Live Stock purchased for the Continental Army or Navy to drive from Town to Town in this State or out of it, provided he Shall First Take the Following Oath before some Justice of the peace in the County of Worcester viz —

I. A. C. do solemenly Sware that I will not directly or indirectly give a permit to any drover or any Other person to drive Live Stock but what is Continental property for the use of the Continental Army or Navy so help me god.

And if any drover shall have any more Live Stock than is contained is his permit it shall be liable to be Stopped Seized and Forfeited in the same way and manner as is prescribed in the Act made to prevent Sundry Articles being exported from this to the neighbouring States.

Sent up for Concurrence JOHN HANCOCK Spkr
In Council Octr 5'. 1779 Read & Concurred JOHN AVERY D Secy —
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 263.

The report of the delegates from Massachusetts to the convention at Hartford, was read in Council, November 11th, and forthwith committed to Messrs. Greenleaf, Wales and Freeman, of the House, and Benjamin Greenleaf and Moses Gill, of the Council, who had previously been appointed to consider a letter from Samuel Holten, together with a copy of an address by the state of New Jersey, enclosed therewith. This joint committee made a report, embracing the report of the delegates and the letter and address aforesaid. While confessing that the efforts of the Assembly, and of the people in conventions, had "proved ineffectual for the purposes intended"† yet, as there was a possibility that the

* Printed resolves, chapter CLXV.

† It may safely be affirmed that no persons in the community were more zealous to promote the success of all measures adopted in the popular conventions, for checking depreciation of the currency, than were the managers of the patriotic press; and yet the following will serve to show how even these earnest supporters of the popular measures were obliged to yield to the operation of those unwritten, but inexorable, laws which fix the value of all mediums of exchange, and against which the crude expedients devised by the leaders of the people, were unavailing.

"THE Subscribers, publishers of the Boston News-Papers, having hitherto strictly complied with the regulations of the Convention at Concord, at length find it of no effect for them to stem

proposed general convention of the states, at Philadelphia, in January, might "procure some relief from" their "present embarrassments," they recommended the appointment of commissioners from this state, to that convention, and that, "when a determination" should be "had on this matter, an account thereof be transmitted to the Legislature of the state of New Jersey, in reply to their address." They also recommended the repeal of the present chapter, and of chapter 15, in addition thereto. This report was read in Council, December 3d, and only so much of it accepted as recommended the repeal of this chapter and of chapter 15; and a committee was appointed to bring in a bill for said repeal No such bill was passed, however, until the next year.

While these proceedings were taking place in Massachusetts, the Continental Congress was taking measures to encourage the states to enact laws, to go into operation on the first of February, to effect a general limitation of prices throughout their respective jurisdictions; as set forth in the following resolves, passed on the nineteenth of November, and communicated in a letter, dated November 22d, from Samuel Huntington, president of Congress: —

"Whereas the fluctuating state of prices not only causes inequality and injustice in private dealings, and in furnishing the public supplies from the several states, but renders it impracticable to make the proper estimates for future expences, and to fix equitable salaries for those employed in the service of the United States: and whereas the estimates, according to which the requisitions for the taxes of the succeeding year have been made by the resolution of the 6th of October last, have been formed on the principle, that the prices of commodities necessary for the public use, would not exceed twenty fold of the former prices, and should they rise above that rate the taxes must be accordingly encreased, but should they fall below it the surplus of the sum raised may be applied to the sinking fund: therefore,

Resolved, That it be earnestly recommended to the several states forthwith to enact laws for establishing and carrying into execution a general limitation of prices throughout their respective jurisdictions, on the following principles, and to commence in their operation from the first day of February next.

Articles of domestic produce, farming and common labour, the wages of tradesmen and mechanicks, water and land carriage, not to exceed twenty fold of the prices current through the various seasons of the year 1774

Articles imported from foreign parts to be in due proportion with labour and the articles as above stated, making a proper allowance for freight, insurance and other charges.

Salt and military stores, whether of home manufacture, or imported from abroad, to be excepted from limitation of price.

Resolved, that it be recommended to the several states to enact strict laws against engrossing and withholding; and to take the necessary measures for having the same carried into full execution.

Resolved, That the proceedings of the commissioners from the eastern states to New-York inclusive, at their meeting in Hartford, in Connecticut, on the 20th of October last, discover a generous attention to the public good, and are well calculated to promote the same: it is nevertheless expected that no time will be lost in giving effect to these resolutions, as the same general purpose may thereby be attained and at an earlier period.

Resolved, That all officers and agents employed in making purchases for the United States be directed to conform strictly to all regulations that are or may be established in the several states:

That accounts be kept and returns made by all persons employed to make purchases in behalf of the United States, or to hire vessels, carriages or men for the service of the same, of the prices by them respectively given in such states as shall not before the first day of February, 1780, pass laws for the limitation of prices agreeable to the recommendation contained in the foregoing resolutions; to the intent that such states as shall have neglected to pass laws for the purposes aforesaid may respectively be charged in the public accounts with the aggregate amount of the difference of prices paid from and after the said first day of February, 1780, in such states and those in which such laws may have been enacted." — *Journals of Congress: Nov.* 19, 1779.

The letter above mentioned was read in Council, December 7th, and immediately sent down to the House, together with the foregoing resolves. In the House, the letter was read on the 16th; and thereupon a committee was appointed, consisting of Messrs. Gorham, Pickering and Hutchinson, of the House, and Thomas Cushing and Josiah Stone of the Council, to consider the same, and report what was to be done thereon. The report of this committee and the doings of the Legislature thereon are as follows: —

* "The Committee of both Houses appointed to Consider of the Letter from the President of Congress dated the 22 of November last togather with the Resolutions accompanying the Same have attended the Service & beg leave to Report that it is Expedient for the General Assembly immediately to Appoint some suitable Persons as Delegates to represent this State at the Convention to be held at Philadelphia on the first Wednesday of January

the torrent of avarice alone; therefore, in justice to themselves and families, they are obliged to advance the price of their Papers to 6l. per half year, exclusive of postage. Should this price appear too high, the Printers would be happy in supplying any gentlemen with News Papers at the regulated price, they receiving their pay in any kind of country produce, at the same rate.

B. EDES and SONS.
J. GILL.
N. WILLIS.
DRAPER and FOLSOM
WHITE and ADAMS."

Independent Chronicle, Nov. 25, 1779.

* Printed resolves of the December session, chapter X.

next in order to Consider of the Expediency of Limiting the Prices of articles of Produce and Merchandize, agreable to the recommendation of the Convention lately held at Hartford and that all further Proceedings with respect to the Limitation of the articles above mentioned be Suspended untill the Report of the Proceedings of the Convention that may be held at Philadelphia in January next shall be receiv'd by this Court

All which is Submitted THOMAS CUSHING P order
In Council Decr 17th 1779 Read & Accepted
Sent down for Concurrence JOHN AVERY D Secy
In the House of Representatives Decr 17. 1779
Read & concurrd JOHN HANCOCK Spkr
Consented to"— [Signed by fifteen of the Council]. — *Mass. Archives, vol. 225, p. 275.*

Thereupon, Messrs. Elbridge Gerry and Samuel Osgood were appointed commissioners for Massachusetts; and, on the 20th, Messrs. Dunbar, Choate and Allen, of the House, and Messrs. Caleb and Thomas Cushing, of the Council, were appointed a committee to report a draught of instructions* for their guidance; who made a report the next day, which was accepted by the Council, and, on the 22d, concurred in by the House, "as taken into a new draught," as follows: —

"To The Honble Elbridge Gerry Eqr and Samuel Osgood Esqr
Gentlemen

The General Assembly having appointed you Commissioners to Represent this State at the Convention to be held at Philadelphia on the first Wednesday of January next, you are hereby authorised and Impowered to meet, at the time & Place before mentioned, Such Commissioners as may be Appointed by other United States and to Confer and Consult with them upon the Expediency of Limiting the Prices of Articles of Produce and Merchandize; —

In your Deliberations upon this important Subject you will duely Consider, on the one Side, the advantages, that, (it has been suggested), will Acrue from such a measure, amoung others, that it will tend to giue stability to our Currency, Prevent that inequality and Injustice in private Dealings, as well as in furnishing the Public supplies from the several states, which have arisen from the fluctuating state of Prices, & that it will render it practicable for Congress & the several states to make the proper Estimates for their future Expences & to fix adequate salleries upon those who are in the public service; These are Important Objects and ought to be attended to — on the other side, you will duely Advert to the many objections that have been made to such a plan & the many Difficulties that will attend the Execution of it, for in case such a measure should be attempted & fail in the Execution, you must be sensible, it will be attended with many pernicious Consequences, It will greatly weaken the hands of Government as well as throw us into the greatest Embarrasements & will haue a fatal tendency further to Depreciate our Currency; Amoung many other Objections & Difficulties, that might be mentioned & which will naturally occur to your minds in the discussion of this subject, It may be well to Consider, whether it has not been found that a Limitation of Prices, intead of appreciating or giving stability to our money has not rendered it in a manner Useless, ? Has not shut up our Granaries, discouraged Husbandry and Commerce and starved our Sea Ports, in short whether it has not created such a stagnation of Business and such a Withholding of articles as has oblidged the People to give up the measure or submit to starving? Whether from these repeated Tryalls & Failures, That Confidence (which is so absolutely necessary in Case of a Limitation) is not so far lost, between the States and the Members of each state, that this alone must prevent the Execution of such a measure, as each Person will be Waiting to see his neighbour's Compliance, in the mean time withholding every supply from his Freind & his Country? Whether it has not thrown the Honest & Concientious part of the Community into the hands of Sharpers, Monopolizes & Extortioners and while it has operated as a restraint upon the Former to their great loss & Damage, it has not afforded an Opportunity to the Latter, whose only principle is that of Gain, by their Cunning and Deceit, to aggrandize & Enrich themselves to the no small Detriment of their Country?

You will also consider Whether it is possible to Carry an act for this Purpose into Execution in the method prescribed by Congress, when, upon tryall, it will be found, that by the method they Propose, the Prices of Labour & Produce will be reduced more than two Thirds, while the articles of Foreign Produce will be reduced but a Trifle, if anything at all, Can it be supposed the People in general will submit to it? for However reasonable it may appear to men of Candor & Discernment & those who will thoroughly examine into ye Causes of it, yet the Bulk of the People will apprehend they are Imposed upon and it will be extreamly difficult, if possible, to Convince them to the Contrary — you will further Consider, whether, if such a Limitation should take place & Could be Effectually carried into Execution, it would not be the means of Disappointing Congress of such supplies of money as they Depend upon from their late recommendations for Taxation, & thereby oblidge them to that measure which they are so very sollicitous to avoid, Vizt: The making further Emissions to defrey the public Expences, for is it to be supposed that the People in general would submit to such a large reduction of the prices of their Produce and at the same time submit to such large Taxes as the Requisitions from Congress now Demand? we trust you will give these objections, as well as every thing Else that may be offered pro & Con upon this interesting matter, in Convention, their due weight and after all we leave it with you to act according to your best judgement and discretion, and in Case you should, after mature & thorough Consideration, Judge the measure to be Expedient & Practicable & find that it is highly probable it will be adopted by all the rest of

*Printed resolves, chapter XXII.

ye United States, you will then Proceed upon the Business & make report of your Proceedings to this Court, that they may take such order thereupon, as they shall then judge will best promote the Public Weal." — *Ibid., vol.* 144, *p.* 115.

The convention met on Saturday, the 29th of January, 1780,— the following being the commissioners appointed from all the states represented, except Massachusetts: Nathaniel Folsom and Nathaniel Peabody from New Hampshire; William Ellery from Rhode Island; Roger Sherman and Oliver Elsworth from Connecticut; Silas Condult and Thomas Fenimore from New Jersey; William Moore, William Henry and John Bull from Pennsylvania; Thomas McKean, Nicholas Van Dyke and George Latimer from Delaware; and William Paca, John Henry and Joseph Gilpin from Maryland: of whom only the commissioners from the New-England states, Messrs. Henry and Bull of Pennsylvania, Van Dyke of Delaware, and Henry of Maryland were present when the resolves were passed.

The Assembly of New York had not met since the convention at Hartford, and hence no commissioner had been appointed from that state. The convention, however, had "the fullest assurance" that the measures which they might adopt would be agreed to by New York.

The convention chose William Moore, president, and Samuel Osgood, secretary; and adjourned several times, during debate, until February 7th, when, after expressing their opinion of the necessity of the coöperation of all the states mentioned in the call, resolves were offered desiring the president to inform the governors of Virginia, and New York, of the proceedings of the convention, and request them to give the earliest notice of the determination of said states with respect to appointing commissioners to the convention, "to meet the same at their adjournment." Other resolves were proposed, appointing Messrs Moore, Ellery, Gerry, Paca and Henry of Pennsylvania, a committee to form a general plan for the limitation of prices, and to report the same at the next sitting of the convention. It does not appear from the record, that these resolves were adopted; but it does appear that, on the 8th, the convention adjourned to the fourth day of April, to meet at the State House in the city of Philadelphia.

A report of the doings of this convention was forwarded by Samuel Osgood, in a letter to President Powell, dated Feb. 11, 1780, which was read in Council, on the 14th of March, and both were sent down to the House, where, on the same day, they were "ordered to lie."

The following replies to letters from the president of the Council, to the governors of Connecticut and New York, show that, as late as February 23d, in the latter state, and March 10th, in the former, the laws forbidding the exportation of flour, meal and grain, had not been repealed: —

"Lebanon 10th March 1780 —

Sir. I have before me your Letter of the 14th January last, which came to hand on the 7th February, and has been duly laid before the General Assembly of the state, together with a Letter of similar Import from the State of Rh: Island. —

In Answer (I am sorry to say that,) measures of a similar Nature, altho' urg'd, have not met the Approbation of the General Assembly as yet. — Tho' I am not without a Hope, that upon reconsideration in May next, the repeal wish'd for by your State, may be carried —

I have the Honor to enclose you Copies of two Acts of the General Assembly of this State, pass'd at their late sessions, for the repeal of the Tender Act, and Establishment of the public Credit and Faith of the State on the principles of Integrity —

— The Measure is dictated by our wish to return Once more to those paths of Justice and Equity, from which we have too long and too widely deviated. — And the Legislature of the state cannot but Indulge a hope, that they may ultimately, procure honorable and essential Advantages, not to this only, but (by their adoption of similar measures) their sister states, and the general Interests of America —

With all Respect I am sr. Your most Obt. Hble servant

Hone. Jere: Powell Esqr. JONTH. TRUMBULL

In Council March 17th 1780 Read & sent down with an Act of the General Assembly of the State of Connecticut accompanying the same — JOHN AVERY D Sec'y

In the House of Representatives March 17. 1780 Read & thereupon Orderd That Mr. Tudor Mr. Choate & Majr. Osgood, with such as the Hone Board shall join, be a Committee to consider the same & report —

Sent up for Concurrence JOHN HANCOCK Spkr.

In Council March 17th 1780 Read & Concurred and Thomas Cushing & Timo. Danielson Esqrs are joined JOHN AVERY D Sec'y." — *Ibid., vol.* 137, *p.* 270.

"State of New York ss; In Assembly February 21th 1780.

Resolved (if the Honorable the Senate shall concur herein) That his Excellency the Governor be requested to inform the Honorable Jeremiah Powell Esquire President of the State of Massachusetts Bay, in Answer to his Letter of the 14th of January last, that there are not any Laws in this State prohibiting the Exportation of Merchandize or Produce except the Act for preventing the Exportation of Flour Meal and Grain, and which would have been repealed had there not been a Failure in the last Crop, That a repeal at present would inevitably be attended with a Dissolution of that part of the Army which is stationed within this State, That in order to evince this, His Excellency be pleased to communicate to Mr Powel the Information he may have received of the present Condition of the Army with respect to Provisions and the Measures which the Legislature have at the last and this present Meeting taken for the purpose of furnishing supplies and at the same time to assure Mr. Powell, that the prohibition is continued solely from the necessity of retaining in the State a Supply of Provision for the Army and that whenever this necessity shall cease the Embargo will be taken off. —

Ordered that Mr. Jay and Mr. Fox carry a Copy of the above resolution to the Honorable the Senate — A true Copy

JOHN MC KESSON Clk

In Senate February 21st 1780 Resolved that this Senate do concur with the Honble the House of Assembly in their said Resolution. —

Extract from the Minutes ROBT. BENSON Clerk.

State of New York In Assembly Feby 21st 1780.

Ordered that Mr. B Paine and Mr. Smith wait on his Excellency the Governor with a Copy of the Resolution of this House, and Resolution of Concurrence of the Honorable the Senate, on the Letter from the Honorable Jeremiah Powell Esquire President of the state of Massachusetts Bay —

By order of the Assembly JOHN MC. KESSON Clk." — *Ibid.*, *vol.* 202, *p.* 73.

"Albany 23d. February 1780

Sir, I had the Honor of receiving and communicating to the Legislature of this State a Letter from the General Assembly of the State of Massachusett's Bay dated the 14th Ulto. under your Signature and agreable to their concurrent Resolutions thereupon of the 21st & 22d Instant (a Copy whereof is enclosed) I am to inform you that there are not any Laws in this State prohibiting the Exportation of Merchandize or Produce except an Act for preventing the Exportation of Meal and Grain. —

The Legislature, induced by the repeated Representations of his Excellency General Washington and of the Honorable Major General Heath commanding the Continental Forces in this State; stating the distressed Situation of our Troops for Want of Provision and that if they were not speedily supplied a Dissolution of our Army with all the serious Consequences that would attend such an Event, might probably ensue, have lately passed a Law directing all the Wheat and Flour in the State to be seized and delivered over to the proper Officers for the Use of the Army except an Allowance to the Inhabitants, which considering the Failure of our Crops the last Year and the Number of Families that have been drove by the Enemy from their Habitations on the Frontiers into the more interior Parts of the Country, can scarcely be esteemed competent to supply their Necessities. — I am informed General Heath is soon to repair to Boston for the Recovery of his Health and I would wish to refer you to him for a more particular Account of the Distresses of the Army and the Necessity of the Measures adopted by this State for their Relief. —

I am authorized to assure you, Sir, that the Legislature, impressed with the strongest Desire of opening a free and uninterrupted Communication with our Sister States (to which as well their Interest as Inclination naturally leads them) are anxious for an Opportunity of manifesting their Intentions by a Repeal of their Embargo Law as soon as the public Safety will admit of it. —

I have the Honor to be with the highest Respect & Esteem Your most obdt servt

The Honble Jeremiah Powel Esqr. GEO: CLINTON

In Council March 22d 1780 Read & Sent down with a Resolution of the Genl. Assembly of the State of New York accompanying the Same JOHN AVERY D Scy

In the House of Representatives March 22 - 1780 Read & committed to the Committee to whom the Letter from Governor Trumbull was committed —

Sent up for Concurrence JOHN HANCOCK Spk

In Council March 22d 1780 Read & Concurred JOHN AVERY D Scy." — *Ibid.*, *p.* 71.

The following resolves of the Continental Congress explain why the General Court passed the resolve, given below, for a more rigid enforcement of the embargo: —

"Resolved, That the several states be called on forthwith to procure their respective quotas of supplies for the ensuing campaign, as follows, to wit,

* * *

Massachusetts-Bay, 56000 hundred weight of beef,
12126 bushels of salt,
195628 gallons of rum.

* * *

Resolved, That pork be received from any state in lieu of beef, in quantities proportioned to the prices assigned to each.

Resolved, That continental rum, or other spirit suitable for the army, be received in lieu of West-India rum, in proportion to the prices assigned to each.

Resolved, That the articles aforesaid be collected and deposited, or delivered at the risque of the respective states in such places within each state respectively as the commander in chief shall judge most convenient, except tobacco, which is to be under the direction of the commercial committee.

Provided, That such of the said articles as shall be destroyed or taken by the enemy, after being deposited as aforesaid, or which shall be damaged by long keeping, shall be paid for by the United States." — *Journals of Congress: Feb.* 25, 1780.

"State of Massachusetts Bay In Council April 7. 1780

* Whereas the General Assembly of this State, are earnestly called upon by Congress to furnish large Quantities of Beef Pork Salt and Rum for the Use of the Army of the United States in the ensuing Campaign

In Order therefore that Nothing may be wanting on the Part of this State, that may be necessary for the Support of the said Army at this important Period of the War, and to put the same in Readiness for the most vigorous operation, in Conjunction with the Allies of the said United States. Resolvd, that no Beef or Pork either on Hoof or in Barril, nor any Molasses Rum or Salt, c be sufferd to be transported out of this State, by Land

* Printed resolves of the March session, chapter CLIV.

or Water, on any Account or Pretence whatever, unless it be such as may have been purchased for the Use of the said Army, in Pursuance of the concurrent Resolutions of Congress and the General Assembly

And to the End that this Resolution may be duly and strictly observd, it is further resolvd, that all the Powers vested in the Selectmen or Committees of Correspondence of the Towns and Plantations within this State, by an Act passed in the year of our Lord one thousand seven hundred and seventy nine, intitled 'an Act to prevent sundry Articles being exported from this to the Neighboring States,' and all the Directions therein given to them and to the States Attourney or any Person appointed to act under him, and also all the Powers in and by the said Act vested in the Courts of General Sessions of the Peace, so far as such Powers and Directions respect any or either of the Articles aforenamed, shall be and remain in full Force until the thirty first Day of December next ensuing any Limitation of Time containd in the aforementiond Act to the Contrary notwithstanding

And it is further Resolvd that when any Team shall be loaded with Beef, Pork Salt Molasses or Rum, or any horned Cattle or Swine shall be driving, to be transported out of this State for the Use of the Army, the Teamer or Driver shall have a Certificate under the Hand of A Charles Miller or Joseph Baker Esqr who are severally B appointed by the General Assembly of this State to purchase Provisions for the Army, that such Beef Pork Salt Molasses or Rum, and such Herds of Cattle or Swine have been purchasd and are transporting for the Use of the Army of the United States. And upon such Certificate being produced (if required) to any of the Selectmen or Committees aforesaid, the said Team or Drove shall be sufferd to proceed without any Let or Hindrance; any thing in the aforesaid Act notwithstanding

And it is further Resolvd that if it shall hereafter appear that any of the Articles aforementiond, had been transported out of this State, contrary to the true Intent and Meaning of this Resolve, the Owner, or any Person carrying the same shall forfeit the Value of such Goods, Cattle or Swine, to be recoverd by a special Action of the Case in any Court proper to try the same agreably to the Direction in the Act aforesaid.

And all Civil officers within this State are hereby strictly injoind to use their utmost Exertions for the effectual Execution of the foregoing Resolves —

Sent down for Concurrence JOHN AVERY D Sec[y]

In the House of Representatives April 8 — 1780 Read & concurrd, with the following amendment viz dele from A to B, and insert 'such Person or Persons as shall hereafter be' Sent up for Concurrence JOHN HANCOCK Spk[r]

In Council April 10 1780 Read & Concurrd with another Amendment at C Sent down for Concurrence SAM[L] ADAMS Secry

at C insert, *Except reasonable Sea Stores*

In the House of Representatives, April 10 1780. Read & concurrd

JOHN HANCOCK Spk[r]

Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 227, *p.* 103.

The repeal of this chapter was not effected until during the next Assembly, June 17, 1780. See chapter 4, of the next year, and the note thereto.

Chap. 14. "To the Hon[ble] the Council and the Hon[ble] House of Representatives of the State of Massachusetts Bay at a Great & Gen[l] Court to be holden at Boston on Wednesday the 26[th] of May Annoque Domini 1779 —

The Petition of us the Subscribers Inhabitants of the southerly part of Westfield, in the County of Hampshire and State of the Massachusetts Bay,— Humbly sheweth that whereas we, by Reason of a River, and our Situation being much nearer the Center of Southwic, than the Center of Westfield & consequently nearer the public Worship, in Southwic, and in all Respects can be better accomodated there,— most humbly pray your Honors Consideration of our Situation, and that we with our Houses & Lands, may be Set off from the Town of Westfield, in such a Way & manner, as your Honors in your great Wisdom shall see meet, & be annexed to the District of Southwic, And as in Duty bound shall ever pray

DAVID FOWLER	NEHENIAH CARTTER
MOSES ROOT	TYLER LARRABEE
SAMUEL SHELLEY	SAMSON FRENCH JUN[R]
SETH KELLOGG	SAMSON FRENCH
PHINEHAS KELLOGG	DAVID FOWLER JR."— *Mass. Archives, vol.* 185, *p.* 173.

"To the Hon[ble] the Council and the Hon[ble] House of Representatives of the State of Massachusetts Bay, at a Great and General Court to be holden at Boston on Wednesday the 26[th] Day of May A D 1779

The Petition of us the Subscribers Inhabitants of the District of Southwick in the County of Hampshire, and State aforesaid, humbly sheweth That the Great and General Court aforsaid by An Act thereof, in the year of our Lord Christ, One Thousand, seven hundred, and seventy, set off the District by certain Lines and Boundaries, as by the same Act appears, and bounded the District Southerly on the Line of Connecticut, Afterwards the Inhabitants thereof erected a Meeting House near the Center of the same District. Since which the Governor and Company of the State of Connecticut, have caused a Line, to be run with the Northerly Line of Suffield, in such a Manner, as to run within about half a Mile of Southwick Meeting House, thereby taking off from Southwick one third Part of the Lands, and Inhabitants which were included in Southwick

Wherefore Your Petitioners, humbly pray your Honors Consideration of the Premises, and that the Northerly Line of Southwick may be extended two hundred Rods further North, upon Westfield, parallel with the Original North Line aforesaid, so as to include the aforesaid two hundred Rods, with all the Inhabitants dwelling on the same, in as full

and ample a Manner, as if said Lands and Inhabitants were originally included in Southwick, and as in Duty bound your Petitioners shall ever pray

NOAH LOOMIS, SILAS FOWLER, ABNER FOWLER } Committee of Southwick."— *Ibid., vol.* 224, *p.* 223.

The foregoing petitions were read in the House, May 31, 1779, and referred to Messrs. Phelps, Pynchon and Brewster. On the 7th of June this committee reported a resolve * ordering the petitioners, to notify the town of Westfield to appear and show cause, on the second Tuesday of the next sitting of the General Court.

On the fourth of October the House concurred in a resolve, previously passed by the Council, that the prayer of the district of Southwick be granted, and that the petitioners have leave to bring in a bill, accordingly. On the 6th, the bill of this chapter, which had passed to be engrossed on the 5th, was passed to be enacted, and was signed by fifteen of the Council.

At the next session, the following petition was presented; whereupon a resolve † was passed, November 30th, suspending the operation of this act until the further order of the General Court, and appointing a joint committee "to repair to the town of Westfield, and view their situation," and, as soon as may be, "report what is proper to be done thereon:" —

"To the Honb^le the Council and the Honble House of Representatives of the State of Massachusetts Bay, at a great and Genl. Court to be holden at Boston on Wednesday the tenth Day of Novr A D. 1779 —

The Petition of the Inhabitants of Westfield humbly beg leave to represent to your Honors that by a late Act of Said Court, the Town of Westfield look on themselves as greatly Aggreived; vizt by taking two hundred Rods from them and annexing the Same to Southwic, when in fact, the Inhabitants of Westfield had no Notice thereof but we humbly Acknowledge the honble Court did what was necessary on their Part, to give Notice by leaving the Same with their Clerk, but neither he nor the Selectmen of Westfield ever gave Notice to the Inhabitants, for their Consideration of the Same until after the Time had elapsed that your Honors had Assigned for Said Inhabitants to shew Cause &ca and even till after the Act had passed the Court. so that it became impossible for the Town of Westfield to shew Cause, why your Honors should not establish the Prayer of Southwic for that Purpose

Therefore for the Reasons above the Subscribers humbly pray your Honors Consideration thereof, with their Objections and that the same Act may be repealed & made null & Void and as in Duty bound your Petitioners shall ever pray —

JOHN MOSELY, JOHN SHEPARD, JOHN BANCROFT, JOHN PHELPS, JOHN INGERSOLL } Committee for Sd Inhabitants." — *Ibid., vol.* 225, *p.* 144.

The report of this committee was not made until September of the following year. It is given below, together with the doings of the General Court thereon: —

"The Committee of both Houses on the Petition of the Town of Westfield in November last praying that the Act passed in October last, for setting off Two hundred Rods in Wedth from the south side of Westfield to the Town of Southwick might be repealed, have attended that service viewed the premisses & heard the parties — beg leave to report as their Opinion that the Line mentioned in the said Act as the Dividing Line between said Towns of Westfield and Southwick is just, and equitable, and that the same Line hereafter continue and be Established as the Dividing Line between the said Towns. — all which is humbly submitted NOAH GOODMAN Chm. order

In Council Sepr 19'. 1780 Read & Accepted
Sent down for Concurrence JOHN AVERY D Sey
In the House of Representatives Sept 19. 1780
Read & Concurrd JOHN HANCOCK Spk

Sept. 20th 1780 — Reconsider'd & orderd to lie on the Files — Consented to" — [Signed by eight of the Council]. — *Ibid., vol.* 232, *p.* 228.

The above vote to reconsider, etc, which originated in the House, is the last proceeding relating to this subject, in the Legislature, before the adoption of the Constitution. By chapter XLIV. of the resolves of the April session, 1781 (April 20), the resolve suspending the operation of this chapter was repealed, and this chapter was ordered to be "in full force, as soon as a new valuation shall be established by the Legislature." ‡

Chap. 15. The act to which the present chapter is in addition, had no sooner gone into operation than numerous unforeseen difficulties began to be encountered. The note to chapter 13 sets forth some of the embarrassments attending the enforcement of that act, and the measures adopted to avoid them; and from the provisions of the first section of this chapter, and the preamble to the second section, may be gathered the nature of the other defects of the former act, which led to the enactment of the present chapter, the bill of which had passed to engrossment in the House, and had been sent up for concurrence, as early as the thirtieth of September.

In the Council the bill was read a second time, October 2d, after it had been in the hands of a committee of conference; and a resolve was thereupon passed by that Board, referring it to the next session. This not having been agreed to by the House, the bill, after having been submitted to a second committee of conference, was again read, in Council, October 5th, when the vote of October 2d was reconsidered, and the vote of the

* Printed resolves of the May session, chapter LIV.
† *Ibid.*, November session, chapter C. ‡ This occurred Mar. 6, 1782.

House on the passage of the bill, was concurred in, with nine amendments, which, on the same day, the House agreed to, and, on the day following, the bill was passed to be enacted.

By the amendments above mentioned, "session" was substituted for "year," in the preamble; and, in the first section, "first" was changed to "tenth," in the first line; and the passage beginning with "unless," in the ninth line, and ending at "certificate," in the tenth line, was substituted for the words, "no satisfactory evidence having been given to such selectmen or committee." In the first line of the preamble to the second section, the words "this and" were inserted; and in that section, the words "this or" were inserted at the end of the first, and the beginning of the second, line; as, also, "or shall import or bring," in the second and third lines; and the words, "were imported since the first day of August last," in the eighth line, and "prices agreed upon by the late convention at Concord," in the tenth and eleventh lines; while, in the same section, the words "since the first day of August last," were stricken from the third line, after the word "provisions"; and the words "regulated price," were replaced by the words inserted in the tenth and eleventh lines, as above stated.

In engrossing the bill, the word "imported" was omitted after "them," in the seventh line; also the word "the," in the first line of the preamble to the second section.

"State of Massachusetts Bay In the House of Representatives. Octob^r 7 1779

* Resolved that the Secreatary of This State be & he hereby is directed to Cause The Act Intitled An Act in Addition to An Act Intitled an Act to Prevent the Transportation of Sundrie Articles out of This State, to be Published in the Boston & Worcester News Papers —

Sent up for Concurrence JOHN HANCOCK Spk

In Council Oct^r 7' — 1779 Read & Concurred JOHN AVERY D Sec^y

Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 224, *p.* 367.

An account of the doings of the convention at Concord, referred to in the act, has already been given in the note to chapter 13, *ante*.

Chap. 16. See the note to chapter 13, *ante*.

Chap. 17. The bill of this chapter, intended to reach cases not provided against in the former acts to prevent fraud in cord-wood exposed to sale (which had been made perpetual by 1772-73, chapter 8), was passed to be engrossed, in the House, on the fifth of October, and sent to the Council, for concurrence. On the 6th, the Council voted not to concur; but reconsidered this vote the next day, and passed the bill, in concurrence, with five amendments, to which the House agreed; and, on the 8th, the bill was passed to be enacted.

By the amendments, the words between "state," in the third line, and "[and]," in the fourth line, of the first section, were inserted; and the words "free of all charge," were stricken out after the word "measurer," in the tenth line. In the second section, "shall" was changed to "may," at the end of the first line, and the words "from time to time," and all after the word "reasonable," in the eleventh line, were inserted.

Chap 20. A bill with the title of this chapter was read three times, in the House, during the April session of 1778-79, and committed to Mr. Lowell, who, on the 30th of April, 1779, reported several amendments to it; whereupon it was passed to be engrossed, and sent up to the Council, for concurrence. The earliest memorandum upon the bill enacted, is dated Nov. 29, 1779. On that day it passed to be engrossed, in both branches; but the Council concurred, with a single amendment, transposing "jointly," from before the word "captured," in the first line of the act, to after the word "vessels." The House agreed to this, on the 30th; and, on the same day, the bill was passed to be enacted, and was signed by fifteen of the Council.

Chap. 21. On the report of a committee, consisting of Messrs. Batchelder, Whitney and Brown of Sandisfield, to whom the following petition had been referred on the 7th of June, 1779, a resolve was passed in the House, on the 11th, granting the prayer of the petitioners, and permitting them to bring in a bill: —

"To The Hon^ble Council & Hon^ble House of Representatives of the State of Massachusetts Bay In General Court Assembled at Boston May 26 1779 Humbly Shew —

That the Subscribers hereof Inhabitants of the Town of Bernardston in the County of Hampshire in that part of the Town Commonly Called the Gore have Ever Since our First Settlement Laboured under Every Disadvantage liveing about Twelve Miles from the Meeting house as the Road goes where we have not Enjoy'd any Town priveledges (unless it be to pay Taxes) That we Are within Two & the farthest of us not more three Miles from Colrain Meeting house where we Enjoy all Town priveledges & have Since our first Settlement, we would farther Inform your Honors, that at a Legal Meeting of the Freeholders & Other Inhabitants of Bernardston on the 19^th day of April 1779 it was Voted that the Lands Belonging to Bernardston West of Green River be Set of to Colrain, that the Inhabitants of Colrain at a Legall Meeting Accepted of the Lands & Inhabitants on the West Side of Green River to be Annexed to Colrain We pray your Honors, to grant that we may be released from the Town of Bernardston & by Set off to the Town of Colrain & as in Duty Bound Will Ever pray

DAVID MORIS WILLIAM STEWART ROBERT RIDDEL
THO^S. COCHRAN JOHN WORKMAN ABERAHAM PECK

* Printed resolves of the September session, chapter CCI.

ANDROW Mc LUKES BENJAN CARLTON JOHN WALLAS
GEORGE CLARK ROBT. FULTON MOSES BANGS."— *Mass. Archives, vol.* 185, *p.* 194.

"At a Legal Meeting of the Freeholders & other Inhabitants of the Town of Bernardston holden on the 19th day of April 1779 —

It was Voted that the Lands belonging to this Town west of Green-river Shall be set off to the Town of Colrain —

Bernardston May 18th 1779 A true Copy Attst
JOHN BURKE Town Clcr."— *Mass. Files: House, no.* 545.

The following petition, and votes of the town of Bernardston, are preserved in the public archives, but no memorandum of legislative action appears thereon: —

"To the Honble Council of the State of the Massachusetts Bay — and the honbl House of Representatives in general Court now assembled at Boston in the State aforesaid —

The Petition of us the Subscribers Inhabitants of ye west Part of Bernardston in ye County of Hampshire, humbly shews that at a legal Meeting of the Inhabitants of the Town of Bernardston on the 19th Day of April last past it was consented by a Vote of said Town that the Inhabitants living in the westward Part of said Bernardston should be incorporated into a distinct Town with all the Lands contain[d] within the following Boundaries viz: Beginning at the Northwest Corner of said Bernardston being about Twenty Rods East of green River, at a Stake and heap of Stones by a Beech Tree; thence to run Eastwardly on the Province Line Three Miles and Two Hundred & Eighty three Rods to a stake and heap of Stones, by a Beach Tree, then to run due south, to a Burch Tree, half a mile, west of Joseph Edwards' Dwelling House, and then to a chesnut Tree with a heap of Stones about it, One Mile west of Zebulon Allens Dwelling House, & to continue the same Point, to the south Line of said Bernardston, then to run West on the said south Line, till it strikes Green River, then the Line to run notherly on the East Bank of said River, till it strikes Colrain East Line, then to run by the said East Line of Colrain to the Boundary, herein first mention[d] — Your Petitioners beg leave to inform your Honours that the make and Form of the aforesaid Town of Bernardston is such as renders it wholly incompatable with the Interest of the Inhabitants to remain one Society, but seems to be a Place pointed out by Nature rather proper for two politic Bodies, there being a Chain of barren Mountains, altogether improper for Inhabitancy, extending from North to South, almost thro: the Town on which the above mentioned North and South Division Line is run and near about the Center of said Town, so that the Inhabitants live at the Distance of about Two Miles from each other, on each Side of said Mountain, which renders it highly inconvenient for them to meet together for the prosecution of publick Business, or their own private Concerns, and they further shew that each Part of said Town consists of so many Families, as to enable them to be at all necessary Expence of seperate Corporations, your Petioners therefore pray your Honours to take this our Petition into Consideration and to incorporate the aforesaid Tract of Land into a Town with all the Priveledges and Immunities which other Towns within this State do enjoy — and as in Duty bound shall ever pray — Bernardston June 1st 1779 —

SOLOMON ALEXANDER
WILLIAM WALSWORTH RICHARD EZEN PELEG BROWN
JOSEPH FISH JONATHAN MACOMBER JAMES FISH
AMOS NOYES OWEN BRIGGS PELEG BABCOCK
CHARLES PACKER JOSEPH ELLIOTT SAMUEL GUILD
JOSEPH BABCOCK URIAH WILLBUR DANIEL NEWCOMB
BENJ HARRIS JOSEPH GREEN PAUL GREEN
JOSHUA WELLS DAVID DEWEY ELISHA BURNHAM
SAMUEL WHEAT DAVID POTTER ALPHEUS BARSTOW
NER WELLS JAMES WALSWORTH HEZEKIAH BARSTOW
DANIEL COOLLEDGE AMOS WALWORTH CALEB ADAMS
ENOCH BRIGGS JOSHUA WALWORTH JOHN EZEN."— *Mass. Archives, vol.* 185, *p.* 191.

"At a Legal Meeting of the Freeholders & other Inhabitants of the Town of Bernardston holden on the 19th day of April 1779 It was then Voted to divide the land in this Town east of Green-river, into two towns or Districts as follows, viz, to Set off at the South line of the town One mile west of Zebulon Allen's Dwelling house. & so to run a line that will Extend half a mile west of Joseph Edwards Dwelling house & so to Extend the Same Course to the North line of the town

It was also Voted that Lieut Ezekiel Foster and Captn James Walsworth be Committee to See the above Mentioned line run

Bernardston May 26th 1779 } A true Copy —
Attst JOHN BURKE Town Clcr."— *Ibid*, *p.* 193.

"An Account of the Division line in Bernardston Between the west part and east part, Begining on the Province line at a Beach tree with a heap of Stones by it, Runing a due South point to a Burch tree, half a mile west of Joseph Edwards Dwelling house, and then to a Chesnut tree with a heap of Stones about it, One Mile west of Zebulon Allens Dwelling house, and trees Marked all the way, And so continued the said point to the South side — REUBEN SHATTUCK Survr

May 4th 1779 JAMES WALSWORTH } Comttee
EZEKIEL FOSTER }
A true Copy
Attst JNo BURKE Town Clcr."— *Ibid.*

The last two of the above copies bear the following endorsement: —

"To Capt McClalan Representative for Colerain Please to lay the Petetion of the West

Part of Barnardston and the within Coppy of Records before the Court and you will Greatly oblige yours to Serve ELISHA BURNHAM."

By the 30th of November the bill of this chapter had been read three times, in the House, and passed to be engrossed, and sent up for concurrence. It passed through the subsequent stages, to engrossment, on that and the following day, and, on the second of December, it was enacted. Filed with the bill, is a copy, dated September 24, of the first vote of the town of Bernardston, above printed, and of the following vote of the town of Colrain: —

"At a Legall Meeting of the Free Holders & Other Inhabitants of Colrain on the Nineteenth day of May 1779, Voted & Accepted of the Lands & Inhabitants the West Side of Green River Commonly Called Bernardston Gore adjoyning Colrain to be Set of to this Town A True Coppy Attest. JAMES STEWART Town Clerk
Colrain Sept. 28. 1779." — *Mass. Files: Bills*, 1779.

Chap. 22. The following petition was read in the Council, November 25th, and referred to a committee, consisting of John Pitts of the Council, and Messrs. Morton and Kingsbury of the House, who reported the bill of this chapter, which was read a first time, in the Council, December 1st, and, on the 4th, was passed to be engrossed, in concurrence, by the House: —

"To the honourable the Council & House of Representatives of ye State of Massachusetts Bay

The Petition of the Subscriber humbly sheweth

That by reason of Several Defects in the Act made in the Year 1765 for the Preservation & Increase of Moose & Deer on Tarpolin Cove Island, a number of base-minded Persons have frequently gone on to the said Island, and killed and taken away the Deer and Stock therefrom

That particularly, since the Enemy ravaged ye said Island of the Stock which remained thereon, ye same Persons or others of a like base disposition have gone thither, and killed Deer; pillaged the Tenants of the Trifles which even the Inhumanity of ye Enemy permitted to remain with them; and have done other Damages, which if Suffered to pass unpunished will encourage them to make of the said Island a meer waste and Desart.

Your Petitioner therefore prays your Honours that ye Defects in ye sd Act may be amended by a new one in addition thereto, or otherwise relieve yr Petitioner as your wisdom shall direct. JAMES BOWDOIN."— *Mass. Files: Bills*, 1779.

The last sentence of the first section, and the whole of the second section, were inserted by way of amendment to the bill as originally drawn, and all after "eighty-five," in the fourth section, was added to the bill in like manner.

Chap. 23. The provisions of the fee-bill passed during the first session of the General Court this year, were soon found inadequate, by reason of the rapid depreciation of the currency, notwithstanding that the former rate of fees had been increased, by that act, eightfold. On the 18th of November, therefore, Messrs. Gorham of Charlestown, Thatcher, Metcalf of Bellingham, Rawson and Curtis, of the House, were appointed a committee to revise that act, "and report what alterations are proper to be made." On the 27th, this committee reported that it "is for the interest of the state, and justice to those affected by said law, that a bill should be brought in for making the fees double to what they now are." Although an order was passed, on this report, that the further consideration thereof be referred to the next session, the bill of this chapter was read, in the House, a first time, December 3d, and on the next day it was passed, in concurrence, to be engrossed, and on the 7th, it was passed to be enacted.

Chap. 24. The voluntary association which was incorporated by this chapter, was formed Sept. 6, 1762, under the following "rules," or articles of association, a printed copy of which remains on file in the office of the secretary of the Commonwealth: —

The Introduction.

"Knowing it to be our Duty as Christians, to be ready to distribute; sensible that such is the Uncertainty of human Affairs, that it's no uncommon Sight to observe those Persons who once lived comfortably, greatly reduced; which may as well happen to us, as to them: For this Reason we have formed Our Selves into a Society for the Relief and Assistance of each other, under like Circumstances.

In the first Place, we desire the Smiles of Heaven on this Our Undertaking; hoping Our whole Conduct in Life will recommend Us to the Favour of Mankind, and to the Blessings of Indulgent Providence! — That we may proceed Orderly, We have agreed to the following Rules; a strict Adherence to which, We promise each other.

The Time fix'd for the Quarterly Meetings.

FIRST, This Society shall meet Quarterly, on the first Monday in *September*, *December*, *March* and *June*, at Six o'Clock in the Evening; and before any other Business is entred upon, a Moderator shall be chosen, whose peculiar Business shall be to preserve Order.

The Clerk's Business.

SECONDLY, At the Meeting in *September*, the Society shall choose their Clerk, whose Business shall be to warn the Meetings, to keep a fair Record of all the Votes and Orders of the Society; and an Account of what Money is collected at the several Meetings, at the Admission of Members, &c.

The Treasurer's Business.

THIRDLY, At the same Meeting in *September*, a Treasurer shall be chose to receive the Money collected at the Meetings at the Admission of Members, or any Money which shall be given for the Use of the Society; and the said Treasurer shall procure two sufficient Bondsmen for the faithful Discharge of his Trust: And so often as the Money in his Hands shall amount to *Thirteen Pounds six Shillings and eight Pence*, he shall place the same at Interest, to some substantial Person of good Repute; but not without two sufficient Bondsmen, taking the Bond in his own Name, for the Use of the Society.

The Managers Business.

FOURTHLY, At the aforesaid Meeting in *September*, seven Managers shall be chose to

transact Affairs between the Quarterly Meetings; and provided any Member shall become a proper Object of Charity, shall apply to the Managers in Writing, setting forth the Nature of his Case, who shall give him an Order upon the Treasurer for so much Money as they shall judge sufficient for his present Necessity, not exceeding *Eight Dollars*, till the next Quarterly Meeting; and then the Society shall give him what a Majority of the Society shall agree to. Their Power limitted.

FIFTHLY, as to the Admission of Members, no Person shall be admitted a Member of this Society, unless he obtains more than two Thirds of the Votes; and each Member at the Time of his Entry, shall pay *Six Shillings* for the Use of the Society; and during his Continuance with this Society, shall pay Quarterly *one Shilling and six Pence:* And should it appear that any Member shall wiltully neglect to bring or send his Quarterly Money, he shall forfeit and pay *one Shilling and six Pence* for the Use of the Society, besides his Quarterly Money. The Manner of raising the Stock, and admitting Members.

SIXTHLY, That no Member of this Society shall be entitled to any Relief until he has belonged to this Society for the Space of one Year. The Time that entitles a Member to Relief.

SEVENTHLY, If any Member of this Society shall be guilty of Profaneness, Intemperance, or any other notorious Crimes at the Quarterly Meetings, he shall forfeit and pay *one Shilling and eight Pence* for the Use of the Society; and provided he repeat the abovementioned Crimes, he shall be discharged from the Society, and be excluded from any Relief, unless he be reclaimed; and in such Case, he may be admitted into the Society again. Prophaneness, Intemperance, &c. not allow'd.

EIGHTHLY, That the Widow and Orphans of any Members of this Society, that's left under necessitous Circumstances, shall be entitled to Relief from this Society. Widow and Orphans Relie'v'd.

NINTHLY, That in Case any Member duly chosen for Clerk of this Society, shall refuse to serve, shall forfeit and pay *Six Shillings* for the Use of the Society: And provided any Clerk of this Society shall neglect to warn the Meetings, * or keep a fair Account of what Money is collected, or be guilty of any other wilful Negligence or Unfaithfulness in his Office, shall forfeit and pay *four Dollars* for the Use of the Society. Fine for negligent Clerks.

☞ *May this Society continue as long as Charity shall be a Virtue!" — Mass. Files · Bills*, 1779.

* *The Saturday before the Quarterly Meeting.*

The original subscribers to the above articles, were Ephraim Copeland, Barnabas Webb, John Tileston, John Perkins, junior, and Habijah Savage, all of whom appear to have been living members at the date of incorporation.

"State of the Massachusetts Bay } To the Honorable the Council and The Honora-
Boston Septemr 30th 1779 — } ble House of Representatives of said State —

The Petition of William Burbeck, Richd Cranch Habijah Savage, Samuel Barrat, William Hoskins, John Simpkins, William Bell, Benjamin Eades, William Hickling, Ephraim Copeland, for themselves and others — Humbly Sheweth —

That your Petitioners are Members of, and Belonging to a Society, called by the Name of the Massachusetts Society, which has Existed seventeen Years, Annually Increasing in Numbers, and stock, are now Solicitous to be Incorporated into a Body for the Purpose and Design of Mutually Aiding and Assisting Each other, And more Especially to Contribute to any Member, or Members, in the Time of Adversity, and also to Extend the same Charitable Disposition to the Widows and Orphans of any deceased Member — Being Impressed that the Great Author of our Being created Mankind for such Ends — These are the Motives that Induced your Petitioners to Form themselves into a society Hoping their whole Conduct in Life, would recommend them to the favour of Mankind, and to the Blessings of Indulgent Providence —

Your Petitioners Therefore Humbly Pray your Honors, that this Society may be Incorporated by the Name, Title and Designation Of The Massachusetts, Charitable Society, With full power and Authority to make By Laws, Rules, and Regulations for the well ordering and governing Said Society, in the Same manner as has been granted to other Incorporated Bodies, that they may Apply their surplusage Stock in the Purchase of Real Estate, Funds, or Otherways, and all other Matters that are not repugnant to the Laws and Customs, of the Legislative of this State — Your Petitioners Humbly Submit this to Your Honors Consideration, hoping that the Prayer thereof May be Granted —

And as in Duty Bound &c

WILLIAM BURBECK	JOHN SIMPKINS	Committee."— *Mass. Archives, vol.* 185, *p.* 356.
RICHARD CRANCH	WILLM BELL —	
HABIJAH SAVAGE	BENJA. EDES	
SAMUEL BARRETT,	WILLIAM HICKLING	
WILLM. HOSKINS	EPHRAIM COPELAND	

The above petition was read, in the House, Oct. 6, 1779, and committed to Messrs. Brown of Framingham, Nye and Wales, who, on the 8th of October, reported the following resolve: † —

"Oct. 8, 1779. In the House of Representatives — On the petition of William Burbeck & others, — Resolved, That the Petitioners have Liberty to bring in a Bill at the next Sitting of the General Court for the purposes mentioned in said Petition — In Council Read and Concurred Consented to by Fifteen of the Council." — *Council Records, vol. XL., p.* 68.

On the third of December, the bill of this chapter was passed to be engrossed, in the House, and sent up for concurrence, and on the 6th, the Council concurred in the engrossment; but it was not passed to be enacted until the sixteenth. In the original draught of the bill, alterations had been made, substituting the word "state," for "government;" reducing the value of the amount of real and personal estate to be received by the corpo-

† Printed resolves of the September session, chapter CCXV.

ration, by purchase and donation, from ten thousand, to five thousand, pounds, per annum; and changing the time of meeting, and the limit of tenure of office, from the first "day," to the first "Monday," etc.; but, on the 30th, the following proceedings took place, by which an important amendment was subsequently added to the engrossment, in another hand than that of the engrossing clerk: —

"Dec. 30, 1779. Saml. Adams Esqr. went down with a Message to the Hon'ble House to propose an additional enacting Clause in an Act for incorporating certain Persons therein mentioned into a Body politic by the Name of the Massts Charitable Society Vizt. to insert provided always and it is further enacted that the Members of the Said Society shall at no Time exceed the Number of One hundred — if agreeable to the Hon'ble House —

Saml. Austin Esqr. came up with a Message from the Hon'ble House to inform the Board that the House agreed to the Proposed additional Enacting clause referred to in the foregoing Message." — "*General Court minute book.*"

To make the provision in the third section, respecting the election of the first board of officers, intelligible, would seem to require the insertion of the word "after," between "next" and "on," in the seventh line; yet it appears to have been omitted both in the bill and in the engrossment.

In pursuance of the authority given to them in the fourth section, the majority of the Council issued a charter, finely engrossed on parchment, as follows: —

"State of Massachusetts Bay. —

(SEAL) The Major Part of the Council of the Massachusetts Bay in New-England To all persons to whom these Presents shall come Greeting

Whereas a number of Persons have for several Years past, Associated themselves in the Town of Boston, into a Society by the Name of the fMassachusetts Charitable Society, for the purpose of mutually aiding & assisting each other, their Families, Widow and Orphans, who may be reduced by the adverse Accidents in Life to which they are exposed; And have, for this purpose, raised a Considerable Common Stock, Out of which they have from time to time Contributed to the aforesaid purposes; — And the said Persons, Associated as aforesaid, finding themselves under difficulties & discouragements in executing their said Designs, without an Incorporation — Have by their Committee, Petitioned the Great & General Court of the State aforesaid, at their last Sessions, to be Incorporated for the aforesaid purposes; And their Intentions appearing to said Court, laudable and deserving Encouragement, An Act was passed by said Court, intitled 'An Act for Incorporating certain Persons therein mentioned, into a Body Politick, by the Name of the fMassachusett Charitable Society — wherein it was Enacted, that William Burbeck, Richard Cranch, Habijah Savage, Samuel Barrett, William Hoskins, John Simpkins, William Bell, Benjamin Edes, William Hickling, Ephraim Copeland, & others, The Members of said Society, Be Incorporated & made a Body Politick, for the aforesaid purposes, by the Name of the fMassachusett Charitable Society. And that they their Associates & Successors have Perpetual Succession, by said Name, & have Power to make by-Laws for the Preservation & advancement of said Body, not repugnant to the Laws of this State, with Penalties either of Disfranchisement from said Society, or of a Mulct, not exceeding Sixty shillings, or without Penalties, as it should seem most meet; — And have Licence to make & appoint a Common Seal, & liable to be Sued & enabled to Sue — And make Purchases, & receive Donations of Real & Personal Estates, for the purposes aforesaid; Provided the same shall not exceed the sum of Five Thousand Pounds ₶ᵖʳ Annum; And to manage & dispose of such Estates as to them should appear most fit

And Whereas it was further Enacted, by the aforesaid Great & General Court, That the said Society be invested with full Power & Authority to Assemble on the First Monday of September next, for the purpose of Appointing a President, Secretary, & Treasurer, together with such other Officers as to them should seem most suitable; & to Appoint their Common Seal, & to make By-Laws within the Restrictions aforesaid — & said Officers, so appointed, should continue until the first Monday of September next, On which day the said *Massachusett Charitable Society* should meet, And Annually, afterwards, on said First Monday of September, at Boston convene to choose a President, Secretary, Treasurer, & such other Officers, as they should think proper; & to make, alter or Annull their By-Laws, & if by reason of any Emergency the Business of this Annual Assembly could not be compleated, on said day, They might adjourn once to a short day to finish it, and no more; & that said Society might Assemble on the First Monday of every Month for all other Business. — And when any of the Officers should Die, or be disabled, or remove out of this State, others should be appointed or Elected in their room, at the next Meeting. — And all Instruments which said Society should lawfully make, should, when in the Name of said Society, & Pursuant to the Rules thereof, being Signed & Delivered by the President, Secretary, Treasurer, or other Officers or Persons, as the said Society shall Appoint, & Sealed with their Common Seal — Bind said Society, & be Valid in Law. — And it was further Enacted, that the Members of the said Society should, at no time, exceed the number of One hundred; & the Council of this State was thereby Authorized to give a CHARTER OF INCORPORATION, under the Seal of said State, to the aforenamed Persons, & their Associates, accordingly —

In Pursuance therefore of the aforesaid Act We do hereby Create, Incorporate & Erect the said William Burbeck, Richard Cranch, Habijah Savage, Samuel Barrett, William Hoskins, John Simpkins, William Bell, Benjamin Edes, William Hickling, Ephraim Copeland & others, into a Body Politick, for the aforesaid purposes by the Name of the Massachusett Charitable Society at Boston in New England; And do by these Presents Give & Grant to them their Associates & Successors Perpetual Succession by the Name of the Massachusett Charitable Society & a Power of making By Laws for the Preservation & Advancement of said Body not repugnant to the Laws of this State with Penalties, either

of Disfranchisement from said Society, or of a Mulct not exceeding Sixty shillings or without Penalties as it shall seem most meet & Licence to make & appoint their Common Seal, & the said Society shall be liable to be sued & enabled to Sue, & make purchases & take Donations of Real & Personal Estates, for the purposes aforesaid not exceeding the sum of Five Thousand pounds ℔r Annum & to manage & dispose of said Estate as shall seem most fit. And said Society shall have a President, Secretary, Treasurer & such other Officers as they shall think proper & shall Assemble on the First Monday in September next to Appoint their President, Secretary, Treasurer & and such other Officers as they shall think proper & to appoint their Common Seal, & to make By-Laws, & said Officers so appointed shall continue until the first Monday of September following on which day said Massachusett Charitable Society shall meet & annually afterwards, on said First Monday in September at Boston, convene to choose a President, Secretary, Treasurer & such other Officers as they shall think proper & to make Alter or Annull their By-Laws & if by reason of any Emergency, the Business of this Annual Assembly cannot be compleated on said day they may adjourn Once to a short day to finish it, & no more; And said Society may Assemble, on the first Monday of every Month for all other Business — And when any of the Officers of said Society shall die or be disabled, or remove out of this State, the Members of sd Society are hereby Authorized & Impowered at their next Meeting to Elect & Appoint others in the Room of the Officers so removed — And all Instruments which said Society shall lawfully make shall, when in the Name of said Society, & pursuant to the Rules thereof being Signed & delivered by the President, Secretary, Treasurer or other Officers or Persons as the said Society shall appoint & Sealed with their Common Seal bind said Society & be Valid in Law—

Given under Our Hands & the Seal of said State at the Council Chamber in Boston this Fifteenth day of March Anno Domini 1780 And in the Fourth Year of the Independency of the United States of America.

By Command of the Major Part of the Council — JOHN AVERY D Secy

JER. POWELL	H GARDNER	SAM NILES
W SEVER	T DANIELSON	JOSEPH SIMPSON
ARTEMAS WARD	N CUSHING	JNO PITTS
THOMAS CUSHING	TIMO EDWARDS	NOAH GOODMAN
SAML ADAMS	A FULLER	EDWARD CUTTS."

When they had organized under the charter the corporators appointed John Lowell, Samuel Ruggles, Nathaniel Noyes, Benjamin Edes and James Carter, "to revise the rules and articles; also the by-laws." The committee reported the following, which were adopted March 5, 1781: —

"RULES and ARTICLES
of the
MASSACHUSETTS SOCIETY.

Founded in Boston New England September 6th 1762 and Incorporated as a Body Politic by Charter from the Honorable Legislature of said State on the 15th March 1780

By the Name of the
Massachusetts Charitable Society

INTRODUCTION

To delight in Acts of Benevolence, to distribute with a liberal hand to the poor and Needy to soften the Cares of the Afflicted, We esteem as a Character becoming Christians — Impressed with this noble and exalted Principle, that We are not born for Ourselves, but as Social Beings designed by the wise parent of the Universe for the generous purpose of promoting the happiness of civil Society, and the welfare of each other. We have therefore formed Ourselves into a Society which is now Incorporated by Charter and distinguished by the Name of the Massachusetts Charitable Society, for the design and purpose of relieving those among Us, whom Providence may reduce to a state of poverty and Want. With humble Confidence in the smiles of Heaven on this Undertaking, We leave the success of our Cause in the Hands of that Being, 'who giveth to all men liberally' and delights in the Welfare of his Creatures, hopeing that our Conduct in Life will be such as to recommend us to his Blessing and the favourable approbation of Mankind,— United in these sentiments We recommend to each other a Solemn observance of the following Rules and Articles which we have adopted as our governing principles of Conduct.—

ARTICLES

I

That this Society shall meet Quarterly on the first Mondays of September, December, March, and June in the Town of Boston at such time and place as the Secretary by direction of the Trustees who may be chosen shall appoint.—

II

That on the first Monday of September there shall be annually chosen a President & Vice president, whose peculiar buisness shall be when either of them preside to keep order and attend to such matters, as may from time to time properly be, laid before the Society: Also a Treasurer Secretary and such other Officers as they may judge necessary for conducting the Business of this Society, all which Officers shall be chosen by Ballot.—

III

The Treasurer shall receive of the Secretary all monies paid into his hands either by members for Quarterage, Admission Fines or Donations for the use of the Society and the said Treasurer shall procure two sufficient Bondsmen for the faithfull discharge of his Trust, when the Money in his hands shall amount to Fifty Dollars, he shall put the same out on Intrest to some substantial person of good repute; but not without two Bondsmen of sufficient property, taking the Bond in the Name and for the use of the Society—

IV

The Secretarys Business shall be to keep fair Records of all the proceedings Votes By-

Laws and orders of this Society also of what Monies may be collected, whether by Fines, Quarterage, Admission, or Donation and pay the same into the hands of the Treasurer within two days and for Neglect of his Duty he shall pay for the use of the Society the sum of Ten Dollars.—

V

That this Society shall consist or One hundred Members and no more, agreeable to their Charter. —

VI

That each person belonging to this Society, during his continuance therein shall pay Quarterly into the hands of the Secretary the Sum of Twenty Five Cents —

VII.

When any person is proposed as Member, such person shall not be admitted, if there appear to be five Negative Votes among the Members present, but if admitted the Member who proposes such person shall pay into the hands of the Secretary the sum of Ten Dollars — and said Member on joining the Society shall sign the Articles as a due Acknowledgment of his Readiness to abide by and Support the Laws and Regulations of this Society. —

VIII

Should any Member neglect Attendance for the term of one Year (unless on public service or at sea,) after being duly notified, or omit sending his Quarterage Dues without good reasons given his Name shall be erased and he no longer be considered as a Member of this Society —

IX

That no Member of this Society shall be entitled to any releif untill he has been a Member thereof for the space of One Year, and if reduced by Misfortune Old Age or Sickness shall receive from time to time such Relief, as this Society may think proper, he having paid his dues to the Society —

X

That the Widow and Orphans of any Member of this Society who may be left under necessitous circumstances, shall, on application to this Society or in their recess to the Trustees, be entitled to such Relief as this Society or said Trustees in behalf of this Society may Judge convenient —

XI

If any Member of this Society shall be guilty of Prophaneness, Intemperance, or behave indecently whereby the proceedings of this Society may be interrupted he shall for such Offence pay into the hands of the Secretary the sum of One Dollar and if he continues Obstinate in the above Crimes, shall be expelled and his Name erased. —

XII.

If any Member of this Society shall be guilty of the pernicious practice of Gaming, a Vice that is attended with many ruinous Consequences which may reduce him to such Difficulties and Distresses as may need the Assistance of this Society he shall be expelled as an useless Member, being contrary to the Institution of this Society who cannot consider such Members as *Suitable Pensioners* on the *Bounties of Charity*.

XIII.

That any person belonging to this Commonwealth may be admitted as a Member of this Society, on making proper Application and being regularly initiated agreeable to the Seventh Article —

May this Society in Friendship reign, Whils't Charity a Virtue shall remain."— *Society's Records*, *p.* 81.

"By-Laws, for the Regulation of the Massachusetts. *Charitable Society* as Voted and Accepted in Boston, June 4. 1781. at the Green Dragon

First — That each Member be furnished by the Secretary with New Printed Articles containing the Name of every member belonging to the Society, and any Member hereafter admitted shall pay for his Articles the sum of Fifty Cents — for the use of the Secretary.—

Secondly That all fines & Monies expressed in the Articles and By-Laws of this Society, shall be considered in speice or the Exchange.—

Thirdly. That when the Society are met together and the President has taken his Seat, no Member shall speak out of his place & when rising to speak shall address the President and sit down as soon as he has done.—

Fourthly. That no member shall interrupt another when speaking unless to Call to order, or to correct a mistake, nor speak more than twice to any matter in debate without leave from the President —

Fifthly. That no Vote shall be reconsidered, unless there be as many Members present at the time of Reconsideration as there were when it was passed —

Sixthly That no Person shall retire untill he has adjusted with the Secretary and the Business is declared to be over, without leave from the President.—

Seventhly. That in case of the Removal of any Member by Death in the Town of Boston the Secretary shall Employ a Porter to notify each Member to attend the Funeral of said Deceased and the Charge of such Porter shall be paid by the Society."— *Ibid.*, *p.* 86.

At the same time, William Haskins, Nathaniel Noves and William Hickling, were appointed a committee, to get "a device and seal." Their report, of an appropriate design, circumscribed with the motto, "MASSA: CHARITABLE · SOCIETY · NOBIS · NON · NATI · SUMUS · ", was accepted.

After the date of the first signing the articles of association, and until Sept. 13, 1779, inclusive, seventy-five or seventy-six members were admitted, from time to time. Eight more were admitted, Dec. 13, 1779, — John Hancock standing first in the list. Upon the organization of the corporation under the charter, Hancock was chosen president.

Chap. 25. The reasons which induced the Legislature to pass the act repealed by this chapter, are shown in the note to that chapter, pp. 1028–1033, *ante*.

Although a representative from Pittsfield was one of the committee appointed to report the bill of chapter 38, of 1778–79, the act was repudiated by the inhabitants of that town, who adopted the following instructions to Col. William Williams and Capt. James Noble, whom they chose to represent them in the next Assembly: —

"We give you the following instructions, viz.: —

"1st. That you do use your utmost endeavors that a constitution be formed at this time."

"3d. That a late act of the General Court, called and considered to be an act of oblivion respecting the county of Berkshire, be an object of your attention, and that your exert yourselves that the same may be repealed, as it was undesired by the county, and is fraught with reproach, discrimination, and such severe reflections upon the county as they utterly disdain, and are not chargeable with; not to mention the manifest injustice contained in it.

"4th. That the appointment of a Superior Court to be holden in this county on the first Tuesday of May current was unnecessary and premature, and that the gentlemen who proposed such a measure were not so instructed and directed."

"8th. And, as you are chosen to represent the town of Pittsfield, we expect that you will represent it as a town of a county which has acted as firmly and consistently as any county in this State; and, as you know the sentiments of the county, that you act conformably thereunto; and, if you are not treated with the same respect with representatives of other counties, that you return home, and give us the pleasure of your company." * — *J. E. A. Smith's History of Pittsfield, p.* 363.

Before the next term day of the Superior Court, another convention of delegates from the towns in Berkshire County, assembled at Stockbridge, and adopted an address and "resolves," to be presented to the judges when they should appear to open the court. Accordingly, on the first day of the term, the judges found the court house at Great Barrington in possession of some three hundred persons, who had accompanied the committee chosen by the convention to present the address, &c. Of these papers, Andrew Henshaw, clerk of the court, took the following copies: —

"To the Honble the Judges of the superior Court appointed to sit at Great Barrington on the 4th of May 1779 The People present beg leave to represent the within Resolves having been read distinctly two several times, and put to vote passed unanimously that the People present approve of the said Resolves and have directed the following Gentlemen to wait upon your Honors with these Resolves and to request your Honors to give an Answer to the people present of your Honors Intentions in the matter viz Lt. Stonton, Jonath. Nash Deap Lee Deap Kenney and majr Stratton

attested pr. order of the Convention — ELDAD LEWIS Clerk

Great Barrington May 4th 1779 A true Copy of the Original paper sent to the Court, by the People assembled — Attest. AND HENSHAW, Cler." — *Mass. Archives, vol.* 201, *p.* 9.

"County of Berkshire, State of Massachusetts-Bay.

To the Honorable the Judges of the superior Court appointed to sit at Great Barrington on Tuesday the fourth of May 1779 —

May it please your Honors

We being a Convention formed by Delegates from the several Towns in the County of Berkshire, beg leave to lay before your Honors the sense of our Constituents, which is as follows viz. that it is creating a dangerous President to admit or consent to the operation of Law untill there is a Constitution or Form of Government with a Bill of Rights explicitly approved of and firmly established by a Majority of the Freemen of this State, for which reason the good People of this County are oposed to the seting of Courts at this or any future time untill a Constitution be formed and approved of by the People of this State — And here we beg leave to give some account of ourselves, and the reasons of our Conduct and in the first place would premise That we always had a sense of the Necessity of Law, especially in time of War, that we feel the Want of a due Exercise of it, and in many instances the sad effects of not enjoying of it, and as we have heretofore observed to a former Assembly, will do all in our power to uphold Authority and Law when settled upon a good foundation — But to our supprise in the seting of the first general Assembly in 1775 contrary to any Charter that we ever yet saw, The Members of each County were called upon to nomenate suitable persons in the civil and Military Line which were chosen by the House and commissioned by the Councill, in which effectual care was taken that those then present should be in the Nomenation, which procedure roused our attention that such persons should nomenate and vote for themselves or be elected in a form that the Charter knew nothing of — We have further reasons for the non admission of Law on the present foundation, we keep our Eye on the Origin of the present mode of Government, which as it is acknowledged by our Oponents, stands on the advice of the Continental Congress in 1775, which advice as may be seen had a special reference to a reconciliation to the Crown of Great Britain and in the exercise of such a mode mode of Government all our Officers civil and military were appointed and still hold their Authority, but when the Revolution took place by the subsequent Declaration of Independence that advice certainly ceased, and altho' there was a Proclamation from the general Court dated January 23d 1776 congratulating the People on a new form of Government, yet this was before the declaration of Independence, every Law therefore exercised at that time must have the Crown for its

* "These instructions are signed by Eli Root, John Strong, and James Easton; but the original draft is in the handwriting of Rev. Mr. Allen." — *Ibid.*

Index, yet the general Plea is by our Oponents that we hold our Authority and Government consequent upon said Advice from Congress, it is a Truth too well known to be denied, that since the Declaration of Independence there has been no social Compact or fundamental Constitution formed and adopted by the great Majority of the People of this State therefore the Basis and foundation of the present mode of Government is what we dislike, together with the Spirit & Principle which actuates many of the men who would inforce it — And considering all those Reasons (which appear to us of weight) we are fearfull of the Consequences should the operation of Law take place upon the present Foundation, especially if it should be attempted to be enforced by Violence, as some have intimated, which intimations we hope will appear to be groundless, as they have very much exasperated the People; We must therefore in Duty to ourselves to our Country and Constituents earnestly desire that your Honors would desist from attempting to set in this County untill the explicit voice of the great Majority of the Freemen of this State may be taken by Yeas and Nays respecting the Validity of the present Form of Government, by whoes Determination when explicitly and regularly known we are determined cheartully and religiously to abide by —

The above being read and duly considered was unanimously approved of sign'd by Order of said Convention

Stockbridge May 3d 1779 — JONTH YOUNGLOVE Chairman

Great Barrington May 4th 1779 — A true Copy of the original paper sent to the Court
AND HENSHAW, Clcr." — *Ibid.*, *p.* 6.

To these addresses the judges felt constrained to make the following reply: —

"To Leiut. Stouton, Jona. Nash, Deacon Lee, Deacon Kenney and Major Stratton — Gentlemen, Having considered the paper by you delivered us, purporting a Resolution of the People now here assembled, that the superior Court of Judicature &c shall not be held here this Day, as by Law appointed — We do now inform you, that as we conceive that the Court was ordered to sit here for the peculiar Advantage of this County and as it must fail of the desired Effect, while the People are thus averse to it, we shall not attempt to open the Court or proceed further in Execution of the Law here: but hope the time will come, when we shall be all united in the support of those Laws so necessary to the Defence of our Country and the good of Society —

By order of the Justices of said Court

Great Barrington May 4th 1779 — AND HENSHAW, Clcr." — *Ibid.*, *p.* 10.

— and immediately despatched the following report of the affair, to the General Assembly, which, however, had been prorogued the day before: —

"To the honorable the general Assembly of the State of Massachusetts Bay —

May it please your Honors,

We beg leave to inform you that pursuant to the Law of the Government, we met at Great Barrington to open the superior Court in and for the County of Berkshire, where we found about three hundred persons assembled in the Court house, and while there, we recieved from a Person to us unknown a paper containing Resolves of a Convention of Delegates from several Towns in the County a copy of which is here inclosed; the body assembled sent Persons to borrow it of us, and again returned it with the writing on the back signed by Eldad Lewis, a copy of our Answer thereto is also inclosed, from whence your Honors will percieve the Court was never opened here — We thought it our Duty to give you this Information as early as possible, and are your

Honors most Obedt Humble Servts; — WM CUSHING —
JEDH. FOSTER
Great Barrington NATHL PEASLEE SARGEANT —
May 4th 1779 — DAVID SEWALL
JA SULLIVAN."— *Ibid.*, *p.* 5.

At the beginning of the first session of the next Assembly, the opening message from the Council, contained the following passage relative to these proceedings: —

"The Affairs of the County of Berkshire are in a critical situation, we have directed the Secretary to lay before you a Letter from the Justices of the Superiour Court of the 4th Instant wherein they Inform us that, in pursuance of Law, they met at Great Barrington to open the Court, where they found Three hundred People assembled at the Court House, who, notwistanding all the Lenity which Government has discovered towards these People, prevented the Court's being opened; we recommend this Letter togather with the Papers accompanying the same to your serious Consideration." — *Ibid.*, *vol.* 158, *p.* 144.

The next day (May 29), this message was referred to a committee of five members, who forthwith reported, "that the consideration of the disorders which still subsist in the county of Berkshire, be postponed to some future time, when the Court shall have more leisure to attend to them." This report was accepted; and no further action upon the subject has been discovered until December 29th, when the bill of this chapter was read a first time, in Council. On the 31st, it was read a second time, and passed, in concurrence, to be engrossed, and was sent down to the House, whence it was returned, with a vote of concurrence, the same day. The bill had been drawn as of the year 1779, but, on the first of January, upon a proposal from the House, this was changed to 1780, by amendment, and on the 3d, the bill was passed to be enacted.

Chap. 26. The bill of this chapter was read, twice, in the Council, and there passed to be engrossed, December 22d, and on the next day it was passed, in concurrence, in the House, to be engrossed, with an amendment, substituting the form of the preamble in the act, for the following form as reported in the bill: "Whereas many advantages have arisen from the afore-cited act, made in the present year of our Lord, therefore necessary to be continued for a longer time," which amendment was concurred in by the Council, and, on the 24th, the bill was passed to be enacted.

Chap. 27. As first drawn, and as sent down to the House, December 31st, the bill of this chapter, which originated in the Council, had no title, or date, prefixed. It was accordingly amended, Jan. 3, 1780, upon a message from the House, pointing out these deficiencies. On the 7th, the House sent to the Board another message, proposing to strike out the words, "which will be in the year of our Lord," immediately following the word "November," in the act; which being agreed to by the Council, the bill was that day passed to be enacted.

Chap. 28. The purpose of this act is sufficiently shown in the preamble. As first drawn, the second section of the bill ended with the proviso "that nothing herein shall be construed to extend to increase any corporal punishment incurred by any breach of said law." On the 7th, the bill passed through all its stages, to engrossment, inclusive, and, on the 10th, was passed to be enacted.

Chap. 29. After the passage of the resolves of Oct. 10, 1777, printed in the note to 1777-78, chapter 6, *ante*, providing for the families of non-commissioned officers and privates of the Massachusetts quota, the only additional pecuniary assistance rendered by the General Court, to soldiers or their families, up to this year, was that afforded by the resolve * of Oct. 17, 1777, and the resolve † of Jan. 16, 1778, in explanation thereof; by which resolves provision was made for defraying the expenses of sick and wounded soldiers, and for repairing losses incurred in battle or on retreat. For reimbursing the former class of expenses, a committee was appointed, May 31, 1779, to report the draught of a letter asking the aid of Congress.

By the depreciation of the currency, the officers and privates in the army were affected even more severely than citizens at home, on account of the unavoidable lapse of time between the making out of the pay-rolls and the payment of the money, and between their receipt of pay, and their getting it to their distant families or creditors, while the value of the currency in which they were paid, was daily diminishing.

The following complaint from members of four brigades of the Massachusetts quota, of the injury they had received from this depreciation, was read in the House, Jan. 19, 1779, and referred, by a concurrent vote, on the same day, to the committee on the state of the army: —

"To the Honourable the Council and House of Representatives of the State of Massachusetts Bay in General Court Assembled.

The Memorial, Remonstrance and Petition of the Officers in Brigadier General Nixon's, Patterson's Late Learnead's & Glovers Brigades, in behalf of themselves, and the Soldiers under their Command, Humbly Sheweth, that —

When America was driven to the Alternative of taking Arms in defence of their Liberties, or submit to the most abject Condition of *Slavery*; the State of Massachusetts Bay was far from being the last to Avow their full determination to risque their lives and fortunes in the defence of their Country, and early published to the world their ardent wish to spend their all, could they thereby secure the Invaluable blessing of Freedom to Posterity, rather than intail wretchedness upon them, accounting it a much richer legacy than should they leave them in possession of the wealth of the Indias, held at the servile tenure which the tyrant of Britain and his Venal Parliament profered to them.

We, at that time, considering ourselves as part of the Community, were Equally anxious with the rest of our brethren to defend the Common Cause, chearfully exchanging the sweets of domestick life for the fatigues and hardships of *War*, and have still no other wish than to secure the great object and to be again enrolled in the number of Citizens: but it is with the greatest concern we have observed for some time our brethren departing from that line of Virtuous conduct which before guided their actions, and are persuing measures, which if persisted in without redress, will finally cause a seperation of Interests between the Army and Country, Incompatible with the happiness of a Free State.

That our pay which was liberal is become of little value; our families are Starving; Gentlemen of rank in the United States publickly refuse the Currency of the Continent, and all Denominations of people (who would be thought Virtuous, honest and religious) are openly fixing a depreciation on the Currency and avowing their right to sell at the rate of six for one compared with gold and silver, and secretly promoting a much greater Depreciation; It is not for us discriminately to determine who is the cause, we only say it has happened and that it is a greivance to the Army insupportable. It is evident then that the contract which Government made with the Army is greatly Infringed upon, and that the Officers and Soldiers are Injured in a most capital manner: for it is the same thing in effect to be robbed of Seven Eights of our money at once, or have the whole reduced to one eight part of its' former value whilst we hold it in our pockets; and amounts to a tax upon the army nearly eighteen shillings upon the Pound which is extorted from us without our consent — a Doctrine which four years ago every american would shudder at!

That we are alarmed, greatly and Justly alarmed; for those of us who had any monies have applyed them to the support of our families, or the publick exigencies of the war: and to be compelled to loose our all; to beggar our families; to ruin our constitutions and to hasten old age upon ourselves are too great sacrifices for us to make: to beg we shall be ashamed; to steal honor and virtue forbids: yet, with all these alarming circumstances before our eyes we have persevered thro' the marches of an *Alexander* and the fatigues of an *Hannible*, haveing endured hunger, thirst, cold and nakedness: your troops have neither left the field, nor disgraced your arms for we confided in the wisdom of this Honorable Court; the Justice we expect from you; the love which every Officer and Soldier

* Printed resolves of the September session, chapter CXLIX.
† *Ibid.*, January session, chapter XXV.

bears to the United States, to his Excellency the Commander in chief and the goodness of the cause we are Ingaged in, both as it respects ourselves and the wellbeing of posterity: from these considerations the officers have been hitherto enabled to keep the soldiery from dispair and from adopting measures which might have proved fatal in their consequences. We therefore urge your speedy attention to our greivances, the removal of which, (in our opinions) can alone disuade the soldiery from taking measures which will be Impossible for us to prevent.

We are not unaware of the many Dificulties with which Government has been Embarrassed, and considering ourselves as members of the community, are not unwilling to bear a part in them; neither do we expect that full, and Just satisfaction can be Immediately made us; but we must think it to be in the power of Government to take such effectual measures from time to time as will secure our stipulated pay to us, or our heirs after us, according to its original value; in doing of which we are willing to have every thing that has been done for us by this State taken into Consideration.

Let this security be given us, and let our properties be exempted from taxes, so far as they relate to town bounties and hires given to Levies and Militia, we shall then be satisfyed and contented. This we must think we have a right to expect from this Honorable Court; for altho we have the highest respect for Congress as a most venerable Body, and have addressed them on the subject of greivances; yet the object of their concern is large and too diffusive to extend to every part of the Army in season to releive their Distresses, and redress their wrongs. Besides, we consider each State as haveing an Immediate and intire sovereignty over her own Members; if therefore the government of the several States respectively does not take measures to support the Credit of the Currency it will unavoidably be out of the power of Congress to do it.

These things we will humbly submit to the wisdom of this Honorable Court, fully confiding in your prudence, Candour and love of Justice; and that you will speedily grant us all that relief, which we wish to receive; and as nothing but the great Cause of our Country could have induced us to forsake our Domestick Imployments, so, we can with the greatest sincerity assure this Assembly of our unabated zeal and ardent wish to contribute every means in our power to render the United States gloriously free; And that nothing should ever happen on our part to burst that Bond of United Affection and Interest, which was once so Conspicuous in the State of Massachusetts Bay, and which, should it ever happen, will be more distressing and more Mortifying than all the Apprehensions, Losses, Fatigues, Hardships and Bloodshed we have ever met with from the Common Enemy. December 30th 1778.

from Colo Greatons Regt	JOHN GREATON	Committee in Behalf of General Nixons Brigade
Colo Putnams do	RUFUS PUTNAM	
Colo Nixons do	THO: NIXON—	
From Colo: Marshall's regt	THOS MARSHALL —	Committee in Behalf of Genl Patterson's Brigade.
Colo: Bradford's do	G BRADFORD	
Colo: Tupper's do	BENJ TUPPER	
Late Brewer's do	TOBIAS FERNALD—	
From Colo M: Jackson Regt	MICHL JACKSON	Committee in Behalf of the late Genl Learneds Bri.
From Colo Baileys & Colo Wessons	EZRA BADLAM	
	JAMES MELLEN	
	W SHEPARD in Behalf of the Brigade	Committee in Behalf of Gen. Glover Brigade."— *Mass. Archives, vol.* 220, *p.* 442.

Upon the report of the committee, the following resolve * was passed: —

"Feb. 4, 1779. In the House of Representatives. On the Petition of the Officers in the Brigades of Generals Nixon's, Patterson's (late Learned's) and Glover's in behalf of themselves and the Soldiers under their command.

Resolved, that the Selectmen or Committees of the several Towns and Plantations in this State appointed for this purpose be, and they hereby are enjoined to supply the Families of all Non-Commissioned Officers and private Soldiers enlisted from their respective Towns or Plantations (for three years or during the War in the Fifteen Battalions raised by this State) with Necessaries in manner directed by a Resolve of the Great and General Court of this State passed upon the Tenth Day of October One thousand Seven hundred and Seventy Seven — And to keep an exact account of all such Supplies to the intent, that the Towns may finally have the same paid by the State and also that such Supplies may be Charged to the said Non-Commissioned Officers and private Soldiers when their Pay, on which they entered the Service, shall be made good to them as is hereinafter provided. And the Selectmen and Committees respectively shall make up their Accounts for past Supplies as soon as may be, and for future Supplies on the first Day of January yearly, and lay them before the General Court for examination and allowance.

Resolved, that if any Selectmen or Committees shall be so regardless of their Country's Interest as to neglect to see the said Resolve of the Tenth of October fully executed, and Complaint be thereof made to the General Assembly, there shall be added to the Tax of the Town or Plantation, whose Selectmen or Committees shall be so delinquent, a Sum not exceeding five times the value of such Supplies which they upon request shall unreasonably refuse to make. And whereas there is no provision made for supply of the Com-

* Printed resolves of the January session, chapter CXXVIII. This resolve is here printed from the legislative journal of the Council. It also appears in the state archives, vol. 220, p. 438, *et seq*; but with so many alterations that it would be scarcely intelligible without numerous notes and cross references. It was therefore deemed best, in this instance, to depart from the rule by which, in this edition, resolves are taken from the originals when possible. It was concurred in by the Council, Feb. 6, 1779.

missioned and Staff Officers Families. It is therefore Resolved, that there be advanced and paid out of the Public Treasury of this State to the Commissioned and Staff-Officers of the Fifteen Battalions aforesaid who are engaged to serve for three years or during the War, the following Sums, viz^t.

To each Field Officer the Sum of Three hundred Pounds. To each Captain, Chaplain, Surgeon and Surgeon's Mate engaged for three years or during the War and being an Inhabitant of this State, Two hundred Pounds.

To each Subaltern Officer One hundred and Fifty Pounds. One Moiety of said Sums to be paid to them respectively upon the Fifteenth Day of April next, and the other Moiety upon the Fifteenth Day of July next. And in case it shall so happen that the Treasurer shall not be able to pay such Sums at the times abovementioned, He is hereby impowered and directed to give said Officers, or any of them who shall apply therefor, his Note upon Interest payable upon or before the first Day of January One thousand Seven hundred and Eighty, which several Sums when so paid either in Notes or Money as aforesaid shall be charged to the account of the respective Officers who shall receive the same and be Deducted from their Wages when adjusted and made good as is herein after provided.

Resolved, that the Constables and Collectors of the State-Tax now ordered to be issued shall exchange with Commissioned or Staff Officers of said Battalions belonging to their respective Towns the Notes aforesaid giving such Officers Current Money for the Principal and Interest due upon such Note at the time of such Exchange. And the Treasurer is hereby directed to receive such Notes of all Constables and Collectors in payment of the Tax aforesaid. And the Officer having the same so exchanged shall indorse his name on the same and thereon set the Day of the Month and year when the Exchange shall be made, at which time the Interest on such Note shall cease.

Resolved, that this Government will, at the close of the present War, receive an account of the time which the Officers and private Soldiers belonging to this State shall have served in the said Battalions and will then make good to them and the Heirs of such of them as shall then be dead, the Wages of the Establishment of Congress whereon they engaged according to a late Act of this Government, entitled, An Act against Monopoly and Oppression, taking for a measure of their Wages, the Prices set to the Articles enumerated in the same Act, taking into Consideration by the same measure all Bounties, except the Continental Bounty of Six Pounds and the State-Bounty of Twenty Pounds, Supplies, Gratuities and Sums already advanced, or which shall hereafter be given, Supplied or Advanced.

Provided nevertheless, that if the Honb^le Continental Congress shall make the Wages of said Officers and Soldiers good to them as aforesaid, this Government shall not be held by this Resolution. And also provided, that this Provision shall not extend to those who shall, without a regular and honorable Discharge, leave the said Service before the time, for which they are engaged, shall expire. In Council Read and Concurred.

Consented to by Fifteen of the Council." — *Council Records, vol. XXXIX., p.* 75.

A letter,* from which the following is extracted, bearing date Feb. 10, 1779, was thereupon reported by a committee of both branches of the Assembly, and was ordered to be sent to the delegates from Massachusetts, in the Continental Congress: —

"We were in hopes 'ere this to have heard that the Honb^le Congress had taken some suitable measures to quiet the minds of the Officers and Soldiers in the Continental Army under their Sufferings by reason of the depreciated state of our Currency. The Officers and Soldiers of the fifteen Battalions and of Colonel Crane's Regiment of Artillery including Stephens's Corps raised in this State have been so pressing in their applications to the General Assembly, that they have passed a number of Resolutions wherein they have engaged (provided Congress do not do it) to make good their Wages at the close of the present Contest. It appeared to the Court from the representation of the Officers, that this was a measure absolutely necessary in order to keep the Army together. We hope it will meet the approbation of Congress and desire that you would endeavour to obtain their Order that the expence that may hereby accrue shall be finally borne by the Continent. The Officers and Soldiers in the Regiments under the command of Colonels Jackson, Lee & Hendly have applied to have the same relief; but as the Court have been lately informed that this State has, in the late Arrangement of the Army, no Credit for the Men belonging to those Regiments, they apprehend it belongs to Congress to grant them the necessary relief, as most of the Men belonging to these Regiments were raised in this State, and their Families are here and therefore can be more easily supplied by us. We are willing, provided we can have Credit for the Men or Congress will give us directions to treat them in the same manner, to pass similar Resolutions in their favor. You will therefore use your endeavours that the Men beforementioned should be placed to the Credit of this State as part of their Quota of the Continental Army, as also the Men belonging to Colonel Crane's Regiment of Artillery including Stephens's Corps, as the Honb^le Congress as well as General Washington strongly recommended it to this State to grant the same encouragement to these Men as to those belonging to the fifteen Battalions."— *Ibid., p.* 97.

On the same day, another letter, † reported by the committee last named, and relating, in part, to the same subject, was ordered to be sent to the President of Congress.

Col. Shepard continued his applications for prompt and equal payment to officers and men, in three letters, addressed to the Secretary, or to the General Court, during the month of May. On the 29th of May, these were referred to a committee, consisting of Samuel Niles and Joseph Simpson, of the Council, and Messrs. Nichols, Gerrish and Wales, of

* Printed resolves of the January session, chapter CLVII. † *Ibid.*

the House, to take them into consideration, "and report what may be proper to be done thereon." The report of this committee, and the action of the General Court thereon, were as follows: —

"The Committe of both Houses, to whom was referr'd the Letters of Col Shepard; have Considered the same, and are of Opinion that his Complaint, in Regard to the Officers in the New Arrangment, is without foundation, as your Committee dont find but one Officer, in the Returns made, that is mentioned as being of the new Arrangment, and that he has rece'd his Moiety, agreeably to the Resolve.

As to the Request, That the whole sum granted, might be paid att this time in One Note your Committee are of Opinion that as the other Moiety will soon become due, it will not be Expedient to Supersede the Resolve of the Sixth of Febry last. The Request of Col Shepard respecting the Chaplin in Brigadeir Glovers Brigade has been Comply'd with, by the Resolve passed this Day on the Petition of Col Rufus Putnam

all which is Humbly Submitted

June 2d 1779. SAML NILES by Order

In Council June 2d 1779 Read & Accepted —

Sent down for Concurrence JOHN AVERY D Sec'y

In the House of Representatives June 3d 1779 Read & concurrd

JOHN HANCOCK Spkr

Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol* 222, *p.* 429.

At this session, also, on the petition of Col. Rufus Putnam (which was read and referred in the House, May 28th), a resolve was passed, extending the operation of the resolve of February 6th, to some members of the army who were not inhabitants of Massachusetts. This petition, and the resolve thereon were as follows: —

"To the Honble the Council & Representatives of the State of Massachusetts Bay in General Court assembled.

The Petition of Rufus Putnam Colo of the 4th Massachusetts Regiment in the Service of the United States of America, Humbly Sheweth,

That by a Resolve of the General Court past in Feby last, wherein they engage that this Government will at the Close of the present War, make good to the fifteen Battallions raised by this State their Wages agreeable to the Establishment of the honble Congress, there appears to be no Provission made for such Officers & Soldiers of the said fifteen Battallions, who are not Inhabitants of this State.—

That in the Battallion aforesaid are several Foreigners who have gained no Inhabitancy in the State, yet have served faithfully since the Commencement of the War. — There are also others who are Inhabitants of Bennington & other Places in the Grants (where no Quota is call'd for or Raised) who are all mustered for, & serving as Part of the Quota of this State; & which your Petitioner humbly concieves have a right to expect this State will see Justice done them, as they enter'd your Service on the Faith of Government pledged to them in an Act entitled an Act against Monopoly & Oppression.

The aforesaid Resolve also affects Doctr William Annen an Inhabitant of Maryland, who has served in some of the Massachusetts Regts since the opning of the Campaign at New York in the Year 1776, & is now serving as Surgeon in your Petitioner's Regt.—

Wherefore your Petitioner prays, that your Honors will be pleased to take ye Premisses into Consideration, & make such Provission for Officers & Soldiers circumstanced as before described, as will relieve the Distresses of both; & prevent the Despair & Desertion of the Soldiers wch otherwise, 'its too probable will ensue.— And in particular that the Regiment may not be deprived of a Surgeon, especially as there is no Mate in it; nor are Gentlemen of the Faculty who have any considerable Practice or other Employment, willing to enter the Service.—

And your Petitioner as in Duty bound will ever pray. RUFUS PUTNAM

Boston May 28th 1779." — *Ibid., p.* 391.

"The State of Massachusets Bay — in the House of Representitives June 2 1779 * on the pettition of Collo Rufus puttnam praying the Same provisions should Be made for the officers & Soldiers Serving in The fifteen Battalions Raised By this State Who Were Not Inhabitants Thereof as Was made To the Inhabitants of this state By a Resolve passed in February Last

Resolved That The Resolve passed The Sixth Day of February Last Be Extended to all officers and Soldiers Serving in the Fifteen Battallions afore Said and Continuing therein agreeable to Said Resolve altho They Be Foreigners or Inhabitants of any other of the united States Sent up for Concurrence JOHN HANCOCK Spkr

In Council June 2d 1779 Read & Concurred JOHN AVERY D Sec'y

Consented to" — [Signed by fifteen of the Council]. — *Ibid., p.* 390.

On the 28th of May, in conformity with the annual practice, a committee of accounts was chosen by the House, consisting of Loammi Baldwin, Richard Cranch, Seth Washburn, Ephraim Starkweather, Lemuel Kollock, Thomas Durfee and Jonathan Webster, and commissioned "to receive and examine all accounts (not otherwise ordered) which are duly authenticated, for any service done, or expense incurred, in consequence of any order or resolve of the General Court; and to allow so much thereon as shall appear to them to be reasonable and just."

The resolves † establishing this committee declared that their doings, or the doings of any four of them, during either the recess or the sitting of the General Court, should be considered as valid as any vote or resolve of the House. They were required to keep a record of the names, and places of residence of the persons whose accounts should be

* Printed resolves, chapter XXVI. † *Ibid.*, chapter IV.

allowed by them; of the amounts so allowed; "and the occasion of the charge." By the same resolves, Jabez Fisher, Benjamin White and Daniel Davis, on the part of the Council, were joined to this committee, and they, or the Council itself, were authorized, either during any session or in recess, to concur in the accounts allowed by the House committee, "so far as shall appear to them just and reasonable, and duly authenticated." The paid accounts thus approved were to be kept by the secretary, in separate files, and to be laid before the House, for inspection, when called for; and the Council were authorized to issue their warrants therefor, upon the treasurer, payable to the committee of the Council, to an amount not exceeding £30,000. Extra pay was granted to the members of the above committee on the part of the House, for their extraordinary services. On the 3d of June, Samuel Osgood was added to this committee, and Joseph Hosmer was substituted for Thomas Durfee, who had been chosen to the Council.

On the 8th of June, a resolve * was passed establishing a form to be followed by selectmen and committees in rendering their accounts under the resolve of the sixth of February; and, on the 24th, another resolve † was passed, authorizing the committee of accounts to allow compensation to such selectmen, &c., for their services. Besides the above committee of accounts, another committee had been appointed, "for stating and methodizing the public accounts." The term of service of this last-named committee having expired, the following resolve ‡ was passed:—

"State of Massachusetts Bay — In the House of Representatives June 28th 1779

Whereas the Commission of the Committee for Stating & methodizing the publick Accounts has expired

Resolv'd That John Deming, Peter Boyer and Thomas Walley Esq^rs be and they are hereby appointed a Comm^ee whose Business it shall be to State Accounts & make proper charges of all monies ordered to be paid out of the publick Treasury & of all Articles ordered to be delivered from the publick Stores or otherwise, to such Person or Persons in whose favour said orders were given or who receiv'd the same and to call upon all Committees & others who have receiv'd publick monies or Stores — for which they were to be accountable to adjust & Settle their respective Accounts and it is further

Resolv'd That s^d Comm^ee shall prepare a proper Account of all the Disbursments made by this State in favour of the United States since the first of January 1777 in order that the same may be laid before Congress for a Settlement

Sent up for Concurrence JOHN HANCOCK Spk^r

In Council June 29th 1779 Read & Concurred JOHN AVERY D Sec^y

Consented to" — [Signed by fifteen of the Council].— *Ibid.*, *vol.* 223, *p.* 403.

The non-commissioned officers and privates of the Massachusetts contingent in the Continental Army, were enlisted under the resolves of Congress, of Sept. 16, 1776, for raising eighty-eight battalions, of which Massachusetts was required to furnish fifteen. As an additional inducement to every recruit who should enlist in the Massachusetts quota, to serve "during the war," the General Court, by the resolves § of Oct. 19, 1776, had offered, besides the pay and "encouragement" already voted by Congress, one blanket, annually, in case Congress should not provide one, or eighteen shillings, if the soldier should furnish one himself; and twenty shillings per month, to be paid semi-annually during his continuance in the service. But this last payment was only to be made in the event that Congress should not increase the wages of soldiers by that amount; and if the increase made by Congress should fall short of twenty shillings the state was pledged, only, to make up the deficiency.

Before the passage of these resolves, beating orders had been issued, and enlistment-rolls prepared, for men to serve "during the war," unless sooner discharged by Congress; but Congress, in its resolves of November 12th, having objected to such discrimination in favor of this class of enlistments, and having resolved that all who enlist for the term of three years be entitled to equal pay and bounty with those who enlist to serve during the war, except the grant of 100 acres of land to the latter (in addition to the pay and bounty granted to each) the General Court, by resolves ‖ passed on the 24th of November, repealed so much of its resolves of October 19th, as established the objectionable distinction, and offered a full discharge from enlistment (with the right to reënlist), to all who, by this offer of extra bounty, had been induced to enlist to serve during the war, upon their returning so much of the bounty as they had received; or, if they failed to return the bounty, they were to be held for three years' service, only. By the same resolves there was granted to each non-commissioned officer or private not belonging to any other of the United States, who should enlist in the Continental Army, as part of the Massachusetts quota, a bounty of £20, in two notes of £10 each, to be delivered to him upon his passing muster. These notes were payable in four years, with interest, semi-annually, at six per cent.

In the resolves of November 12th, Congress had required enlistment-rolls to be prepared in two forms; one, for those who should enlist for three years, and another, for those who should enlist to serve during the war; but, although the General Court followed this direction of Congress, the beating orders, here, were issued for the enlistment of men to serve "for three years or during the war;" and from this last circumstance, as well as from the plain import of the resolves of November 24th, there were some veterans in the army, who, though not strictly entitled to a discharge, held themselves free to leave the camp at the expiration of the three years' term of service of others who had enlisted at the same time but upon a different agreement.

As the end of the three years for which a large part of the army had enlisted, drew near, the importance of measures to secure the reënlistment of as many of these veterans as

* Printed resolves of the May session, chapter LXV. † *Ibid.*, chapter CLXVIII.
‡ *Ibid.*, chapter CCXIX. § *Ibid.*, October session, 1776, chapter XLIII.
‖ *Ibid.*, November session, chapter LXXIV.

could be induced to remain in the army, became obvious; and, accordingly, the following resolutions were passed by Congress, before the opening of the second session of the General Court: —

"*Resolved*, That it be and it is hereby recommended to the several states that have not already adopted measures for that purpose, to make such further provision for the officers and for the soldiers inlisted for the war, to them respectively belonging, who shall continue in service till the establishment of peace, as shall be an adequate compensation for the many dangers, losses and hardships they have suffered and been exposed to in the course of the present contest, either by granting to their officers half pay for life, and proper rewards to their soldiers; or in such other manner as may appear most expedient to the legislatures of the several states:

* * *

Resolved, That it be and hereby is recommended to the several states to make such provision for the widows of such of their officers, and such of their soldiers inlisted for the war, as have died or may die in the service, as shall secure to them the sweets of that liberty for the attainment of which their husbands had nobly laid down their lives." — *Journals of Congress: Aug.* 17, 1779.

"*Resolved*, That until the further order of Congress, the said officers be entitled to receive monthly for their subsistence money, the sums following, to wit, each colonel and brigade chaplain five hundred dollars, every lieutenant colonel four hundred dollars, every major and regimental surgeon three hundred dollars, every captain two hundred dollars, every lieutenant, ensign and surgeon's mate one hundred dollars.

Resolved, That until the further order of Congress the sum of ten dollars be paid to every non-commissioned officer and soldier monthly for their subsistance, in lieu of those articles of food originally intended for them and not furnished." — *Ibid.: Aug.* 18, 1779.

Early in its second session, the Legislature began to take more effectual measures to allay the discontent that prevailed in the army among the soldiers of the Massachu-etts quota. They appointed committees to consider the several resolves relative to the supply of soldiers' families, with the view of remedying any defects that might appear therein.

A letter from General Heath, dated September 2d, at the Highlands on the Hudson, and a memorial, enclosed therein, of the Massachusetts officers of the line in the Continental Army (neither of which has been found in the archives), were immediately referred to a committee, consisting of Messrs. Osgood, Davis of Boston, Page, Ashley and Wales. This committee promptly reported a resolve for the appointment of a committee of three, to visit the army, "on the subject matter" of these petitions; but the different views entertained in both branches with respect to the form of the resolve, the nature of the instructions to be given to the committee, and the individuals who should be appointed, and their number, led to a contest which lasted more than two weeks. Finally, the following resolves* were agreed upon, and signed by a majority of the Council, on the first of October, after several conferences had been held, to settle differences on some of the many amendments proposed or adopted: —

"Whereas the Time of Inlistment of Part of this State's Quota of the confederated Army of America is near expiring; And Whereas, by the smiles of Heaven, the Period of our Warfare is we trust nearly arrived, our inveterate Enemies having brought upon themselves the national Vengeance of France & Spain whose combined naval & military Force must soon reduce imperious Britain to listen to the Voice of Reason & of Peace: And Whereas it is necessary that a respectable Army should still be kept in the Field, that the War which was begun with Spirit & hath been bravely maintained, may terminate with Glory & the Accomplishment of the great Purposes which originated it; And Whereas from the prov'd Fidelity, & unshaken Firmness of the intrepid Men who have hitherto constituted the distinguished Regiments belonging to this State, it will be most for the Interest & Reputation of this & the united States to engage the same gallant Veterans to continue the military Guardians of their Country, Therefore as an Encouragement for their Reinlistment, it is resolved —

That a Bounty of Three hundred Dollars, in Addition to the Bounty & subsistence Money allowed by Congress, be paid to Each Non-commission officer & Soldier who has or shall Inlist as one of this State's Quota of the Continental Army dureing the continuance of the present war between the United States of America & Great Brittain. And it is allso resolved that each Officer & Soldier who shall engage as aforesaid shall be intitled to receive all the Benefits provided & promised by a Resolution of the General Court of this State passed the 6th of February last. And their Accounts shall be punctually settled & the Ballances paid at the Conclusion of the War; And in Case the War should continue longer than one year, then at the close of each year, so long as the same shall last, & the Polls shall be exempted from Taxes of every kind and the Estates Both Real & Personal of Each officer & Soldier, who shall Ingage as aforesaid Shall be Exempted dureing their Continuance in said Service from all Town Taxes Levied for the Purpose of procuring men to go into the Army.—

And be it farther resolved that Colonel Nathaniel Freeman & Samuel Osgood Esq be a Committee immediately to repair to Camp for the Purpose of carrying the aforesaid Resolves into Execution. — and that the said Committee be and they Hereby are impowered to Agree with the Officers belonging to this state — on a time and place for the meeting of a Committee of this Court with such Committee as shall be appointed by the said officers, for the Purpose of Adjusting the Account of each officer and soldier up to the first day of January 1780, and to assure them that the several ballances which shall be then due to such as shall Continue in service during the war, Shall be paid by the said

* Printed resolves of the September session, chapter CXXXIII.

first of January — and should any officer or soldier Decline Entering the service as aforesaid his or their Account shall be also settled on the said first of January and the ballance paid as Soon as the Circumstances of this Government will admit." — *Mass. Archives, vol.* 224, *p.* 225.

The following instructions* to the visiting committee (reported by a joint committee, consisting of Col. Baldwin and Mr. Davis of Boston, on the part of the House, and Thomas Cushing of the Council) were also adopted: —

"In the House of Representatives Sept. 30. 1779

Resolved that the following Instructions be given to the Committee appointed by the Resolve of this Day to repair to Camp for the Purpose of reinlisting this State's Quota of the Continental Army —

1st You are to repair without Delay to Camp, & on your Arrival to confer with the Commander in Chief & take the advice of the Generals, & field Officers belonging to this State, upon the best Method for carrying into Effect the Design of said Resolves.—

2. You are to assure the Officers & Soldiery that this State have a high Sense of their Merit & Services, & that this Court will pay a particular Attention to their Wants, & will make every Effort to have them supply'd with small Stores & cloathing.

3. You will not fail to impress upon the Minds of the Army the advantages they possess superior to those of a different, Profession, Under the Encouragement which you are to offer them. That the Distresses of the Times are such, that it is with Difficulty the Generality of their Brethren at home, are able to cloathe & feed themselves, & discharge those heavy Taxes which the public Exigencies now require from all Ranks of Citizens, & from which they are exempted —

Sent up for Concurrence JOHN HANCOCK Spkr
In Council Septemr 30th. 1779 Read & Concurred JOHN AVERY D Secy
Consented to" — [Signed by sixteen of the Council] — *Ibid*, *p.* 172.

On the same day on which the above resolves were passed, the visiting committee were supplied with $200,000 (for which they were to be accountable), to be expended in filling up the state's quota; and the Council were also empowered and requested to issue warrants, in the recess of the General Court, for a further amount, if in their judgment necessary. The committee who reported the resolves† for these purposes, were "directed to cause a suitable number of the resolves for reënlisting men, to be printed."

To the committee who reported the above resolves, had been referred, on the fifteenth of September, a petition from the officers under General Glover's command, dated Camp Lower Salem, State of New York, August 20th. The petitioners represented their great need of clothing suitable for the approaching cold weather, and their inability to procure it, and prayed for a supply "at such prices and in such way as has been or may be pointed out by Congress, or the General Assembly."

Upon this petition the committee, on the 20th, had reported a resolve‡ directing the Board of War to procure, as soon as possible, suitable clothing for the petitioners, and "all the officers belonging to this state, in the Continental Army," the expense of which was to be paid out of the proceeds of the sale of the estates of absentees.

The report of the committee to consider the resolves relating to the support of the families of soldiers in service,— a subject which had been before the Legislature for an equal length of time, — was also adopted, as follows: —

"State of the Massachusetts Bay In the house of Representatives Septr 30 1779:

§ whereas Doubts have Arisen in the minds of the Comtt on Accounts with Respect to Some Accounts preferred to them by the Selectmen & Committs of Some Towns & plantations in Said State Relating to the Supply of the Soldiers Famalys that are in the Contenantal Army —

Therefore Resolved that the Said Soldiers in the Contenantal Army Shall Still Continue to addvance to the Selectmen & Committes of the Several Towns & plantations in this State the Twenty Shillings pr. month as ordered in a Resolve of this Court of the Tenth of October Seventeen Hundred & Seventy Seven: and when the Selectmen or Committs of any Town Exhibit their Accounts and Do not give Credt for the Twenty Shillings Afore sd; said Twenty Shillings Shall be Dudected from Said Account; and where moneys is paid to any of Said Soldiers Famalys in Lieu of Necessarys ordered to Supply Said Famalys the Commtt on Accounts in passing Such Accounts Shall make it their Rule to Allow Such moneys to be as much pr month as the Twenty Shillings would purchase at the regulated price if Laid out in produce in the Same Town & no more

And whereas the Selectmen & Committs of Some Towns have made oath to their Accounts allready Exhibeted to Said Commtt before the Town Clerk where there is no Justice of the Peace it is further Resolved that said oath Shall be Deemed a Sufficent voucher for Said Accounts —

Sent up for Concurrence JOHN HANCOCK Spkr
In Council October 1st 1779 Read & Concurrd SAML ADAMS Secry
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 212.

The committee appointed to visit the army, arrived at West Point, the army headquarters, on the 15th of October. In the mean time, the Legislature passed the following additional resolves on the subject of the accounts of officers and soldiers, and the supply of soldiers' families: —

"State of Massachusetts Bay In the House of Representatives, Octor 6: 1779

‖ Whereas this Court have Impowered the Committees (who have been sent to the Army) to Agrea on Time & Place for the Meeting of a Committe from this Court, with Such

* Printed resolves, chapter CXXXIV. † *Ibid.*, chapter CXXXV. ‡ *Ibid.*, chapter XLVIII.
§ *Ibid.*, chapter CXXIX. ‖ *Ibid.*, chapter CCIII.

Committee as shall be appointed by the officers of the army, for the Purpose of Setling the Accots of the officers & Soldiers — Therefore Resolved, that, Samll Austin, Esqr & Colo Samll Thatcher, be appointed to Joine with the Committee, who have been appointed to Methodize & Settle the Accots of this State, for the Purpose of Colecting from the Board of War & Treasurers office & otherwais All Charges Against the officers & Soldiers in the Continental Army, Raised In this State, and Said Committee are ordered to Lay the Said Accots before this Court as Early as Possible in the Next Session

Sent up for Concurrence JOHN HANCOCK Spkr
In Council October 7th 1779 Read & Concurred JOHN AVERY D Secy
Consented to" — [Signed by fifteen of the Council]. — *Ibid., p.* 363.

"State of Massachusetts Bay } In the House of Representatives Octr 8th 1779 —

* Resolved that the Selectmen or Committee of each town and Plantation in this State, be and they hereby are required to render under Oath a full account of all Supplies furnished before the fifteenth of October instant (whereof an account is not already exhibited) and also of all bounties & gratuities given, whether by the town or plantation or any Individual, to every Soldier and Family of a Soldier raised as part of this States proportion of the Continental Army, for three Years or during the war: — the Account of Supplies to be in form agreable to a Schedule directed by this Court on the 8th of June last, and the time of delivering every Article of Supply as well as of every sum of money is to be carefully noted, and the town for which every Soldier is particularly doing service if known. —

And the Selectmen & Committees aforesaid are hereby required to cause the above Account to be lodged in the Secretary's Office by the several days herein respectively assigned them — viz.— The Selectmen or Committees in the Counties of Suffolk, Essex, Middlesex, Plymouth, & Bristol — on or before the first day of November next. —

The Selectmen or Committees in the Counties of Barnstable, Worcester, Hampshire and York — on or before the fifth of November next. —

The Selectmen or Committees in the Counties of Berkshire Cumberland & Lincoln on or before the Tenth day of November next

And the Selectmen and Committees aforesaid are directed to proceed in supplying the Families of the said Soldiers, agreable to the directions of former Resolves of this Court made for this purpose, under the penalties therein provided —

And Whereas a strict obedience of this Resolve, in Order to a speedy Settlement with the Army is of great Consequence to the Community,

Resolved that if the Selectmen or Committee of any town or plantation in this State, who have had the charge of supplying the Families of the soldiers aforesaid, shall neglect a punctual complyance with this Requisition, the Selectmen or Committee so neglecting shall individually forfeit to the use of this State, one hundred pounds; for the recovery whereof, the Treasurer of this State is hereby impowered and directed to issue his Execution, upon each Selectman or Member of a Committee so neglecting, upon receiving notice of such Neglect from the Secretary.

Sent up for Concurrence JOHN HANCOCK Spkr
In Council Octr 8th 1779 Read & Concurred JOHN AVERY D Secy
Consented to" — [Signed by fifteen of the Council]. — *Ibid., p.* 384.

The report of the visiting committee was rendered November 12th, as follows: —

"The Committee appointed by a resolve of the General Court to repair to the Army for the purpose of carrying into Execution the resolution of court of the 1st of October last, having attended that Service beg leave to report.

That agreable to our Instructions we proceeded to Head Quarters at West point, where we arrived the 15th day of October, and immediately waited on his Excellency General Washington, communicated to him our Business and advised with him on the best method of carrying sd Resolve into Execution, who highly approved of the wisdom & Justice of the Assembly discovered in sd resolution, and of the mode proposed to reinlist this States Quota of ye Army.

Agreable to our instructions and his advice we then consulted with, and took the Opinion of the General and Field Officers from this State, who were thereabouts on the method for effecting the business, And agreably to their Opinion we met all the Field Commissiond and Staff Officers of our Line, who were Assembled for that purpose — after Communicating to them the doings of the Assembly and delivering the resolution for each Company, we desired them to express their minds with Freedom upon the Subject, and if they had any objections to them to mention them freely.

We found the Officers, many of them and ye Soldiers all exceedingly uneasy and determined to quit the Service, as being unable any longer to Support themselves therein much less their Families who they said were suffering that they had neglected their usual means of providing a support for them, Spent their Fortunes to support themselves, in Charracter, in the Service, while the pay they recd from ye continent was by the depreciation of ye Currency reduced to nothing — that they had not been supplied with Cloaths or small stores according to encouragement and promises — that they had suffered great inconvenience and hardships on that account — that their Families at home had not been *punctually* supplied according to Stipulation — that they the Officers had been greatly disappointed in not receiving the Suit of Cloaths promised them in some instances not at all, in others not without great delay, frequent applications and long & expensive attendance on the Council House or Board of war till their Expences amounted to almost ye Value of the suit — that from some departments in Government they conceived they had not always met with that kind treatment and language they thought their sufferings in the

* Printed resolves of the September session, chapter CCXVIII.

service of y^e^ public and their Character as Gentlemen entituled them to — that y^e^ Cloaths supplied the Officers in many instances were scarcely worth making up and vastly inferior to those supplied the Officers of the other states — that when one of them had long been waiting for promised Cloathing at great Expence and petitiond that his Expences might be allowed him, tho voted by the House was nonconcurrd by the Board and he finally obliged to lose it himself — that the very inadequate supply of small Stores which had been forwarded them — had not been properly distributed — That altho Several Regts have been Supplied with the suits of Cloaths for y^e^ Officers *with out* Money, others had been refused them notwithstanding they offered the money and had it ready — that they cannot get any trifle convey'd to their Families by our Teams who carry Supplies to the Army without giving the most extravagant price — for instance Col. Bailey was required to give a Hundred Dollars ℔ Bb^l^ to one of our Teams for carrying back in an empty Team a few Barrels of Flour to his suffering Family. That the soldiers complain that those of them who were supplied with guns by y^e^ State or Continent and had 4£. 10/. stop'd out of their Bounty are not allowed to own the arms, which they think they ought as y^e^ price was Stopt out of their Bounty — that this is a great cause of complaint — They complaind greatly that no more pains are taken to take up & secure deserters that there are vast numbers Secreted in y^e^ state 40 in the County of Berkshire and many in y^e^ County of Hampshire — that the inhabitants hire them to work knowing them to be deserters because they can hire them Cheaper than others and therefore refuse to return them to the Army — that several deserters who had been taken up in y^e^ County of Berkshire had been rescued out of Officers Hands. That they had for their fatigues and hardships hitherto been rewarded with promisses only, to be fulfilld at the close of y^e^ war — and the great failure in Cloathing small Stores and gratuities promised had exceedingly discouraged the soldiery and induced them to believe that government never intended to make them good — especially as they had been told that government were exceeding jealous of the unfriendly designs of the Army respecting y^e^ Civil rights of y^e^ Country a thing as abhorrent to them as to their brethren at Home That they profess to entertain the Sincerest attatchment to civil government and wish to contribute all in their power to Support it and are exceedingly mortified at y^e^ idea of not being considered as Citizens, their right to which, they mean not to relinquish but wish to return to y^e^ enjoyment of —

That great uneasiness prevailed on acco^t^ of the small Stores being delivered with no greater regularity and proper acco^ts^ kept and receipts taken to whom delivered lest they should be charged with the whole stores forwarded to camp, which they think very unjust unless it can be made to appear they rec^d^ them — the Captains and Subalterns thought it exceeding hard that when the Field Officers were supplied with six shirts each they were provided with only two — and were mortified at the great difference in the Quality of of their Cloathing

These grievances or Complaints were mentiond by the Officers as being either their own complaints or those of the soldiers who they apprehended would not be induced to engage again — They said they had taken great pains to encourage them & to Assure them that government would do them Justice — but the disappointments had been so frequent that they would now disbelieve what they should Offer them. These things they ment^d^ with Freedom but with decency and great defference to the Assembly — They appear'd to speak feelingly & sensibly but with candor.

We endeavour'd to account for the deficiencies they mentiond, by the exceeding great embarrassments Govt met with in procuring Supplies from abroad — the extraordinary Scarcity of Provisions which had prevaild at home y^e^ last season and the unhappy situation of the Currency — and not from a want of attention to their merit, sufferings & necessities or of a desire most amply to relieve supply and reward them

That the Assembly entertaind a high sence of their merits and were anxious to do them ample Justice and reward them according to their Merit — And Assured them in the strongest Terms that they might depend ample Justice would be done them.

We met them repeatedly both those at West point — and those of Nixons & Glovers Brigades at Croton River — and after they had heard many embarrassments of Government we mentiond which they before were ignorant of, they thought it accounted for many things they before thought injurious — when we Assured them the Legislature considered them as Fellow Citizens and entertaind no Jealousy of their disposition of Counteracting or undermining Civil Government it appeard to give them no small Satisfaction.— When we assured them that their wages would be made good — that Cloathing and Stores would be forwarded with all possible expedition, and as fast as it could possibly be procured, and every attention paid to their wants — and any real grievance they Complaind of would be attended to & removed — And that the Court were so determind to do ample Justice to all that they had resolved to give the same Bounty of Three Hundred Dollars to those who had alreadv inlisted as well as to those who should inlist during the war — it appeard at last to give them great satisfaction, and professed their determination to exert their utmost abilities to give the same satisfaction to the soldiery and to reinlist them — in which we have no doubt from the good sense they discoverd themselves possessd of — their integrity & zeal in the Cause of their Country, which was very apparent their hearty desire to promote the honor & service of this state in particular — and their most inviolable attatchment to and respect for their Great Commander Gen^l^ Washington that they will do all in their power to answer the wishes of Government. His Excellency Gen^l^ Washington assured us he should do all in his Power to encourage and promote the same — as also Gen^l^ Heath and the other Gen^l^. Officers of our Line who appear to be exceeding anxious to engage the old troops during the war — And we are exceeding happy to find other Gen^l^ Officers not of our particular Line speak of the resolution of our state with great respect & approbation & are endeavouring to inculcate the same sen-

timents in our Line. particularly the Hon. major Gen^l Howe of North Carolina who Commands a division at Croton River consisting of two Brigades of this States Troops was pleased to express to us a very great respect for the State of Massachusetts Bay a high opinion of the Bravery & good disposition of their troops and of the valour abilities and politeness of their Officers and his great Satisfaction in having y^e Honor to Command a Division of them and we were no less pleased to find our Officers exceeding happy under his Command He treated us and through us the State with every mark of civility & respect — And told us He should think himself exceeding Happy in having an opportunity to serve the state and should pay an immediate & very particular attention to their resolve and use his utmost endeavour to have it carried into execution in those Brigades. And we are happy in being able to report that the above mentiond encouragements and the considerable number who inlisted before we left Camp induces us to believe the desires of the Honorable Court will meet with considerable success. But as it was the universal Opinion of all the General Field & other Officers so it is ours, that the greater part will not enlist, untill the proposed Settlement is adjusted they fearing lest it should not amount to ample Justice — in the doing which we trust they will be convinced and induced also to reinlist — That the forwarding a Supply of Cloathing especially Shoes Stockings Shirts Hatts & Blanketts and also a good Quantity of small Stores among which at this Time some good spirit would not be a useless article would not only greatly encourage the reinlisting but are absolutely necessary to be done immediately — As near half are now barefooted — and a great proportion entirely destitute of Hatts Stockings or Blankets so indispensibly necessary especially at this season & in that rugged Country.

We also beg leave to report that, it appears to be the expectation and wish of the Army that Some provision of half pay or other provision might be made for the widows or orphans of those who may die in the service — we promised to mention this to court and are of Opinion that an attention to it immediately would greatly encourage the Army.

And as the money we carried which we left in the Care of Hon. Maj^r Gen^l Heath we are told is expended it will be necessary immediately to forward more for the purpose of reinlisting.— And that the paying the Bounties speedily to those who had inlisted would have a very happy effect as it is the Opinion of the Officers it would do as much towards inducing others to inlist as paying the Bounties to them — as those who have inlisted will be engaged to procure others, and by being possessd of Money would be able to have great influence on many of them. And if these measures are taken and an equitable Settlement takes place we doubt not most of the old Troops will be reingaged:

The Officers of the Army in our Line proceeded to Choose a Committee to meet a Committee of y^e Court to adjust the Settlement as proposed and have chosen Col. Popkin Major Hull Major Fernald Cap^t Walker and Capt. Howard—and Col. Henry Jacksons Regiment who are not Brigaded propose to choose one more and have agreed to meet the Committee of Court by the 15th of this month at Boston unless y^e Circumstances of y^e Army should forbid their leaving it, in which case they will write. And we hope the Honorable Court will excuse us in Saying we found it necessary to give Some encouragement that the expence of the Committee from the Army would be considered & provided for by the Public, As we found it attended with difficulty in agreeing as to the place without The expence of the Journey being urged together with their leaving the Army, as an objection to their meeting at Boston.

One circumstance more we beg leave to mention that there are many Soldiers who belong to other states inlisted during the war and some for three years only who have been considered as part of this States Quota — the Officers wish to know if Court mean to extend the Bounty to them in Case of their reinlisting.

The foregoing report is Humbly submitted

Boston Nov 12th 1779 NATH^L FREEMAN p^r order." — *Ibid.*, *p.* 426.

This report was read on the day of its date, and immediately referred to a committee, consisting of Gen. Titcomb, Mr. Gorham of Charlestown, and Mr. Tudor, of the House, and Messrs. Josiah Stone and Aaron Wood, of the Council, who were directed "to consider the same, and report what may be proper to be done thereon." This committee, which was enjoined "to sit forthwith," made a partial report the following day, in the form of resolves; one, ordering $500,000 to be immediately forwarded to General Heath, to carry on the work of recruiting according to his discretion; and another, for defraying the expenses of the committee chosen by the army to coöperate, at Boston, with the committee to be appointed by the General Court to settle the accounts of the Massachusetts officers and soldiers. By the adoption of these resolves,* which immediately followed, the General Court fulfilled the *quasi* engagement of the visiting committee, as narrated in their report.

The above-named committee to settle accounts was chosen, by ballot, November 17th, and consisted of Messrs. Austin, Freeman, Baldwin, Osgood and Gorham of Lunenburg, as first chosen; but Messrs. Gorham and Freeman having resigned, and it having been resolved to add two members to the committee, Messrs. Jonathan Greenleaf, Samuel Phillips, Peter Boyer and John Deming were chosen, on the nineteenth.

By one of the resolves † passed November 25th, the committee appointed to meet a committee from the army, for the purpose of adjusting and settling the accounts of the officers and soldiers, were directed in their computation of balances due, to take into account all advances made by Congress, over and above the established pay and subsistence, and all gratuities and advances made by the state, either in money, clothing or stores; likewise to deduct the value of supplies furnished to the families of soldiers by the several towns in obedience to any order of the General Court; but they were not to make account of boun-

* Printed resolves, chapter VIII. † *Ibid.*, chapter LXXVII.

ties given to encourage enlistment, either by Congress, the General Court, or any town or individual. On the 7th of January, however, the following resolve* repealing this resolve of November 25th, was passed: —

"State of Massachusetts Bay In the House of Representatives Jany 6th 1780

Whereas, it is Just & Reasonable that all advances which have been made to that part of the army raised in this State, in Consequence of the high prices of the Necessaryes of Life, Should be taken into the Account, when their Wages are made good. — Therefore Resolved That the Committee who have been Appointed to Settle the Accounts of the Army be & they hereby Are directed to Reckon to the Account of Any Non commission officer or private Soldier any Bounties they have or may have received from any Town or Individual person in this State provided a proper Return of the same is made agreeable to the orders of this Court The Resolve of November 25th 1779 to the Contrary Notwithstanding

Sent up for Concurrence JOHN HANCOCK Spkr

In Council Jany 7th 1780 Read & Concurred JOHN AVERY D Secy

Consented to" — [Signed by fifteen of the Council] — *Ibid.*, *vol.* 226, *p* 18.

The passage of this last resolve was promptly followed by a remonstrance from the committee of the army appointed to settle accounts in conjunction with the state committee, in which they declared, that "it was with peculiar satisfaction they found this Court had so far coincided with the prevailing sentiments of the officers and soldiers of the army, as to relinquish the idea of deducting * * * those sums which were considered by the contracting parties as a free gift to induce them to enter into the public service, upon the faith of the monopoly act." They then proceeded to argue against "the impolicy, not to say injustice," of the resolve just passed, and referred to the terms of their enlistment, by which, they claimed, they were entitled (under the monopoly act in force at the time of their enlistment, and which contained no provision for its repeal) to wages equivalent to certain quantities of commodities, and that the bounties then given could not have been bestowed in consideration of actual or prospective depreciation of the currency. They further represented the hardship the resolve would bring to the widows and orphans of those who had died in the service, before their accrued wages had equalled the amount of bounties received by them; in which case, they added, "the unhappy sufferers must be still further distressed by being obliged to repay those very sums which were given as an inducement to their husbands and parents to risk their lives in the service of their country." They therefore prayed for a reconsideration of the resolve, and, at the same time, declared that they had been instructed by their constitutents to use their influence with the General Court, to the end that the situation of these unfortunates "may be particularly attended to, and some compensation made them, in consequence of their misfortune;" and they therefore embraced this opportunity to urge a request which they conceived "to be warranted by every principle of humanity and gratitude."

No immediate action appears to have been taken on this remonstrance; but four days later, the following resolve† was passed, establishing a schedule of rates of depreciation of the currency, from the date of the first enlistment, to the first of January, 1780: —

"State of Massachusetts Bay In the House of Representatives January 11th 1780

Whereas the General Assembly of this State have Engaged to make good to the Officers & Soldiers of this States Quota of the Continental Army the wages first promised to them taking for a measure the prices affixed to the necessaries of Life in a Law of this State Intitleed an Act to prevent Monopoly & Oppression made in the year of our Lord 1777

Therefore Resolved that the Committee of this Court who have been appointed to Settle and Adjust the Ballance due to each Officer & Soldier of this States Quota aforesaid respectively, Be and they are hereby directed to take for their rule (in Assertaining the Value or depreciation of the Current money at the Several periods of the payments which have been made them and of the Ballance due to them respectively on the first day of this present January in Current Mony,) the Calculation Contain,d in the right hand Collumn of the following Schedule; which determines how many pounds and hundredth parts of a pound Current money at the several periods mentioned in Said Schedule, were eaquil in value to each twenty Shillings promised to Such Officer or Soldier as aforesaid: — It being calculated upon an average of the rates of depreciation as computed by the prices of Beef Indian Corn Sheeps wool & Soal Leather they being the Articles agreed upon by this Court and the Committee of the Army to make the said Calculation upon.

* Printed resolves of the December session, chapter XCIII. † *Ibid.*, chapter CIX.

DATE.		Beef Stated in the Monopoly Bill @ 4d & 3d is 3½ pr lb		Indian Corn Stated in the Monopoly Bill @ 4/ pr Bush[l]		Wool Stated at 2/ pr lb in Said Bill		Soal Leather Stated @ 1/3 pr lb		Mean Rate of Depreciation.
		Current price monthly	Rate of Depreciation	Current price monthly	Rate of Depreciation	Current price monthly	Rate of Depreciation	Current price monthly	Rate of Depreciation	
		lb		bush[l]						
1777	January 1st	4d	1,142 for 1	4/	1 for 1	3/	1,50	1/ 3	1 for 1	1,16 for 1
	February	4	1,142	4/	1	2/	1	1/ 3	1	1,03
	March	4	1,142	4/	1	2/	1	1/ 3	1	1,03
	April	4d	1,142	4/	1	4/	2	1/ 3	1	1,28
	May	8d	2,284	4/	1	4/	2	1/ 3	1	1,57
	June	8	2,284	6/	1,50	4/	2	1/ 3	1	1,69
	July	8	2,284	8/	2	4/	2	1/ 3	1	1,82
	August	8	2,284	10/	2,50	5/	2 50	2/ 10	2,25	2,38
	September	8	2,284	12/	3	5/	2 50	2/ 10	2,25	2,50
	October	8	2,284	12/	3	12/	6	5/	4	3,82
	November	8	2,284	12/	3	12/	6	5/	4	3 82
	December	10d	2,857	16/	4	12/	6	5/ 7½	4,50	4,34
1778	January	10½d	3	18/	4,50	12/	6	5/ 7½	4,50	4 50
	February	12½d	3,580	18/	4,50	12/	6	5/ 7½	4,50	4,64
	March	13d	3,714	20/	5	12/	6	5/ 7½	4,50	4,80
	April	15	4,285	24/	6	12/	6	5/ 7½	4,50	5,19
	May	16½	4,714	32/	8	12/	6	5/ 7½	4,50	5,80
	June	18d	5,142	32/	8	12/	6	5/ 7½	4,50	5,91
	July	17d	4,857	40/	10	12/	6	5/ 7½	4,50	6 34
	August	16½	4,714	40/	10	12/	6	5/ 7½	4,50	6,30
	September	17	4,857	40/	10	12/	6	8/ 5½	6,75	6,90
	October	17	4,857	40/	10	12/	6	8/ 5½	6,75	6,90
	November	18	5,142	40/	10	12/	6	8/ 5½	6,75	6,97
	December	18	5,142	48/	12	12/	6	8/ 5½	6,75	7,47
1779	January	1/10	6,285	2.12.0	13	15/	7,50	8/ 5½	6,75	8,38
	February	2/	6,857	2.16.0	14	15/	7,50	11/ 3	9	9,31
	March	3/6	12	3. 0.0	15	15/	7,50	11/ 3	9	10,87
	April	4/6	15,428	3. 4.0	16	18/	9	11/ 3	9	12,35
	May	6/	20,571	3.12.0	18	18/	9	11/ 3	9	14,14
	June	6/	20,571	4. 0.0	20	20/	10	16/10½	13,50	16,02
	July	6/6	22,285	8. 0.0	40	30/	15	16/ 3	13	22 57
	August	6/6	22,285	6. 0.0	30	22/6	11,25	22/ 6	18	20,38
	September	6/	20,571	4.10.0	22,50	22/6	11,25	16/10½	13,50	15,95
	October	6/	20,571	4.10.0	22,50	24/	12	16/10½	13,50	17.14
	November	6/6	22 285	5. 0.0	25	42/	21	33/ 9	27	23,87
	December	7/	24	8. 0.0	40	60/	30	33/ 9	27	30,25
1780	January 1st	8/9	30 for 1	8. 0.0	40	60/	30	37/ 6	30	32,50

Sent up for Concurrence — JOHN HANCOCK Speaker
In Council Janʸ 12th 1780 Read & Concurred — JOHN AVERY D Secʸ

Consented to" — [Signed by fifteen of the Council].— *Ibid.*, *p.* 62.

Simultaneously with the introduction of the foregoing resolve, in the House, the bill of this chapter was read a first time, in the Council. The original bill has not been found, and therefore the object of a conference upon it, proposed and held on the 12th, has not been ascertained. On the 13th, the House proposed an amendment, "to make the bottom of the note of the treasurer, to correspond with the title of the act," and upon a message to the Council, for that purpose, Samuel Adams was sent down with a message, from the Council, agreeing thereto, and proposing to strike out the word "last," after "February," in the title, and to insert "one thousand seven hundred and seventy-nine." The bill was still further amended, upon a message from the House, proposing to substitute words, and the prefix A. D., for the figures "1779," to which the Council agreed; and, thereupon, the bill was passed to be enacted.

Immediately upon the passage of the bill, the following proceedings * took place: —

"Jan. 13, 1780. In the House of Representatives.

Resolved, That the President of the Council be & hereby is requested to sign a fair Copy of the following Letter & transmit the same with Copies of the Papers therein referrd to, to the President of the Honble Congress inclosed in the Letter to the Delegates open, in their Letter — In Council Read & Concurred

* Printed resolves of the December session, chapter CXXIII. The rough draught, of the letter to the president of Congress, and the original resolve are in the state archives, vol. 202, p. 24. The resolve followed the letter which was referred to, as "foregoing" both in the original and the printed resolve.

Letter to the Honble President of the Congress —

Boston Jany. 13th 1780.

Sir, The General Assembly of Massachusetts Bay, in compliance with the requisitions of the Honorable Congress to raise the quota of troops assigned to them in such way as should appear most conducive to the public interest, have pursued such measures as they thought most consistent with the ideas of Congress, and as they have found necessary to effect this important purpose. When this State first raised their quota of Men for the Continental Army, such was the appearance of a great depreciation of our Currency, & such the discouragements consequent upon it, that in order to effect a speedy inlistment of our quota of the Army we were obliged by a principle of Justice to engage to the Officers and Soldiers that the prices of all articles, as regulated by an Act to prevent Monopoly and Oppression, should be adhered to as the Standard of the value of their pay. In pursuance of this engagement, this State finding that regulation of prices could not be supported, passed the Resolve of February 6th last, herewith inclosed in order that our Soldiers might be assured that there should be no failure of a just settlement and payments at the end of the War, agreeable to the true value of their first engagement. Upon the late requisition of your Honble Body to reinlist the fifteen Battalions assigned to this State as their quota, we found it further necessary to settle and pay the ballances due to them at the rate of depreciation, up to the first day of January current, without which there was no prospect of success in reinlisting the Army. This rate of depreciation has been agreed upon by a Committee of the Army appointed for that purpose, and has been adopted by the General Assembly of this State, and an Act has passed to carry the same into execution, and pay the ballances due to the respective Soldiers, which schedule of depreciation and the said Act respecting the same we send inclosed. We trust this measure is agreeable to the ideas of Congress in their recommendation of Augst 17th last — and we have the rather adopted it, as we conceive it to be the best rule of Justice & compensation between all parties. In order to carry this proposed settlement into execution, we are obliged to apply to your Honble Body for information of all supplies and provisions of any kind, which they have made, and articles of every kind which they intend to be charged to the Officers & Soldiers of the Army, upon their pay being made good to them, according to the rate of depreciation.— We wish to be informed among other things, whether the half pay for Seven Years after the War granted to the Officers, as also the increased subsistance money, the Cloathing furnished the Officers by the Clothier-General at a reduced price, and the increased pay of the Officers, are of this kind, We apprehend the General Service will be greatly promoted by receiving all necessary informations on the above subjects as soon as may be, as no settlement can take place without it.—

In the House of Representatives Resolved, that the President of the Council be and he is hereby requested to sign a fair Copy of the following Letter and transmit the same together with the Letter to the President of Congress unsealed, to the Delegates of this State at Congress — In Council Read and Concurred

Letter to the Delegates representing this State in Congress —

Gentlemen,

Herewith you have an Address to the Honorable Congress, respecting the measures we have taken to settle with and reinlist the quota of the Continental Army raised by this State. As this is a Matter of very great and pressing importance to us, you will therefore give a close attention to it, and use your endeavours that we have speedy, explicit and satisfactory answers to the same. It is the expectation of this State that all those expences (being in their nature only a fulfilment of the original engagement of Congress to their Army, to pay them a certain sum as Wages) will be charged by Congress to the Debt of the United States, and to the credit of this State.— We therefore desire you will inform us whether this matter has been settled or considered, and what your apprehensions of this matter are, as soon as may be."— *Council Records, vol. XL., p.* 258.

While this progress was making in the work of recruiting, and providing the necessary money therefor, a committee on clothing for the army, had reported resolves, from time to time; and, on the first of December, a letter from General Glover, dated at Peekskill, Nov 25, 1779, was read, in the House, and referred to this Committee, in which he represented that many of the men in his brigade were destitute of shoes, stockings, &c., and "that no provision more than the first establishment, had been made for the general officers belonging to this state." Upon the report of this committee, resolves* were passed, December 3d, directing the Board of War, with all possible despatch, to cause to be packed, in suitable casks, all the blankets, shoes, stockings and shirts which they had received from the towns, and immediately to deliver them to the committee appointed to purchase stores for the army; who, in turn, were to forward the same, together with other clothing, to Mr. Samuel Ruggles, "state clothier," in the army, to be by him delivered to the Massachusetts troops, according to the direction of the commander-in-chief, or, failing such direction, according to his own judgment, so as best to promote the comfort of the soldiers.

Another of these resolves directed the Board of War to supply each major-general and brigadier-general, of the Massachusetts quota, upon application, with a suit of clothes suitable to the officer's rank; also six shirts and stocks, six pairs of stockings, three pairs of shoes, one pair of boots, and a hat; to be charged to them, respectively.

A third resolve directed the committee appointed to adjust soldiers accounts, to settle and adjust, in like manner as with the accounts of the privates, the accounts of such general officers, belonging to the state quota, as should apply therefor; and directed the treasurer to pay the balances found due on such settlement, in the same manner in which he had been directed to pay other officers in the army.

* Printed resolves of the November session, chapter CXXV.

A copy of these resolves was ordered to be sent to each of the general officers of this state, in the army

The resolve of November 25th, above referred to, had required any collector or constable to exchange current money in his hands, belonging to the state, for any of the notes or securities given to the soldiers, in payment under that resolve; (which were to be taken by the treasurer, as taxes, for their value, and interest thereon computed to the time of exchange); but it having been found that by the operation of this resolve the whole of the money to be raised by the two preceding tax acts, would be taken up, and that the treasurer would thus be prevented from paying over the state's proportion of the Continental tax, this part of the resolve was repealed * on the 6th of December.

On the 20th of December, a resolve † was passed directing the committee on accounts to make up a roll of the sums found due to each town and plantation in the state, under the resolves of June 8th, and October 8th, including compensation of selectmen and committees, for their services, in order that the same might be paid agreeably to directions in the last tax act.

The committee for settling the soldiers' accounts having, on the 3d of December, submitted to the General Court five questions as to the course they should pursue in the cases therein stated, the subject was considered at various times during the ensuing six weeks, and finally the following resolve ‡ was perfected (after sundry amendments and one conference) and passed, on the fourteenth of January: —

"In the House of Representatives —

Resolved, That the following additional instructions be given to the Committee appointed to settle with the Army viz^t That no Officer is to be made good in more than one capacity, and that those Officers & Soldiers who shall appear to be Inhabitants of this State agreeable to the method prescribed by the Resolution of Congress of the fifteenth of March last ascertaining the State to which certain Officers and Soldiers belong who are in Hazens and Sherburnes Regiments are to be included in the Settlement and Reckoned as part of this States quota of the Continental Army; All the small Stores and Cloathing which have been supplied the Army by this State, to be taken into the Account for the settlement with the Army in such manner as the Committee shall think just and equitable upon examining the Commissaries Accounts; the gratuity money raised by Lottery and the monies advanced to the Officers shall be charged to the respective Accounts of the Officers & soldiers on the day they received it, in case it can be ascertained, if not on the day their several warrants on the Treasurer were dated; & in case any doubts and difficulties should arise in the minds of the Committee relative to the beforementioned settlement:

Resolved, That in such case they are hereby Directed to apply to the Hon^ble Council who are hereby impowered and requested to give them such further Instructions as they may think necessary — In Council Read and Concurred

Consented to by fifteen of the Council." — *Ibid.*, *p.* 264.

During the ensuing recess of the General Court, the two committees who were engaged in settling the accounts of the army, found themselves unable to agree on the rule of allowance for depreciation of the currency. The committee from the army, according to their construction of the engagement of the General Court, in the resolves of Feb. 6, 1779, claimed full allowance for all depreciation, whatever; including the fall of the currency between the time of service for which they were paid, and the date of actual payment; while the state committee, feeling bound by the direction of the General Court in the above resolve of Jan. 14th, declined to accede to this claim. Accordingly, the former committee made a formal written application to the latter, alleging that they could not understand their action in this matter, unless some resolve, unknown to them, had been passed by the Assembly, for a part settlement of the soldiers' accounts (which their constituents had given them no authority to agree to), and asking for specific information as to the final determination of the General Court, on this point, in order that they might be able, as soon as possible, to give their "constituents the necessary information, that they may no longer labor under the mistake of having their pay made good by this state, when no such thing is intended."

This letter, which was dated January 29th, was, by order of the state committee, immediately communicated to the Council, for further advice; whereupon the Council passed the following order: —

"State of Massachusetts Bay Council Chamber Boston Jan^y 29 1780

Order^d That the Committee appointed to settle with the Army be and hereby are informed That Their Letter, and the Letter to Them from the Committee of the army have been considered by This Board, and as The same Letters relate only to the Question we have already with mature Deliberation advised you upon, can only add That sould the Gentlemen on the Part of the Army, cause a Delay of Settlement upon the Generous Plan laid by the General Assembly They alone must hazzard the Consequences, and the world will Judge of the Rectitude of the General Assembly of the State of Massachusetts Bay, in Their Endivours to do Justice to Their Quota of the Continental Army —

Attest JOHN AVERY D Sec^y." — *Mass. Archives*, *vol.* 176, *p.* 133.

On the 22d of February, the state committee reported to the Council that they, and the committee from the army, had "*mutually*" agreed to all articles necessary to complete a settlement with the non-commissioned officers and privates, except in relation to the above dispute concerning depreciation, and the further question of deducting town bounties; and that the committee from the army refused to join in the settlement unless these two points were "considered in their favor." The committee, therefore, while expressing

* Printed resolves of the November session, chapter CXLIV.
† *Ibid.*, December session, chapter XVI. ‡ *Ibid.*, chapter CXXXIII.

their "dissent from" the army committee, "on this subject," prayed for advice and direction "as to our further proceeding in the settlement."

The Council immediately passed an order recommending the state committee to proceed with the settlement "agreeable to the resolutions of the General Court, and the advice given by this Board January 29th, last, upon the subject matter of this representation."

In the mean time the Continental Congress had passed the following resolve (in reply to the questions propounded, by order of the General Court, in the letter of January 13th, from the president of the Council, to the president of Congress) settling all disputes as to the deduction of all public bounties except such as had been granted by towns: —

"Congress took into consideration the report of the committee on the letter of January 13th from the president of the council of Massachusetts-Bay; whereupon

Resolved, That the president of the council of Massachusetts-Bay be informed, in answer to his letter of the 13th of January last, that all grants and allowances, of what name or nature soever, made by Congress to the officers and soldiers of the continental army, in addition to their pay, rations or bounties, since the first day of January, 1777, (except for extra services or expences in special cases) were made in consideration of the enhanced prices of the necessaries of life, in consequence of the depreciation of the paper currency, and ought to be accordingly considered in making good the original contract." — *Journals of Congress: Feb.* 29, 1780.

Soon after the beginning of the next session of the General Court, the committee from the army presented a memorial, in which they referred to their remonstrance of January 8th, and renewed the complaints therein made concerning the two matters of grievance which had been finally passed upon by the Council. In this memorial, in addition to their former arguments, which they amplified ingeniously and forcibly, they urged that, as several reënlistments had been made, at the time of the repeal of the resolve of November 25th, upon the strength of the assurance therein given, good faith required that the resolve which repealed it should be reconsidered.

This memorial was read, March 15th, and referred to a committee, consisting of Messrs. Wales, Choate and Baldwin, of the House, and White and Cutts, of the Council; and, on the same day, a resolve * was passed, reciting, in the preamble, that several officers of the army were obliged to return to camp immediately, and it was not in the power of the committee appointed to settle with the army, to ascertain the precise balance of their accounts, at present, and directing the committee to certify to the Council, for all officers who should apply therefor, one-half, approximately, of the balance due to them on account of depreciation of their wages; which they further ordered to be paid, in two notes, upon warrants drawn upon the treasurer, as in other cases. On the 23d, another resolve † was passed, making the certificate of the committee evidence as to the holder's membership of this state's quota in the army, as well as of the particular company, regiment or corps, to which he belonged, and of the term for which he enlisted.

By the 24th, the joint committee, to whom, on the 15th, had been referred the petition of the committee of the army, made their report, submitting certain resolves, which, with the action of the Assembly thereon, were as follows: —

"State of Massachusetts Bay

The Committee of both Houses to whome was referred the Petition of Lieu^{t} Col^{o} David Cobb and other Officers, A Committee from the Massachusetts Line of the Army, Together with the Memorial of Lieu^{t} Col^{o} John Popkin and Other Officers who are of the Committee of the Army, beg leave to report the following Resolve.

SAM^{L} NILES ff^{pr} Order

On the Petition of Col^{o} David Cobb and other Officers, A Committee from the Army, praying that the Towns bounties and hires may not be considered in the present Settlement of the depreciation of the Currency And also that the losses Sustained by the Army, from the delay of payment of the wages by the publick may be made good.

Resolved That the Towns Bountys referred to in the petition be and hereby is Considered in the present Settlement, Agreeable to the Resolve of the Sixth of February 1779.

It is further Resolved That as a large Number of the Depreciation Notes are already Issued to both Officers and Soldiers in the Service of this State, and the Determination of the Matter Sett forth in the petition, att present, would much Embarrass the Committee Appointed to Settle with the Army, Therefore that a Consideration of the losses mentioned in the petition be referred to a future Settlement with the Army.

Also Resolved That the Pay master Gen^{l} of the Army be Desired to Transmitt an Exact Return, Setting forth, when the payments were made to the Army from the beginning of the Year 1777 into the Secretarys Office of this State, as soon as may be.

In Council March 24th. 1780 Read and Not Accepted and Ordered that the Petitioners have and they hereby have Liberty to withdraw their Petition—

Sent down for Concurrence JOHN AVERY D Sec^{y}

In the House of Representatives March 31 — 1780

Read & nonconcurred JOHN HANCOCK Spk^{r}

In Council March 31th. 1780 Read & Nonconcurred & the Board adhere to their own Vote Sent down for Concurrence JOHN AVERY D Sec^{y}."— *Mass. Archives, vol.* 186, *p.* 59.

On the 4th of April, a resolve ‡ was passed allowing to the state committee for settling the accounts of the soldiers, £12 for each day's service.

On the first of May, a resolve § was passed in answer to inquiries for advice by the same committee, directing them to allow £3 per month, and no more, for depreciation of

* Printed resolves, chapter XI. † Printed resolves, chapter LX.
‡ Printed resolves of the March session, chapter CXXII. § *Ibid.*, chapter CCLIV.

wages in settling with the privates, in the corps of artificers, who had enlisted for three years or during the war; and to deduct extra pay: and further directing them not to grant certificates, for balances, to discharged or supernumerary officers, until those in actual service, and applying therefor, had received theirs

Still another resolve * was passed, on the third, directing the treasurer to issue his notes for one-half the balance found due to officers dismissed from the service, in the same manner in which he had been already authorized to proceed with regard to officers remaining on duty.

On the fifth of May, the following resolve, † extending the provision of section seven of the act, and requiring the services of the selectmen, was passed:—

"In the House of Representatives May 5th 1780

Resolved, that the Selectmen of the several Towns in this State be & hereby are desired to transmit to the Agent appointed in the respective County to which said Selectmen belong the monthly Average Prices of Beef, Indian Corn, Sheeps Wool, & Soal Leather, since the first Day of last January, on or before the twentieth Day of August next including the last mentioned Month & also to transmit the monthly Average Prices of the aforesaid Articles from & after said Month of August, on or before the third Tuesday of February, A D 1781 including the Average Prices of said February — & so on from year to year for Eight years to transmit the Average Prices as aforesaid & at the Times beforementioned — In Order that said Agents may be enabled to comply with An Act of the general Court, directing them to ascertain the monthly Average Prices of the beforementioned Articles for the Purpose of determining the Value of the Securities given by this State to continental Officers & Soldiers to make good their established Pay & Wages

Resolved, that a sufficient Number of the aforesaid Resolution be printed to enable the agents aforesaid to send one Copy thereof to the Selectmen of each Town in the County to which they respectively belong.—

Sent up for Concurrence JOHN HANCOCK Spkr
In Council May 5th. 1780 Read & Concurred JOHN AVERY D Secy
Consented to"—[Signed by fifteen of the Council].—*Ibid.*, *vol.* 228, *p.* 15.

In the first session of the next Assembly, in order to prevent further delay in settling with the troops, the treasurer was empowered, by resolve,‡ to employ an additional force in striking off notes. On the 19th of June, another resolve § was passed, directing the committee on soldiers' accounts, to complete the settlement of the depreciation of the wages of officers, in the service, applying for a settlement, and to certify to the Council the balance found: provided, they could procure accounts of clothing to Jan. 1, 1780; leaving after-supplies to be settled later.

On the 22d, the last-mentioned resolve was explained by another resolve, ‖ which provided that all advance for clothing to officers should be charged, and deducted in the next settlement; but the committee, in the present settlement, were to deduct each officer's proportion of small stores, "and any moieties or gratuities they have received, in money or notes, from this state." By a resolve ¶ of the 12th, John Deming, Peter Boyer and Stephen Gorham, were added to the committee for settling with the army; and, by another resolve, **on the 23d, they, or either of them, were directed to continue with the state committee, "when the business of their other appointment will admit, until the further order of the General Court."

The legislative proceedings thus far considered, relating to the wages, bounties, and accounts of soldiers, affected only the rank and file of the regular line, and of the artillery and cavalry; but did not embrace the members of the staff attached to the army.

On the 20th of September, a petition, signed by Richard Gridley and Scarboro' Gridley, engineer and assistant engineer, respectively, John Rice, town-major of Boston, Nathaniel Barber, jun., commissary of military stores, and Andrew Brown, deputy muster-master of the eastern department, representing that their pay and subsistence had never been augmented, notwithstanding the depreciation of the currency, and that during their time of service they had never transacted any other business of profit; and praying for the same gratuities and moieties as had been given or promised to officers in the line upon the same establishment, or that other adequate provision might be made for them — was read in the House, and referred to a committee which seems never to have reported.

On the 20th of November, Congress resolved that the director-general, and his deputies and assistant deputies, the physicians and surgeons-general of the hospitals and army, senior and junior surgeons, the apothecaries-general, and their assistants, the hospital-chaplains, regimental surgeons and mates, mates of the military hospitals, commissaries and assistant commissaries, paymasters, and stewards of the hospital, who should have been in the service for one year, and should still be in the service, should be entitled, annually, to draw clothing from the clothier-general's stores, "in the same manner, and under the same regulations," as had been provided by the resolve of Nov. 26, 1777, for officers of the line. By another resolve, passed at the same time, these staff officers were declared entitled to subsistence, in like manner, to that granted by the resolve of August 18th, to officers of the line; and in the proportions stated in a table incorporated in the resolve, in which the monthly payments (which were to begin the 18th of the previous August) ranged from five hundred, to one hundred, dollars, according to rank. A third resolve of this series granted to all mates necessarily employed in the military hospital, or army, the same subsistence that regimental mates received.

The subject of granting to the staff the same benefits that the line had received, was again brought to the attention of the Legislature, in the memorial of Thomas Chase,

* Printed resolves of the March session, 1779-80, chapter CCLVI. † *Ibid.*, chapter CCXCVIII.
‡ *Ibid.*, May session, 1780, chapter LVI. § *Ibid.*, chapter LXXXI.
‖ *Ibid.*, chapter CVII. ¶ *Ibid.*, chapter XL. ** *Ibid.*, chapter CXXI

deputy quartermaster-general, in which he declared that the staff in his department, and under his direction, had always been excluded from every benefit of drawing clothing from the public stores, and had never been considered in the gratuity granted to the officers of the line, "though laboring under every difficulty, and more aggravated by expenses on several accounts — their pay much less, and their subsistence but a tenth part so much; and still, to increase their distress (and which must of necessity oblige them to relinquish the service, and, by so doing leave this department destitute, which must be attended with the worst consequences), the town [of Boston] have, in their late tax, assessed them for both poll and faculty; which from many of them will draw the greater part of their pay." The memorial concluded with a prayer that the officers aforesaid be admitted to the "same advantage as has been granted to those in the line," and that "a law may be passed to indemnify the staff from paying taxes." This memorial was read and committed, December 22d, and on the first of January was "referred to the next session."

By the representation of Chase, in a letter to the Council, dated March 11th, it appears that the House voted to place the staff, in the Massachusetts contingent, upon the same establishment as the line, in respect to the particulars pointed out in his memorial, but that this vote failed through the nonconcurrence of the Council. He, therefore, in this letter, remonstrated against further delay in doing justice to those for whom he interceded, in order, as he professed, to relieve his conscience of "the guilt of concealing facts, the consequence of which if not prevented by some equitable provision, will prove ruinous to the army dependent upon this district." He declared that he had, with difficulty, and after "the most strenuous arguments to convince them that justice" would "finally be done to them," prevailed upon part of the staff under his direction, to continue in service until the result of his application should be made known; and represented their great destitution of food and clothing (with which the line, whose expenses were less than one-third of theirs, were supplied); their sacrifice of ease and comfort, and their relinquishment of "the flattering prospects of emoluments from trade and private business," and the intolerable extremities to which they had been reduced by the "immense depreciation of the currency" and "the enormous burden of the taxes."

On the 13th, this letter was read in the Council, and ordered to be sent down to the House, where it was referred to a committee, to whom, on the 17th, a second memorial from Richard Gridley and others was referred; the committee, at the same time, being enlarged by the addition of two members.

This last-named memorial was dated March 9, 1780, and was presented in the name of those who signed the petition of September 20th, with the further signatures of Isaac Foster, deputy director-general; Ebenezer Hancock, deputy paymaster-general; John Gooch, deputy commissary-general of forage; Isaac Peirce, aid-de-camp of Major General Gates; John Hopkins, deputy commissary-general of prisoners, and Robert Lamb, commissary of hides: all of whom signed for themselves, their assistants, and others in their respective departments.

After referring to the petition of September 20th, and to their inexpressible mortification at the failure of the Council to concur with the resolve of the House passed in compliance therewith, these memorialists declared that nothing but a conviction of the justice of their claims, and the fullest assurance of the candor of the two houses and their intention to distribute equal justice through all branches of the administration, would have induced them to again call the attention of the General Court to "their most intolerable sufferings, and to distresses which it is in the power" of the Legislature only to remove.

Then followed five distinct articles of grievance, in which they recapitulated their former complaints, and insisted that the discrimination in favor of officers of the line was unjust to the staff, who had risked so much, and of whom it was but justice to themselves to observe that, notwithstanding their opportunities and temptations, their poverty, and the distresses of their families, "scarcely an instance can be adduced of fraud or neglect in the staff of this state." The memorialists conclude with a prayer that, as "considering the flagrant injustice of their being made the only sufferers from the depreciation, in the whole army; nay, indeed, they may say, almost in the whole community," they doubted not that the Legislature would "place them on the same footing with the officers of the line, belonging to the state."

On the 27th, no definitive action having been taken on the former memorials, they were reënforced by another, from the medical staff, who had joined in the last memorial, but who wished to state some additional facts, peculiar to their condition, in aid of the efforts of their brethren in other departments. They called attention to the following facts:— First, that when the first blood was shed at Lexington they repaired to the scene of action (some of them relinquishing lucrative private business), to attend the wounded; that, without commission or appointment, they joined the camp at Cambridge, in the performance of duties, the nature and extent of which were well known to the commander-in-chief, and to some members of the General Court who, at that time, had "stepped forth, and distinguished themselves in places of importance." The memorialists further represented that, as the army became better organized, they received commissions, first from the state, and subsequently from Congress,— three of the memorialists acting as surgeons in the general hospital, and one in the state regiment of artillery, until the close of the second campaign, when he also was appointed surgeon in the hospital; second, that they had filled such stations as had been assigned to them in the army, — sharing all the vicissitudes of the camp, from the beginning of the contest, regardless of their private interests; third, that, after what they had expended for a liberal education, and to qualify them for their professional duties, it was "as repugnant to reason and equity," as it was "mortifying and injurious," that they should be rewarded "with less pay than the private soldier;" fourth, that, "by a calculation made at the close of the campaign

in 1778, it appeared that as many hospital officers had died of contagious diseases, as were killed officers of the line, in proportion to their numbers;" fifth, that, from hardships peculiar to the medical staff, many of the officers of the middle department were resigning their commissions; but that the memorialists did not wish, by remaining in the service, "to be driven, in poverty, to private life, unrewarded for services" in which their "health and most valuable years had been expended."

The memorial closed with an earnest appeal against the rejection of their requests on the ground that the state would not be reimbursed by Congress, and the query whether it is most consistent with equity that the citizen rendering services for the state should lose his reward, or the loss be endured by the state "in whose defence those services were performed?" — with which appeal, and the declaration that, when they observed "the fortunes amassed by others" while the memorialists had been serving the public, they thought themselves justly entitled to a compensation, and for this compensation, they declared, they depended "solely on the candor of the Legislature of the state who gave us our first appointments, and to whom we belong." The signers of this memorial were Isaac Foster, and the three senior physicians and surgeons, — John Warren, Samuel Adams, junior, and William Eustis.

The committee to whom was referred these petitions and memorials from the officers of the staff, made the following report: —

"State of Massachusetts Bay In the house of Representatives March 27th 1780

The Committee appointed to consider of the petition of Col Richard Gridley and others Staff Officers in this State, beg leave to Report. That, after Examining the Resolves of Congress and maturely considering the same, are of Opinion that the Officers above mentioned, are not included, as part of this State quota of the Fifteen battalions, raised in this State. And that a Committee be appointed to write to Congress desiring their directions, respecting the subject matter of the petition above mentioned." — *Ibid*, *vol.* 226, *p.* 458.

— which was referred to a committee, consisting of Messrs. Page, Singletary, Fessenden, Reed, and Williams of Roxbury, upon whose report the following resolve * was passed: —

"State of the Massachusetts Bay. In the House of Representatives March 28th 1780 —

Resolved that the following Letter be sign'd by the President of the Council & sent to our Delegates at Congress.

Gentlemen, In consequence of the Donations, Gratuities & Emoluments at various times granted by the General Court to the Officers & Soldiers which constitute this State's Quota of the Continental Army, reiterated applications from the Officers in almost every Department of the Staff have been made for similar favours, but as it was doubtful whether persons serving in the General Staff would be considered as forming part of our Quota & the State be credited accordingly, We have hitherto considered them as not intitled to the benefits which the Officers & Soldiers in the Massachusetts Line derive from the Resolves & Acts of this Government made purposely for their advantage —

You are therefore, Gentlemen, hereby directed by the General Assembly to take the sense of Congress on this subject, & should they think proper to credit this State for the various Officers who belong to it, serving in the different Staff Departments you will obtain an explicit declaratory Resolve for this purpose: should Congress think otherwise, you will then inform the General Court whether Congress mean to make a particular provision for them equivalent to what has been made by this State for the Officers & Soldiers of their fifteen Battallions —

Sent up for Concurrence JOHN HANCOCK Spkr
In Council March 29th. 1780 Read & Concurred JOHN AVERY D Secy." — *Ibid.*, *p.* 435.

The following resolve † was subsequently passed: —

"State of Massachusets Bay — In the House of Representatives April 7 1780 —

Resolved that all Aids De Camp, Brigade Majors & Chaplains field Commissarys of Military stores, & Engineers, who are not in the line, & belong to, & are reckoned as part of this States quota of the Continental Army, & have been doing duty in Camp, & are not discharged, are entituled to have the depreciation of their wages made good to them according to the Rank they hold in the Staff, (and no other in the same manner as the officers of the fifteen Battalions are made good, agreable to the Several resolves of the General Court for that purpose, And the Committee appointed by Sd. Court to Settle with the Army, are hereby directed to make them up accordingly

Sent up for Concurrence JOHN HANCOCK Spkr
In Council April 8th. 1780 Read & Concurred JOHN AVERY D Secy
Consented to" — [Signed by sixteen of the Council]. — *Ibid.*, *vol.* 227, *p.* 87.

On the 10th of April, Congress passed two resolves; the former, declaring that, when furnished with the proper documents, Congress would make good all losses by depreciation, "to the line of the army, and the independent corps thereof," — putting all troops serving in the army, who had enlisted for three years, or during the war, upon an equal footing: — and the latter, providing for the appointment of a committee of three, to report a proper compensation to the staff of the army, "in consequence of the depreciation of the currency." Two days later, the delegates from Massachusetts laid before Congress the instructions communicated to them in the letter of March 28th, whereupon these instructions were referred to a committee, upon whose report the following resolve was adopted, on the fifteenth: —

"Resolved, That any state which shall furnish the officers of the hospital and medical staff belonging to such state in the service of the United States with such articles of cloath-

* Printed resolves, chapter XCIX.

† *Ibid.*, chapter CXLVII.

ing as those officers are respectively entitled to by a resolution of Congress of the 20th of November, 1779, and make returns thereof to the cloathier general, shall have credit for such supplies in their account with the United States." — *Journals of Congress.*

The resolves of Congress, of the 10th and 15th of April, were both forwarded to the president of the Council, with the following letter: —

"Philadelphia April 18th 1780

Sir Before we had the Honor of receiving your Letter of March 19th * by Docter Eustis Congress had taken up the Subject of Compensation for the Staff Department of the Army on the Ground of a depreciated Currency.

The inclosed papers will discover the present Stage of that Business and the proceedings of Congress in Consequence of a Commitment of your Letter. When the Committee to whom That was referred shall have made their general Report we shall do ourselves the Honor to communicate the Result, which we hope will be satisfactory to the Honorable Assembly. We are with great Respect Sir

Your most obedient Humble Servants E GERRY.
JAMES LOVELL
[S. HOLTEN

Hon^ble President of the Council Massachusetts Bay."—*Mass. Archives, vol.* 202, *p.* 150.

Chap. 30. A committee of the House was appointed September 11th, "to devise ways and means for supplying the treasury." On the 16th, this committee reported that a sum be raised by a tax upon polls and estates, and recommended, as another resource, the sale of the confiscated estates of refugees.

On a division of the question upon the adoption of the recommendation of this committee, and after a debate thereon, from time to time, until the 24th, the question being put on the first proposition, "Whether any sum to be agreed upon, be laid upon the polls and estates of the inhabitants of this state," it passed in the negative, by a vote of twenty-six to sixty-one; and the vote was refused a reconsideration, by a vote of thirty-two to fifty-six. The remainder of the report had been accepted on the 17th, and a committee was then appointed "to bring in a resolve for the purposes therein mentioned." This resolve is more particularly referred to in the note to 1778-79, chapter 48, p. 1055, *ante.*

Upon the failure of this proposition for a tax, a committee of seven of the leading members was immediately appointed, "to devise some means of supplying the treasury with a sum adequate to the demands of government."

Nothing further in regard to ordering a tax was done this session. Before the Legislature again assembled, the following resolves were passed by Congress: —

"*Resolved*, That, in addition to the sums required by the resolutions of Congress of the 22d November, 1777, and 2d January and 21st May, 1779, the several states be called on to raise, in such manner as they may judge expedient, sufficient sums to enable them to pay into the continental treasury or to the order of Congress, on the first day of February next, and on the first day of each succeeding month, until the first day of October next, inclusive, their respective proportions of fifteen millions of dollars:

That all sums which may be so paid by any of the states during the continuance of the war, shall be passed to their respective credits, on the terms prescribed by the first article of a resolution of Congress of the 22d of November, 1777:

And that the several states be respectively charged with the annual interest of six per centum on all deficiencies in the payment of the several quotas which have been or may be required of them."—*Journals of Congress: Oct.* 6, 1779.

"*Resolved*, That the quotas of the several states to make up the monthly assessment of fifteen millions of dollars, to be paid the first day of February next, and the first day of each succeeding month, to the first day of October next, inclusive, be as follows:

New-Hampshire,	400000 dollars.	Pennsylvania,	2300000 dollars.
Massachusetts Bay	2300 000 do.	Delaware,	170000 do.
Rhode-Island, &c.	200000 do.	Maryland,	1580000 do
Connecticut,	1700000 do.	Virginia,	2500000 do.
New-York,	750 000 do.	North-Carolina,	1000000 do.
New-Jersey,	900000 do.	South-Carolina,	1200000 do. 15000000

Georgia being invaded is hereafter to raise its proportion."—*Ibid.: Oct.* 7, 1779.

At the opening of the third session, on the tenth of November, the Council, in their message to the House, called attention to these resolves of Congress, in the following words: —

"During the last recess of the General Assembly we received two letters from the honorable the President of Congress, dated the 25th of *September* and 21st of *October* last, covering sundry resolves of that honorable Body, respecting the several States paying monthly, for nine months, from the first day of next *February*, their respective proportionable part of Fifteen millions of dollars."—*House Journal, p.* 2.

The committee to whom the message was referred, reported, on the 11th, "That it is expedient to tax the polls and estates of the good people of this state, a sum equal to the last tax; to be paid into the treasury of this state, one-half by the first of February, next, and the other half by the first of April, following." On the 16th, "agreeably to the order of the day," the report of this committee was considered, and, after debate, the suggestion of the committee was adopted, and "by a majority of forty-two members out of sixty-five," it was voted to apportion and assess a tax of £2,800,000 to be paid in according to the recommendation of the committee; and Messrs. Ward, Pope, Cushing, Gorham of Lunenburg, and Dunbar, were appointed to bring in a bill for that purpose. The House, at the same time, refused to appoint a committee to revise the last valuation, and report

* *Sic:* 29th.

what alterations were proper to be made; and, by a vote of twenty-seven to thirty-five, rejected a motion to instruct the committee on the tax bill, to insert a clause providing for the reimbursement of towns which should thereafter appear to be overtaxed. Still another motion, for the appointment of a committee "to devise some new method whereby a true valuation may be obtained," was voted down.

On the 17th, the House voted that the pay of its members, "for the two last sessions, be inserted in the tax bill."

On the 18th, a committee was appointed "to revise the several resolves laying penalties on towns for neglecting to raise men, and report what is proper to be done;" and on the 19th, the subject of inserting in the tax bill "the sums due to the several towns for supplying soldiers' families" (upon which the committee on the tax bill had asked the House for direction), was referred to this committee. On the same day, the report of this committee was read, and the afternoon was assigned for its consideration. Another committee was now appointed "to consider what is proper to be done in respect to fining towns wherein some companies have raised the men required, and others have not."

The report of the committee to examine the resolves was taken up according to appointment, and adopted; and the following resolve * was thereupon passed: —

"State of Massachusetts Bay In the House of Representatives Novr 19. 1779

Whereas in & by a Resolve of this State passed the eighth † day of June in the present year for raising two thousand men for reinforcing the Continental Army, it is ordered that each Town & Plantation should severally incur such Penalty for the use of this State as the General Court should thereafter determine for every man they should be deficient in their respective quotas, agreeable to the requirements of the said Resolve. It is therefore Resolved that each Town & Plantation in this State (except those in the Counties of Cumberland & Lincoln) shall incur forfiet & pay for each man they were deficient as aforesaid the sum of six hundred pounds, to be assessed to such delinquent towns & plantations in the next state Tax

Sent up for Concurrence JOHN HANCOCK Spkr

In Council Novr 19th. 1779 Read & Concurred JOHN AVERY D Secy

Consented to"— [Signed by fifteen of the Council].— *Mass. Archives, vol.* 225, *p.* 9.

On the 27th, the bill of this chapter was read a first time, in the House, and recommitted; and the committee, upon which, on the 23d, Major Osgood had been appointed, was further enlarged by the addition of Capt. Williams of Salem, and Capt. Curtis. On the 30th, the bill was read a second time, and recommitted, with instructions to report again in the afternoon. On the next day, the committee reported, and the afternoon was assigned for further consideration of the bill; and all the members were ordered to give attendance "until the same be completed." The poll-tax was now fixed at ten pounds, by a vote of fifty to twenty-nine. The debate on the bill continued through the next two days, when the bill was read a third time, passed to be engrossed, and sent up to the Council for concurrence. In the Council, on the third of December, it was read a first time; and on the 4th, it was read a second time, and passed to be engrossed, in concurrence. On the 6th, a message came up from the House, proposing the insertion, at the end of the first section, of the words, "the following sums set against them, respectively;" which was agreed to by the Council. The words "that is to say," which follow the words thus inserted, seem to have been put in by the engrossing clerk, without special authority. On the 7th, the bill was passed to be enacted, in both branches, and was signed by fifteen of the Council.

By the following resolve,‡ this act was ordered to be printed and distributed: —

"State of Massachusetts Bay in the House of Representatives December 3d 1779

Whereas it is Highly necessary that the present Tax bill Should be printed & Sent to the Several Towns in this State with the greatest possible Dispatch — Therefore Resolv'd

That Mr Thomas Walley be & he hereby is appointed to procure the Sd Tax bill to be printed as Soon as the same Shall be Compleated and Convey them to the Treasurer of this State who is hereby Directed & Requir'd to Send them immediately to the Sherriffs of the several Counties. And the Sd Sherriffs are required to Disperse the Same to all the Towns in their respective Counties with the greatest Dispatch And to lay their Accounts for the Service before the Committee of Accounts for allowance & payment

Sent up for Concurrence JOHN HANCOCK Spkr

In Council Decr 4th 1779 Read & Concurred. JOHN AVERY D Secy

Consented to"— [Signed by sixteen of the Council].— *Ibid., p.* 214.

The resolves referred to in the table of apportionments, over the four columns which appear for the first time in this bill, were passed for the raising of soldiers for the defence of the frontiers, and for reënforcing the Massachusetts contingent in the Continental Army.

The resolve of June 12, 1778, § provided for calling out 1,800 men, to repel invasions "from the northward" and from Rhode Island. They were enlisted to serve until Jan. 1, 1779, unless sooner discharged. For this purpose, the brigadiers or commanding officers in the following counties, were to detach men from their respective brigades, as follows: Suffolk, 205; Essex, 260; Middlesex, 218; Worcester, 257; Hampshire, 199; Berkshire, 102; Plymouth, 153; Bristol, 134; Barnstable, 78; York, 90; Cumberland, excepting Falmouth, 58; and Lincoln, 51; — a total of 1,805 men, who were to be formed in companies of 68 men each, "as near as may be," exclusive of commissioned officers. All males above sixteen years of age, excepting members of the Council, officers of Harvard College, ministers of the gospel, grammar-school masters, Quakers, Indians, negroes and mulattoes, were declared liable to this service. Such men as had already actually marched from Hampshire and Berkshire, to reënforce the northern army, were to be taken as part of the quota of those counties under this resolve.

* Printed resolves, chapter XXXIX. † Sic: ninth.

‡ Printed resolves, chapter CXXXVI. § *Ibid.*, May session, 1778, chapter LI.

Of the men thus raised, those from Suffolk, Essex, Middlesex, Worcester, York, Cumberland and Lincoln, together with 100 men from the southern part of Hampshire County, and 130 men from Plymouth County, were to be immediately marched to Providence, to fill up the Massachusetts battalions under Wade and Jacobs. The remainder of the men raised in Hampshire and Berkshire, were to immediately join General Stark at Albany "or elsewhere, as he shall order." The men from Barnstable were to be detailed as a coast-guard, in that county, by their brigadier, but were subject to be called into service, in any part of the New-England states that the General Court, or the officer commanding at Providence, should appoint. One Company from Bristol was to proceed to Dartmouth, to serve under the officer in command of the militia there, until further orders from Providence; while the remainder of the Bristol and Plymouth men were to act as a coast-guard (the latter to be stationed at Rochester and Wareham), until ordered to duty elsewhere. The resolves promised that the Assembly would continue its inquiries respecting inequalities in the proportion of men enlisted from the several towns "until they shall be able to have the most ample justice done therein;" and declared that those towns which had sent into service, for the term of three years, one seventh part of their male population over sixteen years of age, had just cause of complaint against towns which had contributed a smaller proportion.

The resolves of June 8, 1779, * were passed to carry out the pledge or, rather, the recommendation, of the convention held at Springfield, July 30, 1777, † to raise and equip a number of men "to guard the shores round Rhode Island," "so long as the enemy kept in force there."

The attention of the Legislature was directed to this duty by the following resolve of Congress, passed upon the application of Governor Greene of Rhode Island, in his letter dated the 26th of April: —

"*Resolved*, That it be and it is hereby earnestly recommended to the states of New-Hampshire, Massachusetts-Bay, and Connecticut, to furnish and keep up constantly in the state of Rhode-Island and Providence Plantations, their several quotas of troops as adjusted by the resolution of a committee from the said states and the state of New-York, which met at Springfield in the state of Massachusetts Bay the 30th day of July, 1777." — *Journals of Congress: May 7*, 1779.

This resolve of Congress was referred to a joint committee of the Legislature who reported, in Council, that another regiment be raised in this state, to do duty in the state of Rhode Island and Providence Plantations, to complete the quota assigned to this state by the committee assembled at Springfield on the 30th of July, 1777. This report was read May 28th, and ordered to lie. The subject next came up in the resolves of June 8th, by which 800 men, including non-commissioned officers, in addition to those ordered to be raised to reënforce Colonel Jacobs's command, were to be enlisted to serve until Jan. 1, 1780, unless sooner discharged. They were to be detached by the brigadiers or commanding officers in the same manner as directed in the resolve of June 12, 1778, and the same classes of persons were made liable to service, with the addition of members of the Council, who were not exempted as in the former resolve. The men were to be formed into eight companies, which were to constitute a regiment, the field officers of which were to be appointed from the militia, by the major part of the Council. The number of men in the company from Suffolk, was 95; from Essex, 119; from Middlesex, 100; from Worcester, 124; from Hampshire, 102; from Plymouth, 74; from Barnstable, 38; (who with the 69 men from Bristol were united in one company); from York 45, — who were united in one company with the 34 men from Cumberland. The regiment was ordered to march, immediately, to Providence, and there, to be under the Continental officer in command of that department.

The resolves of June 9, 1779, ‡ were passed for filling up the fifteen battalions of the Massachusetts contingent in the Continental Army agreeably to the following resolves of Congress: —

"*Resolved*, That the infantry of these United States for the next campaign be composed of eighty battalions, viz.

3 of New-Hampshire,	11 of Pennsylvania,
15 of Massachusetts-Bay,	1 of Delaware,
2 of Rhode-Island and Providence Plantations,	8 of Maryland,
8 of Connecticut,	11 of Virginia,
5 of New-York,	6 of North-Carolina,
3 of New-Jersey,	6 of South-Carolina,
	1 of Georgia.

That each of the said battalions consist of the number of commissioned and non-commissioned officers and privates established by an act of Congress, passed on the 27th day of May last.

Whereas Congress by an act of January 23d last, did among other things authorise the commander in chief to take the most effectual measures to inlist for the continuance of the war new recruits in the United States, to compleat the battalions to their proper complement; and for this purpose to grant to each new recruit who should inlist in any of the continental battalions during the war, such a bounty as the commander in chief should think fit, but not to exceed two hundred dollars; and it being apprehended that the said provision will not answer the good purposes thereby intended:

Resolved, That the above recited clause of the said act of Congress be repealed; and that it be earnestly recommended to the several states to make up and compleat their respective battalions to their full complement by drafts, or in any other manner they shall

* Printed resolves of the May session, chapter LXVI. † See note to 1777-78, chap. 6, p. 811, *ante*.
‡ Printed resolves of the May session, chapter LXX., in which the date is erroneously given as the eighth of June.

think proper; and that they have their quotas of deficiencies ready to take the field and to march to such place as the commander in chief shall direct without delay:

That a bounty of two hundred dollars out of the continental treasury shall be granted to each recruit, who, after the 23d day of January last, hath inlisted or shall inlist during the war; or in case the state shall have granted as great or greater bounty, the said two hundred dollars for every such recruit shall be passed to the credit of the state respectively for whose quota he shall be raised." — *Ibid., Mar.* 9, 1779.

For this purpose, 2,000 men were ordered to be raised "by draft, lot, or voluntary enlistment," according to a schedule annexed to the resolves, to serve for nine months (unless sooner discharged) "from the time they shall respectively appear at Springfield, or such other place as the commander-in-chief shall direct the place of their rendezvous."

The brigadier or commanding officer of each brigade was required to immediately order the colonel or commanding officer of each regiment in his brigade, respectively, to cause the several companies under his command, to be forthwith called together, "and a number of men, equal to the number assigned to each town and plantation in" each respective brigade, in the aforesaid schedule, to be immediately raised. The drafts for this purpose were to be made from the train-bands and alarm lists, the returns whereof, from the towns and plantations in the several counties, were to be made into the secretary's office on or before the following dates, respectively: Suffolk, Essex, Middlesex, Plymouth and Bristol counties, July 2d; Barnstable, Worcester, Hampshire and York counties, July 7th; Cumberland and Berkshire counties, July 12th; and Lincoln County, July 17th.

The men so raised were to be "upon the Continental establishment," including, of course, the bounties, pay, etc., voted by Congress; and particular provisions were made for registering them, and for turning them over to the officers appointed to receive them into the army.

For neglect of duty in respect to the draft, by military and town officers, and by committees of safety, penalties were fixed by these resolves of the ninth of June. Besides these, it was resolved that all towns and plantations failing to fill their quotas by a specified time, "shall severally incur such penalty as the General Court shall hereafter determine, for the use of this state, for every man they shall be deficient, as aforesaid, which sum shall be added to the next state tax of such town or plantation;" while £120 was ordered to be abated in the next state tax, to every town, for each man furnished by it under the present call. By the same resolves, also, there was ordered to be added to the tax of any town, deficient, on the last day of July, in its quota (to the Continental Army) of one seventh part of its male inhabitants enlisted to serve for three years or during the war, a fine of £350, for every man in which it should be so deficient; and an equitable allowance was ordered to be deducted from this fine for men furnished for less than three years, in the town's quota; and, if the deficiency in three-years' men should be made good before July 31st, such towns were to be paid the amount of this allowance.

The resolves of June 12, 1778, and June 8, 1779, imposed no fine on the towns, but gave the selectmen and assessors of the several towns, authority to assess a tax, upon polls and estates in their respective towns, for the amount of the bounties and mileage which, by those resolves, were authorized to be paid out of the town treasuries, and for which a deduction was to be made from the next state tax levied on the towns.

Before the passage of the resolves of June 8, 1779, the following resolve* was passed: —

"State of Massachusetts Bay } In the House of Representatives May 3d — 1779

Whereas it appears to this Court that the militia officers Select-men and Committees of Safety &c. of the several Towns in the County of Lincoln have Neglected or refused to comply with the Resolves of this Court requiring them to make returns of the men they have inlisted as their quotas of the Continental Army notwithstanding the repeated requisitions of this Court for that purpose

Therefore,— Resolved that if any of the militia officers or Selectn. of any town or Comtees of Correspondance &c of any plantation in the County of Lincoln (or any other Town in any other County in this State) shall neglect or refuse to make proper returns of the names and number of men inlisted as aforesaid agreeable to the requirement of the Resolves of this Court — relative thereunto on or before the fifteenth Day of June next shall forfeit the sum of one hundred Pounds and have the same added to their town in their next State Tax accordingly, and the sum of fifty Pounds monthly during the continuance of such neglect or refusal and have it added in the same manner to their next State Tax

and it is further Resolved that the Secretary be & he hereby is directed forthwith to furnish the Brigadier of the County of Lincoln with a Sufficint number of Copies of this Resolve and the Resolves to which it Relates who is directed to Convey them as Soon as may be to the Selectn or Comissioned officers of the several towns in sd County, and that the Secritary be Directed to send a Copy to the Commanding officer or Selectn of any other Town that may be Deficiant in their returns

and it is further Resolved: That the Committees† appointed for Settling Disputes between the Towns in the several Counties Respecting their Quotas of Men in the Continantal army be and they are hereby Directed to Meet at the State House in Boston on the Eighteenth Day of June Next then & their to Proceed on the Business for which they ware appointed by the Resolve of the 17th of June Last and Make Return of their Doings into the Secretarys office on or before the Tenth Day of July Next

Sent up for Concurrence — JOHN PICKERING Spk
In Council May 3d 1779 — Read & Concurred — JOHN AVERY D Secy
Consented to" — [Signed by fifteen of the Council].— *Mass. Archives, vol.* 222, *p.* 287.

* Printed resolves of the April session, chapter CXXXI.
† "Committee," in the printed resolve.

The penalty which, by the resolves of June 9th, was left to be fixed by the Legislature at a future day, was settled by the resolve of November 19th, already given in full.

Pending the passage of this act, various resolves, votes and orders were passed by the House, fixing the sum to be assessed upon certain towns, and exempting other towns from the payment of fines. Thus, upon the report of a committee appointed November 25th, it was resolved, on the 27th, "That the sum of £1,081 2*s.* 2*d.* be set upon Chesterfield Gore," as their proportion of the state tax. On the 29th, "in consideration of the embarrassments the town of Boston were under, by the impress of men for the Penobscot expedition," it was voted, that "they be excused from the fine to which they are liable, for a deficiency of five men in their proportion of those ordered to be raised by a resolve of the 8th June, last." The same day, on the petition of Edward Davis, for the town of Oxford, the committee on the tax bill were ordered to suspend inserting a fine on that town, for a deficiency of nine men which they were ordered to raise; and the consideration of the petition was referred to the next session.

On the first of December, on objection made by the members of the House, from the following towns, to the fines laid on their respective towns, a minute thereof was ordered to be made: Chelsea, Ipswich, Beverly, Cambridge, Newton, Medford, Shirley, New Braintree, Northborough, Bolton, Framingham, Foxborough and Mendon. Of these thirteen towns, Cambridge, only, was exempted from a fine in the act, although seven others of these towns were relieved by subsequent resolves. The insertion of a fine of £600 upon Lancaster, and another of £300 upon Oxford, were ordered to be suspended, on the same day. On the 20th, Messrs. Brown of Framingham, Whitney, Perry, Page and Singletary were appointed "a standing committee, to consider any applications that may be made by towns, for relief respecting fines laid on them in the last tax act."

After the passage of the act, fines were remitted by resolve, in the following instances: —

Upon the petition of Joseph Thaxter, representing that, as agent of the town of Hingham, he preferred a petition to the General Court, on the thirty-first of December 1779, and that, on the next day, he appeared and convinced the committee appointed for that purpose, that the town had done its duty; and stating that he had received from the committee the promise of a favorable report; and that, upon his representation thereof to the town, the assessors had proceeded to assess the tax without the fine; but that it appeared that the said committee never reported to the House; and the chairman had returned his petition to him; and concluding with a prayer to be heard on the petition,— the following resolve * was passed: —

"State of Mass^{tts} Bay — In the House of Representatives March 18 1780 —

Whereas the Town of Hingham were fined the sum of Nine Thousand Pounds for not furnishing Fifteen men to serve in the Continental Army for the Term of Nine Months in the year 1779 agreable to a Resolve of the General Court. And whereas it is now made to appear that the Town did in the year 1778, furnish Fifteen men to serve in the Continental Army for Three Years which are not reckoned as any Part of their Quota of the seventh Part. Therefore —

Resolved That the Fine of Nine Thousand Pounds laid upon the Town of Hingham in the last Tax-Act be remitted

And it is further resolved, that, as the Town of Hingham did not in the Year 1779 bear any Proportion of the waste of the Army, that s^{d} Town is not entituled to the Bounties granted to the Nine Months men in the Year 1779

Sent up for Concurrence John Hancock Spk^{r}

In Council March 18th. 1780 Read & Concurred John Avery D Sec^{y}

Consented to" — [Signed by fifteen of the Council]. — *Ibid., vol.* 226, *p.* 247.

Upon the petition of the selectmen of New Braintree, representing that under the order † of the Assembly, of May 1, 1779, said town was required to raise five men to fill up the Massachusetts quota in the Continental Army; and that Ebenezer Parkman and Thomas Parkman, of that town, voluntarily enlisted, so that there remained but three men to be raised by draft, which were drawn, accordingly; and praying for a remission of the fine laid upon the town in the tax act,— the following resolve ‡ was passed: —

"State of Massachusetts Bay In the House of Representatives March 21. 1780

On the petition of the selectmen of the Town of New Braintree

Resolved, that the fine of twelve hundred pounds a fine laid on said Town for not procuring two men to serve in the Continental Army for Nine months be Remitted for reasons reasons set forth in said petition — And the Treasurer of this State is hereby authorized & directed to give a reciept to the Constable for said Town for said Sum, as part of the Tax assessed them in the Last Tax laid on said Town.

Sent up for Concurrence John Hancock Spk

In Council March 23^{d}. 1780 Read & Concurred John Avery D Sec^{y}

Consented to" — [Signed by fifteen of the Council]. — *Ibid., p.* 303.

Upon a similar petition from the selectmen of Blandford, the following resolve § was passed: —

"State of Massachusetts Bay In the House of Representatives March 27, 1780—

On the Petition of David McConnoughey and others Select Men of Blanford Praying for the Remittance of A fine of Eighteen Hundred Pounds Laid on S^{d} Town for Not Procuring their Quota of men to serve in the Continental Army agreeable to a Resolve of the General Court of the 9th of June 1779 And whereas it appears that s^{d} Town Did Procure two of S^{d} men for which they were fined therefore Resolved that the Sum of twelve Hundred Pounds a Part of Sd fine Be Remitted and also the Sum of two Hundred And

* Printed resolves, chapter XXXIII. † *Ibid.*, April session, 1779, chapter CXV.
‡ *Ibid.*, March session, 1780, chapter LXII. § *Ibid.*, chapter LXXXIV.

forty Pounds be Allowed to Sd Town of Blanford as a Bounty for the two men which it Appears Sd Town did Procure Agreeable to Sd Resolve

Sent up for Concurrence JOHN HANCOCK Spkr
In Council March 27.' 1780 Read & Concurred JOHN AVERY D Sey
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 398.

John Kirkland presented a similar petition in behalf of the town of Norwich, representing that the number of men required of that town had been raised, but that the return thereof had been mislaid, or miscarried, and praying relief; whereupon the following resolve * was passed: —

"State of Massachusetts Bay In the House of Representatives March 27, 1780

On the Petition of John Kirkland in the name and behalf Of the Town of Norwich Praying for the Remittance of a fine Of Six Hundred Pounds Laid on Sd Town for not Procuring their Quota of men to Serve in the Continental Army Agreeable to A Resolve of the General Court of June 9th 1779 and whereas it Appears that Sd Town Did Procure their Quota agreable To Sd Resolve therefore Resolved that the Sum of Six Hundred Pound laid on Sd Town of Norwich as a fine be Remitted And also the Sum of one Hundred And twenty Pounds be allowed to Sd Town as a bounty for the One man for the which Sd Town was fined — agreeable to Sd Resolve

Sent up for Concurrence JOHN HANCOCK Spkr
In Council March 27.' 1780 Read & Concurred JOHN AVERY D Sey
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 413.

Isaac Stone, agent for the town of Oakham, presented a petition, representing that the town had raised its full quota, but that one of the men so raised had been credited to another town; and, moreover, that the town had sent into the Continental service, three men more than the required one seventh part of the serviceable male population, for which they had received no credit, and praying for relief; upon which the following resolve † was passed: —

"In the House of Representatiues March 28 1780

on the petetion of the Town of Oakham in the County of Worcester therein Seting forth said Town was fined as appeares by the Last Tax bill Six hundred pounds in not Complying with the requesition of the General Court June Last paste In Raiseing there Quota of the nine months men —

your Committe on Examination finde Said Town had in the Continental Service theire full preportion —

Resolued that Said fine of Six hundred pounds be and hereby is Remitted to Sd Town of Oakham & the Treasurer of this State is directed to Discounte the Same —

Sent up for Concurrence JOHN HANCOCK Spk
In Council March 28th 1780 Read & Concurred JOHN AVERY D Sey
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 419.

A committee of the plantation of Myrifield (now Rowe) presented a petition, dated Jan. 14, 1780, for remission of the fine of £600, and for an abatement of the present and former state tax, "to such a degree as not to exceed our ability to pay," or, failing that, that a committee be appointed "to view our situation and circumstances, that their report may be a means for us to obtain our desired relief." The petitioners represented that they had presented a petition, in September, for relief from the tax imposed by chapter 12, which was read and committed, and afterwards rejected, but not in season for the town to comply with the act, or to prevent the issuing of execution against them; that the town was utterly unable to raise the sums "repeatedly required" of them, which, they declared, they believed the General Court would think exceeded their proportion. That of the 10,000 acres in the plantation, only 7,000 were habitable, not a tenth part of which was under any kind of improvement; that ten years before, there were but eight families in the place, which was increased to twenty-eight families when the war began, — most of which were so poor as to be unable to pay the small cost of lands to settle on; that those who had removed thither since the war began were such as had been reduced from comfortable livings, to the necessity of earning, by hard labor, on small tracts of wild land, the means of purchasing supplies to be brought from a distance; that the earlier settlers were just beginning to make improvements when the war broke out, and being, to a man, engaged in the popular cause, and more than ordinarily "exposed unto alarms," even in seed-time and harvest-time, they had been obliged to purchase more than half of their provisions, at a distance of from ten to thirty miles, at enormous prices, for which their improvements were not sufficient to yield them an equivalent; that, through all their adversities, they had "supported the gospel," which they could not continue to do if their burdens should be increased; that, in respect to the fine of £600, they had sent only one of the two men required, because, though the rate was one man for thirty-six and one-half ratable polls, they (as they had not more than forty-eight polls at the time of the requisition) thought the sending of one man, a sufficient compliance; in which the superintendent, who accepted their man, concurred, and they hoped it would be equally satisfactory to the General Court; that they had nothing to sell wherewith to procure money, — they being above one hundred miles from any market, and obliged to pay enormous prices for salt and other necessaries ("even the price of seven bushels of rye for a bushel of salt"); that, being a new plantation, they, within a few years, had been obliged to build, through the woods, all the roads in the vicinity, and even roads to other adjoining places several miles distant, and to keep these roads in repair at their own expense, which required, annually, the average labor of ten days per man; notwithstanding which, the country was so rugged that, the petitioners declared, it required four good oxen, and at

* Printed resolves, chapter LXXV. † *Ibid.*, chapter XCI.

least the greater part of one day, "to convey half a ton burthen, in our best road, for the distance of five or six miles from this place," and that by this means only could they transport such necessaries of life as they purchased at a distance; that they had been obliged to borrow money to pay the bounties and travel of soldiers, and to make good the depreciation of the currency, they having no money of their own; that, by their great distance, many of the orders for raising men, and calls for valuation returns, failed to reach them in season for compliance; by which they incurred the same costs and fines that would have been incurred by towns within ten miles of the seat of government. Upon this petition, the following resolve* was passed: —

"State of Massachusetts Bay in the House of Representatives April 3d 1780

On the representation & Petition of the Committee of the Plantation call'd Myrifield in the County of Hampshire Praying for an Abatement of their Taxes and a reprieve from all Fines & Costs of Executions on Collectors or Assessors. And the Fine of Six Hundred pounds imposed upon the S'd Plantation for the failure of one Man in the nine Months Service

Resolv'd That one third part of all the Taxes Set upon the Plantation call'd Myrifield by Order of the General Court of this State Since the last General Valuation & Apportionment of Taxes upon the Several Towns in this State be And they hereby are Abated.

Also Resolv'd That the Fine of Six hundred pounds Set upon the S'd Plantation in the last Tax Bill for the failure of one man in the nine Months Service, be remitted

And it is further Resolv'd, That the Treasurer of this State be & he hereby is Directed to Suspend the Sending Executions upon the Collectors of the afore S'd Plantations, untill they Shall be Ser'd with a Copy of the foregoing Resolves Any former Resolve or Order of this Court to the Contrary notwithstanding

Sent up for Concurrence JOHN HANCOCK Spk^r

In Council April 3d 1780 Read & Concurred JOHN AVERY D Sec^y

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *vol.* 227, *p.* 25.

William Bodman, agent for the town of Williamsburg, presented a petition, dated March 23, 1780, for remission of £600, of the £2,400 fine laid on that town, for a deficiency of four men, alleging that the computation for the town's quota was made on the basis of a former valuation instead of the one they had last sent in to the secretary's office, which could not be found by the committee; by which their required quota exceeded their just proportion, by one man. Upon this petition, the following resolve† was passed: —

"State of Massachusetts-Bay In the House of Representatives April 3d 1780 —

On the Petition of William Bodman Agent for the Town of Williamsburgh Praying for an Abatement of part of the fine laid on Said Town in the last Tax Act

Resolved that the Prayer of Said Petition be Granted and that the Sum of Six hundred Pounds be Abated out of the last Tax laid on Said Town of Williamsburgh for the Reasons Set forth in Said Petition, and the Treasurer of this State is hereby authorised & Impowered to Credit the Said Town the Sum of Six hundred Pounds afore Said

Sent up for Concurrence JOHN HANCOCK Spk^r

In Council April 3d 1780 Read & Concurred as taken into a New Draught

Sent down for Concurrence JOHN AVERY D Sec^y

In the House of Representatives April 3 — 1780

Read & concurrd JOHN HANCOCK Spk^r

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 61.

The militia officers of the town of Northfield presented to the General Court, a petition, dated Feb. 28, 1780, representing the fidelity with which they had "waded through" their arduous duties during the war, — often, thereby, incurring "the anger of many" of their company, as having raised more than their just proportion of men; notwithstanding which, they were, as they supposed, deficient in one man, only, though the committee afterwards found them deficient in two of the three-years' men, which deficiency they immediately supplied. They alleged that they subsequently discovered that Abraham Parchus, a runaway servant of Capt. Elisha Hunt, had enlisted, for three years, in the Continental Army, and they had returned him as of their quota; so that when a requisition came for five more men, they raised but four, expecting that Parchus would be counted as one; but, to their surprise, the town was fined £600 for a deficiency, for which they were much blamed. They further represented that the requisition upon them for nine-months' men, was disproportionately large; wherefore they prayed that the town "be eased of the above-mentioned fine."

This petition was referred to a committee who, on the 4th of April, reported that the town of Northfield had been required to furnish one man in twenty-six, on the call for nine-months' men, whereas the proper proportion was only one in thirty-seven, and that the town had raised its full quota of one-seventh of the serviceable male population, and that Captain Alexander, the representative from that town, claimed that they had already in the army one man more than their quota; which facts they laid before the House, and prayed for its direction. No further action upon this petition has been discovered.

The petition of Jonathan Brewster, in behalf of the town of Worthington, was read and committed, March 26, 1780. The petitioner represented that, notwithstanding the fine of £2,100 laid upon that town for a deficiency of four men, under the call of June 9th, they have, in actual service, that number of men over their quota of one-seventh of the serviceable male inhabitants; and prayed relief from the fine aforesaid. Upon this petition the following resolve‡ was passed: —

"State of Massachusetts Bay In the House of Representatives April 3d 1780 —

On the petition of Jonathan Brewster In Behalfe of the town Of Worthington In the County of Hamshire — seiting forth that said town Was fined In the Last tax act for a

* Printed resolves, chapter CXI.

† *Ibid.*, chapter CXII. See new draught in supplementary note on p. 1389 *post*.

‡ *Ibid.*, chapter CXXVIII.

Defissiance of four men seet on said Town by the Resolve of the 9 of June Last and praying that said fine be Remitted Whereas it appears said town Were Defissiant But one man therefore

Resolved that the fine of Eighteen Hundred pounds for three men be Remitted to said town of Worthington

Sent up for Concurrence JOHN HANCOCK Spk^r
In Council April 5^th. 1780 Read & Concurred JOHN AVERY D Sec^y
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 53.

A similar petition, dated March 27, 1780, by the selectmen of the town of Shirley, was read and committed, April 4th. These petitioners alleged that just before the requisition for the nine-months' men reached Capt. Edmund Longley, their militia captain, he enlisted into the service, to serve during the war, one Edward Johns, and after receiving his orders, he enlisted three more men; namely, Ephraim Warren, Ephraim Warren, junior, and Edward Smith, whom he did not return; and that all four men went into actual service, where the said Johns still remained. The petitioners therefore prayed that the fine on said town be remitted; whereupon the following resolve * was passed: —

"State of Massachusetts Bay } In the House of Representatives April 6 1780 —

On the Petition of the Selectmen of the Town of Shirly praying for an abatement of a fine of £600 set upon said Town on failure of raising its full quota of men agreeable to a Resolve passed June 9, 1779 Therefore

Resolved that the prayer of the Petition be granted and that the aforesaid sum of Six hundred pounds be & hereby is remitted to the said Town of Shirly accordingly and that the Town of Shirley be entitled to receive the Bounty promised by the Resolve aforesaid

Sent up for Concurrence JOHN HANCOCK Spk
In Council April 6^th 1780 Read & Concurred JOHN AVERY D Sec^y —
Consented to" — [Signed by sixteen of the Council] — *Ibid.*, *p.* 57.

The selectmen of Medford presented a petition, dated March, 1780, in which they represented that the town had filled its quota, and that, under the resolve of June 9, 1779, the town was entitled to an abatement of £120 for each of six men which they had furnished in season to be returned by the second day of July; wherefore, they prayed for an opportunity to vindicate their conduct, and that the fine of £600 laid upon said town, in the tax act, be remitted, and that their tax be abated in £720, for the six men aforesaid. Upon this petition the following resolve † was passed: —

"State of Massachusetts Bay } In the House of Representatives April 7^th 1780 —

On the Petition of the Selectmen of the Town of Medford praying for an abatement of a fine of £600 laid on said Town in the last Tax for not raising its compliment of nine months men required by a Resolve passed June 9. 1779 and also for an allowance of the £120 Bounty due for each man raised agreeable to said Resolve — & Whereas the s^d town of Medford raised its full quota of men therefore

Resolved that the prayer of the Petition, be granted and that the sum of Six hundred Pounds be remitted to the said Town of Medford accordingly and also that the further sum of One hundred & twenty pounds be allowed and paid out of the public Treasury of this State to the said Town of Medford in full —

Sent up for Concurrence JOHN HANCOCK Spk
In Council April 8.^ 1780 Read & Concurred JOHN AVERY D Sec^y
Consented to" — [Signed by sixteen of the Council]. — *Ibid.*, *p.* 97.

The petition of John Everett, in behalf of the town of Foxborough, was read and committed, March 23, 1780. The petitioner represented that, notwithstanding the General Court had, on the 23d of January, reduced the quota of that town from five men to three, the town was, by mistake, fined, in the tax act, £1,200 for the two men thus abated; and concluded with a prayer that the treasurer be directed to credit said town for the above sum. Whereupon the following resolve ‡ was passed: —

"State of Massachusetts Bay — House of Representatives April 7. 1780 —

On the petition of John Everett In Behalfe of the Town of foxbrough praying for the abatement of a fine of Twelve Hundred pounds seet on said Town for a Defissiancy of two men ordred By the Resolve of June the Ninth 1779 — and Whereas it appears that the said Town Were Not Defissiant

therefore Resolved that the fine of Twelve hundred pounds seet on said town In the Last Tax act be Remitted to sd Town of foxbrough

Sent up for Concurrence JOHN HANCOCK Spk^r
In Council April 8^th. 1780 Read & Concurred JOHN AVERY D Sec^y —
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 88.

In a petition dated Dec. 27, 1779, the selectmen of Marlborough represented that the town had raised ten men (the whole number required of them), and had them duly mustered in; that six of them marched; that one of them was drowned before marching orders; and that the remaining three absconded, and had not been captured, although the town had been at great expense to find them. They, therefore, prayed that the fine laid upon them for their deficiency, or such part thereof as the General Court should think fit, be taken off; whereupon the following resolve § was passed: —

"State of Massachusetts-Bay } In the House of Representatives April 7^th 1780

On the Petition of the Selectmen of the Town of Marlborough seting forth that said Town was fined in the Last Tax the sum of £2,100 for a deficiency of four men which they were required to raise by a Resolve passed June 9 1779

* Printed resolves, chapter CXXXI.
† *Ibid.*, chapter CXLIII.
‡ *Ibid.*, chapter CXLVI.
§ *Ibid.*, chapter CXLIV.

Resolved that the prayer of the Petition be so far granted as that there be allowed and paid out of the public Treasury the sum of eight hundred pounds to the Town of Marlborough in part of the fine above mentioned

Sent up for Concurrence — JOHN HANCOCK Spk
In Council April 8'. 1780 — Read & Concurred — JOHN AVERY D Sec^y

Consented to" — [Signed by sixteen of the Council]. — *Ibid.*, *p.* 91.

Upon the petition of Paul Newton, in behalf of the town of Northborough, which was read and committed March 24, 1780, representing that the inhabitants had raised all the men required of them, and praying for a remission of the fine set upon that town, the following resolve* was passed, in the House, April 3d, and concurred in by the Council, April 5th, "as taken into a new draught." This new draught, which is given below, was concurred in by the House, April 15th, and, the same day, it was passed, and signed by sixteen of the Council: —

"State of Mass^tts Bay — In the House of Representatives April 3^d 1780

On the Petition of Paul Newton in behalf of the Town of Northborough praying for an Abatement of the Fine set upon said Town in the last Tax for not raising three Nine Months Men agreeable to the Resolve passed June 9'. 1779 and Whereas it does appear that the Said Town did Actually raise said men —

Therefore Resolved that the Sum of Eighteen hundred Pounds be remitted to said Town, and the Treasurer of said State be and hereby is directed to discount said Sum of Eighteen hundred Pounds with the Collector or Constable of Said Northborough as part of the Tax in which said Fine was assessed." — *Ibid.*, *p.* 165.

In preparing the bill of the present chapter, the resolve passed, upon the petition of Jonathan Whitney, agent for the town of Conway, and printed in the note to 1778–79, chapter 39 (p. 1042, *ante*), was overlooked, by the committee and, therefore, Whitney applied to the General Court, in a petition dated April 17, 1780, setting forth this fact, and also objecting that the fine laid upon that town should have been for one man only, and that it was, therefore, £1,200 too much; and praying that the £520 granted by the former resolve, and the £1,200 excess of fines, be refunded from the state treasury, and that the petitioner be allowed to draw the same, giving his receipt therefor; whereupon the following resolve † was passed: —

"State of Mass^tts Bay } In the House of Representatives April 20, 1780

Whereas the Town of Conway had the sum of five hundred & twenty pounds remitted to it by a Resolve ‡ passed October 6, 1779 and was to have been abated out of the then next State Tax but by some means was not deducted agreable to the purport of said Resolve And whereas the said Town of Conway was fined in the last Tax the sum of Eighteen hundred pounds for a supposed deficiency of three men which were required of it by a Resolve passed June 9, 1779 since which it appears that the said Town of Conway was deficient but one man only of the whole number required by which means the Town was Taxed the sum of Nineteen hundred & Sixty pounds more in the last Tax than in Justice it ought to have been

Wherefore Resolved That there be allowed and paid out of the public Treasury of this State the aforesaid sum of Nineteen hundred & Sixty pounds to the Town of Conway in full for what the said Town of Conway was overtax'd —

Sent up for Concurrence — JOHN HANCOCK Spk
In Council April 21', 1780 — Read & Concurred — JOHN AVERY D Sec^y

Consented to" — [Signed by seventeen of the Council]. — *Ibid.*, *p.* 258.

The petition to the General Court, of James Parker, Elijah Brigham and Joshua Smith, agents for the town of Southborough, read and referred to a committee, March 16, 1780, set forth that the town had not only duly filled its quota, but had a surplus of two men, in the Continental Army, and prayed that the fine laid upon that town in the tax act, be remitted; whereupon the following vote § was passed: —

"State of Massachusetts Bay In the House of Representatives April 15 1780 —

On the Petition of James Parker and others Agents for the Town Of Southborough Praying that a fine of two Thousand and four Hundred Pounds Laid on Sd Town for not Procuring four men To Serve in the Continental Army for the term of nine months Agreeable to a Resolve of the General Court Passed June 8th 1779 might be Remitted — And Whereas it Appears That the Sd Town of Southborough Did Procure their full Quota of men Agreeable to Sd Resolve

Therefore Resolved that the Said fine of two Thousand And four Hundred Pound Laid on Sd Town be Remitted And that the Sum of four Hundred and Eighty Pounds Be Allowed to Sd Town of Southborough as a bounty for the Aforesaid four men Agreeable to Sd Resolve

Sent up for Concurrence — JOHN HANCOCK Spk^r
In Council April 17 1780 — Read & nonconcurrd — SAM^L ADAMS Secr^y

In Council April 20th 1780 Read again & the Board reconsider their Vote of Nonconcurrence passed the 17th Inst'. & pass a Concurrence with the Honble House in their Vote —

JOHN AVERY D Sec^y

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 242.

A memorial dated April 8, 1780, was presented to the General Court by Seth Sumner, in behalf of the town of Milton, in which the memorialist declared that, when the call for the nine-months' men was made, the militia officer of Milton represented to the General Court that the town already had, in the Continental Army, for three years, seven men more than its quota; that the memorial in which this representation was made, was re-

* Printed resolves, chapter CLXXI. † *Ibid.*, chapter CCXI.
‡ *Ibid.*, September session, 1779, chapter CLXXII. § *Ibid.*, March session, 1780, chapter CCIX.

ferred to a committee, who, after examining all the facts, reported a resolve for excusing the town from raising the six men required of them under the call; that, though said report was accepted by the House, it was nonconcurred by the Council; that thereupon said militia officers endeavored to procure six men, but succeeded in getting five only, which they sent to camp, though, through some mistake, only four of these were properly returned; in consequence of which, the town was fined £1,200, for a deficiency of two men; that the town had had, for about fifteen months then last past, "five men, in the Continental Army, more than their quotas of all requisitions," and that they then had "seven men more, in the army, for the term of one year;" wherefore the memorialist prayed that not only the fine be remitted, but that such allowance be made to the town "as their faithful and patriotic exertions deserve;" whereupon the following resolve * was passed: —

"State of Massachusetts-Bay — In the House of Representatives April 21st 1780

On the petition of Seth Sumner in behalf of the Town of Milton praying that a fine of Twelve Hundred pounds, laid on Sd town in the Last Tax Act, For being Deficient of two men in the army might be taken off, and whereas it apears that the town of Milton had their full Quota of men in the Continantal Army at the Time Sd fine was laid on Sd Town Therefore

Resolved that there be paid out of the Publick treasury to Capt Seth Sumner for the use of sd town the sum of twelve hundred pounds which was Laid on Sd town in the Last Tax Act —

Sent up for Concurrence JOHN HANCOCK Spkr
In Council April 21. 1780 Read & Concurred JOHN AVERY D Sey

Consented to" — [Signed by sixteen of the Council]. — *Ibid.*, *p.* 269.

No petition has been found relating to the subject-matter of the following resolve: † —

"State of Massachusetts Bay In the House of Representatives May 2d 1780

Whereas the Town of Framingham is fined the Sum of Twenty four Hundred Pounds for a Supposed noncompliance with a Resolve of this Court of the Eighth Day of June Last, and as it appears to this Court that the said Town of Framingham in fact raised their full Quota of men required by said Resolve

Therefore Resolved that there be paid out of the Publick Treasury of this State to Mr William Brown for the use of the said Town of Framingham the Sum of Twenty four Hundred Pounds in full for said fine

Sent up for Concurrence JOHN HANCOCK Spkr
In Council May 2d 1780 Read & Concurred JOHN AVERY D Sey

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 367.

The petition upon which the following resolve ‡ was founded is dated Dec. 27, 1779: —

"State of Massts Bay } In the House of Representatives April 19 1780

On the Petition of the Selectmen of the Town of Needham praying for an abatement of a fine of £600 laid upon said Town on failure of raising its quota of men as required by a Resolve passed June 9, 1779 & the said Town makeing it appear that it did actually raise its quota of men agreeable to the Resolve aforesaid

Therefore

Resolved That the aforesaid fine of Six hundred pounds be & is hereby remitted to the said Town of Needham accordingly

Sent up for Concurrence JOHN HANCOCK Spkr
In Council May 4. 1780 Read & Concurred JOHN AVERY D Sey

Consented to" — [Signed by fourteen of the Council]. — *Ibid.*, *p.* 461.

A petition of the selectmen of Springfield, dated April 10, 1780, represents that, for aught they knew to the contrary, until the town was fined £1,800, in the tax bill, all the men required of their town by the resolve of June 9, 1779, had been raised; but that, upon subsequent inquiry, it appeared that one of the militia captains in their town, whose proportion to the town's quota would have been two men, had not received orders to raise more men; and that another man of the town's quota was detached from another company in the town, to serve as required by the said resolve, but had been permitted, by His Excellency, General Washington, to remain in the capacity of a clerk with George Measam, clothier-general, then stationed in Springfield. The petitioners, therefore, prayed that the amount of the said fine "or such a part thereof as" the General Court should "think in justice we ought to receive, be refunded."

With this petition, was filed the following extract from a letter by the commander-in chief of the army: —

"Head Quarters, West Point July 31st 1779.

Sr With respect to Mr Henry Pynchon I have no Objection to his remaining with you as an Assistant, as you must have Some and they are so Difficult to procure.

It will not Oblidge the State to furnish a Man more — I do not mean however that this Should Impugn or Counteract in the Smallest degree any Law of the State that may Affect Mr Pynchon or Subject him to any fine or penalty for any previous Conduct or non Compliance with, and my permission for his Staying is to be Considered under those restrictions — I am Sr Your Most Obt Sert

GEOR WASHINGTON

Mr Measum." — *Ibid.*, *vol.* 228, *p.* 50.

Thereupon the following resolve § was passed: —

"State of Massachusetts Bay In the House of Representatives May 5 1780

On the Petition of the Selectmen of the Town of Springfield praying for the abatement

* Printed resolves, chapter CCXVIII. † *Ibid.*, chapter CCXLVI.
‡ *Ibid.*, chapter CCLXXXIII. § *Ibid.*, March session, chapter CCCI.

of a fine £1 800 set upon said Town in the last Tax for a delinquency of three men required of it by a Resolve of the General Court passed June 9, 1779 and it having been made to appear that the said Town was deficient but two men only of the whole number required Therefore

Resolved That the prayer of the petition be so far granted as that there be allowed and paid out of the public Treasury of this State to the Town of Springfield the sum of Six hundred pounds being a fine set upon said Town for a man which was raised and did actually serve the Term for which he was so raised

Sent up for Concurrence JOHN HANCOCK Spkr
In Council May 5'. 1780 Read & Concurred JOHN AVERY D Sey
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 49.

The following petition of the town of Marblehead was referred, on the day of its date, to a committee of five, who reported, that it lie "for consideration 'till the valuation passes." On the 15th of March, it was referred to the committee having in charge the petition from the town of Hingham: —

"To the Hon^ble the Council and the House of Representatives of the State of Massachusetts Bay, in General Court Assembled —

The Petition of the Inhabitants of the Town of Marblehead, in Town meeting, Legally Convened humbly shews, that early in the Contest between Britain and the United States of America, the People of this Town (altho Sensible of its exposed Situation, to the ravages of the Enemy, and the Intire deprivation, of the means of Subsistance, should they take an active part, being wholy dependant on the Fishery, for the Support of its Inhabitants notwithstanding those insurmountable difficulties (save in so Glorious a Cause as that of freedom, and the Just rights of mankind) Did chearfully ingage with their lives and fortunes, to defend and Support them, to the last extremity, the Consiquence of which was, a total Stagnation, with respect to makeing the least provision for the necessarys of life (having no Lands to Improve) that Immediately upon the port Bills takeing place in the Town of Boston, the Inhabitants of this Town, with pleasure open'd their Stores, and every other Convenance for the doing Buisiness, to the Inhabitants of the said Town of Boston, without any expence to them, a few disafected persons excepted, That when a Standing Army was Called for in 1775, this Town furnished a full regiment, and the grater part of One the Succeeding year. That this Town not Only took this Share of publick duty in the Land Service, but that when Armed Vessels, where fixed out by the Continent, great part of the Crews were furnished by the Town, Added to these, private armed Vessels, from the neighbouring Towns, took of almost all the remaining part of its males, Capeable of doing duty, (this Town having but very few privateers, so that the advantages, arising from that buissiness, so far as it respected the Owners of the Vessels, Chiefly went into other Towns, whose property they were) in Such a manner that often times, there were not so many men left in Town, out of about thirteen Hundred, which was the number in 1775. as were from time to time, called for, upon special Emergencis by the Hon^ble the General Court, and to Supply which Calls this Town was obliged, to have recourse to their former Small Interest, and go into the neighbouring Towns, and hire the men on the best terms they could be obtained, and this with Chearfullness; tho we where obliged many of us, to deprive Ourselves of the necessaries of Life to Support the burden, That there was near One hundred of Our Inhabitants in the Expedition at Penobscott in Armed Vessels from Other Towns, the failure of which was Attended with loss to this Town in particular, as well as to the State in General. we would hope this State of facts, will make it appear, that this Town, has not been wanting in its Exertions for the publick good, we now beg leave consicely to State the Situation we are now in, as Compared with Our Circumstances, at the Commencement of this War, Our Trade then Extensive, our fishery very large, the male Inhabitants, as has been before Observed then Amounted to Thirteen hundred, and now from the misfortunes Consiquent on war, in Sea-ports, we have not half those persons left, the natural Consiquence of which is, our Widows with their helpless Ofspring, are from day to day, beging in our Streets, for food & raiment, the releif of them (so long as it is in the power of the remaining few to afford) humanity forbids a refusal, and added to these difficulties, there are at this time, absent in two armed Vessels, One hundred of our males of whom there is not the least hopes, of their being in Existance. Our trade has been Exceeding Small, Since the war, and we think it may with truth be said, that of the Vessels Sent out of this place, in the year 1779, but three or four returned. Your petitioners therefore humbly pray, that notwithstanding this Town did not fully Comply with the requestion of the Hon^ble the General Court, by their resolve bearing date June the Ninth 1779, for a reinforcement of men for y^e Space of Nine months, for the Continental Army, (and we must say every exertion for that purpose was made by the Officers whose province it was) you in your wisdom and goodness will remitt the fine of four thousand, and Eight hundred pounds, laid on this Town, for that deficiency, and if on viewing the Circumstances of this Town, as here truly discribed, Justice as we respect the other Towns in the State, or Mercy as it respects the Inhabitants of this Town, demand it, — you would likewise, be pleased to make Such Abatements in our future Taxes as you in your wisdom, from time to time, find necessary, Should you Otherwise determine we must Conclude, we have been deficient in our duty, and Shall Endeavour in future so to Conduct as to meet your approbation, tho the Consiquence may be (if possiable) greater distress. and as in duty Bound Shall Ever pray.

Marblehead January 24th 1780
By order of the Town. FRANCIS FELTON Clerk." —
Ibid., *vol.* 186, *p.* 68.

In the next Assembly, this petition was again referred to a committee, consisting of

Capt. Wales, Major Goodman and Col. Tobey, upon whose report the following resolve * was passed: —

"State of Massachusetts Bay — In the House of Representatives June 3d 1780

on the Petition of the Town of Marblehead Praying that a fine of Four Thousand and Eight Hundred pounds might be Remitted for Reasons sett forth in Said Petition —

Resolved that the Prayer of the Petition be Granted and that there be paid out of the public Treasurey of this State the Sum of Four Thousand & Eight hundred pounds to Jon[a] Glover Esq[r] for the use of the Town of Marblehead —

Sent up for Concurrence JOHN HANCOCK Spk[r]

In Council June 6.' 1780 Read & Concurred JOHN AVERY D Sec[y]

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *vol.* 228, *p.* 116.

The petition, to the General Court, of the selectmen of Belchertown, represents that they duly hired seven men, "at a dear and expensive rate," to constitute their quota under the resolve of June 9, 1779, and that, within the time ordered, the captains of each company presented them to the muster-master and took a receipt for their having passed, and then took them to the superintendent and saw that they were accepted; which, the petitioners declared, was all they were required to do under the order for raising the men; wherefore they prayed that the fine of £600, laid on said town, be remitted, and that they be allowed a bounty of £400; whereupon the following resolve † was passed, by which they received £120 bounty, in addition to the £720 allowed in the act (amounting, in all, to £120 for each of the seven men enlisted), and also a reimbursement of the £600 fine which they had paid into the treasury: —

"State of Massachusetts Bay in the House of Representatives June 7' 1780 —

On the Petition of the Inhabitants of Belchertown praying that they may be remitted a fine of Six hundred pounds which was assessed on them agreeable to a resolve of the General Court of June y[e] 9th 1779 & that they be paid a Bounty of four hundred dollors for reasons set forth in s[d] Petition —

Resolved, That the prayer of s[d] Petition be granted & that there be paid out of the Publick Treasury of this State Seven hundred & twenty pounds to the Inhabitants of Belcherstown in full for said fine & Bounty —

Sent up for Concurrence NATH GORHAM Speaker Pro Tem

In Council June 7th 1780 Read & Concurred JOHN AVERY D Sec[y]

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 127.

In the House, probably in consequence of the objection of the representative from Chelsea, hereinbefore mentioned, and upon the written representation of Col. Jabez Hatch, that he had given no order to the captain of the militia in that town to raise men under the resolve of June 9, 1779, a resolve was prepared for reimbursing, from the state treasury, the £1,800 fine paid by the town of Chelsea under the tax bill. This resolve was passed by the House, but was nonconcurred in the Council, Jan. 8, 1780.

On the 30th of March, 1780, Samuel Sprague and Jonathan Green, selectmen of Chelsea, drew up a petition to the General Court, — which they afterwards presented, together with another paper from Colonel Hatch certifying that the inhabitants had always complied with the orders of the colonel, and always procured their quota of men, as early as any other company in the regiment; and also a certificate from the commissioned officers and four of the selectmen of Chelsea, ‡ that they never knew that they were ordered by the General Court to procure any nine-months' men, either in May, June, July, August or September, 1779, until they heard that the town had been fined, in the tax act, for not sending three men; which they offered to verify, on oath.

The petitioners reiterated the declaration as made in the certificate mentioned above of their ignorance of the call for recruits; and also, represented that, upon a call from the colonel of their regiment, they had promptly sent five soldiers to Castle Island, in August, and, soon after their return, that two others were sent, upon a like call, to the same island, to serve for two months, who served out their time; and, after this call, that the town had promptly and seasonably sent one commissioned officer and six privates, to Hudson River, to serve for three months, — which was double the town's proportion for that service; and that they had never failed to comply, seasonably, with any order for men that were required of them, by authority, at any time during the war; wherefore they prayed for an order to draw from the state treasury the sum of £1,800, or for such other relief as the Assembly should think proper. Upon this petition the following resolve § was passed: —

"State of Massachusetts Bay In the House of Representatives June 23rd 1780

On the Petition of the Select Men of Chelsea praying that a fine of Eighteen Hundred pounds Laid on the Town of Chelsea for a deficiancy of Raising there Quota of nine months men so called for be remitted for Reasons Sett forth in said Petition

Resolved that there be abated the Sum of Nine Hundred Pound of the fine aforesaid, and the Same be paid out of the Publick Treasury of this State to the Select men of the Town of Chelsea for the use of said Town

Sent up for Concurrence JOHN HANCOCK Spk[r]

In Council June 23d 1780 Read & Concurred JOHN AVERY D Sec[y]

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 427.

On the petition of Samuel Hand, in behalf of the town of Hancock, representing that he had been "most earnestly desired" by the selectmen and inhabitants to ask for a remission of the fine of £1,800 laid on that town for failure to raise their full quota of nine-months men, that his constituents sincerely desired to comply with every order to them of the Gen-

* Printed resolves of the May session, chapter XIX. † *Ibid.*, chapter XX.

‡ Hatch's certificate was dated April 5th, and the other certificate was dated June 15, 1780.

§ Printed resolves of the May session, chapter CXIII.

eral Court, but feared that compliance would soon be impossible owing to the innumerable difficulties of their situation; that two-thirds of the inhabitants had been settled but eight or nine years; that the town was "surprisingly in debt;" notwithstanding which (and other discouraging circumstances, substantially as narrated in the earlier petition of the town, particularly described in the note to chapter 49, *post*) the company in the north part of the town had completed their full quota of men and supplies, and the company in the south part of the town had failed, not for want of good will, but because the men drafted from their ranks had been discharged by the superintendent, upon proof made to him of the suffering circumstances of their families; wherefore, in view of the disproportionate number of poor people in Hancock, and that if payment of the fine was enforced, those who were willing and had fully performed their duty must suffer with the rest, he prayed the General Court to take the case into consideration and to determine the same as they in their wisdom should direct. Accordingly the following resolve * was thereupon passed: —

"In the House of Representatives Sept^r. 29^th 1780.—

On the Petition of Samuel Hand in Behalf of the Town of Hancock

Resolved That the fine of eighteen hundred Pounds laid on said Town for not compleating their Quota of Men to serve in the continental Army for nine Months be remitted for Reasons set forth in said petition and the Treasurer of this State is hereby authorized and directed to pay said Sum of eighteen hundred Pounds, either in the old Bills of Credit of the United States or an equivalent in the new Money, into the Hands of the Select-Men of said Town for the Use of said Town of Hancock —.

Sent up for Concurrence JOHN HANCOCK Spk^r
In Council Sep^r 29'. 1780 Read & Concurred JOHN AVERY D Sec^y
Consented to"— [Signed by fifteen of the Council].— *Ibid.*, *vol.* 229, *p.* 286.

While the bill of this chapter was pending, a committee was appointed "to inquire into the state of the towns of Buckland and Mount Washington, and report what sum ought to be assessed on them in the present bill."

This was on November 29th, and, on the next day, the committee reported that, with regard to the town of Buckland, they could find no foundation whereby they could determine what the inhabitants "ought to be assessed," and therefore "that they be not included in the present tax bill, and that an order issue to the said town of Buckland, that they immediately take and send a list of valuation, conformable to what was issued to other towns in this state, to be lodged in the secretary's office; and the same being examined and adjusted, they shall pay the same in the next state tax, and what shall then farther be laid upon them."

The substance of the committee's report respecting the town of Mount Washington appears in the following resolve † reported by this committee, who, in the above report, had recommended that a bill be brought in for the purpose: —

"State of Massachusetts-Bay — In the House of Representatives Dec^r 6^th 1779 —

Whereas the Town of mount washington at the Time of Taking the last General Valuation was Considered as part of the Town of Sheffield and the Town of Sheffield is now Taxed in the present Tax bill the whole sum which ought to have been set to the town of Sheffield and the town of mount washington: and as it is Impossable at this time to assertain what proportion of said Tax Ought to be set to the town of mount washington —

Therefore Resolved that the Respective assessors of the Town of Sheffield and the Town of mount-washington be and they hereby are authorised and Impowred to aportion and assess the present Tax now set to the Town of Sheffield on the Town of Sheffield and mountwashington agreeable To the last Genral Valuation —

Sent up for Concurrence JOHN HANCOCK Spk^r
In Council Dec^r 6^th 1779 Read & Concurred JOHN AVERY D Sec^y
Consented to" —[Signed by fifteen of the Council].— *Ibid.*, *vol.* 225, *p.* 222.

Besides the above resolves for remitting fines, the Assembly received urgent appeals for the abatement of taxes, from the counties of Lincoln and Cumberland, and from the towns of Gloucester and Boothbay. The relief granted to Lincoln County was from the burden of the next tax as well as this, and is more fully explained in the note to chapter 49, *post*. See, also, resolve of Jan. 6, 1780, for relief of Fryeburg, p. 1252, *ante*.

The following resolve,‡ passed upon the petition of Jeremiah Powell, who, in behalf of the county of Cumberland, represented that the greater part of the vessels which were owned by the inhabitants of that county had been lately lost — "most of them in the unfortunate expedition to Penobscot;" that enlistments in that county had become extremely burdensome, on "account of the lowness of the establishment," — three thousand dollars, as he had been informed, being "demanded by those who incline to enlist, over and above the pay and rations;" that the said loss of vessels had not been made up in any degree, to the owners; that on these accounts and by the distress incident to the invasion of the eastern parts, by the enemy, the inhabitants of the county had become unable to pay the heavy, and, as he thought, undue, proportion of taxes laid upon them; — and therefore prayed that a resolve might be passed, suspending the issue of executions against constables and collectors of taxes, in the several towns in that county, until they should get some relief from their unhappy circumstances, though he expressed his belief that the greatest possible exertions would be made to pay the taxes, notwithstanding the withholding of these executions, which, he declared, "must add distress to the distressed:" —

"State of Massachusetts Bay In the House of Reprensentatives May 5^th 1780
on the Petetion of the Hon^ble Jerem^h Powell Esq^r on Behalf of the County of Cumberland Representing the Inabilety of the Inhabetants of Said County Paying their State Tax at Present

* Printed resolves, chapter XCVI. † *Ibid.*, November session, 1779, chapter CXXXVIII.
‡ *Ibid.*, March session, 1780, chapter CCCX.

Therefore Resolved that the Treasr of this State, be and hereby is Directed to Stay Execution Against the Collectors in the Several Towns in the County of Cumberland on the Jany Tax untill ^ *the Further Order of the General Court* any Resolve to the Contrary Notwithstanding

Sent up for Concurrence JOHN HANCOCK Spk

In Council May 5'. 1780 Read & Concurred with an Amendment at A. Viz^t at A dele the further Order of the General Court — and insert the twentieth day of June next —

Sent down for Concurrence JOHN AVERY D Sec^y

In the House of Representatives May 5th 1780 Read & concurrd

JOHN HANCOCK Spk

Consented to" — [Signed by thirteen of the Council]. — *Ibid., vol.* 228, *p.* 55

The following memorial from the town of Gloucester was read Sept. 9, 1779, and referred to a committee, consisting of Messrs Wales, Starkweather, and Gorham of Lunenburg: —

"The Honorable the General Court of the State of Massachusett's Bay. Assembled at Boston

The Memorial of the Town of Glocester — Humbly sheweth,

That at the Commencment of the present War — Our Riches consisted in numbers of healthy Inhabitants, not in Lands or Effects — who warmly espoused the cause of their Country by a voluntary Enlistment into its service; during the two first Campaigns, we had upwards of 220 men in the Field — numbers besides joined the Marine department as more suitable to their former Occupation —

When the Hon^ble Congress, regulated every State's quota of men in 1776, our proportion in that arrangment, was 137 men; being the one seventh part of our male Inhabitants —

We have in most draughts that have been made, from that time to the present, been called upon for our Proportion according as it was then made of 960 men, without any allowance for our Losses — We have made the Calculation as accurate as possible, and find by the number of men we had in 1775, and the number of Polls we had last May, that our Men diminish in the proportion of 10 ℔ Cent. ℔ Annum — the Scheme stands thus,

Ratable Polls in 1775 were	1053
deduct 10 ℔ Cent.	105
Men in the Year 1776	948
10 ℔ Cent. deducted, ...	94
Heads in the Year 1777, ...	854
10 ℔ Cent deducted, ...	85
Heads in 1778, ...	769
10 ℔ Cent. deducted, ...	77
Polls in 1779, ...	692

which number of Polls agrees with the Town's Books the Current Year within four, and is agreable to the return made by us last year within five, as you may see by said return —

We address ourselves to the Justice of this Honorable Court whether it is agreable to the strict Equity, we hope is intended & meant, to be called upon still for our proportion of men; when they diminish in numbers, so very fast — for, unless their places be supply'd by Youth coming of Age — or Strangers settling here — a ten Years war, (if we were to lose as we have done) would extinguish all our male Inhabitants. Fifty two Youths have been Enrolled the three last Years — Very few strangers incline to settle in Cape Ann. — The Loss of numbers of our People is not our only Misfortune, (tho' a great one,) loss of Property hath accompanied it; In 1775, When the General Alarm of War, sounded in the Ears of All — Our most active, wealthy Inhabitants — Thro' dread of having their Houses burned, and Interest destroy'd — moved from Cape Ann to places of greater security, — carrying their Effects with them and not returning since — We are deprived of Two great supports of any Community, Viz^t *Wealth & Numbers* — had They have continued with us, The Wealth — that since has flow'd into Newbury-Port, Boston — and other places thro' *their* means — would have Centred *here;* — Loss of Merchants and their property by moving out of Cape Ann, has been followed, by the removal of Numbers of our most Industrious Men elsewhere, for want of Employment *here* — That those who remained — were Gentlemen — who could not dispose of their Situations — Numbers of Poor that could not move away — And the Familys of Soldiers in the service — Our Scituation is very peculiar — having but little Intercourse with the Country — We live on an Island Joined to the Main, by a narrow neck of Land — consequently, receive but little Benefit from Travellers — little or no benefit accrues to us, from the War — or the necessities of the Community — That if we have Interest as a Town or as Individuals, it must have been acquired either by the produce of our Farms — by Privateering — Or by Trading to Sea in Merchant men — An Exact List was given in by us last Year, of the number of Acres of all sorts of Land in the whole Town by which, you will perceive we have but 853 Acres of Arable, — Orcharding — and Mowing Land in the *whole* — which do not produce enough of the Necessaries of Life, to support the Town Two Months in the Twelve — It seems — Heaven never intend, that Cape Ann should be supported — by Farming — Our Support arose from the Fishery — hence so many persons in so poor & rocky a place at the Commencement of the War —

The second way, we can be supposed to have acquir'd Money, must be — by Privateer-

ing — The Candor of the Honorable Court will Indulge us with stating that matter as concisely as we can — In 1776, we fitted out Two Schooners about one half of Each owned in this Town — One was successful, the other, unfortunate, — she took nothing — The first took Two Ships & a Schooner, with West India produce 'on Board — The produce sold at the stated price *then* set by the General Court — The Privateer was taken by the Enemy, the next Cruise — in Two or Three days after she went out — With that Prize Money, the next Year we fitted out two Brigantines, as Privateers — One of them in Company with another Brigantine took two Jamaica Ships & carried them into France — They were seized there by English Merchants — and 'tho' the Captors & Owners receiv'd a certain sum afterwards, — what with Expences in procuring it — The depreciated state it was in when receiv'd — it came to very little —

The other Brigantine was half own'd in Town — she captur'd a Brigantine laden with Wine & Salt, & One with — Green Fish, the Wine sold for £45 ℔ Quarter Cask, the Salt — 30/ ℔ Bushel — This Brigantine and her Crew (chiefly Cape Ann men) have never been heard of since — the last Year, we did nothing — We Own about one half of a ship — thats now out 'on a Cruise, she has sent in two provision Vessels — This is the Sum of our privateering — Had we been of sufficient ability to have kept, even what few Goods we had come in, we should have reap[d] the benefit of that measure — but we were necessitated to sell, to get Cash to carry on our Business — That Money immediately growing worse — and necessaries high — Families to support — Taxes to pay — but little income — and that daily lessening or diminishing — The Hon[ble] Court, will reasonably infer, that it must be (as it really is) almost all *spent* — what may have induc'd people in general to think our Circumstances much better than they are, or were, hath been as we conceive, from their apprehending, that the number of Prizes putting into Cape Ann from time to time were more or less own[d] by the Inhabitants but the reverse of that is the case — We have a fine Harbour, & numbers of Prizes, belonging to other Towns, put in here first when they come in from Sea, to make a Harbour — hence the news of so many being in Cape Ann — but they go out again when the Wind is fair — without any Benefit to us at all, except the pleasing reflection of our Neighbour's success, 'tho' we ourselves were unfortunate —

The other & last way mentioned to have money must be from trading to Sea in Merchantmen — You will please to indulge us with stating that matter — In April 1775, We had Eighty sail of Fishing Schooners which averaged fifty Tons is 4000 —

In foreign Merchantmen — Coasters & Fishing Boats 1000 Tons —

The whole of all the Vessels owned in Town improv[d] or not falls short of 2040 Tons — We have been peculiarly unsuccessful in our foreign Trade — since last fall we have lost 690 odd Tons of Vessels with their Cargoes, all captured by the Enemy —

The whole of the Merchantmen we have now at Sea, consists of one half of a small ship, the other half own[d] in Boston — whether she ever returns or not is uncertain, she has never been heard of since she sail[d] — Thus Gentlemen, we have endeavoured to State our real Situation, respecting the only method we could get Money by — we have miscarried in them all — Our Numbers Annually diminish — Our Farms don't deserve the name — Our Privateering Effects almost all spent — Our Merchandizing almost ruin[d] us — a very numerous Poor to support upwards of 750 of that Class that live chiefly 'on Charity — In a Word, we are very poor, and very much affected by the War — We rely 'on the Justice of the Honourable Court who have given us a Rule to be our guide in Town Affairs Viz[t], 'If any Individual is overtaxed, in the Town Assessment — upon Application to the Assessors, with a State of their Circumstances, they are to be Abated' — We are assured, when the General Court weighs our Situation, they will follow so equitable a Rule — We boast of our attachment in General to the public Weal, We are not against bearing our proportion of the public Burthens — But if y[e] above Rule holds good respecting an Individual in a Town, by A — parity of reason, it holds good in respect to a Town in a State — We are taxed in y[e] last Tax Bill more than We can pay. If the Hon[ble] Court would Delegate a Comm[ee] to examine into our Circumstances, they will We are assured, corroborate the representation we have given —

We are Assured the Hon[ble] Court were influenced by Patriotic motives in laying so heavy a Tax — Viz[t] to call a large sum out of Circulation, to render the remainder of more value — by which means, the high prices of y[e] necessaries of life would be lowered, & many other benefits would accrue to this as well as y[e] States in General but thro' y[e] forementioned misfortunes, we are not in a capacity to pay a high Tax. We verily believe if all y[e] Money in Town were collected into one Sum; it would fall short of y[e] Sum set upon this Town. We are Poor, We lay Ourselves at y[e] Feet of Our political Fathers, We pray an Abatement in y[e] very large sum set upon this Town to pay, as we are unable to pay it, if it is insisted 'on — We are desirous of doing as far as we are able — Your Paternal Indulgence in this respect will encourage us — And as in Duty bound will Ever pray, —

At a Meeting of the Town of Glocester regularly called for the Purpose, on the 17th of August 1779 the above was unanimously Voted

Attested JAMES PORTER Town Clerk p[r] Order.—

Ibid., *vol.* 185, *p.* 251.

On the 15th of December, the committee to whom the above memorial was referred, reported a resolve, appointing a committee to repair to Gloucester, "to view the situation and circumstances of the town, and to confer with the inhabitants on the subject of their memorial, and report to this House, at their next session, what they think proper to be done for the relief of said town." This resolve passed the House, but was nonconcurred by the Council, on the 18th, and laid upon the table. On the same day, however, the following order was passed by the House: —

"State of Massachusetts-Bay In the House of Representatives Dec[r] 18th 1779

On Motion — Order'd. That M[r] Choate, Maj[r] Hosmer & Coll Brown of Reading be a

Committee to repair to the Town of Glocester, to view the situation & circumstances of the Town, & to confer with the Inhabitants on the subject of their Memorial, & report to this House at their next Session what they think proper to be done for the Relief of said Town — JOHN HANCOCK Speaker." — *Ibid., vol.* 228, *p.* 3.

Upon their arrival at Gloucester, the committee were presented with the following address: —

"To the Gentlemen of the Committee from the Hon^ble^ Court to inspect the situation of the Town of Gloucester — Gentlemen

We gave you occular demonstration respecting the poverty of the Land of this Town that 'tis chiefly Rocks, noway capable of cultivation, nor even as pasture, in any proportion to a like number of Acres in any Town in this state — You had an opportunity at the same time of perceiving that the dwelling houses are chiefly Huts inhabited by Widows & poor Family's — You inspected the Circumstances of our Wharffs & Warehouses, that they are in a ruinous situation for want of improvement, the Warehouses & Sheds pulling down, by the great number of Poor that's almost starving — With this you have a list of the Poor Widows which we shewed you — We would inform you that the number of Souls in the Town is about four thousand of Men, Women, & Children — That near one Quarter of which are Widows & Orphans, to support them with other poor Families we have but about 500 Rateable polls — the whole of the Grain to support them is about 6000 Bushels, which makes it but about one bus^l^ & a half to a person in a year. the Remainder is purchased out of Town at a large additional expence, which over price more than what others have it for where it grows would go a great way in paying our Taxes — other provisions used in Town is in the same proportion — we only hint these matters to you which you will improve on by your own good sense — We have about 1900 head of Horses & horned Cattle in Town with about 1900 sheep according to the valuation taken in 1778, and have about 364 Tons of English hay and 870 Tons of Salt hay to support them with which is about three Quarters enough, the other Quarter costs very dear both by Land & Water —

With this you have a State of our Trade which is as exact as possibly could be Ascertained, by which you perceive that almost all our Vessels that we sent out were taken — we lost of our original Stock about 160,000£ out of 200,000£ odd which was our Stock in Trade in 79 — This is a summary State Gentlemen of what we endeavoured to convince you of, and doubt not you will represent it to the Hon^ble^ Court as it really is — and for them Reasons, pray Relief from Taxation untill we are in a situation to pay them.—

We are Gentlemen your Obed^t^ Serv^ts^ — PETER COFFIN, JOSEPH FOSTER, BARNETT HASKIN } Committee of Glocester." — *Ibid., p.* 5.

At the close of the last session the committee made the following report to the House, which was adopted, in the nature of a resolve,* by both branches: —

"State of Massachusets Bay In The House of Representatives May — 5 — 1780

The committe Appointed to Repair to the Town of Glocester To View the situation and circumstances of the Town and confer with the Inhabitants on the Subject of their [mem †]orial and Report what may be Proper to be done for the Relief of said Town — Have Attended That service and after Carefully inquireing into the Circumstances of the Town — Aske Leave to Report as Their oppinion that the Town of Glocester be Abated the one half of their State and contenantal Tax contained in the Two Last Assessments and in that Proportion in futer untill the further order of the General Court —

Read & accepted Sent up for Concurrence JOHN HANCOCK Spk^r^
In Council May 5 1780 Read & Concurr[ed †] SAM^L^ ADAMS Secry

Consented to" — [Signed by fifteen of the Council].— *Ibid., p.* 1.

A resolve granting relief to the town of Boothbay, applied to the next tax act as well as this. It is therefore given in the note to chapter 49, *post.*

In a petition dated April 3, 1780, and read in the House on the fifth of June, the inhabitants of the plantation of "Cambden," represented that they, "being a small place, next adjoining" to Thomaston, and embracing not more than twenty families, "the oldest about ten years' standing," were called upon, by that town, to pay part of the taxes set upon Thomaston; that in its distressed situation this infant settlement was "incapable of bearing the burden of a tax, they having undergone the greatest sufferings from the enemy, by fire and famine;" that they were settled on a bay, to which their vessels, formerly employed in transporting wood (which was almost the sole business of the place), had been confined during the war, owing to the proximity of the enemy, whose special resentment they had incurred by "being the first that opposed them in swearing the inhabitants;" that they could not think the General Court meant that they should be assessed for this tax, although, by law, they were obliged to pay it; wherefore they prayed that they might be relieved, by the postponement of this tax until they should be better able to pay it, that so the danger might be averted of destroying a settlement which in the future might help defray the public charge, as in the past it had "contributed to the good of the states by repeatedly sending" its "full complement of men into the war, with the greatest despatch, and every other thing in" its "power."

This petition was forthwith referred to Messrs. Frost, Tyler and Small, who, as "no papers nor nothing appears before the committee, only the petition," reported a resolve that "said petition should lay on the table until the further order of this Court." No action upon this report has been discovered; but, by the resolve of Nov. 7, 1780, printed in

* Printed resolves of the March session, chapter CCXCII. † Manuscript mutilated.

the note to 1780, chapter 16,* one-half of the next state-tax set upon Thomaston, was abated

While the tax imposed by this chapter was draining the resources of the people, the following resolve, passed by Congress, afforded them temporary relief: † —

"Resolved, That the several states be excused from paying into the treasury two thirds of the monies which they were called on to raise monthly for the use of the United States by the resolution of the sixth of October, 1779." — *Journals of Congress: Feb.* 25, 1780.

The resolve hereunder given, on the following petition to the General Court, from the Board of War, was agreed upon by a committee of conference, consisting of Samuel Adams, Timothy Danielson and Timothy Edwards, of the Council, and Mr. Davis of Boston, Capt. Wales and General Warren, of the House: —

"State of Massachusetts Bay —

To the Honble the Council and House of Representatives in General Court Assembled—

The Board of War beg leave respectfully to represent — That they have been ever impressed with the warmest wishes to promote and have made every exertion to forward the Public Service, and do again as they have repeatedly done heretofore assure your Honors, that those wishes still continue to influence them, & that such exertions shall never on their part be wanting —

But it is with regret they must inform your Honors, that such is the exhausted State of their Finances, that it is totally impracticable to comply with the Resolve of Court of 28th Instant for supplying Machias, as also the Orders of the Honble Council of the same date, grounded on a Resolve of Court of the 15th of the present Month —

Annexed are the estimates of supplies necessary for those Services, which we shall submit to your Honors with this only remark, that the Beef & Pork with the Ordnance Stores, we have on hand, for the rest the Money must be immediately furnished —

Already overwhelmed in Debt which the very small & slow Payments we receive from the Treasurer does not enable us to discharge, the urgent calls from the Commissary General & Commissaries of Sea Coast men for Bread & smaller Rations, the Officers of the Army loud in their demands for their Cloathing, which for want of Money we cannot procure and supply, the very extraordinary Expence in fitting the Ship Protector for Sea, — the demands from the late and present Officers of the Regiment of the Train for Arrearages of Cloathing both for themselves and Soldiers,— the late Order for purchasing two Armed Vessels, with the present Order for supplies for the Eastern Department,—

the various and almost numberless Orders that we receive from Court & Council for Miscellaneous services, added to the enormous Debt due on the unhappy Penobscot Expedition,— as also for Cloathing purchased for the Officers on Credit, and for which Payment is very importunately demanded — these things may it please your Honors have & will involve us in difficulties & embarrassments to us very distressing, & we fear almost inextricable,— our task is hard indeed, with every disposition on our side to carry into effect your Honors Orders, were we so enabled, we are obliged to spend near half our time in hearing our *Dunners*, & excusing the nakedness of Government, & patiently submitting to bear every reflection for not complying with their various pressing demands — These may it please your Honors are melancholy truths & which we doubt not will engage that serious consideration the importance of the objects may appear to deserve — for our Duty impels us to represent to your Honors, that it will be impossible for us any longer to proceed in the Business of our department, unless very large Sums of Money are not only granted, but paid to us for that purpose,—

By Order of the Board
SAM PHPS SAVAGE

War Office, Boston, March 29th 1780." — *Mass. Archives, vol.* 227, *p.* 6.

"State of Massachusetts Bay In the House of Representatives March 31st 1780

‡ On the Representation of the Board of War Seting forth the Necessity of their being Emmeadiatly Suplied with a Sum of Money to Enable them to Execute the orders of Goverment — Resolved, that their be paid out of the Treasury of this State A (from the monie now Lodged there as a part of this States Proportion of the Continental Tax) the sum of three hundred thousand Pounds they to be accountable for the Expenditure of the same, and the Treasurer of this State is hereby Directed to Replace the said three hundred thousand pounds from the Taxes or other monies that he may hereafter Recive, which is not otherwais Appropriated —

Sent up for Concurrence JOHN HANCOCK Spkr
In Council April 3d 1780 Read & Concurred with an Amendment at A —
Sent down for Concurrence JOHN AVERY D Sey —
At A insert *to the Board of War*
In the House of Representatives April 3, 1780 Read & concurrd
JOHN HANCOCK Spkr

Consented to" — [Signed by fifteen of the Council]. — *Ibid., p.* 1.

The inhabitants of the plantation of New Providence had tried, several times, to secure the passage of an act annexing them to one of the adjoining towns. These attempts having proved unsuccessful, as shown in the note to chapter 33, *post*, they improved the opportunity presented in the present tax act, where, for the first time, they had been taxed as a separate community, to renew their application for corporate privileges, on the ground that they had no authority, in their unincorporate condition, to assess and collect the tax laid upon them by the General Court. One of the results of this application, was the passage of the following resolve §: —

* P. 1463, *post.*
† But see note to chapter 40, p. 1339, *post;* resolve of Congress of March 18, 1780.
‡ Printed resolves, chapter CXV. § *Ibid.*, September session, 1779, chapter CI.

"State of Massachusetts Bay In the House of Representatives September 29 1779.
Whereas application has been made to this Court by the Inhabitants of a Plantation called New Providence in the County of Berkshire for an Order to pass, impowering them to assess and Collect the Sum Set on them in the last Tax Act. — And Whereas it has been represented that divers other Plantations have made no return on the warrants issued by the Treasurer for assessing the Sums set on them respectively. —
Resolved That the Treasurer be and he hereby is directed forthwith to issue his Precept to some Justice of the Peace dwelling near to such Plantations requiring him to Grant his warrant for calling a meeting of the Inhabitants thereof agreeable to an act pass'd A D 1761 intituled 'An Act providing for the Levying and Collecting of Taxes in Plantations that are not incorporated' — And the Inhabitants of such Plantations at such meetings respectively shall proceed to choose the proper officers for assessing & collecting the Sums Set on them in the last Tax Act, as well as the Sums due on former assessments, whereof the Treasurer in his Precept to the Justice, and the Justice in his warrant for calling said meeting shall give a particular account — And such Justice shall cause return to him to be made of the names of the officers chosen at such meetings and Transmit a List thereof to the Treasurer without delay — And the assessors and Collectors so chosen shall proceed in every respect as in said act is directed & shall have the same Power & be Subject to the same Penalties as like officers in Incorporated Towns.
Sent up for Concurrence JOHN HANCOCK Spkr
In Council Septem. 29th 1779 Read & Concurred JOHN AVERY D Sey
Consented to" — [Signed by sixteen of the Council]. — *Ibid.*, *vol.* 224, *p.* 167.

The act of 1761-62, chapter 16, providing for the levying and collecting of taxes in unincorporated plantations was in force at the date of the passage of this chapter, having been continued by 1769-70 chapter 4; 1770-71, chapter 6; and by 1775-76, chapter 14 to Nov 1, 1779 "and from thence to the end of the then next session of the General Court, and no longer." The plantation of New Providence notwithstanding the fact that the public tax thereon assessed had been included in the tax laid on the town of Lanesborough, seems to have been precisely within the category to which the act of 1761 was applicable, and no allegation of reasons for supposing that that act did not apply has been discovered, among the papers filed with the petition of the inhabitants for separate incorporation.

In the note to chapter 9 of the acts of the next year, however, (p. 1443, *post*), it is shown that although the plantation of New Providence was assessed separately under the present chapter, this fact was not taken into consideration in fixing the amount of the tax to be assessed on Lanesborough, and this may have been the foundation of a belief that the tax on this plantation had been laid through inadvertence.

"State of Massachusetts Bay In the house of Representatives January 13th 1780
* Whereas it is absolutely necessary that the Collectors of public taxes should be punctual in the payment of the same when they become due —
Resolved That the Treasurer of this State be and he hereby is directed to Issue his Executions on the Third Wednesday of March next against all Collectors of public taxes, who shall be deficient in their payments of taxes that shall become due on the last day of February next.
And it is further Resolved That the several sheriffs to whom said Executions shall be sent are directed to govern themselves agree to a resolve of this Court of the 17th December last directing the Treasurer to send his Executions to delinquent collectors
And it is further
Resolved That the Secretary be directed to publish this Resolve in the Boston and Worcester News papers —
Sent up for Concurrence JOHN HANCOCK Spkr
In Council Jany 14th. 1780 Read & Concurred JOHN AVERY D Sey
Consented to" — [Signed by seventeen of the Council]. — *Ibid.*, *vol.* 226, *p.* 134.

"State of Massachusetts Bay In the House of Representatives March 18th 1780
† Whereas by a Late Resolve of this House Past Jany 13th 1780 The Treasurer of this State was Directed to Issue his Executions on all those Collectors of public taxes who should be deficient in their payment of Taxes that should become due on the third wednesday of march Inst. And whereas it is Represented to this Court that by unavoideble misfortuins the Collectors of Publick taxes for sundri Towns In this state Could not Gather thier several Taxes by that time —
Resolved that the Treasurer of this state be & hereby is directed to suspend sending his Executions to the several Collectors In said state untill the Eighteenth Day of April next any Resolve of this Court to the Contrary notwithstanding —
Sent up for Concurrence JOHN HANCOCK Spk
In Council March 18th. 1780 Read & Concurred JOHN AVERY D Sey
Consented to" — [Signed by fifteen of the council]. — *Ibid.*, *p.* 244.

The following resolves of Congress applied to the collection of all taxes due on account of the United States to March 1, 1780, including a portion of the first moiety of the tax assessed by this chapter. No state legislation, however, providing for the enforcement of these resolves has been discovered: —

"Whereas it is represented that large arrears are due to the inhabitants of sundry of these states for provision, forage and other articles, furnished by them to the departments of the commissary general of purchases and quartermaster general for the public service, and for which they have received notes or certificates, signed by persons appointed to purchase the said articles, the payment whereof hath been delayed, to the prejudice of many of the holders, and for which money cannot in the present circumstances be issued from the treasury: therefore

* Printed resolves of the December session, chapter CXXIX.
† *Ibid.*, March session, chapter XXXII.

Resolved, That it be recommended to the legislatures of the respective states wherein such notes or certificates have been heretofore given, and remain unpaid, to impower the collectors of the continental taxes, due to the first of March last, to receive in payment thereof such notes or certificates from the persons in whose names they have been given, on the following conditions;

That the persons paying in the said notes or certificates indorse the same to the collectors, who may receive them, and also take an oath or affirmation, before a magistrate, that they have been obtained for the value and the articles therein expressed, delivered for the use of the United States, and for which no payment hath been made; which oath or affirmation shall be indorsed on each note or certificate:

That in cases when the notes or certificates held by any person shall exceed the amount of the taxes due from such person, at the time they are paid in, the surplus be credited by the state to such person, and allowed in future taxes, under such checks and securities as the respective legislatures may think best suited to their different modes of collection; and that such surplus bear an interest of six per cent. till thus discounted:

On passing the foregoing paragraph,

The yeas and nays were required, and

It passed in the affirmative.

Resolved, That the said notes or certificates, so indorsed and received by the collectors as aforesaid, being by the treasurer of such state delivered to the principals of the respective departments, from whom payment is due, or their agents in the city of Philadelphia, and the receipts of the said principals or agents making the principals accountable for the amount of the notes or certificates paid in as aforesaid, being lodged with the board of treasury of the United States; the respective states shall thereupon have credit for the same on their quotas of taxes due to the 1st of March last; and if the amount shall, in any case, exceed the said quotas the balances shall be paid to the respective states to whom they may be due:

Provided that nothing contained in the foregoing resolution shall be construed to exonerate any state from the payment of orders already drawn, or to affect the requisition of Congress of the 19th day of the present month: *

On the question to agree to the foregoing resolution, exclusive of the proviso,

The yeas and nays were required, and

It passed in the affirmative.

A vote was then taken on the providing clause, and passed in the affirmative:

After which the whole passed without a division." — *Journals of Congress*: *May* 26, 1780.

[The printed act used in this edition, for comparison with the engrossment of this chapter, is in the library of the American Antiquarian Society.]

Chap. 31. In the note to the last preceding chapter the scheme for supplying the treasury from the proceeds of the sale of confiscated estates, has been mentioned. At the next session, the supply thus provided, having proved inadequate, a committee of the House, consisting of Messrs. Dunbar, Davis of Boston, Gorham of Lunenburg, Davis of Oxford, and Perry of Medfield, was appointed, "to devise further ways and means of supplying the treasury." On the 17th of December this committee made the following report: —

"The Committee appointed to devise further ways and means to supply the Treasury — Beg leave to report as their Opinion

1st That it is expedient for this State to negociate a loan in Holland of pounds sterling as soon as may be, to be appropriated as the General Court shall think proper —

2d In order to give suitable encouragement for loaning money to this State that a promise of this Government be made to those persons who loan their money, that when they receive it, it shall be made as good as when it was loaned — And that the Interest be made equal to what is allowed by Congress —

3d That an Excise be laid on all Rum Spirrits & Wine consumed in this State --

4th That the Committee appointed to Methodize and state the public Acots and to call Upon all those persons who have receiv'd public Monies and Stores, (and who have not yet accounted for the same) be directed immediately to write to each particular person, who has received monies and Stores as Aforesaid, & call upon them to settle their Accounts forthwith. And to require each person to pay his respective Ballance in money in those Cases when public money was receiv'd. And in Stores of the same species in those Cases when public stores were drawn and no sufficient & satisfactory evidence can be giuen that they were applyed to, and expended in the public Service

5th That a bill be brought in obliging all agents for the Companies of armed Vessels both publick & private to pay into the Publick Treasury any Shares or parts of Shares of Prize money which they Shall not have paid to the Captors in months from the Time of their Reciveing the Same." — *Mass. Archives*, *vol.* 137, *p.* 257.

This report was immediately put in the orders of the day for the afternoon, "after an injunction of secrecy thereon," and at the hour appointed it was taken into consideration, and, agreeably to the recommendation in the fourth paragraph, a resolve † was passed, "directing the committee for stating accounts, to call upon each person who has received public monies and stores, to settle for the same."

A committee was appointed "to bring in a bill agreeably to the recommendation in the fifth paragraph."

The second paragraph was ordered to be committed to Messrs. Pickering, Dunbar and Starkweather, "who were directed to enquire into the resolve of Congress, referred to."

* Which referred to Pennsylvania.

† Printed resolves of the December session, 1779, chapter VII.

The third paragraph, recommending the laying an excise on spirits, etc., was rejected.

The subject proposed in the first paragraph, was discussed with great secrecy; and, after a conference between the two houses, and some urgent messages to the Council, to take action upon certain resolves which had been adopted and sent up by the House, the resolves were finally passed, as follows: —

"Dec. 24, 1779. Whereas it is highly probable that great advantages may be derived to this State, by Obtaining a Loan or Credit from Gentlemen in Europe, for a Sum not exceeding One hundred and Fifty thousand pounds st^g Therefore,

Resolved, that this Court will immediately take such measures, as to them shall appear effectual for Obtaining such a Loan or Credit for a Sum not exceeding One hundred and Fifty thousand pounds Sterling — Twenty thousand pounds of which to be invested in such articles as are suitable for Cloathing this States Quota of the Continental Army, to be Shipped by the Ship Protector, and as many other Goods suitable for this Market, as the said Ship can take in, provided the whole Cost of the Goods sent in said Ship does not amount to more than forty thousand pounds Sterling, the Articles to be purchased and shipped to be determined on, by a Committee of five persons to be appointed by this Court by joint Ballot, the first Cost of said Goods to be Insured in Europe — The remainder of the Sums so borrow'd to be lodged in some secure hands in Europe, to be drawn out as the General Court shall hereafter direct by Bills of Exchange or Invested and Ship't in such Goods, as will be most for the advantage of this State, as the aforesaid Committee shall order, the Money arising from the sale of said Bills, or Goods to be appropriated, for the payment of this States proportion of the Continental Debt. — And it is further,

Resolved, That the Board of War be and they hereby are directed to Man and fix the Ship Protector for the Sea as soon as possible, and that the Commander of said Ship be directed to proceed with said Ship to some Port in the Kingdom of France, and receive on Board said Ship, such Goods as shall be delivered him, by the Agent who may be appointed by this Court to purchase and Ship Goods on Account of this State and after taking such papers and directions as he may receive from said Agent, to proceed to some port in this State, & upon his return home carefully to Avoid every danger from the Enemy that he possibly can, and whereas it will be necessary in Order to Obtain the Loan or Credit aforementiond, that a fund be Established, as a Security for the payment of the Debt that will be hereby contracted in Europe, Therefore,

Resolved That a Committee be appointed to prepare and bring in a Bill for that purpose, also,

Resolved That some Suitable person be appointed by this Court, and Vested with proper powers and Instructions, by said Court, (or the Committee they may appoint for this purpose) to Negotiate a Loan or Credit, and transact the Business aforementioned, and that he proceed to Europe in the Ship Protector or some other Vessell for the purposes aforesaid In Council Read & Concurred Consented to by fifteen of the Council." — *Council Records, vol. XL., p.* 197.

On the 3d of January, a committee, consisting of Messrs. Warren, Davis of Boston, and Walley, of the House, and Thomas Cushing and Samuel Adams, of the Council, was appointed "to consider and report what instructions" were "proper to be given to the agent that may be appointed to negotiate a loan in Holland, to the committee who may be appointed agreeably to the" above resolves, "and to the commander of the ship Protector;" and also to report what allowance was proper to be made to the agent, for his services. Col. Freeman was subsequently appointed on this committee, in place of Mr. Davis, who was excused.

On the 5th, after some disagreement as to the time of meeting to choose the agent (which was settled by a committee of conference), the two branches joined in the choice of James Bowdoin, who received fifty-four out of fifty-five votes cast. Mr. Bowdoin, in a letter dated the 6th, declined the agency; whereupon, on the same day, the two branches agreed to meet on the 7th, for another choice. On the 7th, this meeting was postponed to the 8th, when the two houses came together and proceeded to ballot again. On the first ballot, Nathaniel Gorham received twenty-six votes, and Jonathan Loring Austin, eighteen votes, out of the fifty-two ballots thrown; and there was no choice. On the second ballot, Gorham received twenty-eight votes, and Austin twenty-nine votes, out of fifty-eight ballots thrown; and again there was no choice. On the third ballot, Austin was chosen by thirty-three votes out of fifty-seven; and, on January 10th, a letter from him, accepting the appointment, was read in Council, and sent down.

In the mean time, a message was sent up from the House, requesting the Council "to direct the attendance" of Mr. Austin, "and acquaint him with his appointment," etc., "and the intention of the General Assembly to keep the matter as a secret;" and proposing that the choice of a committee for obtaining such loan, be put off "until the afternoon;" to which the Council agreed. A proposition from the Council, by message, through Samuel Adams, to refer the business of procuring the loan, to the Board of War, instead of a new committee, was rejected by the House, on the same day. This was on the 8th of January. In the afternoon the two houses met (having, in the morning, arranged preliminaries, including the choice of a committee to collect, count and sort the votes), and the following persons were chosen to transact the business mentioned in the resolves, with regard to the loan — each receiving, out of the whole number of fifty-five ballots thrown, the number of votes hereunder given against his name: Thomas Cushing, thirty-eight; Nathaniel Gorham, twenty-eight; Samuel Phillips, thirty-nine; Caleb Davis, thirty-nine; Thomas Walley, thirty-eight.

The business of choosing an agent and a committee, agreeably to the resolves of December 24th, having been thus accomplished, the Assembly proceeded to pass the following

resolves, vesting the agent with the necessary power; authorizing the Council to issue his commission; and fixing his compensation: —

"State of Massachusetts Bay — In the House of Representatives January 11th 1780

Whereas this Court have determined to negotiate a Loan or Credit in Europe for a sum not exceeding one hundred & Fifty Thousand pounds Sterling — and have appointed Jonathan Loring Austin Esqr. an Agent for that purpose — therefore

Resolved that Jonathan Loring Austin Esqr. be and he hereby is accordingly vested with full powers to negotiate said Loan and to pledge the faith of this Government for the repayment of the same, and to prosecute the Business agreeable to the Instructions he may receive from this Court and the Hoffible Council are hereby requested to Commission him accordingly — and it is further

Resolved that there be allowed to the said Jonathan Loring Austin Esqr. Four hundred pounds Sterling as a Compensation for his services and also his reasonable Expences paid: and that he have Liberty to receive in Europe out of the Loan or Credit so obtained, the sum of Four hundred pounds sterling over and above his Expences and also such further sum as will be necessary to furnish the Ship Protector with any Articles that may be wanted for her in Europe and which he is hereby impowered to furnish Accordingly — and it is also

Resolved that any Ballance that may be due to the said Jonathan Loring Austin Esqr. shall be paid on his return to this State at the rate of Exchange as it may then be and that he lay his Accounts before the General Court for adjustment —

Sent up for Concurrence JOHN HANCOCK Spkr

In Council Jany 11th 1780 Read & Concurred JNO. AVERY Dy. Secy

Consented to by the Major part of the Council." — *Mass. Archives, vol.* 187, *p.* 308.

The foregoing resolves were reported on the 8th, by the committee which had been appointed for that purpose on the 3d of January. The same committee also reported written instructions, to the agent; to the committee on the subject of the loan; and to the commander of the ship Protector; — none of which, however, remain in the archives.

On the 15th, the Council issued the following commission: —

"The Government & People of the Massachusetts Bay in New England —

To all Persons to whom these presents shall come — Greeting

(LS) Whereas the Great & General Court or Assembly of the State of the Massachusetts Bay at their Session held by adjournment on the fourteenth day of December 1779 did resolve to take effectual measures for obtaining a Loan or Credit in Europe for a sum not exceeding the sum of one hundred & fifty Thousand pounds Sterling part of which sum to be vested in goods & shipped to this State, & the remainder to be lodged in Europe for such purposes as are mentioned in the said resolution — And in the same Session did also make choice of Jonathan Loring Austin Esqr. for their Agent to negociate the Loan & other business to be negociated & done by virtue of the resolution aforementioned — Know ye therefore that we, the major part of the Council of the said State, by virtue of the power vested in us, & at the request of the said Great & General Court or Assembly, reposing confidence in the ability & Integrity of the said Jonathan Loring Austin have & by these presents do constitute authorized impowered & commission him to do & transact all & every part of the business required by the resolution aforesaid to be done & transacted by the Agent chosen as aforesaid.—

In Testimony whereof we have caused the Public Seal of the State of Massachusetts Bay aforesaid to be hereunto affixed Witness the Major part of the Council of the said State at Boston the day of in the year of our Lord 1780 & in the fourth year of the Independence of the United States of America." — *Executive Records of the Council, vol.* 24, *p.* 384.

While these proceedings were taking place, the bill of this chapter was passing through the regular stages, to enactment The original bill has not been discovered; but it appears by the record that, on the 5th of January, it was read a second time, in the Council, and referred to the committee appointed to draught instructions, etc., and that on the 8th, it was read again in the Council, and passed, in concurrence, to be engrossed, with two amendments, which were concurred in by the House. On the 10th, an amendment was adopted, by which the words "in the year of our Lord one thousand seven hundred and eighty," were substituted, in the engrossment, for "1779," as in the original draught. This change, evidently, was made in the heading of the bill, which is not retained in the printed act On the 11th, the bill was passed to be enacted, and was signed by fifteen of the Council.

On the 12th, the Assembly adopted the form of a letter to be sent to John Adams, who had been appointed minister plenipotentiary to negotiate peace with Great Britain, and to Francis Dana, his secretary of legation, for the purpose of notifying them of the passage of the act, and of the appointment of the agent, a copy of whose instructions were to be enclosed with the letter. They were specially urged to guard against every event that might tend to defeat the object of the agency, and to coöperate with the agent in case of his safe arrival; or, in case of his failure to reach his destination, to undertake the business of his commission, either in person or by proxy; and for this service the letter was considered sufficient authority.

On the 13th, the following resolve was passed, for supplying the committee on the loan with money to enable them to carry out their instructions: —

"In the House of Representatives

Resolved, That the Honble Council be and they hereby are requested to grant Warrants on the Treasury of this State in favor of the Honble Thomas Cushing Esqr. Nathaniel Gorham Samuel Phillips, Thomas Walley and Caleb Davis Esqr. who have been Appointed a Committee to prepare an Invoice of Goods to be imported from Europe, and also to procure a passage for the Agent who is appointed to Negotiate a Foreign Loan, for

such sum of money not exceeding Five thousand pounds, as they may have occasion for to enable them to prosecute said Business, they to be Accountable for the sums they shall respectively receive

In Council Read and Concurred Consented to by fifteen of the Council." — *Council Records, vol. XL., p.* 251.

The same day, another resolve was passed, giving the agent authority to negotiate a loan in Spain, as follows: —

"In the House of Representatives

Whereas it appears to this Court, that it is probable the Agent lately appointed by said Court to procure a Loan in Europe, may be able to procure part of the same in Spain, & Whereas by the Instructions given said Agent, he is not impowered to procure said Loan in any places except France or Holland — Therefore,

Resolved, That said Agent be and he is hereby impowered to procure such a part of said Loan in the Kingdom of Spain, as the Committee appointed to give him additional Instructions, may think will be for the Interest of this State, and he is also impowered to Invest such a part of the Loan which he shall procure in Spain in Goods, as the Committee aforesaid may think proper, who are also impowered to give said Agent such further directions respecting the Loan and Goods aforesaid as they may Judge necessary. — provided they do not Exceed the sum already directed to be Invested in Goods — In Council Read and Concurred Consented to by fifteen of the Council." — *Ibid., p.* 256

In pursuance of his instructions, Mr. Austin, on the 22d, took passage for Bilboa in Spain; but was captured and carried a prisoner to England, where, not long after, he was liberated, through the intercession of friends, and because of the difficulty of proving anything against him sufficient to warrant his detention,—he having thrown overboard his credentials and instructions before the vessel in which he took passage had been overtaken by her captor.

Meanwhile the outfit of the ship Protector, for her intended voyage, was delayed. The season was approaching when great danger was to be apprehended from the fleets and cruisers of the enemy; and therefore, on the 19th of April, the House voted (probably in secret session, since the entries relating to this business were omitted from the journal) "that a committee be appointed to bring in a resolve for repealing that part of a resolve which passed the last session, whereby the ship Protector was ordered to Europe." The vote was carried, by thirty-five out of sixty members present; and a committee of three members was accordingly appointed, who reported the following resolve, which, after a vote to reconsider it had been voted down, was passed in the House by a vote of forty-two to thirty-two: —

"State of Massachusetts Bay In the House of Representatives. Aprl 19th 1780

Whereas by a Resolve of this Court of Jany 31st Last the Ship Protector was ordered for Europe For certain purposes mentioned in said Resolution and whereas the said Ship was not ready for Sailing so Early as was then Expected and the Season being so far advanced that we have the greatest reason to Expect the Sea Coast of this State will be Infested with the Enemyes Cruisers which makes it Necessary to Retaine the said Ship — in these Seas. Therefore

Resolved, that Each & Every Clause in said Resolution which orders said Ship for Europe be & hereby is Repeald and made null & Void — and the Board of War are hereby Directed, to order the Cruises of the said Ship in Such manner as they may Judge will most Efectualy Protect the Sea cost and Render the greatest advantage to this & the United States of Amirica [A]

And whereas it is of the greatest Importance that Speedy measures be adopted for Bringing the goods from Europe which have been ordered to be purchased for the army it is therefore further Resolved, that the Committee who were appointed to make out an Invoice of Said Goods & give additional Instructions to the agent appointed to Negoiate a Forign Loan, be & they hereby are Impowered & directed to take the most Efectual & Speedy measures for Bringing Into this State the said goods Togeather with any other Goods purchased for this State Either by agreaing with the owners of Private armed Vessels, to bring them on freight or by Directing the agent afores[d] to procure fraight for them in the Safest & Cheapest maner he Can, in Europe or in any other way (not Repugnant to the foregoing Resolutions) which the said Committee shall Judge will be most for the Intrest of this State, and the said Committee are further Directed to Imbrace the first Opertunity of writing to the agent afores[d] Directing him not to purchase any more Goods then those articles which were ordered for the use of the army but in Case he has purchased those articles ordered for this Market to Ship them in the Safest & Cheapest maner he Can Sent up for Concurrence JOHN HANCOCK Spk[r]

In Council April 20th 1780 Read & Concurred with an Amendment at A —
Sent down for Concurrence JOHN AVERY D Sec[y]
at A insert — [B] *however* subject [C] to the Orders of the Major part of the Council —

In the House of Representatives April 21, 1780 Read & Concurrd with an amendment to the amendment proposed by the Honorable Board. viz dele the word *however* at B — and insert the same word at C —
Sent up for Concurrence JOHN HANCOCK Spk[r]
In Council April 21st. 1780 Read & Concurred JOHN AVERY D Sec[y] —
Consented to" — [Signed by sixteen of the Council]. — *Mass. Archives, vol.* 227, *p.* 253.

The committee appointed to give instructions to the agent, was thereupon "empowered to agree for a vessel to bring the goods which the agent was ordered to procure." Before this time, the owners of the ship Mars had advertised her for sale, on condition that £900 be paid for her, in hard money; and the subject of purchasing her having been considered in the House, on the 12th of April, probably with favor, the Board of War, soon after, purchased that vessel, and the question was now put, in the House, whether or not

she should be sent to France to bring home the goods to be procured by the agent. This motion was negatived; but a vote was passed, empowering the committee above named "to take such measures for bringing into this state the goods ordered, as they should judge best."

Upon his release from imprisonment, Mr. Austin found his way to the continent, and energetically devoted himself to the business of his commission. The duplicates of his instructions, which had been sent to Messrs. Adams and Dana, were sufficient credentials to one who had already formed an extensive acquaintance in diplomatic circles, as the bearer of despatches conveying tidings of the capture of Burgoyne; but though he urged the importance of the success of his mission, to the French court, and suggested to Vergennes and Sartine the certainty of an adequate and profitable return, in fish, beef, pork and lumber, as well as in masts and spars for the royal navy, he could obtain from them no promise of sufficient assistance, and was equally unsuccessful in his applications to the leading merchants, and manufacturers of goods needed to clothe and equip the army.

Letters having arrived from Europe, bearing date as late as the 17th of April, and no tidings having been received of the arrival, in Europe, of Austin, or of the vessel in which he sailed, the committee appointed to prepare schedules of goods to be purchased by him, presented a memorial to the Legislature, which was first read in Council, and was sent down to the House on the 20th of June, where it was read and referred to a committee of five of the leading members, who, thereupon reported the following resolve*: —

"State of Massachusetts Bay — In the House of Representatives June 22, 1780

Whereas the General Assembly of this State did at their Session in January last appoint Jonathan Loring Austin Esq^r their Agent to procure a loan of money in Europe, and did allso impower said Agent to purchas and ship on account of this Goverment a quantity of goods &c necessary for the Army and the supply of the publick magazines — agreable to such instructions and orders as he might receive from a Committe of the General Court appointed & Authorized to give him directions accordingly —

And whereas the Committe afors^d have represented to this Court that M^r Austin agreable to their directions embarked in a Vessell bound for Bilboa in the Kingdom of Spain in prosecution of his commission afors^d — and have further represented that there is reason to suppose M^r Austin has not arrived at Bilboa afor^d in consiquence of which some further measures are become necessary to carry the good purposes of the resolve of January last into execution —

Therefore Resolved that the Board of Warr be directed and they are hereby accordingly directed to fit the Ship Mars Simeon Sampson Esq^r commander for sea as soon as possible, and when so fited deliver said Ship over to Thomas Cushing Esq^r and others the Committe of the General Court appointed to manage the business of the foreign loan afors^d whose Orders in all matters touching the destination of the Ship Mars Capt. Sampson or other commanding Officer of said Ship are hereby required and directed to obey —

And it is further Resolved that the Committe afors^d be directed and they are hereby accordingly directed to order Capt. Sampson in the Ship Mars to repair with the utmost dispatch to Nants or such other port in the Kingdom of France as they shall judge best in order to bring into this State such goods as the Committe afors^d may think proper to order in her, and the Committe afors^d are hereby impowered and directed to order any other or additional quantitys of goods on account of this State in such other Ships or Vessells as they may think proper — taking care in all cases to insure the full value of the goods so shipt and the premium thereon any resolves to the contrary notwithstanding —

And it is further Resolved that the Committe afor^d be directed to write to the Hon John Adams & the Hon Francis Dana Esq^rs earnesly requesting them to undertake the procurement of the loan afor^d agreable to the resolve of January last and to ship or give directions for shiping such goods as the Committe may think proper provided M^r Austin has not arrived in France to transact said business —

Sent up for Concurrence JOHN HANCOCK Spk^r
In Council June 22^d 1780 Read & Concurred — JOHN AVERY D Sec^y
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *vol.* 228, *p.* 389.

When the Mars arrived at the mouth of the Loire, on the 10th of September, Mr. Austin was at Amsterdam, on the business of his mission, and letters directed to him were accordingly forwarded to Mr. Adams, then minister resident there. These letters failed to reach the agent until after the lapse of considerable time; and this circumstance, together with the want of remittances from the state treasury, and the growing distrust of the ability of Massachusetts to repay the loans and credits asked for (caused, as Mr. Adams wrote to Mr. Austin, under date of November 13th, "by the series of events" in America, during the year previous, "which the English represent so favorable to them, and so unfortunate for us," and which, he added, seemed "to have extinguished the little remains of credit that we had before"), delayed the departure of the ship, and utterly defeated the project of obtaining the loan.

Under these circumstances, Mr. Austin contracted with a private firm, for the shipment, by way of St. Eustatia, of a quantity of clothing, of the value of £3,000; and shipped on board the Mars fifty tons of "warlike stores," belonging to the United States, which had been deposited at Nantes, subject to the order of Dr. Franklin, who had given an order for the shipment of one hundred tons of these stores, and permission to draw upon him for 12,000 livres, for the freight; but Capt. Samson, after vexatious delays in getting access to the proffered stores, was obliged to reject one-half of them, in order to leave room for the valuable private freight, useful to the army, which completed the cargo of the Mars.

The Mars sailed on the 10th of December. In the mean time the Assembly passed the

* Printed resolves of the May session, chapter XCV.

following resolve*; and the receipt of the instructions therein given, was acknowledged by Mr. Austin, in a letter, dated at Nantes, December 4th, and addressed to Thomas Cushing, chairman of the committee on foreign affairs: —

"Resolv'd that the Committee on Foreign affairs be & hereby are directed to write to Mr Jona Loring Austin — to Purchase the Goods he was directed for the use of the army A at all Events B — & to direct him to Insure the first Cost of the Goods on the best terms he can, provided he can obtain mony enough on Loan for that Purpose — but if not to Insure but one half the first Cost and in Case he cannot procure mony sufficient for the Purpose last mention'd — then to Ship the Goods without any Insurance —

And in Case there should be any Chance of Convoy — to direct him to Cause Capt Sampson C to detain his Ship a fortnight for that Purpose —

InCouncil Sept. 9.' 1780 Read & Accepted
Sent down for Concurrence JOHN AVERY D Sey
In the House of Representatives Septr. 9. 1780

Read & concurred, with the following amendments viz. Dela from a to b. At c. add, 'or any other Master on board of whose Vessel He shall ship Goods,' JOHN HANCOCK Spkr

In Council Sept. 9.' 1780 Read & Concurred JOHN AVERY D Sey — Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 492.

Early in November, Mr. Austin was thinking of returning in the Mars, from his unsuccessful mission, and he then consulted with Mr. Adams as to the propriety of this course. The latter, while declining to advise him, wrote, under date of November 13th, that he saw no prospect of advantages from remaining in Europe; that "we have no reason to expect any news this year, that will make any considerable change in our credit: even the Burgoyning of Cornwallis would not;" and continued, "our countrymen will build upon sandy foundations if they depend upon anything but their own industry and resources," concluding with this declaration and advice: "I know not what further, or better, could have been done; and the best way is to explain the whole to your constituents, with the utmost frankness and simplicity." As the time of the departure of the Mars drew near, Mr. Austin concluded to remain, for the reasons expressed by him in the following extract from his letter of November 28th: —

"I would now return in the Mars confident a longer Stay here could not be attended with any Success, situated as I am, if I had received your Letters in Answer to those I have wrote; but as its possible on the representations I have made, the Government may order a different mode of proceedure, & enable me by the Contents of their next Letters to procure the Cloathing which will be as much wanted this year as next I have concluded to wait your further Commands, althô was I to consult my own Inclination aside of the public Business I should not hesitate a moment how to proceed. Permit me therefore earnestly to request as speedy a Reply as possible to this & my former Letters, & if the General Assembly should finally conclude to defer for the present all Supplies from Europe, & depend upon furnishing every Necessary within themselves, to entreat, such Remittances may be immediately made, as will enable me to discharge with Honor the Debt I have been obliged to contract with my Friend for my necessary Support & Subsistance." — *Ibid.*, *vol.* 231, *p.* 495.

About two months after the date of the foregoing letter, the Legislature passed the following resolves for the purchase of bills of exchange, to discharge the debt contracted by Mr. Austin: —

"Common Wealth of Massachusets — In the House of Representatives Jany. 24: 1781

† Whereas by a Resolve of the General Court passed the last Session, It Was recommended to Nathl. Appleton Esqr. Continental Loan officer in this State, to advance to the Treasurer of this Commonwealth Thirty Thousand pounds of the New Emission, for the Use of sd Commonwealth, & Whereas by sd Resolve it was directed that Ten thousand pounds of sd Money should be paid to Charles Miller Esqr., & ye remainder lay in the hands of The Treasurer till the farther Orders of the General Court, & The Treasurer not thinking himself Authorized, to pay out of his sd office any part of ye remaining twenty thousand pounds, without Special Orders from the General Court

It is therefore resolved that The Treasurer be & he is hereby directed to pay the Warrant granted in favor ye Committee for foreign affairs, of Four thousand One hundred pounds, out of sd Money, & that the remainder lay till the further order of ye General Court — sent up for Concurrence CALEB DAVIS Speaker

In Senate Jany 24th 1781 Read & Concurred JER: POWELL Presidt
Approv'd JOHN HANCOCK." — *Ibid.*, *vol.* 230, *p.* 496.

"Commonwealth of Massachusetts In the House of Representatives Jany 26 1781

‡ Whereas by an Error in Computation the Sum A granted by this Court by their Resolve of B *a few days past* C to the Committee on foreign affairs for purchasing Bills of Exchange for discharging the Debt contracted by Mr Austin for Cloathing, the Sum so granted is incompetent to the said Purpose,

be it resolved

That there be granted & paid to the Committee aforesaid out of the public Treasury the further Sum of thirteen hundred & seventy five Pounds of the new Emission, out of the Money borrowed of the Continental Commissioner of Loans, in Consequence of a Late Resolve of the Genl Court sent up for Concurrence CALEB DAVIS Speaker

In Senate Jany 26th 1781—Read & Concurred wth the amendments at A B & C —
Sent down for Concurrence JER: POWELL Presidt

at A *insert* the sum of Four thousand one hundred pounds —
dele from B. to C. and *insert*, the twenty fourth inst

In the House of Representatives Jany. 26: 1781 Read & concurred
CALEB DAVIS Speaker
Approv'd JOHN HANCOCK." — *Ibid.*, *p.* 511.

* Printed resolves, chapter IV. † *Ibid.*, January session, 1781, **chapter XXIX.**
‡ *Ibid.*, chapter XXXV.

The Mars arrived home safely, bringing advices from the agent. For more than four months the state had been organized as an independent Commonwealth, under the state Constitution; and the letters from the agent, including the letter from which the above passage is extracted, were referred, March 3, 1781, to a joint committee, consisting of Nathaniel Gorham of the Senate, and General Warren and Benjamin Austin of the House, to take them into consideration, and make report thereon. On the 6th, this committee reported the following resolves: * —

"Common Wealth of Massachusetts In Senate March 6th 1781 —

Whereas it appears by the letters & accompts recd. from Jona Loring Austin and Jonathan Williams Esqrs by the Ship Mars from France — that there is a considerable sum of money due to said Jona Williams Esqr for disburstments upon the Ship Mars while in France, and for advances made by him to Mr. Austin, in order to to enable saidAustin to pay the expences incured for his support while in France and Holland in the prosecution of the Commission with which he was charged by this Government —

Therefore Resolved that the Treasurer of this Common Wealth be directed, and he is here accordingly directed to pay to His Honor Thomas Cushing Esqr and others the Committe of foreign affairs out of the first moneys that come into his hands the sum of eighteen hundred and thirty pounds money of the New Emission, which said Committe are directed to vest in Bills of exchange and remit the same to Jonathan Loring Austin Esqr in order to discharge the debt due to Mr Williams for disburstments on the Ship Mars and for money advanced to sd Austin as aford the said Austin to be accountable for the expenditure of the money that shall be remited to him by the Committe afors in consiquenc of this resolve —

And it is further Resolved that the Committe on Foreign affairs be directed and they are hereby accordingly directed to write to the said Jonathan Loring Austin Esqr discharging him from his Agency on acct of this Common Wealth —

In Senate March 6th 1781 — Read and sent down JER: POWELL Presidt
In the House of Representatives March 6th 1781 — Read & accepted sent up for concurrence CALEB DAVIS Spr
In Senate March 6th 1781. Read & concurred JER: POWELL, Presidt
Approv'd JOHN HANCOCK." — *Ibid., vol.* 231, *p.* 476.

Besides the invaluable assistance which Mr. Williams had rendered the agent, in various ways, the sum advanced by him on account of the ship Mars, for wages, stores, etc., amounted to more than £23,000, part of which he had been reimbursed out of the money obtained from Dr. Franklin, and from other sources. Besides this, Mr. Williams had furnished the agent with the means of subsistence, during his stay abroad.

The following is the letter from Mr. Williams, referred to in the preamble to the foregoing resolve: —

"Nantes Decem 7. 1780.

Honble Gentlemen

The Massachusetts State ship Mars arrived here to the Address of Mr Austin who was then in Holland. She was consequently detained in an inactive State 'till his arrival in this Place

Mr Austin communicated to me the Situation of the Ship and the State affairs under his Direction; and from a real Concern for the Welfare of the State in which I was born, & to which I am sure I cannot outlive my attachment, I supplied both him and the Ship as he will inform you. I refer you to him for further Particulars and hope my Conduct will meet your approbation, Mr Austins Letters to you will represent the necessity of speedy Remittances to wipe off his & my Engagements.

I have the honour to be with the greatest Respect
Honble Gentlemen Your most obed Servant JONA WILLIAMS
The Honble The Committee of Council for foreign affairs Massachusetts." — *Ibid., p.* 504.

Chap. 32. In the first session of the General Court this year, a committee was appointed, in the House, "to consider what is proper to be done to prevent vexatious suits' being brought against committees who were appointed by the authority of the late provincial congress, for any matter done by them in the execution of their office." This was on the 14th of June, and, five days later, the committee reported a resolve "determining that, for the future, no process shall be brought against them, or against selectmen, in consequence of the discharge of their duty, without first obtaining liberty from the General Court." The Council nonconcurred in this resolve, and nothing further upon the subject was done until the fourth session, when the following letter was read in the House, and committed to General Warren, Major Washburn and Colonel Grout, of the House, and William Sever and John Pitts, of the Council, with directions "to consider the matter at large, and report a bill of indemnification, and to prevent prosecutions of a like kind:" —

"Plymo 29. March 1780

Dear Sir

A curious matter turned up yesterday, of which I think my sellf obliged to Inform you — An Action is commenced, by Jno Thomas, Against Stephen Samson, Jesse Harlow & Stephen Churchil, for two hundred wt of Tea, Destroyed by them, by order of the County Convention, setting in this place in the year 1774, of which matter I have no need of being particulor, as you was mamber of this Convention & the Chairman.— wont it be necessary to preclude, by an act or Resolution of ye Genl Court, such suits as these, and so confirm the doings of conventions & Committees in times when they were necessary and of whose resolutions & doings such salutary effects have been produced — You will consider of this matter & will, I doubt not, do what is necessary —

* Printed resolves of the January session, chapter CCVI.

Your good Family are all well & nothing very material has occurd since you left us —
I am Respectfully Your Friend & Humbl Sert
Hon[l] James Warren Esq[r] Wm Watson
N B The Tories interest themselves very much in this matter & Intend to bring actions of this nature for every thing that has been done to them — if Thomas succeds." — *Mass. Files: Bills*, 1780.

The committee appointed as above, reported the bill of this chapter, which was read a first time, in Council, on the sixth of April. On the 8th, it was read a second time, and amended by substituting the title and preamble as they stand in the act, for the following, as reported by the committee: —

"An Act to Indemnify & secure from prosecutions in Law all Persons who in the late Times of distraction under the Tyrannical Goverment of George the third King of Great Britain have by an open & patriotic opposition thereunto, Exposed themselves in Certain Instances to actions of Damages & other Prosecutions

Whereas in the late Times of distraction under the Goverment of the British King it became necessary that open opposition should be made to the violent measures then Taken for the distruction of the Rights & Liberties of the people of this State, & that Persons & property should be taken & property in some Instances destroyed, and Whereas divers of the Good People within this State, did at the Utmost risque of their Persons & property stand forth in opposition to the violent, & distructive Measures of the Goverment aforesaid, & are now threatned with or actually have actions of Damages, or other prosecutions Commenced against them, by Evil & Disaffected Men." — *Ibid.*

The bill having been sent down for concurrence, on the 8th, was, on that day, read three times in the House, and still further amended, by inserting the words in the eighth and ninth lines of the act, beginning with "first," and ending with "the," and adding "first day of January, Anno Domini one thousand seven hundred and eighty," in place of the following passage in the bill: " day of A.D. 17 , and before the day of A.D. 17 ." This amendment was concurred in by the Council, on the same day; and on the the 10th, the bill was passed to be enacted by both branches, and was consented to by fifteen of the Council; after which, Samuel Adams came down with a message from the Council, proposing the substitution of the date in the act, for Jan. 1, 1780, the date fixed in the previous amendment. Mr. White was thereupon sent up to the Council, to inform them that the House agreed to the proposed amendment, and the bill was changed, accordingly, by interlining the new date.

Chap. 33. On the 18th of March, 1777, the following petition from the inhabitants of the plantation of New Providence, together with the accompanying petition of the inhabitants of Gageborough and the copy of the vote of that town, was read, in the House, and referred to a committee, consisting of Messrs. Pynchon, Root and Jewett: —

"To the Honourable Council and Hon[bl] Hous of Representitivs of the State of the Massechusitts Bay in General Court Assembled at Boston on the 24 Day of December A.D. 1776

We your Petitioners of the Plantation of New Providence so Colled Situate in the County of Beirkshire and State of the Massechusitts bay in New England Humbley Sheweth

Whereas your Petitioners now Live and Reside on A Small Tract of Land Agoining unto the Town of Gageborough Beaing Deprv'd of Many Privileges of this State we Petition your Honours that Saide New Providence Be Annext and Incorporated with the Town of Gageborough Agreeable to our Vote in Leagal Meeting holden on the First Day of January A.D. 1777

And in Duty Bound we Humbley Pray

Dated at New Providence this 2 Day of January AD 1777

JOSEPH BENNET	JOHN WILLMARTH JR	AMOS SMITH
VOLINTINE BOWEN	JNO JOHNSON	HEZEKIAH RHODES
HEZEKIAH BOWEN	THOMAS NICHOLS	BENJAMIN ROBERTS
JOAB STAFFORD	EZEKIEL WILLSON	SIMEON COLE
JOHN WILLMARTH	SAMUEL LOW	WILLIAM JENKENS
JOHN BUCKLEN	SHUBAEL WILLMARTH	NATHAN BOWEN
SIMON SMITH	THOMAS SPENCER	ABIATHAR ANGEL
		JEREMIAH BUCKLEN. — *Mass. Archives, vol.* 182, *p.* 24.

"To the Honourable General Assembly of the State of Massachusetts Bay Now sitting at Boston the Petition of the Inhabitants of the Town of Gageborough Humbly Prayeth this Honourable Court, that the place Called New Providence may be Incorporated with this Town by the Name of Cheshire Agreeable to their Request

For the following Reasons, first because the said Inhabitants apprehend it may be expedient and of Publick Benefit to this Town

2[ndly] Because, the present Name Gageborough may Serve to Perpetuate the memory of the Detestable Gen. Gage And we your Petitioners as in Duty bound Shall Ever Pray

Signed in Behalf & By order of y[e] Inhabitants of y[e] Town of Gageborough
P[r] JOSEPH HASCALL Town Clerk
Gageborough Jan[y] 9[th] 1777." — *Ibid., p.* 25.

"At a meeting of the Inhabitants of the Town of Gageborough duely Qualified and legaly warned in public Town meeting Assembled at the House of Lieu[t] Rufus Dodge in S[d] Gageborough on wednesday the 18[th] day of December 1776 ten o'clock forenoon. M[r] Stephen Warren moderator

Upon motion made agreeable to a Request of New-providence whether This town will Receive Said New providence to be Annexed to it, voted in the Affirmative.

A true Copy of Record Att[n] JOSEPH HASCALL Town Clerk
Gageborough Jan. y[e] 6[th] 1777." — *Ibid.*

The committee, on the next day, reported an order of notice to be served on the clerks of the plantation of New Providence and the town of Gageborough, returnable on the second Tuesday of April, following; but the loss of the journals of the House from that date to the close of the legislative year, precludes the possibility of learning what proceedings, if any, were had upon the return of the notice.

This appears to have been the first attempt to unite the inhabitants of New Providence with one of the adjoining towns. The name of Gageborough was changed to Windsor, Oct. 16, 1778, by chapter 23, of the acts of that year. Less than four months later, the following petition by inhabitants of Windsor, Adams and New Providence, was read in the House, and referred to Messrs. Farley, Peck and Clark, the committee appointed on the papers relating to the incorporation of Cummington, as shown in the note to chapter 6, p. 1242, *ante*: —

"To the Hono[l] Council and Hono house of Representitives in General Court Assembled at Boston in January *A*D 1779

We your Petitioners of the Plantation Called New Providence in The County of Berkshire Togeather with the Northwest Corner of Gageborough alis Winsor with the South Part of East Hoosuck Alis Adams Pray your honours to Incorporate us togeather By the Name of Providence the Extent of Land From Each town we Charefully Submit to your Honours Grate Wisdom, as in Duty Bound will Ever Pray

I ated New Providence 15 of January 1779

Winsor Siners

JOSEPH BROWN
TIMOTHY MASON
CHRISTOPHER BORLINGHAM
SIMON BROWN
DEXTER BROWN
JAMES ANGEL
BENJAMIN BRIGGS
ELISHA BROWN
ANDREW EDMUNDS
ANDREW EDMUNDS JUN
EDWARD EDMUNDS
BENJA CLARKE
CALEB BARTON

Adams Siners

BARNIT HALE
COMFORT ARNOLD
JOHN EATON
PHILIP MASON
SAMUEL SALLISBURY
SAMUEL MILLER
ASA WILLMARTH
NATHANIEL MASON
BENJAMIN BAKER
ISAIAH LESUER
NATHANIEL MASON JUR
GEORGE JENCKES
ANDREW YEAW
OLIVER WESTCOT
ZEPHANIAH PHILLIPS
JOSHUA SPRAGUE
WILLIAM BAKER
DAVID YEAW
JOSIAH PARTRIGUE

New Providence Siners

VOLINTINE BOWEN
JONATHAN RICHARDSON
AARON SEAMANS
SAMUEL LOW
WM TOWNER
JEREMIAH SMITH
STEPHEN CARPENTER
SHUBAEL WILLMARTH
JEREMIAH BROWN
JOHN WILLMARTH JUR
EBENEZER RICHARDSON
JOHN LADD
CHARLES WALKER
AMOS SMITH
SAMUEL STAFFORD
HUMFRAY TIFFANY
DAVID FULLER
JAMES WESTCOT
THOMAS NICHOLS
JAMES GREENE
JOSEPH HOLBURT
LEVI BROWN
CALEB BROWN
ICHABOD PROSSER
JOHN SHEARLOCK
JOHN CHASE
NATHAN MASON
JOHN LIPPITT JUNER
CEPHAS CARPENTER
JONATHAN RICHARDSON JUNR
PETER WELDEN
WILLIAM WHITAKER
BENONI COLLINS
DANIEL READ
WILLIAM JENKENS
BENJAMIN ROBERTS
JONATHAN JOICE
CHARLES SPENCER
RUFUS SPENCER
SILVESTER LINKON
HEZEKIAH BOWEN
NATHAN BOWEN
ELIJAH BOWEN
ALLEN BRIGGS
JOSEPH BENNET
JOAB STAFFORD."— *Ibid.*, *vol.* 184, *p.* 295.

No further action upon this petition has been discovered.

The consideration of this subject was renewed in the second session of the next Assembly, through the action of the committee on the tax bill, which gave occasion for the following petition: —

"To the Hono Council and House of Representitivs in General Courte Assembled at Boston in Sept 1779

we your Petitioners Inhabitants of the Plantation Called New Providence in the County of Burkshire and State of Massachusetts Bay humbley Shew that we your Petitioners have Paide our Public Taxes to the Town of Lanesborough For A number of years Past have Ever Been free in Supporting the American Independance and Still are Free in Mentaining our Ingurid Rights your Honos have been Pleased to Send us A Tax Bill in Which is Assertained our Propotion of the Forty Five Millions of Dollars and oure Propotion of the State Tax the Same to be Assesed and Collected on or Before the First Day of January 1780

We your Petitioners humbley Pray That as your Honos have Been Pleased to Brake in Sunder our Connections with the Town of Lanesborough without our Pertition or Knowledg in the Least we Pray your Honos in your grate wisdom to Cloath us with Sufficant Athority to Assess and Collect our Taxis we Further Pray your Honos to Send us A Committee to Vew our Situation and Incorporate us with the Northwest Corner of Windsor and the South Partes of the Town of Adams by the Name of New Providence as in Duty bound will Ever Pray

Dated New Providince August 21 *A*D 1779

SAMUEL LOW
STEPHEN CARPENTER
THOMAS FENNER
DAVID FISH
LEVI BROWN
AARON CASE
JOHN CHASE
AARON SEAMANS
JOHN JENCKS
JOHN WARRIN
SHUBAEL WILLMARTH
JOAB STAFFORD
ALLEN BRIGGS
JEREMIAH BROWN
CHARLES WALKER
JONATHAN RICHARDSON
AMOS SMITH
SIMON SMITH
EZEKEIL WILSON
JOHN DAY
SILVESTER LINKON
CHARLES SPENCER
VOLINTINE BOWEN
NATHAN BOWEN

ICHABOD PROSSER JAMES WESKOT ELIGAH BOWEN
NATHAN MASON JONATHAN RICHARDSON JUN^R BENJAMIN ROBERTS
JOSEPH HOLBURT JOHN WILLMARTH JONATHAN JOICE
THOMAS NICHOLS."— *Ibid.*, *vol.* 185, *p.* 257.

This petition was read, in the House, Sept. 13, 1779, and committed to Messrs. Williams, Singletary and Morton, who were directed "to revise the laws, and see if effectual provision is not made in regard to assessing and collecting taxes in plantations, and if not, to report a bill for that purpose." On the 28th, this committee reported that there was, already, sufficient provision made for assessing and collecting taxes in plantations, "and that the state treasurer be directed to govern himself accordingly."* The committee also reported that the prayer of the petitioners, for a committee to view their situation, etc., "be granted, and that a committee of both houses be appointed for that purpose, the petitioners paying them their charge and expense."

This report was read, and recommitted to be drawn into a resolve, and Mr. Turner was put upon the committee in place of Mr. Singletary, who was absent. On the 29th, the committee reported two resolves, which were passed by both branches, in concurrence. The former of these appears in the note to chapter 30, *ante*, and the latter† was as follows:—

"State of Massachusetts Bay — In the House of Representatives Sept^r 29^th 1779
Upon the Petition of the Inhabitants of the Plantation Called New-Provedince Praying the General Court to Send a Committee to View their Situation & Incorporate them with the north west corner of Windsor & the South part of the Town of Adams by the name of New Providence
Therefore Resolved that Colonel Hyde & Colonel Ashley with Such as the Honorable Board shall Join be & they hereby are appointed a Committee to repair to New-Providence at the Expenc of the Petitioners & View their Situation &c and Report to this Court what is proper to be done Sent up for Concurrence JOHN HANCOCK Spk^r
In Council Septem^r 29^th 1779 Read & Concurred and Noah Goodman Eq^r is joined for the Purpose mentioned JOHN AVERY D Sec^y
Consented to"— [Signed by fifteen of the Council]. — *Ibid.*, *p.* 258.

At what time this committee repaired to New Providence in compliance with this resolve, does not appear; but the following letter and copies of votes, which accompanied the same, indicate that it was before the 10th of November:—

"New Providence January 17 — 1780
Worthey Sir Inclos^d you have A Coppy of the Vote of the Town of Adams as allso our Vote on the Same Subject By Which the Honorable Courte will without the Least Doubt be Able to Administur I hope Impertial Justic — all tho it is Sum time Sence our Vote on this Matter the Minds of our People I Believe Remane the Same without the Shade of Turning or Receeding in the Leas From our Vote of the 10 of November Pray Sir use your Influance that Matters may be Brout to A Close as Soon as time and Leasure Will Admit unless Sumthing Salatery be hit on For the Relefe us as A body I have grate Reason to Feare the People Will not Truly and Cordally Pay any Future Demand
A Plenty of Snow in this Cuntrey has Detard this Returne at Boston I heare there is no Lack With Pleasure Subcribe my Self yours in the Best of Bonds
SAMUEL LOW."— *Ibid.*, *p.* 265.

"at A Legal Meeting of the Inhabitents of New Providence met on the 11 Day of November 1779 Voted Unamusley that the Plantation of New Providence be Incorporated with the Town of Adams with all the Privileges Arising From a Full and Free Incorporation From the Minuts Attest SAMUEL LOW Clark."— *Ibid.*

"Adoms November y^e 22 *AD* 1779 Town Meet and Pureced in Bisness Cp^t Ruben Hinman Chosen Morderator Vote Whether Newprovidence Shall Be taken on to the town of Adoms as an Incorperation With them or Not the Vote Was Negetive Twnty two In the femetive Twety Six In the Negetive
ISAAC ARNOLD Town Clark."— *Ibid.*

The following is the report of the committee, which was read, in Council, March 27, 1780, and accepted, in concurrence, on the next day:—

"The Committee appointed by both Houses upon the Petition of the Inhabitants of the Plantation Called New-Providence praying the General Court to send a Committee to view their Situation and Incorporate them with the North West Corner of Windsor, and the South part of the Town of Adams, into a Town; having given proper notice to all parties concerned, have attended that service and beg leave to report as their opinion that the plantation called New Providence in the County of Berkshire be Incorporated with and annexed to the Town of Adams. — and that a Bill be brought in for that purpose accordingly. NOAH GOODMAN *per* order."— *Ibid.*, *p.* 266.

In accordance with the above report, the bill of this chapter was read a first time, in Council, March 30th, and, on the next day, passed to be engrossed, and sent down for concurrence. On the 6th of April, it was passed by the House, in concurrence, to be engrossed, and on the 10th, was passed to be enacted, and was signed by fifteen of the Council.

During the first session of the next Legislature, an effort was made by the inhabitants of the town of Adams, to procure the repeal of this act. The following is the petition presented for this purpose, signed by Ezekiel Harrington and one hundred and twelve others, together with a certificate annexed, to show the proportion of the town's taxes paid by the petitioners:—

* But see note to chapter 30, p. 1312, *ante*. † Printed resolves, chapter CVII.

"To the Honourable the Counciel and House of Representatives to be Conviend At Boston on the 31st Day of May Inst —

We the Subscribers Inhabitants of the Town of Adams in the County of Berkshire Do Humbly Shewe that Whereas We have Received intelegence That the Tract of Land Calld Newprovidince has by a Late act of the General Court been Incorporated with the Township of Adams which We Humbly Conceive has been procured by Some undue Influence and Which Must be Very Pregudeciel to the True interest of this Town We Flatter ourselves That your Honours Could not Consistantily passed the Act for incorporating the Pople of Newprovidence with this Town if the True Circumstances of matters Hadbeen fully Known we beg leave to inform your Honours that previous to Any Applycation of the people of Newprovidence to your Honours they Applyed to the Town of Adams for their Consent to be Incorporated With them this Town after Taking the Matter into Consideration Voted in the Negative we then Expected nothing would be Done upon the Application Of those people untill this Town was Notifyed to Shew Reasons Why the prayer of those Petetioners Should not be Granted which we Humbly Conceive has Ever ben the Invariable Custom in Such Cases and Which we Think is but Just and Reasonable: When Very unexpectedly the first account We Received was: that they were Incorporated with this Town, the impropriety Of which think appears from this Consideration Viz: that the Town of Adams is at Least by the Original Grant Eleven Miles in Length by the Public Road for Traveling and alltho Five Miles in width the Situation Is Such that a Greate Part of it is not Habetable more then a mile and A half or two Miles Width the which Renders it Very Burdensom for the Extreeme inhabitants to Attend on Town Bisness which Must allways be Done In the Center We who were the first Inhabitants of the Town allways Expected to Suffer these Natural Inconvenences of the Situation of the Town for We ware Acquainted with them in our first purtiching, but at the Same time We Expected To Enjoy those privaleges which Did Actually Exist within the Limets of the Town According to the Original Grant: your Honours are Sensible that we have Lived for a Number of years Destitute of Town Priveleges Altho' After Repeated Applications we Obtained an Act of Incorporation But Before we Could Receive the Least Benefit by it we are Deprived of the Most Valuable part or privalege: for by Adding Newprovidence to us Still Adds near three miles in Length to our before Long and Narrow Town And What Still Renders it Graitly inconveniant is that the princeple bulk of inhabitants Both with Regard to their Numbers and Intrests Inhabit the two Ends of the Town Which will allways be attended with long Travels to Do Town bisness as well as many other Grand inconveinances.

We Humbly pray these Matters may be Considered and that the Act for Incorporating the tract of Land Called Newprovidince with the town of Adams may be Repealed or otherwise that We your petitioners May Have Oppertunity to Set forth our Reasons More fully before the Act is Published as in Duty Bound Shall Ever Pray—

Dated Adams May 26th AD 1780 * * *

These May Certify Whom it may Concern that the Subscribers To the Within Petition Pay a preportion of £4085 = 2s in a Tax Laid to said

Town of Adams of — 7361 = 13 = 4 Test — GILES BARNS } Assessors."—
LUTHER RICH } *Ibid., vol.* 186, *p.* 209.

The following counter-petition, signed by Philip Mason and eighty-seven others, was also filed: —

"To the Honourable Council and House of Representatives in General Court Assembled at Boston

Whereas your honours with great wisdom did by an act of Court Annex the Plantation called New Providence in the County of Berkshire to the Town of Addams.

We your humble petioners of Adams beg leave to shew that after taking into view the sittuation of the said Plantation of New Providence that it can no other way be so well accommodated as by being united to this place are perfectly satisfied with the Union and are thoroughly convinced that your honours were governed by motivies of the highest Wisdom and Prudence

We therefore pray that your Honours would not receed from your former doings on this subject and that the Connection may be still be continued

And we shall as in duty bound ever pray

Addams 29 May 1780."— *Ibid., p.* 211.

Both these petitions were referred, June 13, 1780, to a committee of the House, consisting of Messrs. Warren, Goodman and Hastings, who reported, on the 15th, that the petitioners have leave to withdraw. This report, nowever, was not accepted, but an order was passed, "That the petition lie upon the files of the House." On the 14th of March, 1793, the town of Cheshire was incorporated, embracing with other contiguous lands the territory annexed to the town of Adams by this chapter.

Chap. 34. The following copies from the town records of Sudbury show the attempts that were made to effect a division of the town, before application was made to the Legislature: —

"At a Leagall Town meeting in Sudbury June 25th 1778. The Second article to be acted upon at Said Meeting was to See if the Town would vote to Divide the Town of Sudbury and make it two Towns, and take the nesesary Steps therefor

At Said Meeting the Question was put whether it was the Minds of the Town that the Town of Sudbury Should be Divided into two Towns, and it passed in the affairmative. And appointed the following Gentlemen to agree on a Division Line, and Report at the Adjurnment of this meeting viz[t] Col Ezekiel How, Cap[t] Richard Heard, M[r] Nathan Loring, M[r] Phinehas Glezen, M[r] John Maynard, and M[r] John Meriam

At the adjurnment of this meeting July the sixth 1778 The before mentioned Com

mittee Reported that they Could not agree on a Line Then the Town voted to Reconsider the vote for Dividing the Town of Sudbury

A true Copy from the Records Attest JAMES THOMPSON Town Clerk

Sudbury Feby 17th 1779" — *Mass. Archives, vol.* 225, *p.* 88.

"At a Leagall Town Meeting in Sudbury Feby 1st 1779

The first article to be acted upon at sd meeting was to see if the Town would vote for a Division of sd Town, and agree on a Line for a Division, So that they may be Incorporated into Two Distinct Towns

At Said Meeting the Town Apointed Majr Joseph Curtis Thos. Plympton Esqrs Mr John Balcom Capt Richard Heard and Capt Jonathan Rice a Committee to agree on a Line for a Division of the Town

This Comittee informed the Town that they Could not agree on a Line for Dividing the Town

Then the Town voted that the Town be Divided by the River Runing through the Same, and the Island Called Pelhams Farme now the property of Capt Richard Heard and his Sones to be annexed to the East Side of the River, the Land on the East Side the River to be Set off from the Town of Sudbury

Then this Meeting was Adjurned to Monday the fifteenth Day of Feby instant to Consider further on the first article

At the Adjurnment of Sd Meeting the Question was put whether the Town would add any more to the East Side of the River, and it passed in the Negative

A true Copy from the Minuts Attest JAMES THOMPSON Town Clerk

Sudbury Feby 17 1779" — *Ibid., p.* 87.

These attempts having failed, the inhabitants of the easterly part of the town presented to the Assembly the following petition, at the fourth session in the year 1778-79: —

"To the honorable the Council and House of Representitives of the State of Massachusetts Bay, in New-England.

The Petition of us the Subscribers Inhabitants of the easterly Part of the town of Sudbury humbly sheweth,

That whereas many & great Difficulties and Inconveniencies intirely unavoidable by us in Consequence of our present connected Situation (being united in all our Town Affairs with the westerly Part of sd Sudbury) lay with peculiar and heavy Weight upon us; which we shall hereafter endeavour to set forth in this Petition in as clear and just Light as the Nature of the thing will possiby admit of.

Ist All our publick meetings to transact Town Affairs are attended with great fatigue and Difficulties by Reason of the Distance, which many of the Inhabitants of the Town live from the Places appointed for meeting: (Numbers having to travel six and seven Miles) by reason of this Distance the Time and Expence must be double in transacting Business to what might be necessary; or some worthy Inhabitants must unavoidably be deprived of a privilege of disposing of their Property in publick Grants; a Privilege which is one grand Barrier of public Safety and Happiness, and to which all mankind are by Nature Justly intitled.

This Difficulty appears a most aggravated Burden and presses upon us with additional Weight which demands our utmost Endeavours for a removel, when we take into Consideration the absolute necessity of repeated Town meetings in the present Exegencies of publick Affairs. —

IId The Town in its present Situation being so very extensive the Officers to transact Town Business by Reason of their Distance from each other are involved in inconceivable imbarrasments, by reason of which men the most capable are discouraged from accepting Officies which they would otherwise execute with Honor to themselves Fidelity to their Trust and great Benefit to their Constituents; the publick Business greivously retarded, and the Town involved in Errors almost irretreivable.

We feel the sad Effects of this Incumberance very peculiarly at the present Day, when (as is customary in other Towns in the State, as well as in this) the raising of men to augment the Army of the united States, is intrusted to the Town in Conjunction with the Millitary Officers; for now the Expences are greatly inhanct to what they would be were the Officers more compact, our Army neglected, and the glorious Cause we are engaged in greatly injured. —

From a mature and deliberate Consideration of these Greivences and to obtain a regular and speedy Releife therefrom, (previous to our Application to your Honors, for your desicive Determination upon the Matter) we have, in order to secure and promote Peace and Harmony betwixt Friends and Neighbours, made Application to Sd Town in publick Town meeting called for that purpose desiring their Consent for a Division of Sd Town, and that we might be incorporated into two distinct Towns; It being the general Oppinion of the Inhabitants of the Town that it is sufficient in Dimentions and Numbers to make two Towns, as will hereafter appear by the Votes of Sd Town. (Those on the west side of the River in Sd Town, being many more in Number than those on the east Side,) have so far granted our Request, as to repeatedly vote there be a Division made in the Town, & that the River Running through Sd Town be the Line of Division with the Addition of two Farms which lay upon the west side of the River: This we think is a very unequal Division; as thereby the westerly Division will contain more than two Thirds of the Land in Sd Town: And therefore pray your Honrs to take our Greivences with the Proceedings of the sd Town into your wise and judicious Consideration and appoint a Committee to settle a just Line between us: & order Such Divisions & Regulations as may be Necessary And your Petitioners as in Duty bound shall ever pray. —

Sudbury Febr 22d 1779

N. B. We suppose a just & equal Division may be made without the removal of either Meeting-House or the laying out any new Road"—[Signed by Joseph Curtis and one hundred and twenty-one others].— *Ibid.*, *p.* 89.

The foregoing petition was read, in the House, April 23, and committed to Messrs. Hosmer, Page and Greenleaf, who, on the third of May, submitted a report, which has not been discovered. No further legislative action upon the subject appears to have been had during that political year.

During the first session of the next Legislature, the above petition was revived, in the House, and again committed; and on June 11th, the next day after this commitment, the following resolve* was passed, upon the report of this committee: —

"In the House of Representatives June y^e^ 11 1779 —

On the Petition of Joseph Curtis and others Inhabitants of the Easterly Part of Sudbury Praying they may be set off into a Separate Town for reasons mentioned in said Petition and that a Committee may be appointed by this Court to view said Town of Sudbury and report a Division Line to be setled between them. Therefore: —

Resolved that Samuel Austin & William Brown Esq^rs^ with such as the Hon^ble^ Board shall Joyn be a Committee to Repair to the Town of Sudbury hear the parties & view the Circumstances of said Town and make Report to this Court on the second wednesday of the next Sitting of the General Court what ought to be done and that the Cost of said Committee be paid by the Petitioners Sent up for Concurrence JOHN HANCOCK Spk^r^

In Council June 11^th^ 1779

Read & Concurred and Josiah Stone Esq^r^. is joined — JOHN AVERY D Sec^y^

Consented to"— [Signed by fifteen of the Council]. — *Ibid.*, *p.* 93.

The committee appointed by the foregoing resolve, reported at the third session, as follows: —

"The Committee of both Houses appointed on the Petition of Joseph Curtis & others inhabitants of the Easterly part of the Town of Sudbury, praying for a Committee of this Court to settle a just Line, & order such Divisions & Regulations as may be necessary between them, and the Westerly part of the Town, and Ordered to repair to Sudbury, hear the parties, View the Circumstances of said Town and report what Ought to be done —

Report, that having duly notified the Town of Sudbury, by notifying the Clerk of said Town; of time and Place of meeting: and being met by the Select Men, together with a large number of other most respectable Gentlemen belonging to the westerly part of said Town, we spent several Days in hearing the parties, & Viewing the circumstances of said Town And after the most deliberate Consideration, your Committee are clearly, and Unanimously, of Opinion; that it will greatly contribute to the convenience, & peace, of both Parties, and serve the publick Interest, that said Town be Divided into two Seperate Towns, by the following Line Viz. Beginning with the River between Concord & Lincoln, thence to run with the River, till it comes to the Mouth of the Ditch on the westerly Side of said River, between the Meadows, of W^m^ Baldwin Esq and Eliakim Rice, thence on said Ditch to the County Road leading to Stow, Crossing said Road, and bounding on the Southerly Side thereof, till it comes to the Line between the Land of Nath^l^ Rice, and Jon^a^ Carter, thence Southwesterly with the Line between said Rice, & Carter, to the Land of L^t^ Elisha Wheeler, then running Easterly with the line between said Carter & said Wheeler to the County Road leading to Marlboro, thence running up and bounding on the westerly Side of said road till it comes opposite to the line between the lands belonging to the Heirs of L^t^ Dan^l^ Goodenow, Deceas'd, & land in possession of Robert Eames, at sandy Hill (so called) thence Crossing said road to the corner aforesaid, thence running to a Swamp white oak Tree near the head of Cap^t^ Moses Maynards Meadow, thence running a strait line to a swamp white oak Tree standing on the Bank of the River Easterly from the Dwelling House of Cap^t^ Moses Stone, thence up, & with s^d^ River to framingham Line.—

And further it is the Opinion of your Committee that the Bridges and long Causeways over the River & Meadows near M^r^ Jon^a^ Carters; shall for ever hereafter be supported and maintained by the two Towns in equal proportion, the said Bridge and Causeways lying within the limits of the Easterly Town notwithstanding; and that all the Monies or Estates heretofore given by any Person or Persons to the Town of Sudbury Should be equally divided, to each Town & they respectively empowered to dispose of their respective Moieties agreable to the direction of the Donors —

And that the Town Stock of Arms & Ammunition be divided to each Town in Equal proportion according to the number of persons that are obliged to Bear Arms, in each Town —

And that the Petitioners have liberty to bring in a Bill for the purposes aforesaid —

JOSIAH STONE Pr^r^ Order

In Council Nov^r^ 25^t^. 1779 Read & Accepted

Sent down for Concurrence JOHN AVERY D Sec^y^ —

In the House of Representatives Nov^r^ 26^th^ 1779 Read & concurrd

JOHN HANCOCK Spk^r^

Consented to"— [Signed by fifteen of the Council].— *Ibid.*, *p.* 85.

The vote by which the House concurred in the vote of acceptance of the above report, stood thirty-three to twenty-six; and on the first day of December, the bill of this chapter was read a first time, in the Council. On the next day, it was read again, and sent down. On the 3d, it was read a first time, in the House, and the consideration thereof "referred to the next sitting of the General Court."

While the Assembly was holding its second session, the inhabitants of the town of Sudbury held a meeting, of which the following is the record: —

***Printed resolves of the May session, chapter LXXXVII.**

"At a Legall Town Meeting in Sudbury Sept^r 20 1779
On a Motion made to Instruct their Representative to oppose a Division of the Town of Sudbury Unanimously Voted the following Instructions
To Capt. Jonathan Rice
S^r Notwithstanding a former vote of the Town for Dividing the Same by the River, yet upon more Maturely Considering the Scituation, and viewing the Circumstancis of the Town, we are fully of Opinion that a Division of the Same cannot take place without prejudice to the one part or the other. You are therefore directed to use your utmost Endeavours to prevent any Division of Said Town
True Copy attest JAMES THOMPSON Town Clerk
Sudbury Sept^r 21^st 1779" — *Ibid.*, *p.* 90½.

Besides instructing their representatives, as above, a committee of the inhabitants, chosen for the purpose, presented the following protest against the proposed division of the town: —

"State of the Massachusetts Bay } To the honorable the Council & the honorable the house of Representatives of said State in General Court assembled at Boston, Dec^r 1779

Ezekiel How, Thomas Plympton & William Rice jun^r (a Committee from the Town of Sudbury, & specially impowered by said Town for the Purpose,) most respectfully shew,

That it is with the greatest Regret & Concern that a Major Part of the Inhabitants of said Town understand that a Bill hath been brought foward in the General Court for the dividing of said Town & making two seperate Corporations of the same: They therefore beg leave in behalf of said Town to submit the following Reasons against said Bill passing into a Law, to your Honors Consideration —

First. A Major Part of the Inhabitants are greatly averse to the proposed Separation.

Secondly. That they humbly conceive that the splitting of Towns Rarely conduces to the public Interest at any Period; but at this particular Time, the multiplying Towns may operate greatly to the public Detriment, bacause a Constitution of civil Government for this State is not yet compleated.

But should the honorable Assembly, still think proper to sustain the Bill, they beg leave to object to its passing in its present Form, for these Reasons; Said Bill proposes that the intended Westerly Town, shall support one half of the great Causeways & Bridges on the Easterly Part of the present Town, notwithstanding, should the Division take place, the Westerly Town will be saddled with nearly double the Expence of necessary Highway Repairs, which the Easterly Town will be subject to; In addition to which according to the Division Line run by said Bill, all the Gravel which is appropriated for the Repair of s^d Causeway by the present Town, will lie within the Easterly Town, & consequently they be intitled to the exclusive Privilege of using it: That by said proposed Division, all the One only excepted Poor belonging to the present Town will be thrown for Support on the Westerly Town only: That the proposed Line will cut off a large training Field from the Westerly Town; which was specially appropriated by the original Donors to the Benefit of the West Parish of the now single Town; That a Number of Inhabitants will be greatly injured as Individuals, should the proposed Line of Division take place, all which can be made sufficiently to appear; For these & other Reasons which can be offered, your Petitioners, in behalf of said Town of Sudbury, pray that no Division of said Town, untill a new Constitution shall be adopted, may be made; And if this cannot be conceded to, at least that said Bill may be recommitted & said Town by their Agents be farther heard respecting the Premisses.

And your Petitioners as in Duty bound shall ever pray.

EZEKIEL HOW
THO^S PLYMPTON
WILLIAM RICE JU^R } Committee." — *Ibid.*, *vol.* 186, *p.* 16.

The following additional remonstrance was presented at the same session: —

"State of the Massachusetts Bay }

To the honorable the Council & the honorable the House of Representatives in General Court assembled at Boston December, 1779 —

Caleb Wheeler, Robert Eames, Isaac Hunt jun^r, Sam^l Hunt & Moses Stone humbly shew,

That they are Inhabitants of the Town of Sudbury, & having heard that a Bill is now pending before the Honorable Assembly to make a Division of said Town & erect the same into distinct Corporations beg leave to submit the following Reasons against said Bill being passed into a Law, to your Honors wise Consideration.

That by the Division Line laid down in said Bill the House & farm of your Petitioner Caleb Wheeler is set off to the Easterly Town, whereas they lay on the Westerly Side of the River, Whereby should such easterly Town be incorporated, your Petitioner will loose the privilege, in a great Measure of the Town School, & be otherwise subjected to great Disadvantages.

That by the Division Line pointed out by said Bill, the Houses & Farms of your other Petitioners Robert Eames, Isaac Hunt jun^r, Sam^l. Hunt, & Moses Stone are each placed in two Divisions, the Houses will lie in the West Town, & the greatest part of the Farms each own, in the East Town, by Means of which their Estates will be lessened in their Value, & they, otherwise, subjected to great Inconveniences.

They therefore pray, that said Bill may not pass into a Law: But if your Honors should think any Bill of the like nature expedient, they pray that they may be heard previous to a Law being passed, as they presume they can satisfy your Honors, that a Division Line may be run without Injury to your Petitioners, & at the same Time without any Disadvantage to the proposed Easterly Town. And your Petitioner as in Duty bound shall ever pray

CALEB WHELER
ROB^T EMES
ISAAC HUNT JU^R
SAMUEL HUNT
MOSES STONE."—*Mass. Files: House, no.* 430.

The date of the presentation of the foregoing remonstrances has not been ascertained, for want of a copy of the House Journal between December, 1779, and April, 1780. For the same reason the date of the following report is unknown; but it is supposed to have been made within the above period; probably about March 23, 1780, when the bill appears, by a memorandum endorsed thereon, to have been recommitted. A memorandum on the original report denotes that it was accepted: —

"The Committee To whom was refer'd the petition of the Com^tee on behalf of the Town Sudbury and also the petition of Caleb Wheeler and others Inhabitants of s^d Sudbury praying that the bill now pending before the Hon^ble Assembly for dividing said Town may not pass into a Law or att least that said Bill may be recommitted & that they by their Agents be further heard respecting the premes —

Your Committe have attended that Service & having fully heard the parties on their Sevaral petitions & duly Considered the Same beg leave to report, That the principle grievances Complaind of by the Com^tee of Sudbury is remedied in the Bill for dividing said Town, & that said Town of Sudbury in its present Scituation is Subjected to very great disadvantages, which renders it necessary that it should be divided, which in the Opinion of your Com^tee will Conduce to the Interest of both Eastern & Western part and that no other Line Can be drawn that will do Equall Justice to Each party better than the Line agreed upon by the Com^tee who reported the division, and that the bill pass in all Respects as though it had not been referr'd to this present Session." — *Ibid.*

In a petition to the General Court, dated March 6, 1780, one hundred and sixteen of the inhabitants of the easterly part of the town represented that sundry inhabitants of the town had voted that the town pay £300 to defray the expenses of a committee chosen by them to appear at the third session of the Legislature, to oppose the division recommended by the legislative committee; that the meeting for this purpose had been warned by the selectmen, by posting a notice at the door of the meeting-house, on Sunday, the fifth of December, and that the meeting was held on the sixth, and adjourned to the seventh, when the further sum of £300 was voted for the same purpose; and that an assessment had been ordered for collecting these sums from the inhabitants. The petitioners objecting to the legality and equity of these transactions (most of them having received no notice of the meeting), prayed the General Court to take these proceedings of the town into their consideration, "and grant them some relief from such an unlawful tax, as they in their great wisdom and wonted goodness shall think best."

The bill of this chapter was taken up, in the House, March 23, 1780, and committed to Messrs. Brown of Framingham, Perry and Gerrish, and on the 6th of April, having been read three times, it was passed in concurrence, to be engrossed, with four amendments; one, substituting "eighty" for "seventy-nine," in the heading, and another inserting the preamble as it stands in the act, for the following form, reported in the bill: "Whereas the inhabitants of the easterly part of the town of Sudbury, in the county of Middlesex, have represented to this court that they labour under many difficulties in their present situation, for the remedying of which they earnestly request they may be incorporated into a separate town by the name of East Sudbury;" still another, adding the last sentence in the second section; and the last, adding the third section to the act. The bill was then sent up to the Council, for concurrence, where a vote of concurrence was passed on the next day, and on the tenth, it was passed to be enacted. It was signed by fifteen of the Council.

The following petition sufficiently explains the origin and purpose of the resolve* which it precedes: —

"State of Massachusetts Bay

To the Hon^e Council & Hon^le House of Representatives in Gen^l Court Assembled.

The Petetion of Jonathan Rice Humbly sheweth —

That the Great and General Court of this State did in their Session in April 1780 — Incorporate into a separate Town: a part of the Town of Sudbury, by the name of East Sudbury: & in the Act for Incorporating said Town of East Sudbury it was provided; that they the Inhabitants of East Sudbury aforesaid, should be held to pay their proportion of all the Taxes Granted or that should be Granted to be Assessed on the Inhabitants of the Town of Sudbury: during their then Session.

But no provision being made in said Act to impower the State Treasurer to direct his warrants to the Constables or Collectors of East Sudbury to Collect any part of the Taxes aforesaid. —

Your Petetioner therefore humbly prays you Honors to take the matter into your wise consideration and pass such order thereon, as shall remove the difficulty Suggested in the foregoing petetion. —

Your Petetioner further begs leave to suggest to your Honors, the propriety of directing the Treasu^r to stay his Executions against the Collectors of East Sudbury for their part of the Taxes aforesaid for a short time – and your Petetioner in Duty bound will pray –

JONA. RICE

Septem 20th 1780." — *Mass. Archives, vol.* 229, *p.* 172

"State of Massachusetts Bay In House of Representatives September 25 1780 —

On the Petetion of Jonathan Rice Praying that the State Treasuerer may be impowerd to direct his warrants to the Collectors of East Sudbury for reasons set forth in said Petetion, therefore Resolved that the Hon^ble Henry Gardner Esq^r be and he hereby is Impowered and directed to issue his warrant or warrants to the Constable or Constables, Collector or Collectors of East Sudbury to collect and pay into the Publick Treasury of this State all the Taxes committed to them to collect or that shall be committed to them to Collect in consequence of the Town of East Sudbury being formerly a part of the Town of

*Printed resolves, chapter LX.

Sudbury any Law or Resolve of this State to the Contrary notwithstanding and the Treasurer is hereby directed to Stay Execution against the Constable or Constables Colector or Colectors of the Said Town of East Sudbury for th Taxes aforesaid untill the Twentyeth day of October Next Sent up for Concurrence JOHN HANCOCK Spkr
In Council Sept. 25'. 1780 Read & Concurred JOHN AVERY D Secy —
Consented to" — [Signed by fifteen of the Council].— *Ibid.*, *p.* 171.

Chap. 35. The town records of Mendon show that as early as May, 1739, John Jones and others presented a petition, to the inhabitants, in town meeting, asking to be set off "a particular town, by themselves." The inhabitants refused to grant the prayer of this petition, and confirmed this refusal by a second vote at the same meeting,— the former vote having been doubted. The particular reasons for this request have not been ascertained; but it appears that within two years after the presentation of this petition, certain difficulties between the Rev. Mr. Dorr, the minister of Mendon, and members of his church and congregation, had resulted in the calling of an ecclesiastical council which had pronounced against the minister, and that, in the town meeting on the second day of March, 1740-41, Mr. Dorr had succeeded in procuring the passage of votes expressing confidence in him, and agreeing to choose a committee of three persons to unite with another committee, to be chosen by such members of his church as adhered to him, in calling another council. Against these votes, as also a vote to adjourn to the 16th, a respectable minority had protested; notwithstanding which, the adjourned meeting was held, and a committee chosen, upon the motion of Mr. Dorr.

The subject of the above controversy was brought to the attention of the next Assembly, in its first session; and on the 16th of July, 1741, the following order was passed in the House: —

"A Petition of Thomas Tenney & a great number of others Inhabitants of Mendon; Setting forth the Controversies they have had and still have with their Minister Mr. Joseph Dorr, upon which they have had the advice of an Ecclesiastical Council, which the said Mr. Dorr refuses to comply with or to do any thing to give the Petitioners a reasonable satisfaction; and therefore Praying that they may be set off as a separate Precinct or otherwise relieved in the premisses.

In the House of Representvs Read and Ordered that the Petitioners serve one or more of the Select men of the town of Mendon with a Copy of this Petition that they shew cause if any they have on Tuesday the Twenty Eighth day of July currant why the prayer thereof should not be granted.

In Council; Read and Concur'd Consented to J: BELCHER." — *Council Records, vol. XVII., book* 3, *p.* 15.

The petition was read again July 29th, together with the answer of Samuel Morse and others, agents of the town of Mendon, and immediately referred to a joint committee, consisting of the Speaker and six members of the House, and five members of the Council. This answer has not been found in the archives; but the committee was charged "to hear the parties forthwith, and report thereon."

On the last day of the session (Aug. 8th) the report of the above committee was read and accepted in the Council; but the House nonconcurred, and passed an order "that the report be referred till the fall sessions, for further consideration." With this vote, the Council, in turn, nonconcurred, and voted to adhere to their own vote; whereupon the House again voted a nonconcurrence.

During the third session, the town voted (Sept. 22nd) its consent that the territory east of Mill River "be set off, as a separate town, but that they would not allow the new town any portion of the ministry or school land, or of the money accruing from the sale of any part of the same." *

Upon this action by the town, the following petitions were presented and considered in the House, early in the November session: —

"To his Excellency William Shirley Esqr. Capt. General & Governr. in chief in and Over his Majesties province of the Massachusetts Bay &c And to the Honble the Council & the House of Representatives of Sd. province in General Court or Assembly, this 25th of November 1741–

The Petition of Sundrey Inhabitants of the Town of Mendon in sd. province, hereunto Subscribing

Humbly Sheweth

That the said Town of Mendon in Answer to a petition of Sundrey Inhabitants on the Easterly Side of Mill River in sd. Town, did at their Meeting On Septr the 22 1741 Vote their consent That the Lands in sd. Township lying on the Easterly Side of Mill river to the Country Road by Sheffields Mill then bounding on said Road to Bellingham & Bounding on Bellingham Holliston & Hopkinton with All the Lands & Inhabitants who dwell On those lands within said lines be a distinct & Separate Township

That the Lands Set off by the Town as aforesd. with the polls & Estates rateable to the Support of the Ministry & being within sd. Boundaries Are not (A[s your †] petitioners Conceiue) more than about One Third part of Said Town considered [as by the †] polls or Estates

That there are fiue families on the Westerly Side of [said Mill †] River Who Choose to Congregate with your petitioners & to be laid to them whose lands also, At least some of them will be much Incomoded by remaining to the Old Town, which families if Added to your petitioners will as yor petitioners hope render their charge of maintaining the Gospel feasible

Yor. petitioners Are Nevertheless humbly of Opinion That it would be more Conducive

* Metcalf's Annals of the Town of Mendon, p. 240. † Manuscript mutilated.

to the peace & welfare of the whole That yor petitioners & Others living within the Bounds As Aforesd with the Addition of those few families be Enacted a Separate precinct, rather than A Separate Township And That it would Yet more So, if the Ministry of both the Churches & Congregations in Said Town may be Supported by a joint Stock, & every one Attend the public Ministry that is most convenient & Agreeable

Yor Petitioners humbly Pray Your Excellency & this Honble Court That the Inhabitants of Mendon dwelling on the Easterly Side of Mill River & Adjoining as aforesd to Bellingham Holliston & Hopkinton with their lands in Said Township Together with Other lands on the Westerly side of Sd River up to a Road called the Eight Rod Road & Including Nathan Tylers House & Lands up to Upton Line may be Enacted a Separate Town, Or a Separate precinct, Or That the publick Ministry of both the Churches & Congregations in the Town of Mendon be Supported by a Tax or Assessment upon the whole Town As Yor Excellency & Hons Shall Judge most Meet & Convenient

And your Petitioners Shall Ever Pray &c"— [Signed by John Jones and thirty others.]

And Wee whose names are hereunder Written (being the Owners of the Lands of the fine families abouenamed) humbly pray that Wee with Our Lands may be Annexed to the New Town or precinct, Unless the Ministry be jointly Supported

NATHAN TYLER
JOHN THWING
THOMAS WHITE."— *Mass. Archives*, *vol.* 12, *p.* 195.

On the 27th of November, an order was passed on the above petition, that the prayer thereof be so far granted as that the petitioners *be allowed to bring in a bill for a township, agreeable to the vote of the town of Mendon, at their meeting September 22, 1741.* This order was sent, the next day, to the Council, where a vote was passed concurring therein, with an amendment, substituting the following words for the words printed in Italics, in the order: —

"with their Families & Estates be erected into a separate precinct according to the Bounds contained in the Vote of the Town of Mendon pass'd the 22d of Sept. last, And that the Inhabitants be invested with the powers & privileges of the Inhabitants of other precincts within this Province."— *Ibid.*, *p.* 197.

The House refused to concur in the proposed amendment and insisted upon their own vote, whereupon, on the 30th, the Council voted a nonconcurrence. On the 4th of December, the subject was again brought up by a message from the House, requesting the Council to reconsider their last vote, which they accordingly did; but, upon another vote, they refused to concur with the vote of the House, and voted to adhere to their amendment.

The House now ordered the petitioners to notify the town of Mendon to appear on the 16th, if the court should be then in session, or, if not, on the first Thursday of the next session, to show cause "why the prayer thereof should not be granted with respect to their being made a precinct." No record of a hearing on the 16th, has been found; but a memorandum upon the petition shows that the House then voted to nonconcur in the above last vote of the Council.

No further action on the above petition than has been already described, appears of record in the journals of the House. The following vote upon that petition, however, preceded by a brief statement of the prayer thereof, appears in the legislative records of the Council; and both the petition and vote are here printed from the originals remaining in the state archives: —

"In the House of Repves Decr 22d 1741 —

Read again together with the answer of the Town of Mendon and thereupon

Voted that the Prayer of the Peta be so far granted as that the Inhabitants of Mendon with their Estates lying on the Easterly side of Mill River and bounded by said river Bellingham Hopkinton and Holliston including the Familys with the Estates on the West side of sd river to the eight Rod Road as expressed and described in the Peta together with Nathan Tyler and his lands, Samuel Rawson Danl Lovel Willm Hayward Thomas White Danl White William Hovey Josiah Adams Benja Green Saml Green and Ebenr Albee with their Estates in the old or standing part of said Town, or so many of them as shall Joyn with the Petrs in building a meeting House and settling a minister be and hereby are erected into a distinct and seperate Precinct, and that the Inhabitants thereof be invested with the same Powers and Priviledges as other Precincts do enjoy.

Saving nevertheless that Jonathan Hayward John Green Obadiah Wheelock James Allbee Joseph Corbit Thomas Beard Benjamin Allbee James Allbee Junr John Kilburn John Green Junr Ebenr Wheelock Willm Sprague Joseph Rockwood Jonathan Haywood John Haywood Willm Sprague Junr and John White living within the abovemention'd Bounds or so many of them as shall desire it, together with their Estates may continue to the standing part of said Town so long as they attend the publick Worship there in a Stated way and no longer. Provided that the said Inhabitants so set off shall within the space of two Years from this time Erect a convenient Meeting House and Settle a Learned and Orthodox Minister for the publick Worship of God.

Sent up for concurrence
In Council Decr 23, 1741. Read & Concur'd — J HOBSON Spkr
Consented to — J WILLARD Secry
W SHIRLEY." — *Ibid.*

On the 8th of June, 1742, the petition of John Holbrook and others, of the town of Bellingham, and James Albee and others, of Mendon, praying that a certain part of the latter town be set off to Bellingham, was read, and after notice thereon to the town of Mendon, returnable on the first Friday of the next session, and upon consideration of the answer of a committee of the town of Bellingham the petition was dismissed on the third of September.

The petitioners, in this instance, alleged "that, by reason of the great number of sectaries in Bellingham, the remaining part are not able to support a gospel minister, and that the petitioners of Mendon are commodiously situated for Bellingham."

The above appears to have been the only attempt to change the territorial condition of the precinct as established in 1741, save that, on the 10th of August, 1744, the following vote was passed, upon the petition of the inhabitants of the precinct, "shewing the difficulties they meet with by reason of the uncertainty of their bounds, as described by the order of the Court, and praying that their bounds may be more plainly described, and that they may be impowered to lay a tax on the unimproved lands belonging to non-residents, for the charge of building a meeting-house and settling and supporting a minister in the said precinct:" —

"In the House of Representᵗʸᵉˢ; Read & forasmuch as in the Vote of the General Court constituting them a Precinct, the Southerly Bounds thereof were not described: Therefore

Voted that the Southerly Bounds of said Precinct be the Country Road from Bellingham Line, to Sheffields Mill to the Eight Rod Road (so called) which is agreable to the Vote of the Town of Mendon, pass'd September 22. 1741." — *Council Records, vol. XVII., book* 4, *p.* 471.

Upon the second prayer of the petition, the Legislature ordered notice to the proprietors of unimproved lands in the precinct, returnable on the first Wednesday of the next session. At the time appointed, although the record shows no direct action upon this petition, another petition was read in the House, and notice thereof ordered to be served on the town of Mendon. This petition was by William Sheffield, John Sprague and Nehemiah Nelson, all of Mendon, "shewing their dissatisfaction at their being rated to the support of the ministry in the new precinct in said town, — the meeting-house being placed at such a distance from them that they can have no benefit by it; and therefore praying that they and their estates may yet remain in the old precinct, and the tax aforesaid taken off from them." To this petition the town made answer, and, on the first of December, the petition was ordered to be dismissed. Neither of the above petitions, read, respectively, in August and October, has been found in the state archives.

The proceedings which resulted in the enactment of the present chapter, began with a vote of the inhabitants of the town of Mendon, at a town meeting held, March 15, 1779, by adjournment from the first day of the month, on the question whether or not "the town will vote off the easterly precinct in said town, to be a separate town, agreeable to the tenth article in the warrant?" — which was answered in the affirmative, by a vote of sixty-seven to sixty, taken on a division of the polls. On the 12th of April, at a meeting duly warned, the town chose a committee of three, to confer with a committee of the easterly precinct, "to see how, and in what manner, said precinct shall be set off as a town." On the third day of May, the two committees submitted the following reports; whereupon it was "Voted, that the boundary line between the town of Mendon and the easterly precinct, when set off into a separate town, be the middle of the Eight-rod Road (so called), to Upton line:" —

"Mendon 3ʳᵈ May 1779 we the Subscribers being a Committee Chosen by the Town of sᵈ Mendon at their last Town meeting to meet a Committee of the Second Precinct of sᵈ Mendon to Consult and agree with sᵈ Committee on Such Conditions and articles as would be proper for said Town and said Precinct to Come into — in Case said Precinct Should be Set off by the General Court (of this State) into a Distinct Town — and to make report of our doings at the then Next meeting of said Town for the Choise of a Represᵛᵉ we having attended sᵈ Service with the Committee of the Second Precinct Chosen for that purpose and have agreed upon the following Articles (viz)

Artᵗ 1ˢᵗ that the Meadow or Land Usually flowed by the Mill-Pond formerly Occupied by Lᵗ Wᵐ Sheffield on the North Side of the Country Road belonging to said Town Shall Still remain and Continue the property of the sᵈ Town of Mendons although sᵈ 2ⁿᵈ Precinct should become a Seperate Town and in Case said Town of Mendon should have occasion to Eject Jeremiah Kilby the present occupier of said Pond or any other Person or Persons who may hereafter occupy sᵈ Land from the possession of sᵈ premises by reason that he or they shall not keep a good Grist-Mill in repair at or near the premises agreable to the Original agreement between said Town and Mattathas Puffer and David How

Then the sᵈ 2ⁿᵈ precinct altho' they shall become a seperate Town shall have the three Eighth parts of what sᵈ Town of Mendon Shall recover; they the said second Precinct paying the three Eighths parts of the Cost and Charge that may arise in recovering the same

Artᵗ 2ⁿᵈ agreed that the sᵈ Second Precinct draw their Equal proportion of the School Money according to the Valuation of sᵈ Town also one Third part of the Ministry Money belonging to said Town also their Equal proportion of the said Towns Stock of Arms & Ammintion —

3ʳᵈ agreed that the sᵈ Second Precinct take their Equal proportion of the poor Maintainᵈ by the Town according to the Tax sᵈ second Precinct pay — and also if after sᵈ 2ⁿᵈ Precinct is set off as a Seperate Town there shall be any poor Sent to this Town from proper authority to be maintainᵈ by this Town and it shall appear that the persons so brought were the usual or origenal Inhabitants of the sᵈ second Precinct then the said 2ⁿᵈ Precinct shall receive and maintain them as their Poor.

4ᵗʸ that the sᵈ 2ⁿᵈ Precinct pay their equal proportion of all the Charges that have or Shall arise within the Town of Mendon prior to their being Incorporated as a seperate Town of what ever Name or Nature.

5ᵗʰˡʸ that if there appear to be a surplussage of Money over and above paying all the Towns Cost & Charge when they the sᵈ second Precinct shall be Come a seperate Town

then the said 2nd precinct to Draw their Equal proportion according to their Valuation — all which Submitted to sd Town —

JOHN TYLER
PETER PENNIMAN } Committee of the Town
AARON EVERETT } of Mendon."— *Mass. Files: Bills*, 1780.

"We the subscribers, being a Committee chosen by the 2nd. Precinct in Mendon to meet the Committee chosen by the Town of Mendon to consult and agree with said Committee on such condition and Articles as would be proper for said Town and Precinct to come into in case said Precinct should be set off, by the General Court of this State into a distinct town, we have this day attended said service with said Committee and have agreed upon all the foregoing Articles, and in case the said Town of Mendon should accept the foregoing Report, we, in behalf of the said 2nd. Precinct ingage that all the foregoing Articles shall be punctually fulfilled on said 2nd. Precinct's part after they shall be set off as a Town.

JONATHAN JONES } Committee of
SETH NELSON } the Second
ICHABOD THAYER, JR. } Precinct of Mendon.

Mendon May 3, 1779." — *Metcalf's Annals of the Town of Mendon, p.* 381.

On the 19th of the same month,* the above report was accepted by the inhabitants, in a town meeting, and at the same time it was voted to settle the boundary between the two towns agreeably to the vote of the inhabitants at the previous town meeting.

During the first session of the next Assembly no movement appears to have been made to secure a confirmation of the division thus mutually agreed upon between the two towns; but in the second session the following petition was read, in the House, September 15th, and referred to Messrs. Farley, Perry and Thurston: —

"State of Massachusetts-Bay

To the Honourable Council and House of Representatives in General Court Assembled at Boston September 8th 1779

The Inhabitants of the Easterly Precinct in Mendon, in the County of Worcester, in said State, Humbly shew, that they your Honour's Petitioners have been set off from the Town of Mendon as a Precinct, between Thirty and Forty Years — that your Petitioners are humbly of Opinion that if they were set off as a seperate Town from the Town of Mendon it might be for the Advantage of both Parts of said Town; as it's Extent as it now lieth is large, and many People have Six or Seven Miles to go to attend Town Meetings, which Meetings of late Years by the Difficulties of the Times are become more frequent and cannot be avoided — that if said Town was divided it would bring Publick Business into much less Compass — that your Petitioners have made Application to said Town to see if they would Consent and Agree that the said Inhabitants of said Precinct, consisting of more than One Hundred Families, with all the Lands belonging to said Town lying on the Northwardly side of the Country Road and on the Eastwardly side of the Road called the Eight Rod Road should be set off from the Town of Mendon as a seperate Town; which Request the said Town has granted and agreed to, together with our proportionable Part of the Ministry and School Money, and Town stock of Arms and Ammunition belonging to said Town, and also your Petitioner's proportionable Part of the Poor belonging to said Town which are now a Town Charge; to all which the Two Parts of the said Town have agreed, as by Records doth appear.

We your Petitioners therefore pray that your Honours would take this our Request and humble Petition under your wise Consideration, & set off the Inhabitants of Said Precinct into a seperate Town, by the Name of - - - to the Bounds as hereafter mentioned; Namely; Begining at the Southeasterly Corner at a Heap of Stones in Bellingham Line on the North side of the Country Road by said Road; then running Westwardly and bounding Southwardly by said Road untill it comes to a Road called the Eight Rod Road (now reduced by said Town to a Four Rod Road) lying at a Place called the Neck; then running Northwardly and bounding Westwardly by said Road as it is now stated by said Town, untill it comes to Upton Line, (each Town to maintain the one Half of said Roads;) then bounding Northwardly by Upton Line to Hopkinton Line; thense on Hopkinton Line to Holliston Line; thense on Holliston Line to Bellingham Line; thense on Bellingham Line to the first mentioned Bounds — And that all Proprietors of the common and undevided Lands in the former Township of Mendon, enjoy and hold their Rights as formerly - &c - As in Duty bound shall ever pray,

Mendon Sepr. 1st 1779. GARSHOM NELSON } Committee
JONATHAN JONES } of said
ICHABOD THAYER JR } Precinct."—*Mass. Files: Bills*, 1780.

The committee above named reported, verbally, on the 18th, that the prayer of the petitioners be granted and that they have leave to bring in a bill accordingly.

The bill of this chapter was read a first time, in the House, on the first of October, in the forenoon, and it had its second reading in the afternoon of the same day, and, on the 4th, was read a third time, passed to be engrossed, and sent up for concurrence. In the Council it was read, first, on the 4th, when the second reading was ordered to be referred to the next sitting of the General Court. On the 8th of April, 1780, the bill was read a second time, in the Council, and passed, in concurrence, to be engrossed, with an amendment substituting the passage in the third line of the preamble, which ends with the word

*Metcalf, in his Annals of Mendon, makes no mention of this meeting; but contemporary copies of proceedings at that meeting, from the town records, duly attested by the town clerk, are on file in the secretary's office.

"Worcester," for the following, as reported in the bill: "Whereas the inhabitants of the easterly precinct in the town of Mendon, in the county of Worcester, have represented to this Court that they". This amendment was concurred in by the House, on the same day; and on the 11th, the bill was passed to be enacted, and was signed by fifteen of the Council.

While the bill was pending, the following certificate was filed in aid of the petition: —

"This may Certify that the Number of Voters in the Second Presinct in Mendon (qualified by Law to Vote in town-meeting) is one hundred And fifty two

ADAMS CHAPIN } Assessor of the Second Presinct in Mendon

Mendon March y^e^ 14^th^ 1780."— *Ibid.*

Chap. 36. The preamble of the following resolve* sufficiently explains its origin and purpose: —

"State of Massachusets Bay In the House of Representatives Sept^r^ 21^st^ 1779

Whereas great disorders have arisen in the Town of Boston by British Prisoners being suffered to go at large in said Town —

Resolved That the Committee of Correspondence of the Town of Boston be & they are hereby directed forthwith to apprehend all British Prisoners now going at large in said Town, & deliver them to the Commissary of Prisoners of this State, who is directed to Confine them on board the *A Guard* Ships in this Harbour till the further orders of B *this Court*, and s^d^ Committee are also directed to take up all other suspected Persons & Carry them before some Civil Magistrate, who is directed to Examine them, & if they are not able to give a good acco^t^ of themselves to Committ them to Goal till the further orders of this Court, or of the Hon^ble^ Council in the recess of the Same

Sent up for Concurrence JOHN HANCOCK Spk^r^

In Council Sept^r^ 21.' 1779 Read & Concurred with Amendments at A & at B

Sent down for Concurrence JOHN AVERY D Sec^y^ —

at A dele Guard & insert Prison

at B dele *this Court* and insert *the Council*

In the House of Representatives Sept 21. 1779

Read & Concurr^d^ JOHN HANCOCK Spk^r^

Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 224, *p.* 49.

Before the foregoing resolve had been passed, a committee of the House, consisting of Messrs. Tudor, Davis of Boston, Wales, Walley and Washburn, had been appointed† "to enquire into the state of the Continental and state prison-ships, in the harbor of Boston; also by what means so many prisoners have made their escape; and report what measures are necessary to be adopted for the more effectual securing the prisoners brought into this state." The report of this committee was read in the House, September 27th, and the next day was specially assigned for the consideration thereof, when a debate ensued which was adjourned to the 29th. On the 5th of October, the debate on this report was resumed, and the report was ordered to be recommitted, for amendment. On the 6th, the committee again reported, and their report was accepted, and the vote of acceptance sent up for concurrence. The resolve came back, the same day, for concurrence in a vote thereon referring the subject-matter of the resolve "to the next sitting of the General Assembly." In this, the House refused to concur; whereupon a committee of conference was proposed, in a vote of the House which was nonconcurred in, on being sent up to the Council. No further trace of this report, or of any action upon it has been discovered.

Just before the close of the third session of the General Court, Congress passed the following resolves: —

"Many inconveniences attending the present management of prisoners of war, and great dissatisfaction having arisen from the mode of exchanging them heretofore used from the partialities inevitably attending the same, while conducted under various directions by divers commissaries independent of each other; and sufficient provision not being made for their security, in many cases frequently occuring:

Resolved, That all prisoners of war, whether captivated by the army or navy of the United States or by the subjects, troops or ships of any particular state, shall be delivered into the care and custody of the commissary general of prisoners, his deputies or assistants, and be deemed and treated in all respects as prisoners of war to the United States:

That it be earnestly recommended to the governments of the respective States, that they make no exchanges of prisoners, to the intent, that all exchanges may be made through the commissary general of prisoners, by direction of Congress or the commander in chief, or board of admiralty; and when prisoners are taken by the particular subjects, troops or vessels of any state, not in the service of the United States, or by private ships or vessels of war fitted out in any particular state, these shall be first exchanged, so far as is necessary, for the subjects or inhabitants of the same state, taken by the subjects, adherents, ships or vessels of the enemy; and the overplus, if any, shall go towards redeeming the prisoners in the hands of the enemy, without regard to their being subjects or inhabitants of any particular state:

That all masters or commanders of private ships or vessels of war, shall take the utmost care to bring into port all prisoners captivated by them. And if from necessity they shall be obliged to dismiss any prisoners at sea, they shall, on return from their cruize, make report thereof, on oath, to the judge of the admiralty of the state to which they belong, or in which they arrive, within twenty days after their arrival, with their reasons for such dismission. And if the judge shall not be satisfied with the reasons assigned, or

*Printed resolves, chapter LVI. †Sept. 13, 1779.

if it shall appear that the prisoners were discharged to avoid the trouble or expence of bringing them into port, and delivering them into custody, or in any wise unnecessarily, then the judge shall transmit an account thereof to the executive of the state, who are requested to examine into the matter, and vacate the commission granted to the said delinquent master or commander of the ship or vessel, if they are of opinion that such dismission was improper:

That all prisoners of war captivated by private ships or vessels of war, be delivered by and at the expence of the masters or owners of such ships or vessels, to a commissary of prisoners nearest the place of their landing, or into the nearest county goal, on pain of forfeiture of the commission granted to such private ship or vessel:

That on such delivery of the prisoners into the goal, the goaler shall be obliged to inform the government of the state wherein the said prisoners are landed: or in case of their residence at too great a distance, the lieutenant or commanding officer of the militia of the county wherein such prisoners are landed, the commissary general of prisoners or his deputy, that if the said prisoners are not deemed by the executive of the state, or the said commanding officer of the militia, to be in a place of sufficient security, they may be removed under proper guards to a place or places of greater safety, at the expence of the United States. And the executive powers of the respective states are requested to give the necessary orders to the commanding officers of militia on this subject, and to pay the expences of escorting and transporting the prisoners, charging the same to the United States. The said executives are also requested to give orders to the officers of their militia, to take immediate charge of all prisoners of war captivated by the ships and vessels of war, belonging to the United States or to any particular state, and to convey them at the expence of the United States, to the nearest commissary of prisoners, or to the county goal; and also direct the like steps to be taken in regard to their removal to places of greater safety, as is provided in the case of prisoners captured by private vessels:

That it be recommended to the legislatures of the respective states, effectually to provide, at the expence of the United States, for the delivery and safe keeping of all prisoners captivated by their respective subjects, out of vessels stranded or cast on shore on their coasts, obliging the parties taking prisoners, to deliver them to the nearest commissary of prisoners or into the nearest jail, in case no commissary of prisoners is stationed within convenient distance of the place of capture; and in case of neglect or misconduct in the persons so taking the prisoners, that they forfeit all right to the vessel, her tackle, apparel and furniture so cast on shore, or the property they may save, or be otherwise entitled to out of such vessel; or imposing such other penalty as the said legislatures shall respectively think proper.

That it be recommended to the said legislatures to provide and direct, that all jailers receive and deliver prisoners of war, without charging any fee or reward to the persons delivering them into or taking them by proper authority out of their custody. The reasonable expences of supporting such prisoners in jail, to be paid by the government of the state wherein they shall be confined, and charged to the United States, except where they can and shall be otherwise provided for by the proper officer in the service of the United States. And the jailer shall transmit a copy of his charges against the United States, for account of prisoners of war, to the commissary general of prisoners, or his nearest deputy, when any prisoners leave the jail, either for removal to places of greater security or for exchange:

That prisoners of war either on their march or in confinement, be furnished with only two thirds of a soldier's ration:

That none but sick or wounded prisoners be allowed carriages at public expence:

That all prisoners on parole pay their own expences, and such expences shall be paid before they shall be exchanged:

That all officers, prisoners of war to the United States, unless in hospitals, pay their physicians, surgeons and attendants:

That the commissary general of prisoners and his deputies, make regular monthly returns to the board of war of the numbers, situation and exchanges of all prisoners under their charge, and that they also give the said board such occasional information, of all material transactions in their department, as circumstances from time to time render necessary, or when they shall be required by the board so to do, under pain of being suspended or dismissed by the said board:

That all exchanges of prisoners made in consequence of the foregoing resolutions, shall be soldier for soldier and sailor for sailor." — *Journals of Congress: Jan.* 13, 1780.

During the fourth session the subject of better providing for the management of prisoners of war was again taken up in the House, and, on the 21st of March, a joint committee was appointed, "to bring in a bill to repeal the law or laws heretofore made for securing prisoners of war brought into this state, and also to provide for the future care and government of said prisoners, agreeable to the" above resolves of Congress.

By entries in the minute-book of the legislative doings of the Council, it appears that the committee above mentioned did not report until the 28th, when the bill of this chapter was read a first time, in the Council. These entries are confirmed by memoranda endorsed on the bill, wherein, also, it appears that the bill was read a second time, on the first day of April, passed to be engrossed, and sent down for concurrence; and that, on the third of April, it had been read three times in the House, and there passed, in concurrence, to be engrossed. On the 12th of April, it was passed to be enacted, and was signed by fifteen of the Council.

Chap. 37. The increasing depreciation of the currency, which had led to the revision of the fee-bill, in chapters 1 and 23, respectively (by which the fees of public officers had

been, first increased eight-fold, and then sixteen-fold, within the space of six months), now obliged the Legislature to again double the amount of the last preceding rate; or, in other words, to multiply the old standard of fees by thirty-two, in order to give to officers whose fees were established by law, an amount equivalent to what they had received for like services before the currency had depreciated.

Owing to the loss of the journals of the House for the latter part of the third, and the beginning of the fourth, session, this year, the date of the first presentation, or report, of this chapter, to the House, has not been ascertained; but from the memoranda upon the original bill, it appears to have been read three times in the House, on the 10th of April, on which day it was there passed to be engrossed, and sent up to the Council, for concurrence. On the next day the Council passed it, in concurrence, to be engrossed; and on the 13th it was passed to be enacted, and was signed by fifteen of the Council.

Chap. 38. By the "General Court minute book," which was used in making up the legislative records of the Council, it appears that a resolve was passed, in concurrence, Dec. 28, 1779, ordering notice to be served on the inhabitants of the town of Sutton, to appear on the second Wednesday of the next sitting of the General Court, and show cause, etc., against the petition of John Adams and others, inhabitants of the easterly part of Sutton. It also appears that, on the 15th of March, 1780, this petition was read in the Council, and that a joint committee, consisting of Benjamin White of that Board, and Col. Hutchinson and Capt. Hunt, of the House, was then appointed, "to consider this petition and [the] answer thereto."

It may be assumed that the petition above referred to was similar to the petition which follows; but what further action was had upon it has not been ascertained; and even the resolve above mentioned does not appear among the printed resolves.

The following petition, accompanied by the copy of a vote of the town of Sutton, hereunder printed, was read in the House, April 18, 1780, and the prayer thereof granted, and Mr. Bacon was ordered to bring in a bill, accordingly: —

"To the Honourable the Council & Honr the House of Representatives of the State of the Massachusetts Bay in General Court Assembled —

The Petition of us the Subscribers (being Inhabitants & freeholders in the Town of Sutton & in the first Parrish in Said Sutton) Humbly Shueth that We Live five & Some Six Miles from the Meeting house in Sd parish & it Being a Very Rough & Rugged Road & thereby are utterly unable to Attend publick Worship With our families as We Should Be glad to doo & other Town duties and None of us Live More then one & half Mile from the Meeting house in Northbridge & We Can be Much Better Accommodated By Being Laid & annexed to the Town of Northbridge Both as to Attending on Publick Worship & other Town Duties Therefore We Pray that this Honourable Court Would Set us & our Lands & Eastates yt we now owne to be Laid & Annexed to the Town of Northbridge — And We further Shew that We have applied our Selves to the Town of Sutton to Be Sett off to the Town of Northbridge and tha haue complid with ouer request As Will appear by the Vote of of the Town of Sutton hereunto Annexed

As in Duty Bound Shall Euer Pray — JOHN ADAMS
Sutton April ye 11th 1780 — MICAH THAYER
STEPHEN GOLDTHWAIT
ABNER ADAMS
EZEKIEL GOLDTHWAIT." — *Mass. Files: Bills*, 1780.

"At a Leagal Town Meeting held at sutton April the 10th 1780 The Town voted of mr John Adams mr Micha Thayer Mr Stephen Goldthwait mr Ezekel Goldthwait Mr Abner Adams they and their Lands to be Anexed to Northbridge

A True Copy attest FOLLANSBE CHASE Town Cler." — *Ibid.*

On the same day, the bill of this chapter was read a first time, and on the 19th, it was read a second time and passed to be engrossed, and sent up to the Council, for concurrence, on which day, also, it was passed, in concurrence, to be engrossed, in the Council. It was passed to be enacted, on the 20th, and was signed by fifteen councillors.

Chap. 39. In the note to 1777-78, chapter 23,* for incorporating the town of Coxhall, certain resolves for suspending the operation of that act are mentioned. The following resolve of Oct. 1, 1778, and vote of acceptance of a report, June 5, 1779, are the resolves referred to; and below are given the petitions and other proceedings upon which these legislative votes were founded: —

"To the Honble the Council and the Honbl the House of Representatives of the State of Massachusetts Bay in general Assembly convened Humbly Shew

The Subscribers, who were chosen Select men & assessors for the town of *Sanford* for the year 1778. That a Tract of land of eight mile square formerly called Philipstown in the County of York was in the year 1768 Incorporated into a Town by the Name of Sanford. Soon after which a Valuation of the Estates Real and Personal of persons Resident therein was taken, and Taxes from the State and County have from that Time to this been laid upon them, and like assessments of men & other matters for Supporting the present War.

That your Petitioners have lately heard that a new Town has been lately erected, by the Name of *Coxhall*, which takes away a Considerable part of the Lands and Inhabitants from Sanford Viz a Slice of land Two miles & Three quarters of a mile one way & Six miles the other way.

That your Petitioners are apprehensive, The Incorporation of Coxhall, was done either,

* P. 847, *ante*.

thro' some misinformation, or not having proper knowledge of its, taking such a Slice from *Sanford* as to leave the Residue in an Irregular form. Your Petitioners are further Confirmed in this Supposition, as the Town of *Sanford* were not notified of this Incorporation until Since it was effected. and as your Petitioners have been informed (for they have not as yet Seen the Act Incorporating Coxhall). There is no Provision made respecting the paiment of Taxes already assessed.

Your Petitioners would further represent that one of the Select men & assessors, lives in that Part of the Town that is said to be Incorporated, by the Name of Coxhall: which renders the duty of Your Petitioners, doubtfull. For whether the Select man that lives in that part, called Coxhall has any Power to proceed in taking a Valuation, agreable to a late act of State, or to assist, the other two, in other Town Business: and if he has not whether the two that Remain, are legally authorized to proceed without him and they would further Suggest that a difficulty will arise of the same kind in assessing the State Tax, and whether any part of it can be now assessed upon those Inhabiting Coxhall. and whether Your Petitioners may not be involved in difficultys for the assesments already made for as they are not ascertained of the Time Coxhall was Incorporated, they may have assessed a Tax since that Time. Wherefore as there has been as yet no meeting Called of the *Coxhall* People under the new Incorporation they would Suggest for the Reasons before mentioned & such other as may naturally arise upon the Facts, the Inexpediency of diminishing the Town of *Sanford* of any of its few Inhabitants for the present, or at least to suspend the Operation of the s^d^ Incorporation of *Coxhall* so far as it lops in upon Sanford till a future Period. And give such explicit directions respecting the premises, that your Petitioners may be Enabled to do their duty without Danger or Distraction

MORGAN LEWIS } Select men
PHINEHAS THOMPSON } for Sanford
DANIEL GILE } for 1778

Sanford Aug^t^ 3^d^ 1778." — *Mass. Archives, vol. 222, p.* 479. *

"To the Honr^ble^ Council & house of Representetives } State of Masetusets Bay —
in General Assembly Convened —

Annexed to the Petition of the Select men of the town of Sanford August y^e^ *4^th^ 1778 —

We your Honours: Humble Subscribers being Apprehensive of Some Error or with submission, to say, some Rong Information in the Petitioners who by an ungenerous and secret Way as to us, have as we hear been Indulgd with the Incorpreating Coxhall in to a Town, which has been Acted Very Contrary to our wills and Grately to our Disadvantage and Injury: We therefore, Humbly & Unitedly beg that the aforemention'd Petition of our Select men and Assessers may be Answerd: and the Act for Incorpreating Coxhall may be Suspended: In token of our Desiers and in Evedence of our Approbation have hereunto Signed as freeholders and Inhabetanc —

Origenal setlers —		*Setlers on the two miles & three Qarters in Dispute*
JONATHAN JOHNSON	MOSES TEBETS	DANIEL EASTMAN
JOHN STANYAN	JAMES HARTWELL	JOSEPH THOMPSON
SAMVEL WILLARD	SIMEON COFFIN	JONATHAN NOWELL
EPHERAM LOW	THOMAS WILLIAMS	JAMES MCDUNEL
BENJ^A^ HARMON	HENRY SMITH	BENJ^A^ BARROWS
NAPHTALI HARMON	ARCH^D^ SMITH	ISRAEL HEBBERD
EDWARD HARMON	MOSES STEUENS	ISAAC COFFIN
JAMES GARE	DAVID STEVENS	CHAS SARGENT
WALTER POWERS	SAMUEL ROBERTS	EBENEZER BURSUL
ENOCH HALE	VOLINTINE STEVENS	JEREMIAH EASTMAN
JONATHAN JOHNSON JUN^R^	EBENEZER ROBERTS	DANIEL BASTOW." — *Ibid., p.* 482.
	JOHN THOMPSON	

The above petitions were read in Council, September 28th, and referred to a committee, consisting of Henry Gardner, of that Board, and Messrs. Metcalf and Tobey, of the House, who were ordered to take both petitions "into consideration, and report what may be proper to be done thereon." The following is the report of this committee, and the concurrent vote thereon: —

"The Com^tee^ of both Houses appointed to take into Consideration the Petition of the Selectmen of Sanford together with a Petition from a Number of the Inhabitants of Sanford aforsd annexed to the Petition of the s^d^ Selectmen having Considered the Same ask Leave To Report the following Resolution Viz

† Resolved that the act for incorporating the Plantation called Cox Hall in the County of York Into a Town by the Name of Cox Hall passed By the late General Assembly of this State be Suspended till the further Order of the s^d^ General Assembly and the Assessors of the Town of Sanford And other Town Officers of Sanford aforsd are herby Fully impowerd to do & transact all matters and Things as fully as if the Law afors^d^ had never Passed & it is further Resolved that the Petitioners Seasonably Notify the Inhabitants of Cox Hall afors^d^ by Serving them with attested Copies of said Petitions & of this Order that they shew Cause (if any they have on the Second thursday of the Next Session of the General Court why the Prayer of the afors^d^ Petitions should not be Granted the s^d^

* This figure is uncertain.

† Printed resolves, chapter LIV.

Town of Cox Hall to be served with Copies as aforsd at least thirty Day before the Time of hearing

Sepr 30th 1778

In Council Sept 30'. 1778 Read & Accepted

Sent down for Concurrence JNO AVERY Dr Secy

In the House of Representatives Oct: 1st 1778 Read & concurr'd

JOHN PICKERING Spkr

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 484.

On the first of December following the adoption of the above resolve, the inhabitants of Sanford, at a legal town meeting, appointed Joseph Simpson and David Sewall to be agents for the town, jointly and severally "to use their endeavor to procure a repeal of the act for incorporating Coxhall into a township, so far as it interferes with the town of Sanford, by representing the matter to the General Court in such way and manner as to them or either of them shall appear most eligible for obtaining the same."

Two sessions intervened between the date of the above order and the further consideration of the subject of this chapter in the General Court. In the mean time, the following petition was prepared, which was read in Council, June 3, 1779, and referred to a committee consisting of Oliver Prescott, of the Council, and Messrs. Cross and Bragdon, of the House, who were ordered to take into consideration the original petition of the selectmen of Sanford, together with the papers accompanying the same (including the petition given below), "hear the parties, and report what may be proper to be done thereon" : —

"State of Massachusetts Bay

To the Honble the Council and the Honble House of Representatives in General Court assembled.

The Subscribers Freeholders & Inhabitants of a Town newly Erected By the name of Cox Hall Cited to appear & shew Cause why the Prayer of the Petition of a number of the Inhabitants of Sanford should not be Granted,

Humbly shew,

That the Petition from Sanford appears to your Honours humble Petitioners very extraordinary and to be built upon very groundless assertions — they are pleased to say in sd Petition that they were 'not notified of the Incorporation of Cox Hall till after it was Effected' and that they 'are apprehensive it was done Either thro' some misinformation or the General Court's not having proper Knowledge of its taking a slice from Sanford.' To which your humble Petitioners would Reply that tho' the People of Sanford were not formally & legally notified of our Request to the General Court to be Erected into a Town in the form we now are, yet they could not be ignorant of it, as our Petition lay before the General Court four or five Years before it was granted and a Gentleman now one of the Selectmen of Sanford & that signed the Petition against said Incorporation was one of the Petitioners for the Incorporation. If it was of Importance that the General Court should have Known that Cox Hall as Petitioned for & Granted, took in a part of Sanford we are humbly of Opinion that it lay with those who tho't themselves injured by it to have given the General Court that Notice and have made their Objections against it, and also that they had sufficent Opportunity for doing it: and it appears to your humble Petitioners very unfair & ungenerous in them now to make a plea of their not being notified of said Incorporation to procure the Suspension of it; as we had been at considerable Expence in Calling meetings, laying out high ways & other things which are necessary under new Incorporations and Since the said Suspension have no legal way to Raise money to defray these Charges.

Your humble Petitioners would Suggest to your Honours the Reasons why the annexing the Slice of Land (now in dispute) to Sanford would be inconvenient & ineligible, the principal of which are that there is a Body of waste Land lying between the Inhabitants of the Two Towns four or five miles wide which will not admit of settlements it being a Barren Pitch-pine Plain including a large Spruce swamp which at certain Seasons is impassable by Reason of a flow of Water — Likewise that Two Rivers & in some Places Three run thro' said Land, on which accounts it would be very inconvenient for the Inhabitants on the disputed Land to be included in the Town of Sanford as they could never Expect jointly to Enjoy any Privileges civil or Religious — The Line Between the Two Towns as last settled By the General Court in the act for Incorporating Cox Hall runs thro' said Plains and thereby Remedies the above Evils and Difficulties which would unavoidably attend the Inhabitants of the disputable Land being connected with Sanford as the most of them Live four or five miles from the Settlements in said Town.

It may likewise be of importance to your Honours to be informed that the Proprietors of Cox Hall include in their Claim, the whole of the Slice of Land now in Dispute, the annexing of which to Sanford leaves the Remainder too Small for a Town, whereas when annexed to Cox Hall, Sanford still contains many thousands of acres of Land more than Cox Hall with double the number of Inhabitants. and as the most of the Inhabitants of Cox Hall now live on the Disputed Land their being annexed to Sanford would not only be vastly inconvenient for them but also Leave the remaining Inhabitants under Peculiar disadvantages.

Your honours most humble Petitioners would in Conclusion observe that it appears very Extraordinary to them that the People of Sanford should Object to the Incorporation of Cox Hall when they themselves have been so sensible of the Inconveniency of our being connected with them as a Town on account of our Lying so Remote from them, that they have Ever Caused the money Voted By the Town to be Collected & Expended as Seperate from Each other as any two Towns in the State.

We therefore for the Reasons above mentioned pray your Honours that the Petition of the Selectmen & Inhabitants of Sanford may be dismissd & the Incorporation of the

Town of Cox Hall be no Longer suspended and your humble Petitioners as in Duty Bound shall Ever pray &c

Decr. 31. 1778

Settlers on the 2¾ miles of disputable Land

NATHEL CONANT	THOMAS KIMBALL	HEBER KIMBAL
HUMPHERY WHITTEN	BENJA TRIPPE	STEPHEN STIMSON
MARTTHEW LASSELL	SAMUEL DORMAN	JAMES BURKES
SAMUEL CLUFF	ELISHA SMITH	JOHN GOODRIDGE
GIDON STONE $\times_{\text{mark}}^{\text{his}}$	ELISHA SMITH JUNR	THOMAS LOW
EZEKIL WEBBER	ELISHA LITTELFIELD	SAML FRIEND
WM PARSONS	JOHN EMONS	WM BURKS
JOHN WHITE	SAMUEL EMONS × his mark	CHARLES WITT
PAUL GILES	AARON DROWN	JOB CRESEY
MOSES SWEAT	BENJAMIN STEPHENS	SOLOMON RICKER
JOHN KILLIM	CALAB KIMBAL	ROBERT SWAINSON

Settlers on the Six mils of Coxhall out of the Incorporation of Sanford

JOHN LOW	PHINIS RICKER	ALEXANDER GRANT
JOSHUA RICKER	SAMUEL MARTAIN × his mark	SILAS GRANT
LEWIS MARTIN	FRANCIS VARNEY × his mark	PAUL WESTON
RICHARD YEATON	JAMES SANDS	EZRA HUNT
JOHN CLARCK	JOHN CLARK JUNR	LOVE ROBARTS
PAUL CHADBOURN	REBUEN DOWNS	NEHMIAHE GRAY
JONATHAN GOODWIN	SIMEON CHADBOURN	JEREMIAH ROBERTS." —

Ibid., p. 478.

On the 4th of June the above committee submitted the following report, which was read, first, in the Council, and not accepted: —

"The Committee of both houses appointed to take into Consideration the Petition of the Selectmen of the Town of Sanford and the papers accompanying the same, hear the parties and report what is proper to be done thereon — Have fully heard the parties and Observe that the Bills for incorporating the Towns of Sanford & Coxhall Intercept a valuable part of each other's Grant; That each of sd Towns contain a great Quantity of broken Land unfit for Settlements, and that if they continue Seperate Towns it is very probable the propr's & Inhabitants may be incumbered with Expensive Disputes about their property: The Committee are therefore fully of the opinion that it will be for the Interest of the Towns of Sanford & Coxhall to be incorporated into one Town, by the Name of Alford, which name your Comtee have been informed would be very pleasing to many of the Inhabitants —

Which is Submitted — OLIVER PRESCOTT pr ordr." — *Ibid., p.* 486.

On the next day, the House refused to concur in the vote of the Council rejecting the report, and ordered it to be recommitted. In this, the Council concurred. At the same time, the committee was changed, by the appointment of Col. Prime and Artemas Ward, in place of Messrs. Cross and Prescott, respectively, who were absent The committee as thus reconstituted, immediately made a report,* which, together with the vote thereon, was as follows: —

"The Committe of both Houses appointed to take into Consideration the Petition of the Selectmen of the town of Sanford and the papers accompanying the same, hear the Parties and report what is proper to be done thereon have attended the Service assigned them and are of Opinion that, the operation of the act incorporating Coxhall be Still Suspended; And that a Committe be appointed by the General Court to Repair to Sanford & Coxhall and view the same & Report to the General Court in what manner Coxhall ought to be incorporated that is to say whither any of the land now included within the bounds of Sanford ought to be incorporated with Coxhall. the Expence to be born as the General Court shall hereafter order. The Committe that shall be appointed to notify the town of Sandford & Proprietors of Coxhall of the time and place of their meeting at least thirty days before the day of their meeting Which is humbly Submitted

ARTEMAS WARD pr' order.

In Council June 5.' 1779 Read & Accepted

Sent down for Concurrence JOHN AVERY D Secy

In the House of Representatives June 5th 1779 Read & concurred. & thereupon Order'd That Capt Bragdon & Coll Prime with such as the Honbl Board shall join, be a Committee for the purpose aforesaid —

Sent up for Concurrence JOHN HANCOCK Spkr

In Council June 5.' 1779 Read & Concurred and Charles Chauncey Esqr is joined —

JOHN AVERY D Secy

Consented to" — [Signed by sixteen of the Council]. — *Ibid., p.* 473.

Edward Cutts was appointed on the committee last named, September 11th — Mr. Chauncy having resigned the trust in July, on account of ill health and the circumstances of his family.

On the 6th of December, the following report was read and accepted in Council, and sent down for concurrence: —

"State of Massachusetts Bay

The Committe of both Houses appointed by the General Court to Repair to Sanford and Coxhall to Veiw the Same and to Say in what manner Coxhall ought to be Incorporated; and whether any of the Land, Incorporated within the bounds of Sanford ought to be Incorporated with Coxhall have Notified the parties attended the Service Veiwed the Prem-

* Printed resolves of the May session, chapter XLVII.

ises heard the parties and ask Leave to Report, that Coxhall be Incorporated by the Following Bounds — Viz. Begining on the Western side of Mousom River at a pitch Pine stump on the Edge of the Bank of sd River & on the head line of Wells *and to run* from thence North Easterly on the head line of Wells and Arundell Six miles untill it Comes within four Miles of Saco River, to an Oak Island so Called, thence from said Arundell line, on a line, on a Northwesterly Course Continuing at the Distance of four Miles from sd Saco River and parallal thereto, back into the Country Six mile and One Hundred and Twenty Rods, and fom thence to a Hemlock tree marked on four Sides, about Forty rod to the Northward of a Pond called Swan Pond from thence across said Pond excluding about two thirds thereof on a Southwest Course untill it Comes to the line on the North East side of the Town of Sanford, and from thence South Easterly on a Strate line to the bounds on the Head of Wells began at, which bounds will Include about five Thousand acres of Land which is included in the Eight mile Square, Incorporated in a Town by the Name of Sanford all which is Submitted

EDWD CUTTS ℔ order —

N. B the Committee to be paid as the General Court Shall order." — *Ibid., p.* 492.

Though the above report was brought down to the House immediately after the above vote of the Council, thereon, was taken, it was not concurred in, until March 24, 1780. On the 25th, a committee of the House, consisting of Messrs. Batchelder, White and Godfrey, was appointed, "to bring in a bill for the incorporation of Coxhall, agreeably to a report accepted yesterday."

The loss of the journals of the House between Dec. 31, 1779 and April 10, 1780, leaves nothing by which it can be determined, with certainty, whether or not the bill of this chapter was the first bill reported by this committee; but it appears not unlikely that the committee, at first, submitted a draught of a bill still remaining in the state archives, and bearing the title, "An Act for repealing a law of this state, made and passed in the year of our Lord one thousand seven hundred and seventy-eight, intitled 'An Act for the incorporating the plantation called Cox Hall, in the county of York, into a town, by the name of Cox Hall;' and for incorporating the said town, by the same name, by diferent boundaries." In this bill, after a repeal of 1777-78, chapter 23, it was provided that Coxhall be reincorporated by the boundaries given in the committee's report.

The bill of this chapter was read a third time, in the House, passed to be engrossed and sent up for concurrence, April 13, 1780; on which day, also, it was read a first time in Council. On the 21st, it was read a second time in Council, and passed, in concurrence, to be engrossed, with an amendment, inserting, in the first section, the words "on a straight line, bounded at four miles distance from said Saco River," which were omitted in the bill. The House concurred in this amendment, and on the 24th, the bill was passed to be enacted, and was signed by fifteen of the Council.

Filed with the bill, was a plan of the territory as last laid out; and accounts of expenses of the committee, dated Nov. 9, 1779, were filed with the report.

Chap. 40. It appears from the following report that, as early as March 10, 1780, Gov. Trumbull of Connecticut, forwarded copies of two acts of that state, repealing two former acts; one, making the bills of credit of the United States a legal tender at their nominal value, and another, for ascertaining the current value of these bills, and for making them a tender at that rate: —

"The Committee of both Houses to whom were referred Governor Trumbulls Letter of the 10th inst. covering two Acts of the State of Connecticut repealing an Act of said State making the Bills of Credit of the United States a legal Tender & an Act for Assertaining the Value of said Bills & making them a Tender at their Current Value, have attended that Service & beg leave to report, that

As it is of the greatest Importance to every Government effectually to Establish its public Credit and Faith and to render Justice as far as possible to every Member belonging thereto, and in a most especial manner to those who have placed a particular Confidence in their Equity, it is highly expedient & Necessary for the [promotion*] of these valuable and Important Ends —

That a Committee be appointed to prepare & bring in a Bill for ascertaining & declaring the Value of the Notes executed & issued by the Treasurer of this State & making Provision for their being finally made good & the Principal together with the Interest paid to the respective Lenders in Gold or Silver or in Bills of Public Credit of this State according to the full Value of said Notes when they were issued

All which is humbly Submitted

THOMAS CUSHING ℔ order." — *Mass. Archives, vol.* 137, *p.* 262.

The loss of the journals of the House, for the period between Dec. 31, 1779 and April 10, 1780, leaves no trace, in the records of the Massachusetts Assembly, of any earlier proceeding, there, similar to this of Connecticut. The current value of the Continental bills, throughout the United States, had sunk to about one-fortieth of their nominal value, with no prospect of a reaction; and it needed only the example of one state to cause a general breach through the elaborate but insufficient net-work of legislation designed to maintain the credit of the currency against the operation of natural laws.

Neither the above-named letter, nor the copies of the acts received therewith, are known to be in existence; but it appears from an entry in the "General Court minute book," that the papers were received on the 17th, and immediately referred to a joint committee, consisting of Messrs. Tudor, Choate and Osgood, of the House, and Thomas Cushing and Timothy Danielson, of the Council. The same record, as well as a paper preserved in the

*Manuscript mutilated.

state archives, shows that on the 25th, Major Davis was appointed on this committee, in place of Mr. Choate, who was absent; and both the record and a memorandum on the report itself, show that on the 27th, the report was read in Council, accepted, and sent down for concurrence. This is all that has been found relating to legislative proceedings in conformity to the example of Connecticut, until after the following resolves of the Continental Congress had been received: —

"THESE United States having been driven into this just and necessary war at a time when no regular civil governments were established, of sufficient energy to enforce the collection of taxes, or to provide funds for the redemption of such bills of credit as their necessities obliged them to issue; and before the powers of Europe were sufficiently convinced of the justice of their cause, or of the probable event of the controversy to afford them aid or credit, in consequence of which, their bills increasing in quantity beyond the sum necessary for the purpose of a circulating medium, and wanting at the same time specific funds to rest on for their redemption, they have seen them daily sink in value, notwithstanding every effort that has been made to support the same; insomuch that they are now passed by common consent in most parts of these United States, at least thirty-nine fortieths below their nominal value, and still remain in a state of depreciation, whereby the community suffers great injustice, the public finances are deranged, and the necessary dispositions for the defence of the country are much impeded and perplexed: and whereas, effectually to remedy these evils for which purpose the United States are now become competent, their independence being well assured, their civil governments established and vigorous, and the spirit of their citizens ardent for exertion, it is necessary speedily to reduce the quantity of the paper medium in circulation, and to establish and appropriate funds that shall ensure the punctual redemption of the bills: therefore

Resolved, That the several states continue to bring into the continental treasury by taxes, or otherwise, their full quotas of fifteen million dollars monthly as assigned them by the resolution of the 7th of October, 1779; a clause in the resolution of the 23d of February last, for relinquishing two thirds of the said quotas to the contrary notwithstanding; and that the states be further called on to make provision for continuing to bring into the said treasury their like quotas monthly to the month of April, one thousand seven hundred and eighty-one, inclusive:

That silver and gold be receivable in payment of the said quotas at the rate of one Spanish milled dollar in lieu of forty dollars of the bills now in circulation:

That the said bills as paid in, except for the months of January and February past, which may be necessary for the discharge of past contracts, be not re-issued but destroyed:

That as fast as the said bills shall be brought in to be destroyed, and funds shall be established as hereafter mentioned for other bills, other bills be issued not to exceed on any account one twentieth part of the nominal sum of the bills brought in to be destroyed:

That the bills which shall be issued, be redeemable in specie, within six years after the present, and bear an interest at the rate of five per centum per annum, to be paid also in specie at the redemption of the bills, or at the election of the holder annually at the respective continental loan-offices, in sterling bills of exchange drawn by the United States on their commissioners in Europe, at four shillings and six-pence sterling per dollar:

That the said new bills issue on the funds of individual states for that purpose established, and be signed by persons appointed by them, and that the faith of the United States be also pledged for the payment of the said bills, in case any state on whose funds they shall be emitted, should by the events of war be rendered incapable to redeem them; which undertaking of the United States, and that of drawing bills of exchange for payment of interest as aforesaid, shall be indorsed on the bills to be emitted, and signed by a commissioner to be appointed by Congress for that purpose:

That the face of the bills to be emitted read as follows, viz.

The possessor of this bill shall be paid Spanish milled dollars, by the thirty-first day of December, 1786, with interest in like money at the rate of five per cent. per annum by the state of according to an act of the legislature of the said state, of the day of 1780.

And the indorsement shall be as follows, viz.

The United States insure the payment of the within bill, and will draw bills of exchange for the interest annually if demanded, according to a resolution of Congress of the 18th day of March, 1780.

That the said new bills shall be struck under the direction of the board of treasury, in due proportion for each state according to their said monthly quotas, and lodged in the continental loan-offices in the respective states, where the commissioner to be appointed by Congress in conjunction with such persons as the respective states appoint, shall attend the signing of the said bills, which shall be compleated no faster than in the aforesaid proportion of one to twenty of the other bills brought in to be destroyed, and which shall be lodged for that purpose in the said loan-offices:

That as the said new bills are signed and compleated, the states respectively, on whose funds they issue, receive six tenths of them, and that the remainder be subject to the orders of the United States, and credited to the states on whose funds they are issued, the accounts whereof shall be adjusted agreeably to the resolution of the sixth of October, 1779:

That the said new bills be receivable in payment of the said monthly quotas at the same rate as aforesaid of specie; the interest thereon to be computed to the respective states, to the day the payment becomes due:

That the respective states be charged with such parts of the interest on their said bills, as shall be paid by the United States in bills of exchange, and the accounts thereof shall be adjusted agreeably to the resolution aforesaid of the sixth of October, 1779:

That whenever interest on the bills to be emitted shall be paid prior to their redemption, such bills shall be thereupon exchanged for others of the like tenor, to bear date from the expiration of the year for which such interest is paid:

That the several states be called on to provide funds for their quotas of the said new bills, to be so productive as to sink or redeem one sixth part of them annually after the first day of January next:

That nothing in the foregoing resolution shall be construed to ascertain the proportions of the expence incurred by the war, which each state on a final adjustment ought to be charged with, or to exclude the claims of any state to have the prices at which different states have furnished supplies for the army hereafter taken into consideration and equitably adjusted:

That the foregoing resolutions, with a letter from the president, be dispatched to the executive of the several states, and that they be requested to call their assemblies if not already convened, as speedily as possible to take them into immediate consideration, to establish ample and certain funds for the purposes therein mentioned, and to take every other measure necessary to carry the same into full and vigorous effect, and that they transmit their acts for that purpose to Congress without delay." — *Journals of Congress: March* 18, 1780.

"Resolved, That it be recommended to the several states to revise their laws, enacted pursuant to a former resolution of Congress, making the continental bills of credit a tender in discharge of debts and contracts, and to amend the same in such manner as they shall judge most conducive to justice in the present state of the paper currency: and

That it be further recommended that the said laws be enacted in such manner that no persons may take unjust advantage to defeat the good purposes of this resolution, by availing themselves of the notice thereof before the passing of the several acts." — *Ibid.*: *March* 20, 1780.

By comparing the provisions of chapter 7, § 2, of this year, with the purview of the present chapter, and the recommendation of the latter of the foregoing resolves (which appears to have been forwarded with the former, notwithstanding it is not mentioned in the preamble of this chapter), the lesson which, in the course of nine months, the popular leaders had learned respecting the limit of the legislative function in the matter of fixing the value of currency, is obvious.

From an entry in the "General Court minute book," it appears that the above resolves were referred, on the 7th of April, to a committee, consisting of Messrs. Pickering, Davis of Boston, Tudor, Hunt and Paine, of the House, and Artemas Ward, Thomas Cushing, Samuel Adams and Timothy Danielson, of the Council, to take the same into consideration, "and report what may be done thereon." This committee reported, on the 12th, "by way of a bill," bearing the title of this chapter; which was read, in the House, on the same day, debated, and ordered to be read again, the day following. On the 13th, the debate was resumed, and a message was sent up to the Council inviting the Board to be present. The Council qualified their acceptance of this invitation by stating, in their message, to the House, that, at noon, they "will be obliged to attend the Overseers' meeting of Harvard College." At the close of the debate, the bill was read a second time, and the further consideration thereof referred to three o'clock in the afternoon, when the debate was resumed, and a vote passed to insert section 14, in the tax act (chapter 49); which indicates that, probably, thus far, there had been such opposition to adopting the first section of the act, that this concession was deemed expedient. The debate was continued on the three following days. On the 14th, the question of making bills of the new emission a tender in all payments, was decided in the affirmative, by a vote of fifty-five out of seventy-five members present; and "the clause [§ 16] for making good, government securities," was adopted by a vote of forty-two to thirty; whereupon the bill was "committed, for amendments in some other paragraphs," to Messrs. Pickering, Paine, Hunt, Davis of Boston, and Kollock.

On the 15th, the committee on amendments reported; and, after a motion to reconsider the vote passed the day before, for making the new bills a tender, had been defeated, the amendments were passed upon, and the bill was ordered to be read a third time on the following Tuesday. On Monday, the 17th, Messrs. Greenleaf, Osgood and Nichols, of the House, were put upon the committee, in place of Messrs. Paine and Pickering (who were absent) and Mr. Tudor, who was excused — the Council concurring in a vote of the House to that effect, after having first proposed adding the new members above named, instead of substituting them for the gentlemen whose places they took. On the same day, the House enjoined its members on the committee, to sit immediately, and sent a message to the Council requesting a like order from the Board to the members of the committee from that body.

On the 18th, the bill was read a third time, in the House, passed to be engrossed, and sent up for concurrence. In the Council, on the same day, it was read a first time; and the next day was assigned for the second reading. By two original orders remaining in the state archives, it appears that a committee of conference "upon the two last paragraphs in the bill," was appointed on the 19th, and changed, on the 20th, by the appointment of Mr. Page of Hardwick, in place of Mr. Singletary, who was absent. This committee was enjoined to sit, immediately; and, from a memorandum minuted on the bill by Secretary Adams, it appears that on the day last named, it was read a second time in the Council, and passed, in concurrence, to be engrossed.

On the 24th of April, the bill was passed to be enacted, by both branches — the vote in the House, standing twenty-six to nineteen.

By the journal of the Council, this bill appears to have been consented to, on the day of its enactment, by fifteen of the Council; but Secretary Avery made the following

memorandum in the margin of the engrossment: "The above Bill was not consented to 'till May the 5th following, as appears by the Records."

Some explanation of this discrepancy, is found in sundry entries in the "General Court minute book," or original memoranda from which the secretary compiled the legislative journals of the Council. By these, it appears that, on the 28th of April, a message was sent down from the Council proposing to amend section 15, by adding the last eight words, to which the House immediately agreed; and that, on the 3d of May, the House proposed to amend the bill by striking out the word "annually," in two places, and by adding the clause, at the end of section 16, beginning with the words, "the interest," in the seventeenth line; and that to these proposals the Council at once signified its agreement. The title of this bill is also included in the list of titles of acts consented to, entered May 5th, the last day of the session.

Neither the act, nor the face of the bills emitted by virtue thereof, showed from what date the interest promised by both, should be computed. A letter from the Board of Treasury of the United States, to Nathaniel Appleton, commissioner of loans, in the state of Massachusetts, which still remains in the state archives, and is dated Oct. 19, 1780, contained the following instruction: "You will please to observe that interest on the new bills is to be calculated from the date of the bills; and, in all receipts and payments, must be attended to."

This instruction was not in accordance with the general understanding on the subject; and accordingly, in the first session of the General Court after the adoption of the Constitution, a committee of the House, consisting of Messrs. Baldwin, Singletary and Stone, was appointed, November first, "to take into consideration at what period of time the new emission of money shall draw interest." This committee, on the 10th of November, reported two resolves, naming Aug. 1, 1780, as the time from which interest on the bills should be computed, "in all payments from and to the treasurer of this Commonwealth, from and after the first day of December next;" and the treasurer, and "all persons empowered to receive public monies, or interested with the same," were ordered to govern themselves accordingly. This resolve was accepted, and sent up to the Senate, for concurrence, where it was read November 18th, and concurred in, "as taken into a new draught;" which was then sent down for concurrence. The resolve, as thus redrawn, provided that the date of the act authorizing this emission, be considered as the date of the bills, and that the treasurer, in all receipts and payments from and after December 10th (and all persons empowered to receive or pay public moneys), conform themselves to this direction.

On the 20th, the House voted not to concur with the above vote of the Senate; whereupon a committee of conference "on the subject-matter of said resolves," was appointed, consisting of Messrs Lowell, Kollock and Walley, of the House, and Messrs. Fisher, Choate and Bliss, of the Senate. The result of this conference does not appear; but, on the same day, another committee, consisting of Messrs. Choate and Turner of the Senate, and Messrs Walley, Lowell and Goodman of the House, was appointed to take into consideration the resolve of Congress, of March 18th, and the resolve of the General Court, of the 10th of November, and the new draught of the latter, and report what may be proper to be done thereon. The report of this committee, and the action of both branches thereon, were as follows:—

"The committe of Both Houses appointed to take into consideration a Resolve of Congress of march 18th Last togeather with a Resolution of the Genl. Court of 10th of Novr Inst. Respecting the Intrest Promised in Said Bills of credet when the Said Intrest Shall Commence as also the new Draught at Large — have attended that Service & Report the following Resolve *—

STEPHEN CHOATE pr. order.

Commonwealth of Massachusetts in Senate, Decr 1 1780

Whereas the Bills of credet of this commonwelth emetted in persuance of an act of the Genl court passed the fifth Day of may Last do promise to the possesser an Intrest of five pr Ct. annualy and none of the Said Bills did come into circulation untill the first Day of Augt Last and it is not resonable that they Should bare Intrest, before any of them came into circulation — Therefore —

Resolved that the Intrest Promised in Said bills of credet Shall be computed from the first Day of Augt Last in all Payments from & to the Treasurer of this commonwelth; and the Treasurer is hereby Directed to Govern himself accordingly; from and after the A *publication of this Resolve* —

And it is further Resolved that all Persons impowered to receive and pay publice monies or intrusted with the Same Shall in all cases conform to the Directions given to the Treasurer by the foregoing Resolve —

In Senate Decr 1st 1780, Read & accepted sent down for Concurrence

JER: POWELL Presidt

In the House of Representatives Decr 2: 1780 Read & concurred with an Amendment at A viz dele publication of this resolve, insert, 6th day of December Instant sent up for Concurrence

CALEB DAVIS Spkr

In Senate Decr 2d 1780 Read & Concurred

JER: POWELL Presidt

Approv'd

JOHN HANCOCK." — *Mass. Archives, vol.* 230, *p.* 318.

Chap. 41. The valuation under 1777-78, chapter 29, was scarcely published before great complaint was made, in various quarters, of its inequality; and relief was afforded to some of the aggrieved towns, either by resolve, or in the general apportionment of the

* Printed resolves of the October session, chapter CII.

taxes, even after the latter had been agreed upon and adopted.* Chelsea, which had been this year ordered to pay a tax laid upon that town in 1775, but never assessed (for reasons given in the note to 1775-76, chapter 6 †), and which had also been fined £1,800 for a deficiency in its quota of men for the Continental service (one-half of which, however, was afterwards abated, as shown in the note to chapter 30, *ante*), presented the following petition for relief from the disproportionate valuation: —

"To the Hon^ble^ Counce1 and House of Representitives of the State of the Massachusetts Bay

The Petition of Thomas Pratt, in behalf of the town of Chelsea, Humbly Sheweth that the town of Chelsea Since the commincement of the present unhappy war hath Greatly Depreciated in its Value on the following accounts (Viz) Whereas part of the army being Stationed there in y^e^ year 1775 Said town Suffered the Loss of much of their fence and and Some of Said fences are not Rebuilt to this Day and Some of the Lands of Said town now Lays Common for want of the fence that was burnt by the army and also many of the Buildings of Chelsea were Greatly Damaged and Some totaly Destroyed So that the Repairs of those of Said buildings that have been Repaired Since have been Very Costly and Some of them that are yet to Repair: the Repairs thereof will Cost Considerable, and the Cattle and Sheep in the time of the Siegue by order of the General: were Drove off from the farms they Belonged to and many of Said Cattle and Sheep were Lost for want of feed and other ways and also a Considerable part of the wood in Said town was burnt by the army and many of the fruit trees of Chelsea Spoiled and Some Destroyed and also Two Valueable Grist mills Ruined So that they have been useless Ever Since Said army was first placed in Chelsea, So that the town of Chelsea feel the Impoverishing Efects of the abone misfortunes Very Considerably Down to this Very Day and besides the aforementioned troubles it appears by Calculation, that one half of the Salt marsh Land in Said town which is a Very Considerable number of acres is owned by the Inhabitants of other towns and the produce of Said marsh Carried into other places So that the people of Chelsea Can keep but Small Stocks of Cattle to be Rated and also about one half of the upland of Chelsea is owned by Gentlemen that Live in other towns and Cheafly Improved by poor tenants that but few of them are able to Stock their farms with their own Cretures and So there is a Lesser number of Cretures found on Said places than otherwise would be found to be Rated: and also when the former Valueation was taken and when the assessors of Chelsea took a List of the Polls in Said town to Exhibit to this Hon^ble^ Court Last year there was Six Rateable Polls put in Said List of Rateables that Belonged to a part of Chelsea Call^d^ Pleasent point and a Considerable number of housen by them Inhabited and now there is but one Rateable Poll on Said point and all the houses Except one Evacuated And also another thing that much Lessens the ability of Said town is that almost all the people in Chelsea Buy their fire wood & Fenseing which Costs as much or more than at Boston.

Under all the aforesaid Disadvantages when we were favoured with a View of the Late Valueation to our Great Surprise we found the town of Chelsea Set at about ten Shillings on a thousand pounds more than we Stood at on the Valueation before: what was the motive that Caused the town of Chelsea to be Set higher then formerly (when So much poorer) we are at a Great Loss: as we were not Represented in this Hon^ble^ Court the year past we are Inclined to think it was a mistake and we flatter our Selves, your Hon^rs^ will take our unhappy Case into your wise Consideration and Redress our Greivences that So we may pay according to our Interest in which Case we Shall always Chearfully Comply with all the Requesitions of this Hon^ble^ Court and as in Duty bound Shall Ever pray

Chelsea June y^e^ 2^d^ 1779 THO^S^ PRATT." — *Mass. Archives, vol.* 185, *p.* 205.

This petition was read June 22, 1779, during the consideration of the report of a committee, appointed three days before, "to compare the sums set on the several towns, with what would be their proportion according to the valuation settled the last session." The petition was ordered to lie upon the table, and the committee aforesaid was ordered "to introduce their report into the tax bill."

Other towns followed with similar complaints, some account of which is given in the notes to chapters 12 and 30, *ante*.‡

The unsuccessful efforts of certain towns in Suffolk County, to secure a revision of the valuation of that county, have been already alluded to in the note to 1777-78, chapter 29. On the 16th of June, 1779, Mr. Kollock, the member from Wrentham, moved the House, "that the valuation, so far as respects the county of Suffolk, be revised." Upon this motion, a rider was offered extending the proposed revision to the entire valuation of the state. This last motion was promptly defeated, by a vote of forty-seven to thirty-three.

A motion was then carried, "that the members from each county have liberty to consider the valuation as it respects their several counties, and lay before the House the alterations they may agree to propose."

A memorial was then taken up, "praying that the several towns in the county of Cumberland may, by such as they shall appoint, meet and make division of the sum set on said county, in the valuation, and lay it before the General Court, for their approbation, before the granting another tax." This was "ordered to lie until the tax bill is taken under consideration."

On the 19th of June, another effort was made to obtain an abatement of the sum laid upon Suffolk County, "in the valuation settled the last session, in such proportion as should be determined by the House;" but after a long debate this was voted down.

* See alterations made in Essex County valuation, note to 1777-78, chapter 29, pp. 863 and 865, *ante*.

† P. 515, *ante*.

‡ For instance, Foxborough, Worcester, Charlemont, Great Barrington, Cape Elizabeth, Fryeburg, Gloucester and Marblehead.

On the same day, the following order was passed: —

"*Ordered*, That Col. *Dawes*, Capt. *Williams*, Major *Hosmer*, Capt. *Alexander*, Mr. *Turner*, Col. *Freeman*, Col. *Pope*, Col. *Cutt*, Major *Washburn*, Mr. *Copeland* and Mr. *Raymond*, being one member from each county present, be a committee to compare the sums set on the several towns in the three last tax-acts, with what would be their proportion according to the valuation settled the last session; and report what sums appear on such examination to be due to and from each town, agreeable to the clauses in said acts, for adjusting the same on the said valuation." — *House Journal, p. 52.*

The House Journal shows that the above committee reported on the 22d, and that their report was then "read and considered;" but no further trace of this report has been discovered.

On the 19th, also, a motion was defeated, by a vote of thirty-five to thirty-three, for the appointment of a committee, consisting of members not belonging to Suffolk County, "to consider a new proportion," among the several towns in said county, "of the sum laid on said county in the valuation settled the last session."

After the prorogation of the General Court, in June, several of the towns of Suffolk County, by their agents, joined in a convention at Medfield, and prepared the following petition and remonstrance: —

"State of Massachusetts-Bay } To the Honorable Council and House of Representatives in General Court Assembled —

The Petition and Remonstrance of the Inhabitants of the Towns of Dedham, Medfield, Wrentham, Needham, Medway, Franklin, Foxborough, Bellingham Walpole Stoughtonham Brookline & Stoughton in the County of Suffolk by their Joynt Agents, [met*] at Medfield aforesaid on the 28th day Augt. 1779 —

Humbly Sheweth —

That whereas by the last valuation, taken and apportioned on the Several Towns and Plantations in this State, by the late General Court, by Some means unknown to your Petitioners, an undue proportion of the last Tax, is now laid on the said Towns — and So long as the present valuation remains, Your Petitioners conclude the Same proportion of all Future Taxes will be Assessed on them in the Same manner.

And when your Petitioners take into Consideration the amazing large Debt which from the Troubles of the Present Times, now remains on the United States of America — a large proportion of which (in addition to our own Publick Debt) must be paid by the Inhabitants of this State.

Your Petitioners therefore cannot but View their Case not only Distressing, but really Discouraging and insurmountable; and from practicing on the present valuation, the Disproportion that appears in adjoyning Towns, in the Different Counties is so large, That your your Petitioners Cannot but Humbly Remonstrate against any future Grant of money being apportioned, on our said Towns by said valuation: It is with Concern, your Petitioners have seen the Repeated applications of their Representatives for an alteration of said Valuation, Disregarded, by the last and present Honorable House of Representatives; your Petitioners do not pretend to point out, any particular Town or County in this State That are abated by their being overburthened, but conclude that must necessarily be the Case.

Therefore, Your Petitioners, on Contemplating on their Distressed Situation, Cannot avoid Saying, That a few years Taxing them by the present Valuation, in the Same proportion must Strip them of the whole of their property — while their freinds and Neighbours (in the other Towns and Counties at least) may be left under flourishing Circumstances Under these apprehensions we Cannot but lay our Peculiar Situation before your Hon.s —

Your Petitioners are unwilling to beleive, That the Fathers of any People, Can Judge it good Policy to oppress any one part of the Community, in preference to another — for in the present case it will be impossible, for the Towns your Petitioners Represent, to Defray the Expences of Maintaining their Families — Educating their Children — or Supporting the Gospel —

Therefore, Your Petitioners, Humbly Pray, That y[r] Honres will take their Case into your Wise Consideration, and Grant them Such Releif as Shall be Just and Equal not only relating to the present but future Taxes: And your Petitioners as in Duty bound Shall ever Pray

NATH[L] PARTRIDGE SIMON FISHER	agents for Medway	ABNER ELLIS JOHN JONES DANIEL GAY	Agents for Dedham
JOHN METCALF JABEZ FISHER	Agents for Franklin	OLIVER ELLIS EPHRAIM CHENERY JONATHAN METCALFE	Agents for Medfield
JOSIAH PRATT	Agent for Foxborough	LEMUEL KOLLOCK	Agent for Wrentham
STEPHEN METCALF	Agent for Bellingham	ELEAZER KINGSBRY MICHAEL METCALF NATHANAEL FISHER	Agents for Needham
SETH BULLARD	Agent for Walpole	THO[S] ASPINWALL	Agent for Brookline
NATH[L] KINGSBURY	agent for Stoughtonham	BENJ[A] GILL JEDIDIAH SOUTHWORTH	Agents f[r] Stoughton." —

Mass. Archives, vol. 185, *p.* 363.

* Manuscript mutilated.

On the 8th day of the next session, the above petition, etc., was read in the House, and committed to Messrs Williams of Salem, May and Rawson, who, on the 6th of October, made a report, from which the following is an extract: — " * * * * *

Your Committe find's that there is Great Addissions & deductions, on said Towns, also other Town's in the County, which your Committe are not able to Account for,

Resolved that the member's of the County of Suffolk, except the member's of the Town of Boston, meet in some Town in said County and Take the Valuation Book make any Alteration in the proporsion's Set on the Town's in said County, Lay it before this Court at the next Seting of the Gen^l Court."— *Ibid., p.* 365.

This report was read on the same day, "and the consideration thereof referred to the next sitting of the General Assembly."

The General Court assembled on the 10th of November, by adjournment from the 9th of October; and, on the third day of the session a motion was made, in the House, for the appointment of a committee, "to consider the expediency of revising the last valuation"; which, after debate, was defeated by a vote of twenty-nine to twenty-seven. Four days later, the following additional motions were made with no better success: —

"Nov. 16, 1779. It was then moved, That a committee be appointed to revise the last valuation, and report what alterations were proper to be made; and after debate thereon, the question was put, and it passed in the negative.

It was then moved, That the committee on the tax-bill be instructed to insert a clause making provision that in case it shall hereafter appear that any town is over taxed, such town shall be reimbursed; and after debate thereon, the question was put, and it passed in the negative, twenty-seven only voting in favor of it, and the number of the House present being sixty-two.

It was then moved, That a committee be appointed to devise some new method whereby a true valuation may be obtained; and the question being put, it passed in the negative." — *House Journal, p.* 12.

In the mean time, the town of Plymouth had made application to the General Court, by its agent, James Warren, one of the most influential members of the House, to have its valuation revised. The following petition for that purpose was referred, on the 10th of September, to a committee, consisting of Messrs. Hutchinson and Cranch, of the House, and Aaron Wood, of the Council, appointed "to repair to Plymouth for the purpose mentioned in said petition": —

"To the Hon^ble Council & Hon^ble House of Representatives of the State of Mass^a Bay in General Court Assembled at Boston Sept. 8 1779

The Petition of James Warren Agent for the Town of Plymouth Humbly Sheweth

That the inhabitants of the said Town of Plymouth by the Almost Total loss of their trade & fishery by the Sterility of their lands, by the great number of poor persons & families who depend on Charity for their subsistence & by the Uncommon loss of Men in the Army & at Sea, are rendered utterly Unable to pay the taxes assessed upon them, Agreable to the last Valuation —

That your Pet^r Concieves the true State of that Town was not so well understood as to enable the Court to do that Justice in Settling the Valuation for that Town, which their circumstances really require — He therefore prays your Honors to Afford the Inhabitants of the Town of Plymouth such relief in the Abatement of Taxes Already laid on them & such reduction of their Taxes in future as your Honors shall judge reasonable & just, and that your Honors may be possessed of the true State of that town, and of the truth of the above representation Your Pet^r humbly prays that a Comm^ee may be Appointed to repair to Plymouth & Ascertain to your Honors the true State of the Same —

And your Pet^r as in duty bound will pray &c J. WARREN." — *Mass. Archives, vol.* 185, *p.* 276.

The joint committee above named made the following report, which was read in Council, November 12, and sent down: —

"The Committee of both Houses appointed to repair to Plymouth For the purposes Mentioned in the Petition of James Warren Agent for Plymouth; have in Obedience to their Orders repaired to Plymouth afore s^d where they ware attend by a Number of Respectable Inhabitants and the Select-Men of that Town: after a full View and hearing upon the Subject Matter contained in Said Petition Y^r Committee ware fully Ascertained of the following Facts (viz)

That in the Year 1775 the Inhabitants of Said Plymouth had 80 Fishing Vessels a Mounting upon An Average to 40 Tuns each which Made in the Whole 3200 Tuns. each Vessel employ^d 7 hands besids shoremen all of which Vessels have been lost except 6. only two or three of the six Vessels have been used since 1775

That they had at that time a bout 1000 or 1200 Tuns of Merchent Vessels all of which have been totaly lost

The land appeared to be extreemly poor and Barren except a Small Screed by the Sea Shore a considerable part of which was Improved for Meshing and curing of Fish but can now be only Improved for Mowing and Tillage —

The Poor are greatly Multiply^d a Moungst them which cost the Town for their Support £4000 L-M per year —

That they had two Still-Houses in which they commonly distelld 400 Hd^ds per year now but 50 or 60 —

The Wharves are Seven in Number on which there is 20 Ware-Houses which appeared to the Committee Must have been of great Income when the Town was in trade; at present off but little or no Income and that both Wharves and Ware Houses are gon and going to decay Very fast and without a Speedy repair Most of that Intrest will be totally lost and it also appeared to y^r Committee that the Inhabitants of the Town are at present unable to Make the Necessary repairs

That before the decay of Trade they had 33 Fish Houses all of which they commonly Filled with Fish now but 13 of them Standing only 4 of them are of any use

That the rent of their Houses are Fallen a bout one third That in 1775 and before that time the wharves and ware-Houses on them would rent for £1100 L-M per year now would not rent for More then £150 per year

Your Committee would ask leave further to Suggest as their Opinion that the Town of Plymouth really Stand too High on the last Valluation in consequence of which they are taxed in an undue proportion and ought to have an abatement all which is Humbly Subbittd AARON WOOD pr Order

In Council Novr 12th 1779 Read & sent down JOHN AVERY D. Secy."—*Ibid.*, *p.* 279.

In the House this report was committed, on the same day, to Messrs. Dawes, Washburn, Turner, Prescott and Baldwin, who were directed "to report what abatement, if any, ought to be made from the sum set on said town, in the valuation." This committee reported, November 25th, as follows: —

"The Committee appointed to report, 'What abatement *if any*, ought to be made from the sum set on the Town of Plymouth in the Valuation' Take leave to report as their opinion, That no abatement ought to be made to the Town of Plymouth — And for the following reasons.

First. Because, that the personal estate of the County of Plymouth was taken upon the same scale of Valuation as the other Counties in the State, agreable *to the returns* of the several Towns in said County.

Second. Because, the real estate was estimated according to the best evidence the Committee on the Valuation could obtain.

Third, Because, when the foot of the whole County broke at £1,079,716 which made £78 ,, 6,, On a thousand and was £6 ,, 18 ,, 7¼ more than the valuation in 1772, *upon a revision of Counties* before *any particular Town was* brought into View, for the losses the County had sustained by the War &c *they* were reduced from the aforesaid £78 ,, 6. down to £67 ,, 11 ,, 6 which was £10 ,,14. *less* than what they broke at; and £3 ,, 15 ,, 10¾ less than in the valuation of 1772.

Fourth, Because, when the aforesaid sum of £67 ,, 11 ,, 6 was determined to be laid on the County of Plymouth as their proportion on the Thousand, the several Towns in said County *was then revised* and *each Town* partook of its proportion as equitably as the Committee could make it, and this with the assistance of the members of the County of Plymouth in particular.

Fifth Because, the Town of Plymouth returned but 96 polls less than in the Valuation of 1772 and the foot of their Estate agreable to their OWN returns amount to £63,667 ,, 4 ,, 5 which at one shilling on the thousand give £3 ,, 3 ,, 3, and their 546 pols at 1d give £2 ,, 5 ,, 6 more, so that they must stand at £5 ,, 8 ,, 9 on a Thousand — Said sum being £1 ,, 12 ,, 1¾ less than they stood at in the valuation of 1772.

Their Woodland-pasture-meadow &c being much lower than many other Towns in the County.

Therefore if the Town of Plymouth has got more than its proportion of taxes, it must be owing to the returns made by the assessors being *too great*, and not through any mistake of the Committee on the Valuation; and without some other return than the one above refer'd to; the Committee cannot see their way clear to advise for any abatement.

All which is humbly submitted THOS DAWES p Order."—*Ibid.*, *p.* 278.

After further debate on this report (continued, at a later hour, by special assignment), this report was accepted on the same day, by a vote of thirty-three to twenty-six. Notwithstanding this failure to secure a change in the past valuation of Plymouth, the state treasurer was directed, in January, following, to withhold his executions for collecting the state tax of that town, as shown in the note to chapter 12, p. 1252, *ante*.

On the day on which the petition of Plymouth was finally disposed of, Obadiah Sawtell, agent for the town of Shirley, filed a petition, complaining that the town was "over-taxed in the last valuation," and praying for relief. On the reading of this petition, the following vote was passed: —

"*Voted*, by a majority of thirty-four out of sixty-six, that a committee be appointed to consider the several complaints that have been made to the House, respecting the effect of the last valuation, and report what measures are proper to be taken to remove the cause of such complaints:

Voted, That this committee consist of one member from each county, and that the members from each county have liberty to consult and agree upon some person for their county, and report at twelve o'clock to-morrow."— *House Journal*, *p.* 28.

Thereupon the following proceedings took place: —

"Nov. 26, 1779. *Ordered*, That Col. *Dawes* be a committee to cause a fair copy to be taken of the contents of the two valuation books: That the said copy, when taken, be attested, and either that or the original be lodged in the Secretary's office, not to be taken out of the same without leave.

Ordered, That no member or other person be allowed to take any of the valuation rolls out of the chest in which they are deposited, without leave of the House, and that those which have been taken out be returned. * * *

Agreeably to the order of the day, the members from the several counties present, except *Suffolk*, nominated one gentleman from each to constitute a committee to consider the complaint respecting the valuation. The gentlemen nominated were chosen, *viz.* Col. *Little*, Col. *Baldwin*, Mr. *Oakman*, Major *Parks*, Mr. *Starkweather*, Major *Davis*, Col. *Williams* and Col. *Grow*."— *Ibid.*

On the 30th, Messrs. Morton and Thomas were appointed to the above committee, in place of Messrs. Starkweather and Oakman, who were absent; and on the 4th of December, the report of the committee was read in the House. This report, together with the

vote of the Assembly thereon, which was published in the "Independent Chronicle" of December 23d, was as follows: —

"The Committee appointed from a number of Counties in this State to consider the complaints made by a number of Towns in the State respecting the effects of the present Valuation and report what measures are necessary to be taken in order to remove the cause of said complaints have carefully attended that service and after the best enquiry they are able to make are of opinion that the present valuation as it respects the different Counties in the State is Just and equal But from the many complaints made and the best knowledge your Committee can obtain respecting the matter they are further of opinion that the Valuation as it respects the proportions set upon some Towns in some of the Counties in the State are not so equal as might be wished this your Committee find to be the cause of the complaints made to this Court. Your Committee can devise no better method for removeing the cause of these complaints than by a County revision of the Valuation that so each complainant may have oppurtunity of redress according as he or they shall make appear to be Just and proportionable: and that said revision take place the next sitting of the General Court and that in order to an easy and satisfactory accommodation of the matter the members of the House be strictly required & enjoined to give their attendance at the next Setting of the General Court Wherefore your Committee beg leave to report the following Resolve.*

State of Massachusetts-Bay } In the House of Representatives Decr 4, 1779

Resolved That this Court will as early in the next sitting thereof as may be, appoint a Committee consisting of a member or members from each County in this State to revise the present Valuation and report such alterations in the proportions of the several towns in the different Counties as shall then be made appear Just & equal and in order that the same be done with the utmost Justice and satisfaction the several members of the House are hereby required and strictly injoined to give an early and punctual attendance at the next sitting of the General Assembly

And it is further Resolved, That any Town in this State which has not sent any Representative to the General Court the present year and who apprehend themselves over burdened in the said Valuation shall and may be heard respecting the matter by their Agent or Agents as they shall chuse to appoint

Sent up for Concurrence JOHN HANCOCK Spkr
In Council Decemr 6th 1779 Read & Concurred JOHN AVERY D Secy
Consented to" — [Signed by fifteen of the Council].—*Mass Archives, vol.* 225, *p.* 223.

The loss of the House Journals for the period between Dec. 31, 1779 and April 10, 1780, leaves it uncertain when the order was passed for bringing in the bill of this chapter, and what measures were taken, during that period, to procure full and correct returns as a basis for the new valuation.

By a memorandum on the following petition from the town of Foxborough, which remains in the state archives, it appears that it was "ordered to lie," on the 23d of March, 1780, and that, on the 24th, it was referred to the "committee on the valuation." The failure of this town to get the relief prayed for in a former petition, has been alluded to in the note to chapter 12, *ante:* —

"To the Honourable Council and House of Representatives of the State of Massachusetts Bay in General Court Assembled —

The Petition of the Inhabitants of the Town of Foxborough Humbly Sheweth that Said Town was not notified to take a Valuation of their Rateable Estate untill Some time in February 1779 which rendered it impossible for the Assessors to make a return before the Courts Committee had Reported the Valuation on the Several Towns, in this State, and Said Town was Doomed to Stand 48500 Pounds which your Petitioners Conceive to be more than Double its real Value as will appear by the returns of the Assessors from the several Towns that said Foxborough Originated from, and also by Attested Coppies from Said Towns Shewing in what Proportion the Said Town of Foxborough Paid when Assessed by the Towns of Stoughton Stoughtonham Walpole and Wrentham Since they were incorporated; when your Petitioners See the Scituation of a Number of the Towns around them, that they do not Pay more than half the Sum that is Paid by the Inhabitants of the Town of Foxborough according to their real wealth and Number which Creates Great Uneasiness and is an Intolarable Burden, we are Intirely willing to Pay, our full Proportion with the Rest of the State and to Sacrifice our all in the Common Cause if it Should be Necessary — there is another Circumstance which We Beg leave to mention which may Serve to demonstrate that we are Greatly over Tax'd, that is the universal Complaints of the nonresidant Proprietors, who declare that they are Tax'd Double in the Town of Foxborough that the Same Land would have been had it lain in their respective Towns —

Your Petitioners therefore trust in the Clemency of this Honourable Court, that they will Consider that they are but an Infant Town and lay no more upon them at least than their is laid upon Towns that are more aged and much Richer we further Humbly hope that this Honourable Court will take our Case in their wise Consideration and abate So much of our two last Taxes (which we have not yet been able to pay) as may appear to have been laid upon us more than our just Proportion and that the Execution be Staid untill these matters are adjusted —and your Petitioners as in duty bound Shall ever Pray

Foxborough March 1780— JOHN EVERETT } in behalf of the Town of Foxborough."—*Ibid., vol.* 186, *p.* 186.

The bill of this chapter was read a first time, in the House, April 11, 1780, and a second time, April 14th, and a third time, on the 18th; and was thereupon passed to be engrossed, in the House, and sent up for concurrence, by the casting vote of the speaker. In the Council it was read a first time, on the 18th of April, and passed, in concurrence, to be engrossed, on the 27th, after several intervening assignments, — probably for debate

* Printed resolves of the November session, chapter CXL.

thereon. It was passed to be enacted, April 28th, and was signed by fourteen members, only, of the Council.

Chap. 42. This chapter incorporated the first district erected since the act of 1775-76, chapter 3, by which all existing districts were converted into towns; and Carlisle was the only district in Massachusetts at the time of the adoption of the Constitution of the Commonwealth. A considerable portion of the settled territory included within the limits of the town incorporated by this chapter, was embraced in what was known as the Bloods' Farms. This tract of land came into the possession of the brothers, John and Robert Blood, partly by purchase, as early as 1650, and partly, probably, by descent from their father. Robert, also, possessed other extensive contiguous territory in right of his wife, who was the daughter of Major Simon Willard, to whom the General Court of the colony had granted lands as a reward for his eminent public services. After the incorporation of Billerica, in 1655, the Bloods, whose farms adjoined the new plantation, though not within its limits, appear to have been considered as belonging to that township.

During King Philip's war, the Bloods sought refuge in Concord, and were there taxed as inhabitants; but on their petition, the General Court, on the 9th of May, 1678, ordered these taxes to be repaid them, "without charge to the petitioners." This appears to have been the beginning of a controversy between them and the town of Concord, which resulted, on the 17th of March, 1685, in an agreement between the parties, by which the "Farms," which had heretofore existed as a "peculiar," were annexed to Concord upon conditions by which Robert Blood, senior, his heirs and assigns, were exempted from obligation to serve in any town office, and from all rates excepting such as should be laid for repairing or building the meeting-house. By this agreement, also, the "waste lands" of the Bloods were to be exempted from taxation; highways were to be laid out, to and from the town, for their accommodation, and they were to have "meet places assigned to them in the meeting-house," in Concord. No express reasons for granting the exemptions claimed by the inhabitants of the territory above named, have been found in the state archives; but as the settlers there occupied an outpost on the frontiers, and were remote from the meeting-house in Concord village, from which they were separated by the Concord River, and to which they had access only over roads often submerged, or otherwise impassable, the conjecture is not unfounded, that these circumstances furnished sufficient inducement for consenting to their enjoyment of these special privileges.

As early as Dec. 18, 1732, Jonathan Blood, John Parlin and twenty-six others, inhabitants of the northerly part of Concord, subscribed to an agreement to support meetings for public worship at the house of Joseph Adams. The whole amount thus subscribed was £18, 4*s*. The subscribers appear to have organized as a society, to have chosen a clerk, and to have held meetings for prudential affairs, sometimes, at the house of David Parlin. At a meeting of the inhabitants of Concord, held May 21, 1733, a vote was passed, pursuant to an article in the warrant, upon the questions "whether the town would make allowance to sundry inhabitants of the north part of Concord, to support preaching amongst them * * in the winter season," or "would set off the said inhabitants, to be a separate precinct;" both of which were decided in the negative.

During the fourth session of the Assembly of the following year "a petition of Benjamin Stone and twenty-five others, of Concord, setting forth the distance they are at from the place of public worship in said town, and praying that they may be erected into a separate precinct by the bounds stated in the petition," was read, and notice thereof was ordered to be served on the town of Concord, returnable on the first Tuesday of the next May session This petition has not been discovered; but there is little doubt that the petitioners represented the same body which had organized for worship in the winter of 1732, and had unsuccessfully applied to the town for aid, in the spring of 1733. This petition came up for consideration on the 4th of June, 1734, together with a certificate of twenty-eight other inhabitants" of the proposed precinct, "shewing their unwillingness to be part of the precinct," and the answer of the town of Concord, the inhabitants whereof, on the 24th of May, had chosen Joseph Dakin, Hugh Brooks and Samuel Merriam "a committee, to give reasons to the General Court," at the day appointed, why the prayer of the petitioners should not be granted. After consideration, this petition was ordered to be dismissed.

At a town meeting held by adjournment, March 7, 1737–38, and called, among other things, "to see if the town will dismiss Zechariah Blood, and others, petitioners with him, from Concord, in order to join with part of Chelmsford and part of Billerica, to make a separate township;" and "to hear the petition of Eleazer Brown and others on the northwardly side of Concord River," that all the inhabitants of the town "on the north and northerly side of the North River, so called, may be set off a separate township;" the inhabitants refused to grant the latter petition, by a vote of seventy-six to twenty-six; and on the former petition, "the town saw cause not to act * * at that time, for that a greater number that live within the bounds asked for, appeared against the wanting the said petition, than appeared for it."

On the 3d of March 1739–40, at a meeting of the inhabitants of Concord, for which the twelfth article in the warrant was, "to hear the request of Jonathan Blood and others, of the northwardly part of the town, who desire to be set off to be a separate precinct * * * according to bounds set forth in their petition," — the town refused to grant the prayer of the petitioners.

The next attempt that has been discovered, to have any portion of the territory north of Concord River set off as a separate town or precinct, was on the fifth of May, 1746, when the warrant for the next town meeting, contained an article for hearing and considering the petition of John Hartwell and others, then to be laid before the town for that pur-

pose. The meeting at which this petition was considered was held May 20th, by adjournment from the 12th, and at the adjournment the petition was referred to the next town meeting.

The grounds for separation alleged by these petitioners were, "in order to their more conveniant coming to y^e^ publik worship of God, from which they are many times many of them hindred by y^e^ Difficulty of passing y^e^ river in times of flud & by y^e^ great Distance of their aboad from y^e^ place where y^e^ publike worship of God is now upheld."* They promised to state other reasons in the petition to be presented by them. On the 3d of November of the same year, the warrant for the town meeting to be held on the 17th, contained an article for considering the petition of John Hartwell and others, which, it is probable, was the original petition, and it was again "referred to the next town meeting." The record of the next town meeting held by adjournment, on the 3d of March contains no reference to this petition. This and other similar applications were ineffectual, until the year 1753, when, having failed to get a vote of the inhabitants of Concord consenting to their separation, James Chandler and forty-six other inhabitants of this territory (not, however, including Bloods' Farms), appealed to the General Court, in the following petition, which was read in the House, Sept. 13, 1753, and notice thereon ordered to be served on the town of Concord, returnable "on the second Wednesday of the next sitting of the Court": —

"To His Excellency William Shirley Esq^r^ Cap^t^-General and Governor in Chief in and over his Majesties Province of the Massachusetts Bay in New England and to the Hon^ble^ His Majesties Council and House of Representatives in General Court Assembled

The Petition of the Inhabitants of the Northerly Part of the Town of Concord Humbly Sheweth

That Whereas your Petitioners have for many years Past attended with our Families on y^e^ Publick worship of God at the old Parish in Said Concord with many and great Inconveniencies by Living (many of us) So Remote therefrom there is a great Number of aged, and youngerly Persons are very Freequently Nessesarily Detain'd from the Publick worship They not being able to Travel So far in the heat of Summer without Exposing their health, and in y^e^ winter season the Days Being So Short they Cannot without a great Deal of Pains and Trouble get to y^e^ Place of Publick worship in season and in Case they tarey till the times of Exercise is over they Cannot Return to their Places of abode till Sometime in the Evening, which greatly Endangers them of Suffering with the Cold, and Perticularly in times of floods there is great Numbers (of all Sex) are oblig'd to Tarey at home on y^e^ sabbath altho'— there is good bridges over the Rivers but Cannot Come at them, all which Renders your Petitioners Case very Deficult

Your Petitioners therefore Humbly Pray your Excellency and Honours would take our Cause into your wise Consideration and Grant unto us a Destrict under such Restrictions and Regulations as your Excellency and Honours in your great wisdom Shall Think Fit. Including all within the Bounds hereafter mentioned in y^e^ Northerly Part of S^d^ Concord.— Beginning at y^e^ Corner of the Town Near Joseph Parlins then with Acton Line to where it Crosses Neshoby Brook (so Called) then Down Said Brook to the River, then with Said River till it Comes to Bloods Farm (So Called) Then Bounding on s^d^ Bloods Farm till it Comes to Billiraca Line, then with Billiraca Line to the Corner first mentioned.— and your Petitioners Futher bege Leave to Inform your Excellency and Hon^rs^ that we Haiue Petioned the Town of Concord to vote us off as a Destrict; and they haiue had a Town meetting for that Purpose but Refiused so to Do: and we as In Duty Bound shall Euer Pray &c."— *Mass. Archives, vol.* 116, *p.* 470.

The town of Concord during the recess of the General Court, having passed the vote shown in the following petition, Jonathan Blood and twenty-seven others, who were desirous of being included in the territory to be set off, presented their petition to the General Court, early in the next session, as follows: —

"Province of the Massachusetts Bay December 4^th^ 1753. } To His Excellency William Shirly Esq^r^, Governour and Commander in Cheif, The Hon^ble^ His Majesties Council and House of Representatives in General Court Assembled

The Petition of a Number of the Inhabitants of the Northerly part of the Town of Concord in the County of Middlesex Humbly Sheweth

That whereas the Inhabitants of the Said Town of Concord at their Meeting the 22^d^ day of October Last 'Voted that the Inhabitants of the Northerly part of the Town 'Shall and May have all the Liberty that the Town Can Grant them to Go off as a Seperate 'District at any time when they Shall Agree or Choose So to do by the following Bounds 'viz^t^ to begin at Concord River and Run Streight to Acton Line So as to Run across the 'Road Leading to Bloods farm and across Groton Road (so Called) at Each of them one 'Mile and three Quarters from the Meeting House upon a Streight line and then to be 'Bounded on Acton and Billerica and on Concord River to where it began

And Whereas the part then voted to be Set off is thought not only by your petitioners but by many others in Said Town to be too Small, your Petitioners pray that the Same may be Confirmed by your Excellency and Honours with a Small Addition and to Run by the following Bounds viz^t^ to Begin at Concord River at the mouth of Ralfs Brook So Called and Running to a white oak tree in or by the High way on the Easterly Side of Hunts Hill otherwise Called Gravell Hill from thence to a heap of Stones by the wall in Groton Road (so Called) about four Rods on the North of Daniel Coles Barn and So Extending a Streight line to Acton Line (which will Cross Each of the Roads mentioned in the vote of the Town about Two miles from the meeting House as the way Runs) then

* Collection in the possession of Charles E. Clark, M. D., of Boston, embracing the original first book of records of the district, and sundry papers relating thereto. He has presented to the State Library the original of a plan of the district, referred to on page 1351, *post.*

to be Bounded by Acton to Billerica line then by Billerica taking in Bloods Farm (so Called) to Concord River then on the River to where it Began and that the Lands within Said Bounds with the Inhabitants may be made a Seperate Town or District and be vested with the Same priviledges which other Towns or Districts Enjoy. And your Petitioners as in Duty bound Shall Ever Pray." — *Ibid.*, *p.* 477.

The above petition was read, in the House, December 7th, and notice thereof was ordered to be served on the town of Concord, returnable on the 12th, — the same day on which the order of notice on the petition of James Chandler and others was returnable.

On the return day, the selectmen of Concord appeared and consented to the petition of Blood and others, "provided they be obliged to pay their proportion of all public dues, as they have heretofore done, 'till such time as they agree to set up and maintain the public worship among themselves; and that they be obliged to pay such proportion, towards maintaining the great North Bridge in said town, for the future, as shall be judged reasonable, unless dismissed by a vote of the town." Whereupon this petition was referred to a joint committee, consisting of Benjamin Lynde and Samuel Watts, of the Council, and Messrs. Livermore, Coolidge and Lawrence, of the House, who were ordered "to hear the parties, and report what they judge proper for the Court to do thereon."

On the same day, Jonathan Brooks and twenty others, who lived within the territory described in Chandler's petition, filed their objection to being "layed off, in any shape, according to that request."

A committee, chosen for the purpose by the town of Concord, also appeared, and presented the following answer to the last-named petition: —

"Province of the Massachusetts Bay } To His Excellency William Shirley Esq^r^ Governour and Commander in Cheif The Hon^ble^ His Majesties Council and House Representatives in General Court Assembled December 12^th^ 1753.

We the Subscribers being a Committee appointed by the Town of Concord to make answer to the Petition of the Inhabitants of the Northerly Part of Said Town praying to be Set off as a Seperate District would Humbly Offer to your Excellency and Honours the following Reasons why the Prayer of their petition ought not be Granted Viz^t^

The Said petitioners Pray for a part of said Town to be Sett off as a District Containing Six thousand Nine Hundred and Thirty acres on which are upwards of Eighty Families and is the most valuable part of the Town being the most fertile and Profitable land and Contains all, or almost all the Lands within the first parish in Said Town Capable of Making any New or aditional Settlements; Whereas much of the Remaining part of the first parish in Said Town is Barren and unprofitable pine Land which Never Can be Improved to any Considerable, if any advantage: That if their petition Should be Granted and they Set off to the Bounds mentioned in their petition which Comes within one Hundred and ninety four Rods of the meeting House, it will Leave the first Parish in a bad Situation and under Difficult & Deplorable Circumstances not Two mile and half wide by the Meeting House and the Inhabitants in the Southwesterly Part as distant from the place of Publick Worship as the Petitioners and have as much need of Releif (all which may appear by a Plan of the Town Herewith Exhibited) and the Inhabitants near the Meeting House being many of them Tradesmen and Others which are Tennants or have very Small Estates and Generaly under Low Circumstances it will make the Burden very Heavy on a few Persons: we would also Observe that the Difficulty in Passing the River mentioned in their Petition is almost, if not altogether without Foundation the Town Having Lately been at a Great Expence in Raising the Causey and Building a wide wall for people to travell over on foot when a flood Covers the Causey (which Seldom Happens) And your Respondants would also beg Leave further to Inform your Excellency and Honours that the Said Petitioners in their Petition have Left out and made no mention of Bloods Farm (so Called) which adjoyns to the northerly Part of Concord and Contains about one Thousand Eight Hundred and fifty acres with about fifteen families thereon, and which is Accounted a Part of Concord and have Paid Publick Rates and taxes in Said Town for about Eighty years Past and Live the most Remote from the Publick worship of any belonging to the town and are obliged to travell through that Part Petitioned for to be Set off in Order to Get to the Place of Publick worship: and the Inhabitants of Said Town of Concord in Consideration of their Difficulties together with many others in the Said Northerly Part of the Town at their meeting the 22^d^ day of October last Voted

[*Here follows the vote of the Town as set forth in the petition of Jonathan Blood and others, supra.* — ED.]

Within which Bounds which Contains about Six Thousand and Six Hundred Acres there is about Sixty Families and being Some of the best Part of the Town and Contains land Sufficient and Room Convenient for a Considerable many additional Settlements was thought by the Inhabitants of the Town at their Said meeting to be as much as they Could Spare without manifest Injustice to the Remaining Part and to be as Large as the Petitioners and Others Concerned Could Reasonably desire and what was thought to be Sufficient to satisfie them although Something less than they asked for; But they having petitioned your Excellency and Honours for a Confirmation of the Same with a Small Adition which will take in about five Families more than the Town voted to them yet the Town we understand will not oppose it being very willing they Should be accommodated as far as is any ways Consistant with Justice and Equity and without Oppressing the Remaining Part; But if the Petition of the Said northerly Inhabitants of Concord prefer'd to your Excellency and Honours the Last Session of this Great and General Court Should be Granted it must unavoidably be attended with very bad Consequences Injustice Hardships and Oppression your Respondants Therefore Humbly Pray that the Said Petition may be Dismissed and other measures taken to Relieve the Inhabitants of the Northerly Part of Concord Such as may tend to Keep up and maintain a Harmony and Good

Agreement among the Inhabitants of Said Town agreeable to the name thereof and your Respondants as in duty Bound shall Ever Pray TIMOTHY WHELER JUNR.
NATHLL WHITTEMORE
JOSEPH HUBBURD." — *Ibid.*, *p.* 479.

On the 13th, the above answer, together with the petition to which it relates, was referred to the same committee to which had been referred the above petition of Blood and others. Another petition, signed by John Hartwell and forty-two others (all but twelve of whom were signers to the above petition of James Chandler and others), which had been read, in the House, on the 7th of December, and ordered "to lie on the table," was referred to the same committee. This last-mentioned petition was as follows: —

"To His Excellency William Shirly Esq^r Cap^t General and Governer in Chief in and over His Majesties Province of the Massachusetts Bay in New England and to the Honourable His Majesties Counciel and House of Representativs in General Court Assembled.

Your Petitioners in the Northerly Part of Concord Humbly Sheweth

That whereas we have Lately Prefer'd a Petition to this Honourable Court to Set off a Saperat District on the Northerly Side of the River in Said Concord and the Town has Been serv'd with a Coppy of Said Petition that they may give their Reasons if any they have why the Prayer of that Petition may Not be answer'd and accordingly have Chose a Committee for that End And sence that Committee has been Chosen Mr Jonathan Blood and others (who were Formerly anexed to the Town of Concord only During this Honourable Cours Pleasure) have Requested of the Town to see if they would by their vote set off the greatest Part of the Lands already Petition'd for, to be anexed with them to be a saprate District, the Town being senciable that it is but Reasonable that Some thing Shuld be Done for the Relief of the Northerly Part of s^d Town have by their vote Set off the greatest Part of the the Lands your Petitioners have asked for in answer to the Request of s^d Jonathan Blood and others which your Petitioners humbly Concieve is for No other end But to Defeat you Petitioners in their Proceedings in that afair, and Likewise we think that what they Petition for — is no ways sufficient to Carry on Such a work, your Petitioners therefore Humbly Pray your Excellency and Honours would Take our Cause into your wise Consideration and not Grant the Petition of S^d Jonathan Blood and others till after your Petitioners Shall have a hearing —

And your Petitioners as in Duty Bound shall ever Pray

Concord November 28/1753

And your Petitioners further Pray that Jonathan Blood and others with their lands may be annexed to this Destrict now Prayed for In the Same manner as they now are to the Town of Concord and that if it is agreable to your Exelency and Honours The Reasonabelness of the Petition may be Enquired Into by a Committee of this Honourable Court Going upon the Spot and Viewing the Same and we as In Dutie bound shall Ever Pray."— *Ibid.*, *p.* 467.

On the fourteenth of December, the joint committee submitted a written report, dated the 13th, in which they stated that they found "such an uneasiness and disagreement amongst" the parties, that they reported "it as their opinion that the petitions and answers be referred to the next sitting of this Court, for further consideration, unless the parties should, before that time, accommodate their differences among themselves" This report was accepted, and the petitions, etc., were referred, accordingly.

During the following winter and spring, until late in March, the joint committee appear to have had this business still in charge, and to have made efforts to bring about an agreement among the petitioners and remonstrants. No less than six different petitions and reports, addressed to this committee during this period, are preserved in the state archives, together with long lists of rates, by which it appears that, in the portion of the town sought to be set off as a separate district, etc., there were one hundred and fourteen tax-payers; twenty on Bloods' Farms, and one hundred and seventy-five in the town, exclusive of the northerly portion, aforesaid, and of the south-east parish.

On the second day of the fourth session (March 28, 1754), the foregoing papers were read again, in Council, and referred to the same committee, with orders to "hear the parties, and report what they judge proper for this Court to do thereon, as soon as may be." When this vote came down to the House, the next day, it was concurred in, and Col. White was substituted, on the committee, for Col. Lawrence, who was absent. The Council thereupon substituted Stephen Sewall, for Samuel Watts, in which the House concurred.

The committee as thus changed, completed their report on the 10th of April, as follows: —

"The Committee to whom was refferred the Petition of Jon^a Blood & others the Inhabitants of the Northly part of Concord praying to be made a Seperate District, & also the Answer of the Selectmen of the Town of Concord, having hear'd the Parties & considered the several Papers Given in on the same; —Are of Opinion That the Prayer of the s^d Petition be so far granted, as that they be sett off and made a Seperate District by the following bounds viz to begin at Concord River* at the mouth of Ralphs brook so called & runing to a white Oak tree in or by the Side of the High way on the Easterly Side of Hunts Hill, & from thence to an heap of Stones about four Rods north of Dan^ll Coles barn &

*The following memorandum of particular measurements in the southern boundary of the district of Carlisle is in the collection of Dr Clark, referred to, *supra:* —

"May 29th 1754 the Record of the Bounds of the south Line betwen Concord & the District of Carlisle is as follows to it first 1 Begining at the mouth of Ralfs Brook 2ly an oak in Buttricks Field 3ly a white oak in the Road 4ly a heap of Stones by a wall; 5ly a white oak ten Euches over 6ly a maple tree fife Inches over 7ly a heape of stons in Joseph Dudley paster 8ly a pich pin 9ly a black oak six Inches; tenthly a black oak Eight Inches 11ly a black oak fore Inches. 12ly a black oak with stones about it by the way."

Extending on a Streight Line to a Way a Litle Westerly of Richd Temples House, & then runing Northerly by sd Way wch Leads toward Acton Line till it comes to Benja Temples Land then runing to Acton Line (so as to take into the new District the sd Benja Temples Land) & from thence bounded on Acton & Billerica until it comes to Concord River & so on Concord River to where the Line first began—taking in Bloods Farm so called—

And That the sd Inhabitants within the bounds aforesd Do the Dutie's that are required, & Enjoy all the Powers Priviledges & Imunities, that other Towns are vested with Except the Chusing of one or more person or persons to represent them in the Great & Genrl Court in the Choosing of whom the Inhabitants of sd District Shall Join with the others Inhabitants of the Town of Concord & pay their proportionable part of such Representatives Wages—

Provided The Inhabitants of the District pay their proportionable part of all Town County & Province charges already Assessed on them And also that they from time to time bear their proportionable part of the Charge of Keeping the Great North Bridge over the river in Concord in good & Sufficient repair—

And Further that Petitrs have Liberty of bringing in a Bill for the purposes aforesd

all wch is Submitted ℔ BENA LYNDE ℔ ordr." — *Ibid., p.* 604.

On the 11th, this report was accepted, and an order was passed by both branches, in concurrence, "that the petitioners have liberty to bring in a bill, accordingly." On the 12th, the bill of 1753–54, chapter 36, was read twice and passed to be engrossed, in Council, and sent down to the House, for concurrence, where it had its first and second reading, the same day, and, on the 13th, was passed, in concurrence, to be engrossed, with two amendments, which were concurred in by the Council, and, on the 16th, it was passed to be enacted.

The settlement effected by this act was not of long duration. On the 22d of January, 1755, — a little less than nine months after the act went into operation, a general meeting of the inhabitants of the district was held, to act, among other things, upon the following application to the selectmen: —

"Carlisle January: 15th 175[5*]

To the Selectmen of the district of Carlisle Gen[tlemen*] we the Subscribers Inhabitants of sd Carlisle being [*] Discouriaged in proceeding any further as a district being sensib[le*] of the many difficultyes and Cost that will arise we fear we shall not be able to Carry on the same: we therefore Gent. desire you to Call a Meeting of the district as soon as Can be and Insert as an Article in your warrant for sd Meeting to see if the district will agree by a vote to petition the Great and General Court that the whole district may be Dismist from any further proceedings as a district and be laid to the Town of Concord as heretofore

Gent. your Compliance herewith will greatly oblige your Humble Servants —

DAVID WHITTAKER" [and seventeen others]. — *Dr. Clark's collection.*

Upon the article inserted in the warrant, in accordance with the above request, the inhabitants, after debate, "voted, that they will petition the Great and General Court, for an addition on the southerly part of the district, &c."

The immediate cause of this discontent appears to have been the difficulty of agreeing upon a location for a meeting-house in the district. Committees to select a site had been appointed, and had reported; and the geographical centre of the town had been ascertained by a surveyor, whose plan, showing the situation of some thirty or forty homesteads, and indicating the centre of the district, and the site chosen by the committee, has recently been discovered.

The following petition, which was read in the House, June 6, 1755, sets forth the later doings of the district, prior to this application to the General Court: —

"To His Excellency William Shirly Esqr Capt. General and Governer in Chief in and over his Majesties Province of the Massachusetts Bay in New England, and to the Honourable his Majesties Council and House of Representitives in General Court Assembled June 3/1755

The Petition of the Inhabitants and Freeholders of the District of Carlisle Humbly Sheweth

That whereas in April 1754 there was by this Honourable Court a Separate District Granted off of the Northerly Part of Concord Including Bloods Farm (so Called) in answer to the Petition of Jonathan Blood and others in order for better Accommodations to the Publick worship — For which we return our Thankful Acknowledgment And whereas the District already Granted is So Scituated that they Cannot by any means Come into any Amicable agreement for seting up a house for the Publick Worship in any place but what will Create such a vast Expence for highways thereto that it Renders our Case very Difficult. and if their be a Posibility of geting through with that Expence, then many of the Inhabitants will not be So Conveniant to the Publick worship as they are to the Town of Concord. And altho there has been all posible Care and Pains Taken and been at a great Expence to bring forward the Settlement of the Same. — The District being senciable of the great Disputes and Controversies arising in the affairs Did at a District Meeting on the 20 Second Day of January Last Vote a Concurrency with a Request of a Considerable Number of the Inhabitants. — To Se if the District Would Petition the Great and General Court for a Further addition on the Southerly Side of Said District or be Laid back to the Town of Concord with all our former Privileges, and at their annuel meeting in March Last Did then Chuse a Committee to Petition this Honourable Court for a Further Addition Aand at a District Meeting in April Last Did by a vote Dismiss Said Committee from Proceeding in that affair — And the District have at a Meeting on

* Manuscript mutilated.

y^e 3d Day of June above s^d Tried by a vote to See if they Could a gree on a place to set up a House for the Publick Worship and to Raise money for Defraying the Chargis of the same. and Past in the Negetive — And being senciable of y^e utter Imposibility of Ever seting up a house for the Publick Worship in peace and unity under the present scituation of the District. — We therefore Humbly pray that your Excellency and Honours would Take your Destris'd Petitioners Cause in to your wise Consideration and Dismiss S^d District from proceeding any further and Lay the District to y^e Town of Concord with all our former Privileges. And your Petitioners as in Duty Bound Shall Ever Pray JONATHAN PUFFER" [and thirty-eight others]. — *Mass. Archives, vol.* 13, *p.* 641.

Notice of this petition was ordered to be served upon the non-petitioners in the district, and upon the town of Concord, returnable on the first Tuesday of the next session. A counter-petition, signed by Ephraim Keyes and fifty-two others, inhabitants of Carlisle, Chelmsford, Billerica and Acton, was read, in the House, June 25th, and notice thereon ordered to said district and towns, returnable at the same time. This petition represented the petitioners' urgent need of a meeting-house (which, they alleged, would accommodate them if it should be erected in Carlisle), and the failure of that district to agree upon a site of such a building; wherefore they prayed to be incorporated into a township or district, which should include one-half of "the lands, with the inhabitants on the same, between Concord meeting-house and Chelmsford meeting-house, in this manner: that there be made an east and west line in the centre, between" the above-named meeting-houses, "and that half the lands between Concord meeting-house and the said centre line, south of it, with the inhabitants thereon, and half the lands between Chelmsford meeting-house and the said centre line, north of it, with the inhabitants thereon, and all the lands, with the inhabitants on the same, two miles and an-half distant, east and west, from a straight line drawn, or run, from Chelmsford meeting-house to Concord meeting-house (passing through the centre aforesaid), the whole width of the lands that may be set off" between the two meeting-houses, should constitute the new town or district — "the east and west lines to be parallel with the said straight line from Chelmsford meeting-house to Concord meeting-house; which boundaries may take in part of Carlisle, Billerica, Chelmsford, Acton and Westford." The petitioners represented that they had mutually agreed that the meeting-house should be built "on the said straight line from Chelmsford meeting-house to Concord meeting-house, in the centre, where the east and west lines shall cross the same, if a convenient place; if not, the nearest convenient place."

On the return day, the consideration of both these petitions was ordered to be referred to the second Wednesday of the next session. On the first of October, these petitions were read again, together with the answers thereto, and, after a motion to refer them to a committee, had failed, they were again "referred to the second Wednesday of the next sitting of this Court." Accordingly, on the day appointed, these petitions were referred to a joint committee, consisting of Samuel Watts and William Brattle, of the Council, and Messrs. Lawrence, Clap and Foster, of the House, who were ordered to take the petition of Jonathan Puffer and others, "and the several papers accompanying the same, under consideration, hear the parties, and report what they judge proper to be done thereon." On the 26th, this committee reported upon the petition of Ephraim Keyes and others, that they had "considered the same, heard the parties, etc., and are unanimously of the opinion that the prayer thereof is unreasonable, and that the petition be dismissed." This report was accepted, and the petition ordered to be dismissed, accordingly.

On the same day, upon the petition of Jonathan Puffer and others, the same committee reported that they were of opinion that the General Court "send a committee to Carlisle fully authorized and empowered (if they think fit for the interest of said district) to fix on a place to set the meeting-house," etc., "or to make report what they think proper for this court to do further thereon." This report was rejected by the Council, who passed an order again referring the subject to the "next sitting" of the General Court. In this order the House refused to concur, and voted that the petition be dismissed, and in this vote the Council concurred.

The papers referred to as accompanying these petitions were, the answers of the district of Carlisle to both petitions, and the answers of Chelmsford, Westford, Billerica and Acton, to the petition of Keyes and others; the petition of John Robbins and nine others, of Westford (in which they represented that if the prayer of Keyes and others were granted they should consider themselves "almost ruined and undone"; that they had just got through with settling a minister and building a meeting-house, and getting convenient highways, "and to begin the world anew, we are not able to do it;" that if the proposed new meeting-house was to be placed in the centre of Carlisle it would be more inconvenient to them than their own; that they had "a good minister now settled, and to be now floong [flung] into the open field, we cant bear to think of," and concluded with an earnest remonstrance against being "torn to pieces and undone" by the proposed act of incorporation); the remonstrance of John Hartwell and fifty-six others, inhabitants of the territory described in Keyes's petition; and the remonstrance of William Shed and thirteen others, inhabitants of Billerica, in which they represent that, within a few years, they had built a meeting-house and settled a minister, and had built a large bridge over Concord River, "against the meeting-house," and that many of the petitioners for separation were "so poor and needy as they cannot support or carry on such charges as will inevitably arise in a new township"; and therefore prayed "that they may be continued unto the town of Billerica."

The answer of the district of Carlisle to the petition of Puffer and others, was chiefly a denial of the sufficiency of the reasons alleged for the granting of this petition, and a reiteration of the willingness of the inhabitants to have the district enlarged by an addition from the adjoining territory of Concord, and that enlargement of their territory from any other town would ruin them; that they apprehended it to be the purpose of many of

the petitioners, to break up the district, as those persons had also signed the petition of Keyes and others; that some who signed, were ready to recant, and many were not voters in Carlisle, and one of them, only a tenant, but not a freeholder. To this answer was appended a certificate, signed by three of the signers to Puffer's petition, asking that said petition be dismissed.

The answer of Carlisle to the petition of Keyes and others, alleged that there was a prospect of the inhabitants agreeing, soon, upon a site for a meeting-house, notwithstanding what the petitioners had stated to the contrary; that the site proposed by the petitioners would "no way commode the same," and if the prayer of the petitioners should be granted, the inhabitants of the district would "be in a worse condition than" they "were when" they "all belonged to the town of Concord;" that they would be "joined with a great number of poor persons," who would probably soon need pecuniary assistance; also that, if they were set off as the petitioners desired, there was, to use their own words, "the uttermost danger of our being greatly imposed upon as to our religious circumstances, by being joined to a number of separates, many of whom lie under church censure, or debarred of church privileges, in the church or churches where they belong, and are mostly separates from our common way of divine worship, and for a long time have forsaken the standing ministry, and heard a lay exhorter, whom we suppose they would settle among us * * * or, at least one of the same persuasion"; and closed, with the declaration that rather than be joined with the petitioners "we would beg to be set back to the town of Concord again, which nothing would induce us to be willing to, except the danger of our being obliged to be incorporated with these petitioners."

The answer of the town of Chelmsford was signed by a committee, chosen for the purpose at a town meeting held on the first of August, who were instructed to use such arguments against the petition of Keyes and others, as they should "think most proper." This committee represented that the remoteness of the petitioners from the meeting-houses of the several towns to which they belonged, which they had given as their principal reason for being erected into a new township or district, was "not the only true reason why the major part of the petitioners of Chelmsford desire to be set off, * * * but that they have a greater reason" which they had not expressed in their petition, inasmuch as, for a year and a-half, or more, they had separated from the regular church and congregation in the town, and attended the ministrations of one, Samuel Hide, "late a tailor in Boston, but now a bold, illiterate, Separate speaker or exhorter,"—who had been brought into town by some of their number, to the great disorder and disturbance of the church and town, and to the no small hurt and damage of even some of their number; and that the minor part of the said petitioners" were "either those who have heretofore been disaffected to the ministry and church, as the others, or drawn in by their influence," and that they joined in the petition in order "to facilitate a settlement for their exhorter." The committee further expressed the belief that very few, if any, of the petitioners would be nearer the meeting-house in the proposed district, than they now were to the meeting-house in Chelmsford, and that the town, having been settled as early as 1654, offered but little chance for more new settlements, or profitable improvement; that the soil was "poor and barren," that the inhabitants were hardly able to pay the town and public taxes, and that the setting off of the petitioners would open a door to strife and contention about the location of the meeting-house,— which would either have to be moved to the centre of the territory remaining after the petitioners were set off, or enough more land set off from the northern part of the town to leave it in the centre; which would be the ruin of the town. They therefore prayed that the petition be dismissed.

Thomas Read, in behalf of the town of Westford, answered that the petition signed by "Timothy Wilkins and Jonas Robins" (two of the signers of Keyes's petition), was "a falls [false] petition, and they not held to answer thereto." They therefore asked that it be dismissed; but if they should be held to make answer, they would beg leave to say that they could not spare any of their number, for they "are but small as to number of acres; for our town, containing but of nineteen thousand and a few odd acres in the whole; for when we was laid off from Chelmsford we was to have had one-half of all the land belonging to the town of Chelmsford; but there was about three thousand acres where the surveyor went to plan the town, belonged to a certain propriety; so we was licked out of fifteen hundred acres." They also declared that the town included between four and five thousand acres, at least, of "drowned lands," of which the six ponds, ("some of them a mile long, and good part of a mile wide, besides there is two great ponds more) we own the greater part of them, to our sorrow;" that they had also three great spruce-swamps, measuring one thousand acres, and a great deal of pine-lands, and "rock pine-hills," fit only for pasturage; that they had as much as they could do to live, and pay their minister, and their public charges; and that the setting off of the petitioners would not only bring confusion to the towns from which they were separated, and disturb the parish settlements there, but would undo those who should be set off, as their lands would not be wholly in the old or the new town; and the differences of opinion that would arise among them would eventually "break them up." The answer closed with a prayer that the petition be dismissed.

The answer of the town of Billerica, by Thomas Kidder, who had been chosen for the purpose, contained the same representation about the new bridge, that was made in the later remonstrance of William Shed and others. It contained the further statement that the number of polls, in the town, had been reduced to two hundred and forty, and the territory of the town proportionally diminished, by the setting off therefrom, about one-half of the town of Bedford, the whole of the town of Tewksbury, besides a considerable number of inhabitants, and several hundred acres of land, to Wilmington. The answer also stated that the line proposed in Keyes's petition would come within two miles of the

meeting-house in Billerica, and that "most of the principal inhabitants" were opposed to the separation. Wherefore the town prayed that the said petition be dismissed

John Davis, junior, and Samuel Davis, a committee chosen by the town of Acton, answered for that town, approving of a remonstrance of sundry inhabitants of that town (which has not been discovered in the state archives), and declaring that there were but two signers of Keyes's petition belonging to Acton, one of whom had since died, and neither of whom "had possession" there; that not many years before, the town, by order of the General Court, had built a meeting-house, and settled a minister, — to use their own language: "even when our numbers and substance were exceedingly small; and now, in our infant state, such is our weakness that it is with great difficulty we pay the charges we are subjected to, as a town;" that the prayer of the petitioners was, for setting off one seventh part of the families in the town, which would reduce the town to a condition in which they would be unable to perform the duties of a town; and would, moreover, make the existing site of their meeting-house no longer central. These objections they submitted to the consideration of the General Court, without a special petition for relief.

The answer of Carlisle to the petition of Puffer and others, was submitted to the General Court, on the 6th of August. All the other answers, and the remonstrances of John Robbins and others, and John Hartwell and others, were submitted September 24th, except the answer of Acton, which was presented on the first of October. The remonstrance of William Shed and others, of Billerica, was presented on the 22d of October.

These schemes for the extinction of the district having failed, the project of getting the district set back to Concord was renewed, the next year, by a committee of the district, chosen for that purpose, at a general meeting of the inhabitants. This, it will be seen, was precisely the prayer of Jonathan Puffer and others, which had been opposed by a committee chosen by the district, against the protest of Puffer and twenty-three other inhabitants. The reasons for this change by the inhabitants, are sufficiently shown in the petition of the committee, which was as follows: —

"To His Excellency William Shirly Esq^r and Governer in Chief of his Majesties Province of the Massachusetts Bay in New England. To the Honb^e His Majesties Council: And the Honble the house of Representitive of Said Province in General Court Assembled. August 12/1756 ·

The Petition of the District of Carlisle in the County of Middlesex by their Committee Humbly Sheweth. —

That whereas Your Petitioners being Set off, of the Northerly Part of Concord a Separate District in April 1754 And there being but a very Small Majority (if any) that were freeholders included in S^d District that were Petitioners for being Set off which R nder'd our Case very Difficult and we Still Remain in a very Broken Posture. And altho there has been many Trials and in various ways for Coming into some ammicable agreement for building up the Place according to y^e Intent of our being Set off. And Seeing all means Fail, and apprehending the utter impossibility of ever Coming into any further agreement for Setting up a House for the Publick worship. Did at a District meeting on y^e 14^th of July Last Come into the Following Vote. That the District will Petition the Great and General Court that the whole of the District be Return'd Back to the Town of Concord with all their Former Priviledges — (And also that none of the Inhabitants be set off again into a Separate Town District or Precinct Excepting Such as shall hereafter Sign a Petition to the Great and General Court to be set off)

At the time of our former trial of Returning back to the town Concord there was a Petition Prefer'd to this Hon^ble Court by Some of the Inhabitants of Chelmsford and Billerica which Included Part of this District was (without any Doubt) the Cause why there was no better agreement for our Returning back which fears are in Some measure Removed by that Petition being Cast out as an unreasonable Petition as we apprehend: — And the Town of Concord was serv'd with a Copy of the Petition of Mr Jon^a Puffer and others to Give in their Reasons if any they had against this Districts Returning to the town of Concord and by a very great majority voted not to send a Committee to oppose our Returning and we have not again made our application to the Town to see if they will accept of us inasmuch as the town was so free to Receive us at that time. — but have been with all the selectmen of Concord and they Say they know of no reason the Town Can give against our Returning at this time any more than at the time above Said. — And there is Several of the Inhabitants that Live the most Remote from the Town of Concord are ingaged in Returning as above S'd. — We therefore Humbly Pray in the Name of the District that your Excellency and Honours would Take your District Distrest Condition into your wise Consideration and Releave us according to the vote of the District or in Such a way and manner as your Excellency and Honours Shall in your Great wisdom Think Fit. — &c

As in Duty Bound Shall Ever Pray

JOHN BARRETT, } Comtt^ee for
JONATHAN PUFFER } the District of
DANIEL RAYMOND } Carlisle." —*Ibid.*, *vol.* 117, *p.* 205.

The above petition was read, in the House, Aug. 12, 1756, and notice thereof ordered to be served on the town of Concord, returnable on the first Tuesday of the next (October) session. Accordingly, on the return day, the inhabitants of Concord having voted, in the mean time (Sept. 28, at a general town meeting, duly warned for the purpose), first, not to choose a committee to oppose this petition, and second, that they would receive the district back, "agreeable to their petition," the following order was passed: —

"In Council October 6, 1756 Read again and it appearing that the Petr^s had Served the Town of Concord with a Copy of the Petn who have made no answer to the same Therefore Ordered that the Prayer of the Petition be granted and that the Inhabit^ts of the Dis-

trict of Carlisle together with their Estates be annexed to the Town of Concord agreeable to their Petn there to do duty and enjoy Priviledge accordingly

sent down for Concurrence — THOS CLARKE Dpty Secry
In the House of Repnes Octr 6. 1756 Read and Concur'd
Attts ROLAND COTTON Cler Pro Tempr
Consented to — S PHIPS." — *Ibid*, *p.* 206.

A difficulty was now encountered which again called for the interposition of the Legislature. The district newly annexed to Concord was destitute of town officers, whom the law required to be chosen at the annual town meeting, in March; whereupon the selectmen of Concord applied to the General Court, for a remedy. Their petition, which was dated Oct. 19, 1756, was read, in the House, on the next day; and the following order (drawn by Col. White, appointed a committee for the purpose), was passed: —

"In the House of Representatives Octo 20th 1756 — Voted that the Town of Concord at their next General Town meeting be and hereby are authorized & impowered to make Choice of a Contable Tythingmen Surveyors of highways & such other Town Officers as they shall think proper & necessary in that part of sd Town Lately Caled the District of Carlisle, publick notice being given thereof in the notification for Calling said meeting, which officers when Chosen shall be obliged to serve in the respective offices to which they shall be Chosen under the same Penaltys as the Town officers were that were Chosen in the month of March last

Sent up for Concurrence. Attestr HENRY GIBBS Cler Dom Rep —
In Council Octr 20. 1756 Read and Concur'd THOS CLARKE Dpty Secry
Consented to — S PHIPS." — *Ibid.*, *p.* 215.

Another difficulty arose in the extinct district of Carlisle, which with the remedy provided therefor, is sufficiently shown in the following order. It was brought to the attention of the General Court, by a petition, read in the House, Jan. 7, 1757, and referred to Col. Clap, Col. Buckminster and Mr. Merrill, "to prepare the draught of a proper vote to be passed thereon," etc. The "vote" or order reported by this committee, was as follows: —

"In the House of Representatives January 10th 1757

Ordered that the prayer of the petition be Granted and that the Assessors last Chosen in said Carlisle whilst it Continued a District be and they hereby are fully authorized Impowred and directed to receive Examine and Settle the Several Accounts of all and every person and persons who had and now have any just demands on said Carlisle and to lay a Tax upon and Assess the polls & Estates of the Inhabitants of said District according to the List of Valuation of their Estates by which their Last province tax was made for the Respective sums that shall be found due and to Issue their Warrant or Warrants directed to the last Constables Chosen of said district to Colect and gather the same in like manner as they were enabled to do before the said District was annexed to the Town of Concord And the Constables last Chosen by said District are hereby directed and Impowred immediatly after their receiving their Warrants to Collect and gather such sum and sums of the said Inhabitants as shall be Contained in the Warrant or Warrants to them respectivly directed under the same penaltys as by Law is provided to be recovered of defective Constables and Collectors, and to finish their former Collections and pay the whole to the late Treasurer of the said District who is hereby Impowred to demand recover and receive the same of the said Constables and to pay of the Several demands that shall be allowed by the said Assessors in as full and ample manner as he would have been had the said Carlisle remained a District. —

Sent up for Concurrence. — T HUBBARD Spkr
In Council Jany 11. 1757, Read & concurd ANDW OLIVER Secy.
Consented to, — S PHIPS." — *Ibid.*, *p.* 240.

For the next sixteen years no attempt to disturb the settlement effected by the foregoing vote has been discovered; but application was made to the General Court, at the first session in 1772–73, by certain inhabitants of Concord, Billerica, Chelmsford and Acton, "living near together, and far distant from the place of public worship in their respective towns," who prayed that, in order to the erecting into a separate town or district, them and their neighbors (comprising about seventy-six families), a committee of the Legislature might be appointed, at the expense of the petitioners, to view their situation and circumstances. This petition, which was signed by Jeremiah Andrews, John Robbins, Samuel Green, and fifty-four others, was read, in the House, June 10th, and referred to Messrs. Farley, Pierce and Maynard.

The following are the bounds of the territory which the petitioners prayed to have set off: —

"bgining att the Southeasterly Corner of Stephen Blood Juner's meadow att Concord Riuer thence Runing westerly Strait Line to the Southwest Corner of Edward browns Land on a Strait Line to Grotten Road including the house and Land of Samuell Dauis thence Runing on A Strait Line including the hovse and Land of Samson wheeler in acton thence Runing Northerly on a Strait Line Encluding the house and Land of John Emory thence Runing Northeasterly in Cluding the hovse and Land John Robbens in Chemsford Still Runing Northeasterly including the house and Land of Zachariah Emory thence Runing Northestly including the house and Land back of Joshua Snow thence Runing Easterly including the house and Land of Jonathan Swalow Still Runing Easterly including the house and Land of amos Kidder thence Runing Southeasterly including the hovse and Land of Nathaniel hutchenson thence Runing on a Strait Line to the Range way where the Country Road croses the Same thence Easterly by the South Side of Said Country Road to Concord Riuer thence up the Sd Riuer to the bounds first mentioned." — *Ibid.*, *vol.* 118, *p.* 625.

The petitioners alleged as reasons for their prayer, that, as divers of them lived seven

miles, others six miles, some four miles, and the nearest, nearly three miles, from the regular places of worship in their respective towns, (which prevented the regular attendance upon public worship of the old, the infirm and children), the petitioners "out of a just regard to the religious education" of their children, had, "at their own expense, erected a place of public worship among themselves," not more than two and a-half miles distant from any of their homes; which, and the "hiring preaching," from time to time, added to the province taxes, "and their full proportion of the salaries of the ministers of the towns they now belong to," proved a burden "extremely heavy." They further represented that though they were willing to endure this burden, and even more, rather than have the religious training of their children neglected, yet they appealed to the Court to judge how far it was equitable to continue this burden on them in order to ease their neighbors, who could well enough spare them; that the four towns from which they sought to be set off, would hardly feel their loss; while, to the petitioners, the exemption from all taxes for the support of ministers, except those of their own choice, would be very "serviceable."

Upon the report of the above committee, on the 12th of June, each of the four towns above named was ordered to be served with a copy of the petition, "together with an explicit representation of the bounds of the lands they pray to have set off * * *, that the said towns may shew cause," etc., on the second Thursday of the next session of the General Court. Accordingly, on the 15th of January, 1773, this petition, and the answer thereto of the town of Concord, by a committee chosen for the purpose, were referred to a joint committee, consisting of Messrs. Sever and Humphrey, of the Council, and Farley, Greenleaf and Bigelow, of the House, who were ordered "to consider the same, and report what they judge proper for this Court to do thereon."

The answer of Concord set forth, first, that though some of the petitioners may live nearer the place proposed for public worship, in the petition, yet the roads thereto (which would be used only for that purpose) would, in summer, be so much worse than the roads to the meeting-house in Concord, that it would be much easier to attend the latter; while, in the winter, the roads would be in such condition that it would be "impracticable for many to attend at said new proposed place of worship;" on the other hand, the roads to Concord meeting-house were kept open in winter, and were passable at all seasons of the year; second, that the aged as well as the young, among the petitioners, "who choose to attend worship anywhere, are constant attendants at public worship, in Concord;" and as for their children's schooling, it had never been neglected; and their chance for the future, in that respect, was better than it had been in the past; third, that when the district of Carlisle (which included some of the territory now sought to be set off) was set back to Concord, the inhabitants, in their petition (which was granted by the General Court), prayed "that they or any of them might never more be set off from Concord 'till petitioned for by the major part of them," which had not yet happened; and fourthly, fifteen out of the twenty families in that portion of the ancient territory of Concord, now prayed to be set off, were "utterly averse to going," being fully satisfied with their existing privileges as townsmen of Concord. The respondents, therefore, declared it to be, in their opinion, "not only a grievous hardship, but a great infringement on" their "liberties and privileges, to have a number of inhabitants forced and dragged * * * from a town where they have enjoyed every advantage accruing from society, to which they earnestly desire still to belong," and from which a separation must be inconvenient and injurious to them — who would thus be forced into a society entirely new to them, and be subject to great expenses, and exposed to the feuds and contentions to which new societies are liable, without reaping any one advantage more than they then had.

On the 21st of January, the joint committee made a report, which, with the order thereon, of both branches, is given below: —

"The Committee of both houses, on the Petition of a number of the Inhabitants of the Towns of Concord, Billerica, Chelmsford & Acton, praying, that they may have a Committee, at their own expence, to view their Situation & Circumstances, in order to their being erected into a Town, District or Precinct; & also the petitions of a number of the Inhabitants of the Sd Towns who are Included within the limits prayed for, who pray that they may not be set off from ye Several Towns or Parishes to which they respectively belong, together with the Answer of the Towns of Concord, Billerica, & Chelmsford, have attended that Service, fully heard the parties, & on due Consideration are of Opinion that the Sd petition dismissed which is Submitted WM SEVER P ordr

In Council January 21st. 1773 Read & Accepted & Ordered that the petition above referred to, be Dismissed Accordingly

Sent down for Concurrence THOS. FLUCKER Secry

In the House of representatives Jan 21 1773

Read and Concurrd T CUSHING Spkr."— *Ibid.*, *p* 629.

After the lapse of little more than six years, the subject of incorporating those of the inhabitants of Chelmsford, Concord, Acton and Billerica, who lived remote from the meeting-houses in those towns, yet not so far from each other, and who were members of a separate society or congregation for public worship, engaged the attention of the Legislature, in consequence of the presentation of the following petition, which was read, in the House, Sept. 10, 1779, and committed to Messrs. Perry, Adams and Williams of Roxbury: —

"To the Honourable Council, & House of Representatives, of the State of Massacusetts Bay, in New England. —

The Petition of a number of the Inhabitants of Chelmsford, Concord, Acton & Billerica, that live at a great distance from any Place of Public Worship, desiring that they may be made a Town, District, or Parish, agreeable to the Bounds hereafter mentioned.

This Petition humbly Sheweth, That the Petitioners not being able to get their Families

to Meeting, & labouring under very great Disadvantages, being tenderly concerned for their Families, built a House for the public Worship of God, & have for about Twenty Years, in the general, supported Preaching upon their own Cost, many of them at the same time paying Rates to the Ministers of the Town that they properly belong'd to, thô it was consider'd as a very great hardship, especially as there was no public Roads laid out for some of Us.

And althô we have been Unsuccessful in our former applications to this Honourable Court, through misrepresentations, we now as the Times are alter'd from what they were, as well as the Sentiments of many, & upon many accounts take Encouragement to renew our Petition; not doubting but our Prayer will be granted, if our particular Circumstances shou'd be consider'd by a Committee appointed, & sent to Us, at our own Charge, to view our Situation, & to hear what we have to offer in support of this our Petition; which Appointment we again earnestly Request. —

As to the Charge formerly brought against Us, That we are a parcel of disaffected People to Ministers, it is without foundation; for we mean to be a regular Society & to have a learned & orthodox Minister settled among Us, & that shall be approved of by all serious & steady Ministers, & People, that hold Calvinistic Principles, or Principles agreeable to the Platform upon which the Churches in general in this State are founded. — And as to our not being able to support a Minister, your Committee will be able to judge of that when they have view'd the Lands Petitioned for, & have enquired particularly into our Circumstances. — And as to the Damage it will be to the Towns we belong to, we are perswaded that this will appear trifling attending to their numbers & wealth, & to what some of them have lately done, when a Copy of this Petition was laid before them, which has been sent to all the Towns we are connected with, & has been acted upon, a Copy of whose Votes we have to offer when call'd for. —

Our distance from Meeting, is, from our Meeting-House to Concord 5 miles & an half; to Chelmsford the same; to Billerica Six Miles, & to Acton the same. — And every one from this distance we think must judge, that unless we have a mind to bring up our Children in a Heathenish Manner (which we dread) that we must be justified in our repeated Efforts to have the Gospel settled among Us. —

The Bounds of our intended Town, District, or Parish, is, as follows. Viz: Beginning at the South West Corner of Samuel Davis's Land in Acton, including sd. Davis's House & Land, & running Westerly to Land of Lieutt. John Heald Junr. including his House & Land; then running Northerly, including the House & Land of John Emmery; still running Northerly, including the House & Land of Jonathan Robins in Chelmsford: then running Northerly including the Houses & Lands of Nathan & Benjamin Crosby, & Samuel Wilson; then running Easterly, including Lieut. Jonathan Spauldings Home-Place; still running Easterly including the House & Land of Asa Spaulding Junr. & John Nicholas in Billerica; then running South Easterly to Concord River; including the House & Land of Lieutt. Issachar Andrews; then running up said River to the South Corner of Stephen Blood Junrs Meadow; then a strait Line to the South West Corner of Captn John Greens Pasture to the new-Road; and then a strait Line to Samuel Davis's South West Corner of Acton, the Bounds first mentioned. —

Concord March 8th 1779.

JOHN GREEN.	JOHN CHAMBERS.	AARON MUNROE.
JONATHN SPAULDING.	*JOSEPH NIXON.	SAMUEL HEALD. JUNR.
2 Tennements.	NATHL PARKER.	JOHN ROBINS.
NATHAN MUNROE.	JASON KEMP.	ISRAEL HEALD.
JOSHUA MUNROE.	NATHL TAYLOR JUNR	OLIVER WHEELER.
JOSEPH MUNROE.	ZACCHEUS GREEN.	NATHAN GREEN.
JOB SPAULDING	EPHRAIM ROBINS.	JONAS ROBINS.
JOHN ROBINS.	ASA GREEN.	EDMUND ANDREWS.
JONATHN ROBINS.	TIMOTHY WILKINS.	ISSACHAR ANDREWS.
THOMAS SPAULDING.	ISAAC WILKINS.	OLIVER PARLING.
ZEBULON SPAULDING.	JAMES NICHOLAS.	Widow ELIZTH GREEN.
Widow MARY ROBINS.	ASA SPAULDING, JUNR.	EDWARD BROWN.
DAVID DICKINSON.	JOSEPH NICHOLAS.	SAMSON WHEELER.
JOSEPH MUNROE JUNR	JOHN HENRY.	SIMEON BARRETT.
NATHAN, BENJN MUNROE.	JOHN HENRY JUNR.	Widow JANE HENRY.
SAMUEL HEALD.	SAMUEL GREEN.	HENRY FOSTER.
JONAS MUNROE.	JOSIAH HEALD.	

N. B. The Subscribers below being of the Baptist Perswasion, & living within the Limits of the intended Town, District, or Parish, acquiesce in the aforesd. Petition in every thing but what immediately effects their religious Principles & Priviledges.

They desire that the Prayer of the Petitioners may be granted, as appears by their Certificate, to be produced. —

NATHL HUTCHINSON.	DAVID PARKER JUNR.	SAMUEL WILSON.
NATHAN CROSBY JUNR.	CHRISTOPHER BARRETT.	EBENEZER HARDY.
BENJN CROSBY	JESSE SPAULDING.	HENRY FLETCHER.

The Town of Billerica have Voted off all their Families, & Lands.

Acton oppose only 3 Families beyond Groton Road. —

Concord has declined acting for the present. —

Chelmsford have refused complying wholly; but without assigning any Reasons." — *Ibid.*, *vol.* 226, *p.* 159.

* Opposite this name is the following memorandum: "the owner of this House does not Live in Town."

Accompanying the foregoing petition, besides the assent of the Baptists, which was appended thereto, and a petition signed by John Barrett (guardian for Jonathan Blood), and forty-two others, including the six persons exempted from the operation of the act, by section seven of this chapter, were extracts, duly certified, from three of the towns, named in the petition, showing that the inhabitants of Concord had voted not to act upon the petition, as it "now stands"; that the inhabitants of Acton were willing the petitioners should "be set off east of Groton Road, so called, taking half the road;" but that they had appointed their selectmen a committee to oppose the setting off of the petitioners' lands west of that road, "in case they obtain a committee from the General Court to view their circumstances"; and that the inhabitants of Billerica had consented that eleven of the petitioners named by them, "and all others included," might be set off as a township, by the following boundaries: —

"Begining at Chelmsford line at the end of the wall between the land of Lt Jonathan Spaulding, & land of Lt Asa Spaulding, runing east forty Degrees South half a mile to the Raing way, then Runing Southeasterly, to the North west Corner of the land of John Nickles Jur then Runing between Sd Nickles land & land of Asa Spaulding to the Southeast Corner of Sd Nickles land then runing South thirty one Degrees west half a mile to a heap of Stones in Capt Daniel Sticknеys land, then Running Southeasterly to the Northeast Corner of the land of Issachar Andrews, then Running between the Said Andrews land, and the land of Mr Joseph Hill to Concord River." — *Ibid.*, *p.* 163.

To this committee of the House, twenty-one of the inhabitants of the northerly part of Concord, embraced within the bounds proposed for the new township (including among them the six persons named in section seven), addressed a petition, on the 17th of September, praying them not to hear and grant the prayer of the former petitioners, but, instead thereof, to hear their own request not to be set off against their wishes The committee, however, made the following report: —

"In Hous of Representetives Septr 23d 1779

The Committee appointed to Consider the Petition of a numbour of the inhabitants of Chelmsford Concord Acton and Billerice — praying that they may be made a town, District or parish — have attended that Service — and are of opinion that the prayer of the petition be So far Granted that there be a Committee Sent by this Court upon the Cost of the petitioners — and beg leave to Report the following Resolve *

State of massechuset bay in house of Representetives Septr 23 1779

Resolved that Mr Metcalf of Dedham & Mr Davis of Dudley with such as ye Honle Board shall join be and they hearby are appointed a Committee to Repair to Chelmsford-Concord, Acton- and Billerice and view the Situation of these places and hear the parties on the Subject matter of Said petition and Report to this Court what is proper to be done thereon Sent up for Concurrence JOHN HANCOCK Spkr

In Council Septr 23d 1779 Read & Concurred & Aaron Wood Esqr is joined for the Purpose above mentioned * JOHN AVERY D Secy

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 165.

The joint committee thus appointed, received addresses or petitions, as follows: from Josiah Parlin, asking that his name be withdrawn from the above-mentioned petition to the former committee, as having been put there without his consent; from Amos Kidder, who, though a Baptist, expressed his willingness to be set off "considering the difficulties and disadvantages the petitioners labor under," etc.; and from a committee chosen, voluntarily, by the society of which the petitioners were members, warning the committee against certain "indirect methods" of their opponents, chief among which was their making a false show of strength by procuring the signatures of persons "that have no right to sign."

While this committee of the Legislature was proceeding with its labors, the inhabitants of Concord, in a town meeting held Nov. 1, 1779 (and warned at the request of John Hartwell and twelve other inhabitants, including the six persons exempted in section seven of this chapter), chose a committee, consisting of James Barrett, Dr. George Minot and Jonas Heywood, "to use their best influence that the abovesaid petition [i. e., of John Green and others] may no further take place." Stephen Blood, also, and thirteen other inhabitants or freeholders in Bloods' Farms, prepared a petition to the General Court, opposing the petition of John Green and others, in which they declared that the bounds of the proposed new district, included "about seventy freeholders, many of which are very poor, and eight or nine of them of the Baptist persuasion, which will be no help to support a minister if we are set off, * * * and about thirteen, we understand, have signed against being set off." They add that their proportion of the expenses of the war, "is as much as we know how to pay," and allude to the great expense they must incur in building roads, if the petition should be granted; concluding with the prayer that, as they and their fathers had "had the privilege of lying to Concord for upwards of eighty years," they may not be set off therefrom, even if the petitioners should be.

The committee of the society to which the first petitioners belonged, now renewed a proposal or promise to exempt all who should be incorporated with them in the proposed district, from any contribution to the cost, up to that time (Nov. 3, 1779), of building and finishing their meeting-house, in which these associates should, nevertheless, enjoy equal rights with those at whose expense it was erected.

A surveyor (Isaac Foster), and chainmen (Jonathan Minot, Amos Parlin and Samuel Wright), were employed by the petitioners for the new district, in accordance with the advice of the legislative committee, to prepare a plan of the territory to be incorporated, which plan the committee were to submit with their report. The surveyor and his assist-

* Printed resolves, chapter LXVIII.

ants were sworn, respectively, on the 8th and 9th of November, and the adjoining towns were notified to attend the survey of the lines falling within their respective limits.

On the 3d of December, the joint committee made the following report, which, on that day, was read and accepted in Council, and sent down to the House, for concurrence: —

"The Committee of Both Houses on the Petition of John Green and Others praying that part of Concord Acton, Chelmsford, and Billraca May be Sat off, and Made into a seperate Town, District, or Parish

In obedience to their orders, have repaired to Said Towns, having First Notifyed the select Men of Each Town of the time, place and Occasion of their Meeting, and likewise the Petitioners

After hearing the select Men of each Town, the Petitioners and other Persons, and Viewing the Land, delineated in a Plan, herewith Exhibited, considering the great distanc the Inhabitants are from the Meeting Houses in each Town, to which they Respectively belong: the quantity and Fertility of the Land the Number and ability of the Inhabitants, to suport the Gospel Ministry a Mongst them, and Common Town Charges: and the great Easement, it will be to the Very Aged young and Infirm People to attend Publick Worship which they seem to haue a great desire to do — Under those and some other Considerations the Committee are Fully of Oppinion that the prayer of said Petition be so far [granted*] that the Petitioners and Others with their Land lying with [in the blac*]k line drawn on the Plan Respecting Concord Chelmsford [and Bi*]lleraca: and taking in as far upon Action as the prickt l[ine b*]e Erected: Made and Incorporated into a Seperate Destrict [except*] aboute nine acers of Land belonging to Josiah Blood of Concord and Vested with all the priviledges and ammunites of a Town Except that of sending a Representative to the General Court: That they have their proportionable part of the Several Town Stock of Arms and Amunition: that they may Joyn with the Town of Acton in the Choice of a Representative: and that the Petitioners have leave to bring in a Bill for that purpose all which is Humbly Submitted AARON WOOD pr order

In Council Decr. 3d 1779 Read & Accepted
Sent down for Concurrence JOHN AVERY D Sec'y
In the House of Representatives. March 15–1780 Read & Concurrd
JOHN HANCOCK Spkr."— *Ibid., p.* 157.

On the 16th of December, the House, at the request of the representative from Chelmsford, and in order, as he represented, that that town "have opportunity to measure," ordered that the consideration of this report, and papers relative thereto, be referred to the next sitting of the General Court, notwithstanding a committee of the town had been present when Isaac Foster made his survey. The further action taken upon this report, before the 10th of April, 1780, has not been fully ascertained on account of the loss of the journals of the House between Dec. 31, 1779, and that date. It is certain, however, that, even before the House passed the above order, the three Bloods — Stephen, Stephen, junior, and Jonathan, junior — signified their satisfaction with the report of the committee, and their objection to being set off in any other manner; and that, on the 14th of December, John Green and others, the committee of the original petitioners, requested, as a favor that the town of Concord might not be granted another hearing — but that the House would concur in the action of the Council as there had already been four hearings before committees of the Legislature, and especially as the town of Chelmsford, at whose motion the second reading of the bill had been deferred, had lately voted to raise large sums of money for prospective outlays in order to place a heavy burden upon the petitioners; in respect to which, also, they prayed relief. These petitioners also begged (in order to correct any misconception of their condition, through misrepresentations made to the Legislature) in case "there should be a necessity for looking into the matter," that the Court would hear what the whole joint committee had "to offer, previous to any other hearing."

The fourth session of the Assembly began on the ninth of March, and further petitions, certificates, declarations and other documents, were prepared, to be used, at that session, for or against the petition of John Green and others. Samuel Davis and John Heald signified to the Assembly their satisfaction with the committee's report and objected to being set off in any other manner than the committee had suggested; and, in a paper dated the 9th of March, Nehemiah Wheeler and two others, did the same, as also did Phinehas Blood and fifteen others, on the 11th. Jonas Spaulding and nine others, in a paper dated March 1, 1780, asked to be considered joint petitioners with Green and others, and expressed their desire that the report of the committee be ratified, and a separation decreed accordingly.

An account of the number of dwelling-houses and families in the "intended town, district or parish," filed with these papers, shows, that of the former, there were ninety, and of the latter, one hundred and two.

The following vote of the inhabitants of Concord, shows a disposition to agree to terms of separation: —

"At a meeting of the Votable Inhabitents of Town of Concord Leagaly warned on Fryday the tenth Day of march Currant

The Town taking into Consideration the Great Distance many of the Inhabitents of that part of the Town of Concord that Live within the Bounds of the Proposed Destrict, and Inconveniancy many of them Suffer thereby — therefore Voted that the Town Gives their Consent the Bounds of the Proposed Destrict Should Come to the following Bounds Viz begining at the River at the Town Bounds between the Town of Concord & Bloods Farms (So Called Runing with Said Bounds untill it Comes to the northwest Corner of Mr. Nathan Buttricks Land, thence turning Southward with Sd Buttricks Land Runing

* Manuscript mutilated.

on the west Line of Said Buttrick to the Southwest corner of Said Buttricks Land, then turning Southwesterly runing with a Strate Line to the Southwest Corner of Capt. John Greens Pasture to their own Proposed Bounds, So on their own Proposed Bounds to the Southwest Corner of Mr Saml Davis Land in acton — on Conditions that those who belonged to Concord they with their Estates Should be Subjected to Pay their Rateable part (according to the Last Valluation) towards the Support & maintaniance of the Great Bridges in the Town of Concord forever and also be obliged to pay their Rateable Part as above to the Support of the nonresident Poor that may Come for Support Lawfully to the Town to this Day — and further to Support all the Poor that was within their Limits the first of October Last —

a True Copy Taken from the Town Book of Records in Concord —

Attt. EPHRAIM WOOD JUR. Town Clerk

Concord March ye 13th 1780." —*Ibid., p.* 192.

The inhabitants of Chelmsford, at a meeting held March 23d, chose a committee to employ a surveyor to make a plan of the town "relative to the south end of the town's being" set off, etc., which they were ordered to present to the Legislature, together with a petition on the same subject. The following petition was accordingly prepared and presented by them: —

"To the Honourable Council and House of Representitiues of the State of the Massachusets Bay in General Court assembled

The Humble Petition of Ebenezer Goold Benjamin Fletcher & William Peirce Committe in Behalf of The Town of Chelmsford in the County of Middlesex. Sheweth, that where as a number of the Inhabitants of the Town of Concord, Billirica, Chelmsford, and Acton, haue Petitioned To your Honors to be Set of as a Town, District, or Parrish, The Limmits of which Extend northardly within the Bounds and Limmits of Said Chelmsford within a bout Two miles and ¼ of a mile of Said Chelmsford Meeting House, which we your Petitioners Think will be attended with many very great Disadvantages to the Said Town of Chelmsford, and, therefore Humbly hope that your Honours in your Great wisdom and Prudence will think fitting not to Grant the Prayer of that Said Petition or at Least that the Same Extend no further then the Line Discribed in the Plan herewith Committed for your honours Consideration —

as in Duty bound we Shall ever Pray &c

EBENEZER GOOLD
BENJAMIN FLETCHER } Committe
WM PEIRCE

Chelmsford march 31: 1780." — *Mass. Files: Bills*, 1780.

To this petition, and the plan referred to, Jonas Spaulding and nineteen others filed an answer, in which they further stated that there was but one family opposed to the petition of John Green and others, in that portion of the proposed district, lying within the limits of Chelmsford, which town they declared contained "19,519 acres, besides that part called the Neck" (which on account of its situation must always remain a part of the town), while what was to be set off to the proposed district amounted to only 1,400 or 1,500 acres, and took in only 17 of the 170 dwelling-houses in the town; that the persons to be set off paid about one-tenth of the taxes assessed in the town; that the meeting-house in Chelmsford was not in the centre of the town, was very old, and could be moved whithersoever the inhabitants chose; and that, to the line proposed by the town of Chelmsford, which was a "strange affair," cutting their farms in pieces, they were utterly opposed.

In the mean time, the committee which represented the first petitioners, presented the following memorial: —

"To the Honble House of Representatives, of the State of Massachusetts Bay, in New England. —

Gentlemen,

The Subscribers being a Committee for the District of Concord, Billerica, Acton, & Chelmsford, not expecting a hearing before the Honourable House, were not present when the hearing came on, saving three of Us, as we imagine that some things of importance to Us were misrepresented, or misconceived of, we beg leave, especially as there has been so long a Delay, which may be a great Damage to some of Us, if not to the Society, to be allow'd to acquaint your Honours with some things that we think material.

As to the distance of the Inhabitants from the Meeting-House in the Town where they belonged, it is from more then Eight Miles to Three, saving a few Families, & all that live in the extreme parts of the District are half a Mile, or more, nearer to our Meeting-House then their own. — The Plan, with the Paper annex'd, and our explanation of it, we think, will satisfy your Honours.

The number of Families in the District, is, One Hundred, & four; & including the six Families that Concord have withheld in their late Votes, thô included in the Report of your Honourable Committee, which has been accepted by both Houses, there is but Eleven Families, in the Opposition in the four Towns, and but one in the Bounds of Chelmsford; as their Committee Man can now inform You being in Town, and who has acted for them from the beginning, thô we understand that it has been represented to the Honourable Court, that no Person has at any time represented them. — And if the Gentleman that represents the Town of Chelmsford is willing, & your Honours also, this Gentleman wou'd be glad to make Answer to what he has, or may offer, having been a Select-Man in Chelmsford for a number of Years. —

As to the Line, & the Plan, the Surveyor, & Chain-Men, were by the Advice of your Honourable Committee, applied to, & sworn, and the Towns concern'd notified, & althô the Member for Chelmsford had the second reading of the Bill put off till now, for this reason among others, 'That they might have oppertunity to measure,' Chelmsford Committee was present when the Line was run on Chelmsford side, & it cou'd not be necessary

to measure again.— But we rather think that the pleaded for Delay, was to give the Town of Chelmsford oppertunity (and it gives Other Towns the same Oppertunity) to compleat Taxes that look forward, & to defray Charges that have not arisen; it having been lately Voted, to raise the Sum of Fourteen Thousand Pound for Ministry & Town Charges; part for Debts already contracted, & part for what may arise.— The particulars of which the Committee Man from Chelmsford can acquaint your Honours if call'd in.— We are willing Town Debts already contracted shou'd be paid, but we must intreat your Honours not to consider our Article in the Bill as expressing any other Debts, & from all which we beg to be delivered.

The prick'd Line upon our Plan that is the Line propos'd by the Town of Concord, was not mark'd out to shew our willingness that it shou'd be allow'd, but the unreasonableness of Concord to desire it, as it will take off so large a tract of Land, & a great deal of it belonging to the Petitioners, & to let your Honours see that it will run up within a Mile and a quarter of our Meeting House.— Shou'd this be granted it wou'd ruine the District.— And it wou'd be measurably doing so if the six Families shou'd be set off to Concord that they ask for, as it wou'd make many Others very Uneasy who have Signed the Petition conditionally; viz: 'If the whole shou'd be set off,' And fearing if it was not so that the Burden wou'd be to heavy. — We are uneasy on account of their Uneasiness, but as their Lands & Houses are link'd in with Ours we were obliged to ask for them; & we mean to give them every indulgence, & to do every thing in our power to quiet their Minds, & doubt not but they will soon be easy.—

As to ye Name of the District, Bridges in Concord, the Poor, together with Taxes already made, we are willing to leave these Matters with the Honourable Court, & ask Pardon for proposing a Name before.— But we wou'd inform the honourable Court, That we have no Mill in the District, upon the River, and that we reap no Benefit from any Bridge but the North Bridge in Concord, and that we hope soon to have a Bridge over the same River, which we expect to maintain without the help of Concord.— We dont desire to throw off any Burden upon Concord that we ought to bear Ourselves, & are willing, with those we represent, to Do every thing we ought to do, attending to the largeness of the Number of Families in Concord, & their Wealth, and our own Numbers, & Poverty, being in a new Country inasmuch as we have Roads to purchase, & lay out, being shut up with Fences, & having every thing to do as to Mills, Bridges, &c., and a considerable number of Poor to maintain which we suppose will fall within our Limits.— We want to enjoy religious Priviledges, and we are willing to bear any reasonable Burden that we may do it. We have for above Twenty Years back, more especially in the Affair of Petitioning (for want of Friends) been at an amazing Expence; but this we dont Regard if we can but at last obtain the Favour of this Court to set Us off agreeable to the Report of your Honourable Committee, which both Houses have accepted, & for which we on the behalf of the Society, return our most hearty Thanks.

The Votes of the Town of Concord at a late Meeting, to set off all the Families in Concord but six within our Limits, with the Petition of those that had been in the Opposition in consequence of it, to have the whole set off by this Honourable Court, rather then be governed by the Votes of the Town of Concord, we hope has been, & will be duely consider'd, let what will appear to the contrary since the first reading of the Bill

Our Circumstances will be such if the Bill shou'd pass agreeable to the Report of the Committee, that we shall be likely to be a happy People, but if otherwise we shall be miserable, as we shall not be able to get our Families to any place of public Worship, and shall be likely to despair of any Help in future, the prospect of which puts us upon pleading hard for present Relief. And we are confident that a most every Member of this Court wou'd Vote for it did they know our Circumstances as well as their Honourable Committee who have heard all that the Parties had to offer, & who have view'd our Scituation.—

When Lincoln was sett off from Concord it was in the first place a Precinct, and the Town of Concord was at a great Charge in purchasing Roads for them, and as we expect to purchase our own Roads, we cant think that there is the same reason for our being held to maintain Bridges in Concord that there was for them.—

We wou'd add, That our Meeting-House which was Built, & finished, all but the inside, by a Propriety, we have given to the District clear of all Charge that has arisen, and we for ever Discharge all that may be sett off to Us, & shall consider them as having an equal right with Us, agreeable to their Estates.—

Concord. March. 24th 1780.

JOHN GREEN
NATHAN MUNROE
TIMOTHY WILKINS
DAVID DICKINSON
ZEBULUN SPAULDING
ASA GREEN
ISSACHAR ANDREWS
SAMLL HEALD
} Committee.

N. B This Week there has been a Town-Meeting at Chelmsford, when the Town Voted to have a Survey, & a Plan of the Town, & to Petition, as thô our Petitioning was a new thing, & they had not had oppertunity before, whereas it is 12 Months since the Copy of our Petition was laid before the Town; & althô it was earnestly desired at the late Meeting, that the Houses universally in the Town might be prick'd out upon the Plan, it was opposed as that wou'd not serve their purpose; and the manifest design of the Town is to bring about another Delay, & to prevent our ever being an incorporated Society, althô they do not need Us. — And similar to this has our treatment always been, and this Honourable Court this way kept from the knowledge of our true State, and the Circumstances of some of the Towns we have belong'd to. Concord in particular having formerly Voted

off to Us many more Families then we have now ask'd for, thô they are not willing we shou'd have them."— *Ibid.*

This memorial was followed by sundry petitions in opposition thereto, from persons whose estates were included in the proposed township. One of these, dated March 29, 1780, was from Acton, and was signed by three persons; another, dated March 30th, was signed by John Hartwell, and all the other signers to the application to the selectmen of Concord, to call the town meeting of Nov. 1, 1779, except the six who are named in the seventh section of this chapter. All but one of these remonstrants had also signed the petition of David Blood and others, the prayer of which was obscure, and, as they claimed, had been misunderstood. The six persons excepted by section seven of the act, now presented the following petition: —

"To the Honourable the Councel and House of Representatives in Genl. Court assembled and now Setting in Boston —

The memorial of a Number of the Inhabitents of the Town of Concord that are Included in the Bounds of the District Petitiond for, from that and the Neighbouring Towns — Humbly Sheweth —

That your Memorialists with their Predicessors ever belonged to the Town of Concord and by So doing enjoyed Great Satisfaction and Contentment, that which every member of Society ought to enjoy; But for many years those who lived more Remote from the Town then your Memorialests, have disturbed that Satisfaction & Contentment, by their Petitions to the Honble General Court to be Set of as a Town, Destrict, or Parrish, and in the year 1754 they obtained what they Seemd So ernestly Seeking after, even to be Sett off as a Destrict Including your Memorialists. and after years Langushing in Discord, (to say no worse of it) your Memorialists with others Petitioned the Honble General Court for their kind assistance and Interposision on our behalf, beging we might have Liberty Granted us to Return to the Town of Concord again, & never more to be Sett off in a Destrict with out our Consent, To which Prayer we Received Greacious answers of Peace, and was again Restored to our Former Priviliges to our no Small Joy and Satisfaction, Expecting that our mountain then Stood fast never more to be moved. but to our Great Greif our peace which we tho,t Should be as a river was again broke by Petitions Prefrd to the Honble Court to be Sett of again but did not obtain their Desire by Reason of opposision amonge themselves not that we meant, or any in the Town of Concord had a Desire to exclude them who lived Rmote from Publick worship from enjoying all the Privilidges that their local Circomstances would admitt — For the Town of Concord in Town meeting assembled, Chearfully and unanimosly Voted to Excuse them who Desired it from paying any thing to the minister in the Town, So long as they Supported preaching among themselves — But now we are more alarmd then ever, we are now again within the Bounds of another Destrict, ordered by this Honble Court, to be Composed out of the Towns of Concord Chelmsford, Billerica, and acton as Petitiond for by a Number of Inhabitents from these Several Towns which on our parts will be attended with very Great Inconveniances, and always will, and with Submision we cannot willingly Submit to, neither can we have the least Idea that the Honble Court will oblige us to it, when they with their usual Candor and Penetration (which we Greatly Rely on) Consider the Reasons we Shall now offer for our still lying to the Town, and against being Set off to the Destrict above mentioned, which we beg Leave here to Insert —

Because your Memorialests Lives in the Remote Southeast Corner of the Proposed Destrict on a Good Road to Concord meeting house where there is constant Traviling on all occations as well as to meeting and as near or nearer to Concord meeting House upon a Strate Line them to the meeting house in Sd Destrict, to which meeting house no Road is Provided, neither is it hardly Possable one can be made, as the Ground over which it must be made is Swampy and Low Land a Great Deal of it, not at all Suteable for ways, and what is worse then all the Road must be made for your memorialests only and to accommidate no Famely but ours, therefore we must always Labour under Great Difficulties to Get to the place of Worship, Especialy in the winter Season —

and because we your Memorialests Returned to the Town of Concord from the former Destrict on Conditions (as we apprehended) mentioned above (viz) not to be again Set of without our Consent, and would with humble Submision Say that it is our oppinion a right every american ought to enjoy, and for which LIBERTY they have fought & Bled, and are still in Contest for, not to have their Rights taken from them without their Consent, or Receiving an Equavolent therefor To apply it to our own case to be forced away from a Town which we have had the Greatest Satisfaction of being Members Contrary to our consent or the consent of town to which we belonged, and placed in a Society that will be no ways Satisfactory to us and thereby have all our Liberties, and Priviliges abridged, and Recive no Equavolent for them, we cannot but Judge it Extreemly Hard —

Our Prayer therefore is that your Honours would Take these our Perplxed and unhapy Circomstances under your wise Juditious Consideration and if Consistant with Justice, Grant that we our famelies & Estates might Still Remain to the Town of Concord agreable to their Vote on the tenth of March Last or otherways Releive your Humble Suppliants as you in your Great Wisdom Shall See meet, and we as in Duty bound Shall ever Pray —

JOHN BLOOD THOMS BROWN
OLIVER BARRON NATHAN BUTTRICK
SAMl. KIBBY WILLARD BLOOD

Concord April ye 3d 1780."— *Ibid.*

In answer to this memorial, the committee of the petitioners for the new district addressed the Council as follows: —

"To the Honourable Council of the State of Massachusetts Bay.

Gentlemen,

As the Report of the Committee sent last Fall to Concord, Chelmsford, Billerica, &

Acton, by the Council, & House of Representatives, to view the Situation of the prayed for Town, District, or Parish, was accepted by the Honourable Board, & sent to the House of Representatives for their Concurrence; upon its return we were not apprehensive of any Difficulty, or of any Petition being offer'd, as all Petitions, & Memorials were directed by Us to the House only, & were not, we suppose, sent up to the Board; the Subscribers beg leave to offer a few words on the behalf of the Society we represent in answer to the Prayer of the Six Petitioners. It is a great grief to Us, when so many that were in the Opposition, have lately joined Us, that these our Brethren have not; but as they are within the Line, & so many have Signed conditionally, 'If all within the Limits shou'd be sett off,' we fear their being sett back to Concord will make a much larger number uneasy, & leave us in a worse State, than we are like to be in with them. — We wou'd also let your Honours know, That if they shou'd be sett back to Concord agreeable to the late Votes of the Town of Concord, that Seven Hundred Acres of Land will be taken off from the District, or near it, besides the Land owned by the Six Petitioners, which will weaken us very greatly, & lay some of our own Society under great Inconveniences, one Person owning One Hundred Acres of it. — Moreover, The propos'd Line runs up within a Mile & a Quarter of our Meeting-House, & makes a very crooked Line. —

We have many Years been labouring to become an incorporated Society, have put up with great inconveniences, & have been at a very great Charge, and as your Honours accepted the Report of the Committee, (which encouraged us to exert Ourselves when the House had it under consideration) & as the further consideration of it was put off till the Honourable Aaron Wood Esq^r, Chair-Man of your Committee came to the Board; as soon as your Honours think proper we shou'd be glad to have the Bill from the House accepted without any alteration; which Favour we hope will be gratefully received by the Society universally. —

Concord, April. 15^th 1780. —

JOHN GREEN
NATHAN MUNROE
TIMOTHY WILKINS
ASA GREEN
JOHN ROBINS
SAM^EL HEALD JU^R
DAVID DICKINSON
} Committee." — *Ibid.*

On the 8th of April, 1780, the bill of this chapter had been read three times, in the House, and was there passed to be engrossed, and sent up for concurrence. In the Council, it was read a first time, on the 20th, when it was passed, in concurrence, to be engrossed, with an amendment, by which the seventh section of the act was added. On the 25th, the House concurred in this amendment, and, on the 28th, it was passed to be enacted, and was signed by fifteen of the Council.

Chap. 43. The bill of this chapter was read a first time, in the House, April 25, 1780, and passed in the Council, in concurrence, to be engrossed, on the 29th, and was passed to be enacted, May 2d, and signed by fifteen of the Council.

Chap. 44. The bill of this chapter had been read three times, in the House, on the 8th of April, when it was passed to be engrossed, and sent up to the Council, for concurrence, where, on the same day, it was read twice, and passed, in concurrence, to be engrossed. It was passed to be enacted, May 3d, and was signed by fifteen of the Council.

Chap. 45. The resolve of May 1, 1778, printed in the note to 1778–79, chapter 5, p. 983, *ante*, was reported by a joint committee, consisting of Messrs. Crane, Davis of Boston, and Wales, of the House, and Spooner and Palmer, of the Council.

The matters which had been referred to this committee, and upon which they reported, were, a resolve for giving the soldiers of the Massachusetts contingent in the Continental Army £30 each, and another resolve, for setting on foot a lottery. These resolves, which had originated in the House, had been recalled from the Council, by message, on the day on which the joint committee made their report.

The former resolve was first reported, April 29th, by a committee appointed the day previous. The House ordered the report of this committee to be recommitted, and at the same time directed the committee to bring in, besides a resolve granting the gratuity, a resolve for raising, by lottery, the sum of $2,000,000. On the 30th, the House committee last named, reported two resolves, according to instructions, except that, in the latter resolve, the amount to be raised by lottery, was $1,998,000, — from the sale of three classes of tickets (numbering 111,000 each), at four, six and eight dollars each, respectively, according to a scheme laid down in the resolve. These were the resolves which, on the first of May, were recalled by the House, and recommitted, as above stated.

The joint committee above named now reported the two resolves which are given in the note to 1778–79, chapter 5, referred to above.

The resolve for the lottery, as finally amended and adopted, left the details of the scheme, as well as the amount to be raised (within the limit specified in the resolve), to the discretion of the board of managers.

Of the $750,000, which was the limit of the sum to be raised under this resolve, the managers attempted to raise only $143,000, — that being the percentage on $950,000, the total value of the tickets offered for sale. The lottery was arranged in four classes, which were advertised as hereafter shown.

The following resolves were passed, directing the Board of War to furnish the managers with paper, and also directing the managers to deposit in the state treasury certain of the proceeds of the sales of tickets: —

"State of Massachusetts Bay In the House of Representatives. June 8. 1778 —
* Resolved That the Board of War be & they hereby are directed to deliver to the Hon^be Oliver Wendell Esq^r & others, Manegers of this State Lotery, a Quantity of writing Paper Suficient for Printing The Tickets for Said Lotery or Loteryes — the said Managers to be accountable to the Gen^l. Court for the Same —
Set up for Concurrence SAM^LL FREEMAN Spk^r P T
In Council June 9^t 1778 Read & Concurred JN^O AVERY D^y Sec^y
Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 219, *p.* 9.

"State of Massachusetts Bay In the House of Representatives. June 19^th 1778 —
† Whereas the Hon^be Oliver Wendell Esq^r M^r Henry Hill, Tho^s Crane Esq^r Caleb Davis Esq. & M^r Ezekel Lewes were appointed, By a Resolve of the Late Gen^l Court, Dated May 2^d 1778, Manegers of a Lotery. to Raise a Sum of Money for the Benifit of the Army, and as It may be for the Publick service that the Mony ariseing from the Sale of the Tickets in Said Lotery be paid into the Publick Treasurer
Therefore Resolved that the Manegers of Said Lotery be & they hereby are directed to pay Into the publick Treasury off this State, the Money they Shall Recive. for Said Tickets. Except So Much as is to be paid of, in Small Prizes Takeing Two Recipts for the Sums they Shall so pay one of which to be Lodg'd In the Secretaryes office — The Money so paid in to the Treasury to remain there until the special order of this Court —
Sent up for Concurrence SAM^LL FREEMAN Spk^r P T
In Council June 19:1778 Read & Concurred JN^O AVERY D^y Sec^y
Consented to" — [Signed by fifteen of the Council]. — *Ibid., p.* 145.

The scheme of the first class of this lottery was advertised, as follows: —

"THE General Assembly having passed a Resolve for raising a Sum of Money not exceeding of 750,000 Dollars for the Benefit of those Officers and Soldiers who inlisted into the Fifteen Continental Battalions raised by this State, appointed *Oliver Wendell*, Esq; Mr. *Henry Hill*, *Thomas Crane*, Esq; *Caleb Davis*, Esq; and Mr *Ezekiel Lewis*, Directors of a Lottery for that Purpose, who are sworn to the faithful Discharge of the Trust reposed in them.

The following Scheme is accordingly offered to the Public, which it is hoped will meet with their Approbation and Encouragement.

MASSACHUSETTS = STATE LOTTERY.
CLASS, No. I.

Consists of 25000 Tickets, at 6 Dollars each, 6374 of which are Prizes of the following Value, *viz.*

No.		Dollars,		Dollars.
1	of	4000	is	4000
1	of	2000	is	2000
2	of	1000	are	2000
10	of	500	are	5000
50	of	200	are	10000
100	of	100	are	10000
200	of	75	are	15000
460	of	50	are	23000
5550	of	10	are	55500
1 Exclusive of the above Prizes, the first Number which shall be drawn, will be intitled to - - -				300
2 The last drawn No. will be intitled to - -				200
6376 Prizes.				127000
18624 Blanks.				23000
25000 Tickets, at 6 Dollars.				150000

The Directors flatter themselves they shall be able soon to compleat this First Class, when they consider the Money to be raised is to be applied to the benevolent Purpose of rewarding those Officers and Soldiers who have endured Want, Hardship and Toil, and hazarded every Danger for the Safety of their Country, and who, when Government, through a Series of unfortunate Events, was unable in some Instances to comply with its Promises for their Support and Comfort, nobly scorn'd to shrink from the Post of Danger, and, like their great Leader, resolved never to survive the Ruin and Desolation of their Country.

Public and seasonable Notice will be given of the Time and Place of Drawing, and when finished, a List of the Prizes will be published in the Continental Journal, and the Money will be paid (without any Deduction) to the Possessors of Benefit Tickets, (within twenty Days after a Publication of a List of Prizes) in the following Manner, *viz.*

All Prizes of Fifty Dollars and upwards will be paid in Treasurer's Notes for the amount of such Prizes, bearing Date the last Day of Drawing said Lottery, and payable on the first Day of January, 1783, with Interest at Six per Cent. per Annum. All Prizes of Ten Dollars will be paid in Current Money.

Prizes not demanded within Twelve Months after they are drawn, will not be paid, but will be deemed as generously given for the Purpose aforesaid, and will be applied accordingly.

Tickets are to be had of the respective Directors at their Houses and Stores, where constant Attendance is given." — *Independent Chronicle, of June* 25, 1778.

* Printed resolves of the May session, chapter XIX. † *Ibid.*, chapter XCV.

The act of 1778–79, chapter 35, was passed to enable the state treasurer to pay the prizes of fifty dollars and upwards, drawn in this class.

Of the following resolves, the filling of the vacancy by the former,* was duly published in the "Independent Chronicle" of Oct. 15, 1778, the managers giving notice, in the same advertisement, of the time fixed by the latter resolve,† for the drawing of the first class, and appealing urgently, in behalf of the army, for the prompt purchase of the tickets that remained unsold: —

"State of Massachusetts Bay In the House of Representatives Sept^r 23^d 1778 —

Resolved that Cap^t. George Williams be & he hereby is appointed one of the Manegers of the Lotteryes ordered by the Late Gen^l Court for the Benifet of that part of the Continential Army Raised in this state, In the Room of Ezekil Lewes Esq^r Deceast and The said George Williams is hereby Authorised & Impowered to Recive from the Excecu^r or Admins^r on the Estate of the said Lewes all the Tickets Remaining on hand allso all Monies or Recipts which said Lews Recived for Tickets Sold or Deliv^d & Give his Recipts Accordingly—

Sent up for Concurrence JOHN PICKERING Spk^r

In Council Sep^r 24: 1778 Read & Concurred JOHN AVERY D^y Sec^y

Consented to"—[Signed by sixteen of the Council]. — *Mass. Archives, vol.* 219, *p.* 286.

"State of Massachusetts Bay In the House of of Representatives. Sept^r 26 1778

Whereas the Late Gen^l Court did on The first day of May Last Resolve to pay to the Officers & Soldiers in the Continential Army belonging to this State a Sum of Money as a Gratuiety for their Past Suferings & Services, and did order a Lottery or Lotteryes for Raising Said Money which Money was to be paid by the first day of December Next—and it being of Great Importance that Goverm^t should Fulfill their Promises — Therefore — Resolved —

That the Manegers of Said Lottery be & they hereby are ordered & directed to take the Most Efectual Methods for Disposeing of the Tickets in the first Class until the first Day of December Next at which Time should any Tickets remain Unsold the said Manegers are ordered to Take the Numbers of Such Tickets, Seal them up & Deliver them to the Treasurer of this State and then Proceed To Drawing Said Lottery without Delay —

Sent up for Concurrence JOHN PICKERING Spk^r

In Council Sep^r 26'. 1778 Read & Concurred JNO. AVERY D^y Sec^y

Consented to"—[Signed by fifteen of the Council]. — *Ibid., p.* 314.

Before tickets for the second class had been offered for sale, the following resolves were passed: —

"State of Massachusetts Bay In the House of Representatives Jan^y 16 1779

‡ Whereas a Resolve passed the Gen^l Court on the first Day of may last for raising by Lottery or Lotteries a sum not exceeding seven hundred and fifty thousand Dollars for the benefit of the Officers & privates A in our Quota of the Cont^l Army B but no Order has issued for payment of the money therefore Resolv^d That the Treasurer of this State be and he is hereby Directed to appropriate the money which he has receiv^d or may receive by the sale of the Tickets of s^d Lottery for the payment of the Gratuity promissed to those Officers & Privates of our Quota of the Cont^l Army describ^d in another Resolve of Court dated the first Day of may last & also to the legal Heirs or Representatives of such of the s^d Officers & privates as are diseas^d and that he pay the same to them accordingly they producing the proper certificates as required in the Resolve last mentioned —

Sent up for Concurrence JOHN PICKERING Spk^r

In Council Jan^y 20', 1779 Read & Concurred with an Amendment from A to B Viz^t dele from A to B & insert *of the 15 Battalions raised in this State, and who were in Camp on or before the 25.' day of August 1777 or to their Order* —

Sent down for Concurrence JOHN AVERY D Sec^y

In the House of Representatives Jan^y . 20- 1779 Read & Concurr'd

JOHN PICKERING Spk^r

Consented to"— [Signed by sixteen of the Council]. — *Ibid., vol.* 220, *p.* 261.

"State of Massachusetts Bay In the House of Representatives Jan^y 26 1779

§ It being Represented to this Court that the Managers of this State Lottery, are now Ready to Proceed to Dispose of the Tickets in the Second Class of Said Lottery and it being of Great Importance that the Monies arising from the said Lottery, Should be Speedely Lodged In the Treasury, Therefore, Resolved, that the Managers of Said Lottery be & they hereby are Directed to proceed to Dispose of the Tickets in the said Second Class, with all possible Dispatch & in order to Expedite the sale they are Directed to Lodge a Proportionable number of Said Tickets in the hands of Some Suitable Person in the Severall Towns in this State, and that the Sale be Continued until The seventeenth day of March next, unless the tickets are sooner disposed of at which Time should any Tickets Remain unsold In the hands of Such Persons, with whom they have been Lodged they Shall Seal them up, In the Presence of Some Justice of the Peace, who is hereby Requiered to Certify on the outside of the Paper Incloseing said Tickets, the Number of Tickets Inclosed, as allso the Numbers of Each Ticket and the person or persons Possessed of Such Tickets Shall Return them to some one of the Managers without Delay who are hereby Directed on receipt thereof to Return the same Together with any they may have on hand Into the Treasurers office & take his Recipt for the same Expresing the numbers so Return'd and the said Managers are hereby Directed to Proceed to the Drawing said Second Class without Delay and it is further Resolved that the Managers of the said Lottery, be & they hereby are permited To Recive

* Printed resolves, chapter XXVII.
† *Ibid.*, chapter XXXVIII.
‡ *Ibid.*, January session, 1779, chapter LVII
§ *Ibid.*, chapter LXXX.

for the Tickets in the Second Class of Said Lottery the Two Emissions of the Continential Curency Dated May 20th 1777 & Apr! 11th 1778

Sent up for Concurrence — JOHN PICKERING Spkr
In Council Jany 26'. 1779 Read & Concurred — JNO. AVERY D Secy
Consented to" — [Signed by sixteen of the Council]. — *Ibid.*, *p.* 319.

The drawing of the second class of this lottery was advertised as follows: —

"BOSTON.

MASSACHUSETTS STATE LOTTERY.

CLASS THE SECOND.

THE drawing of which will commence on the 17th March next, consists of 20,000 tickets, at 10 dollars each, 5715 of which are prizes, of the following value, viz.

No.		Dollars.		Dollars.
1	of	5000	is	5000
5	of	1000	are	5000
8	of	500	are	4000
11	of	300	are	3300
20	of	200	are	4000
300	of	100	are	30000
1090	of	50	are	54500
4280	of	15	are	64200
5715 Prizes,				170000
14285 Blanks.				30000
20000 Tickets, at 10 dollars,				200,000

N. B. Not two and a half blanks to a prize.*

* * * *

The public may depend on a punctual observance of the directions in the above resolution; and therefore those who intend to become adventurers, must be speedy in purchasing tickets, otherwise they will be disappointed, as many were in the former class.

The prizes only will be drawn in this class, the Managers having found a very great but needless expence to government, attending the drawing of the blanks in the first class, without the least advantage to the adventurers.

Public and seasonable notice will be given of the time and place of drawing; and when finished, a list of the prizes will be published in POWARS and WILLIS's *Independent Chronicle*, and the benefit tickets will be paid without any deduction (within 20 days after a publication of a list of prizes) in the following manner, viz.

All prizes of fifty dollars and upwards, will be paid in Treasurer's notes for the amount of such prizes, bearing date the last day of drawing said lottery, and payable on the first day of January, 1783, with interest at six per cent. per annum. All prizes of fifteen dollars will be paid in current money.

Prizes not demanded within twelve months after they are drawn, will not be paid, but will be deemed as generously given for the purpose aforesaid, and will be applied accordingly.

TICKETS are now ready for sale, at the houses and stores of the respective Managers, and will be distributed through the several counties in the State." — *Independent Chronicle of Feb.* 4, 1779.

Before all the tickets in this class were sold, the following resolve † was passed: —

"In the House of Representatives March, 1st 1779

Whereas the Sale of the Tickets of the second Class of the Massachusetts Lottery is nearly compleated — & the Managers are about issuing a Scheme for a third Class —

Resolved That the Managers aforesaid be & they hereby are permitted to receive for the Tickets in said third Class, the Emissions of May 20–1777 and April 11, 1778 —

Sent up for Concurrence — JOHN PICKERING Spkr
In Council March 1'. 1779 Read & Concurred — JOHN AVERY D Secy
Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 221, *p.* 354.

The scheme of the third class was advertised as follows: —

"THE DIRECTORS OF THE MASSA-chusett's State Lottery, hereby notify the Public, That they intend the Drawing of the Second Class shall (agreeable to their Promise) commence next Wednesday, at the Representatives'-Chamber in Boston: And in further Pursuance of their Trust, they now offer a Scheme of a Third Class, which consists of 20000 Tickets, at 15 Dollars each, 5751 of which are Prizes, of the following Value, viz.

No.		Dollars.		Dollars.
1	of	10,000	is	10,000
1	of	5000	is	5 000
1	of	2000	is	2 000
10	of	1000	are	10,000
20	of	500	are	10,000
40	of	300	are	12,000
220	of	100	are	22,000
1902	of	50	are	95,100
3556	of	25	are	88,900
5751 Prizes,				255000
14249 Blanks.	Deduct 15 per cent.			45,000
20,000 Tickets, at 15 Dollars,				300,000

* Here followed the above resolve of Jan. 26, 1779.
† Printed resolves of the January session, chapter CCLXXI.

The present Class being in many Respects better calculated for the Benefit of the Adventurers, than the two former Classes, the Managers doubt not of a ready Sale of the Tickets, especially as they are permitted, by the General Assembly, to receive the two Emissions of Continental Currency, of May 20, 1777, and April 11, 1778: They therefore propose to commence Drawing said Lottery by the Middle of May; and as many Persons were disappointed of purchasing in the Second Class, they have now an Opportunity of laying out their Money on better Terms, if they apply seasonably.

The Prizes only will be drawn in the third Class; and public Notice will be given of the Time and Place of drawing; and when finished, a List of Prizes will be published in the INDEPENDENT CHRONICLE, and the Benefit Tickets paid within forty Days, in the following Manner, viz. — All Prizes of 50 Dollars, and upwards, will be paid in Treasurer's Notes, bearing Date the last Day of Drawing said Lottery, and the other Prizes will be paid in Money.

Prizes not demanded within twelve Months, will not be paid, but be deemed as generously given to answer the Purposes of Government, and will be applied accordingly.

TICKETS of the Third Class may be had of the Managers, and will be distributed to accommodate Persons in the several Counties of this State." — *Independent Chronicle, of March* 11, 1779.

On the 15th of April, the managers announced to all who had drawn ten-dollar prizes and fifteen-dollar prizes in the former classes, "and are desirous to adventure in the third," to call for tickets before May first, as it was "not probable, from the eager purchasing up the tickets of this class, that they" could "have any on hand after that time."

The following resolve* was understood, by the managers, to direct them to proceed with the drawing of prizes in the third class, on the 20th of May: —

"State of Massachusetts Bay In the House of Representatives May 3d 1779

Resolved That the Managers of this State Lottery be & they hereby are Directed to proceed In the Sale of the Tickets In the third Class of Said Lottery, until the twentieth Inst unless the Tickets are Sooner disposed of. and Should Any Tickets Remain Unsold, on said day, In the hands of Such Persons with whom they have been Lodged for Sale Such Persons shall Seal them up In the Presence of Some Justice of the Peace, who is hereby Requiered to Certify on the outside of the Paper Incloseing Said Tickets, the Number of Tickets Inclosed, as allso the number of Each Ticket, and the Persons Possessed of Such Tickets shall return them to some one of the Managers without delay, who are hereby Directed to return them togeather with any they have on hand, Into the Treasurers office of this State Takeing his Receipt for the Same & Proceed to Drawing said third Class without Delay

Sent up for Concurrence JOHN PICKERING Spkr

In Council May 3d 1779 Read & Concurr'd JOHN AVERY D Secy —

Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 222, *p.* 285.

The managers thereupon gave public notice that the drawing would begin, on the day aforesaid, in the Representatives' chamber, and that after that date no tickets would be sold; which notice also called in unsold tickets. Drawers of small prizes in the first and second classes, who were inclined to purchase tickets in the third class, were urged to do so speedily, or, if not desirous to purchase, they were requested to call for their prizes before June first, as it was "not probable the managers" would "be in cash, to discharge the same," between June first and August first, — "they being obliged, at that time, to deposit the prescribed money (received for tickets) in the loan office."

On the 18th of May, the Council passed an order allowing £5 12*s.* to Oliver Wendell, in his account as manager, for tickets furnished by him to Lieut. Levi Lindsey, who had been subsequently dishonorably discharged from General Glover's brigade, and so had forfeited the gratuity on account of which these tickets were delivered; and on the 21st, they passed the following order recommending the managers to suspend the drawing until the third of June: —

"State of Massachusetts Bay In Councill May 21st 1779.

Whereas it is represented to this Board by the Managers of the Massachusetts Lottery that they have commenced drawing the third Class agreable to the Order of the Generall Court, but that they are much embarrass'd by receiving & paying into the Treasury the Moneys arising from the Sale of the Ticketts which being of the dead Emissions will take ye most of their time to deposit in ye Treasury before ye 28th of May Instant and renders it impracticable to continue ye drawing at present as the said Emissions must be transfer'd into ye Loan Office by ye first of June — Therefore Order'd, that it be recommended to ye Managers of said Lottery to suspend the drawing the third Class untill the third Day of June next."— *Ibid., vol.* 170, *p.* 130.

To enable the state treasurer to pay the prizes of fifty dollars and upwards, drawn in the second and third classes, the act of 1778–79, chapter 42, was passed.

The fourth class was advertised as follows: —

"The DIRECTORS of the MASSACHUSETTS-STATE LOTTERY, IN Pursuance of their Trust, now offer to the Public, the SCHEME of a FOURTH CLASS, Which consists of 20,000 TICKETS at 15 Dollars each, 5751 of which are Prizes of the following Value, *viz.*

No.		Dollars.		Dollars.
1	of	10000	is	10000
1		5000		5000
1		2000		2000
10		1000	are	10000

* Printed resolves of the April session, chapter CLIII.

No.		Dollars.		Dollars.
20	of	500	are	10000
40		300		12000
220		100		22000
1902		50		95100
3556		25		88900
5751 Prizes.				255000
14249 Blanks.	Deduct 15 per cent.			45000
20000 Tickets, at 15 Dollars,				300000

The SCHEME of the THIRD CLASS having met with general Approbation, induces the Managers to adopt the same for the FOURTH CLASS, which they assure the Public shall be drawn without any unnecessary Delay, as soon as the Tickets are sold.

The Prizes only will be drawn in the Fourth Class; and Public Notice will be given of the Time and Place of Drawing; and when finished, a List of Prizes will be published in the CONTINENTAL JOURNAL, and the Benefit Tickets paid within forty Days, in the following Manner, *viz*

All Prizes of Fifty Dollars, and upwards, will be paid in Treasurer's Notes, bearing Date the last Day of Drawing said Lottery, and the other Prizes will be paid in Money.

Prizes not demanded within twelve Months, will not be paid, but be deemed as generously given to answer the Purposes of Government, and will be applied accordingly.

☞ TICKETS, of the Fourth Class, may be had of the Managers, and will be distributed to accommodate Persons in the several Counties of this State."— *Continental Journal and Weekly Advertiser, of July* 1, 1779.

The time for drawing this class was fixed by the following resolve *: —

"State of Massachusetts-Bay In the House of Representatives Octob^r 5 1779

Resolved that the Managers of this State Lottery be and they hereby are Impowered & directed to Receive in payment for tickets in the forth Class of s^d Lottery the fifty Doller Notes which they have paid for Prizes in any of the former Classes from any Persons offering the Same

And it is further Resolved that the said Managers be & they are hereby directed to Commence the drawing the forth Class Lottery on the Second Wednesday of december next And that the Persons in whose Hands Tickets have been Lodged for Sale Shall on the Said Second Wednesday of december next Seal up in the presence of Some Majistrate all the Tickets they may respectively have on hand unsold on said day which Majistrate Shall Certifie the Same; to be transmitted with the Said Tickets to the Managers as soon a possable after Said Second Wednesday who are to lodge the Same in the Treasurers office as heretofore directed.

Sent up for Concurrence JOHN HANCOCK Spk^r
In Council Oct^r 5^th 1779. Read & Concurred JOHN AVERY D Sec^y
Consented to" —[Signed by fifteen of the Council].— *Mass. Archives, vol.* 224, *p.* 279.

This resolve was published by the managers, who, at the same time, earnestly requested their agents for the sale of tickets to exert themselves in the sale, and to punctually return unsold tickets. Holders of benefit-tickets in the former classes, were also urged to apply, speedily, for payment.

The drawing of the fourth class was postponed by the following resolve †: —

"State of Massachusetts Bay In the House of Representatives Nov^r 30^th 1779

It being Represented to this Court, by the Managers of this States Lottery that by reason of of the multiplicity of publick Busness in which they have Necessarily been Ingaged it will be out of their power to be ready to proceed to the Drawing the fourth Class of Said Lottery at the time which has been sett for that purpose and allso that a Considerable Number of Tickets Still remains unsold — Therefore Resolved, that the Managers aforesaid be & they hereby are directed to postpone the drawing the fourth Class of Said Lottery, until the 26^th day of January Next — and all persons Intrusted with Tickets in said Class for Sale are Directed to Observe the orders heretofore given them Respecting the Sealing up & returning Tickets to the managers Should any Remaine unsold at the Time now ordered for Drawing — and it is Further Resolved that the managers afforesaid be & they hereby are directed to Suspend Carying on any more Classes of Said Lottery —

Sent up for Concurrence JOHN HANCOCK Spk^r
In Council Novem^r 30^th 1779 Read & Concurred JOHN AVERY D Sec^y
Consented to" —[Signed by fifteen of the Council]. — *Ibid., vol.* 225, *p.* 141.

This postponement was immediately advertised by the managers, who again urged the drawers of prizes in the former classes to apply for the same, as it would not be "in the power of the managers to pay off any prize in the first class, unless applied for before the 15th day of January next."

The following advertisement appeared in the "Independent Chronicle," of Jan. 13, 1780: —

"THE MANAGERS OF THE MASSA-
chusetts Lottery hereby informs the Public, that they intend Drawing the Fourth and last Class of said Lottery on the 26th of this Month, at the Selectmens Room in Faneuil-Hall.

☞ A few Tickets may be had of the respective Managers, if applyed for within 14 Days, and not afterwards. *Boston, Jan.* 12, 1779." ‡

* Printed resolves of the September session, chapter CLIX.
† *Ibid.*, November session, chapter XCIX. ‡ *Sic:* 1780.

The following resolve* was passed, to enable the managers to close their accounts of receipts and payments in the first class: —

"State of Massachusetts Bay In the House of Representatives — March 24, 1780

Whereas it is represented to this Court that the Managers of this States Lottery have a number of Prizes drawn in the first Class of Said Lottery which have not been demanded and the time for the payment of which (according to said Managers publication) is Expiered — therefore Resolved that the Managers aforesd be & they hereby are directed to pay, into the publick Treasury of this State all prizes drawn in the first Class of Said Lottery which have not been demanded Takeing Two Receipts for the Notes & Money so paid which the Treasurer is hereby Directed to give Specifying the number & Vallue of Each one of which Recipts to be Lodged in the Secratarys office and the said Managers are hereby Directed to proceed in Like Manner with any prizes of the other three Classes when the time shall Expier for the payment thereof Such prizes being deemed as Generously given to the State

Sent up for Concurrence JOHN HANCOCK Spkr
In Council March 24.' 1780 Read & Concurred JOHN AVERY D Secy

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *vol.* 226, *p.* 321.

The bill of this chapter, which made provision to enable the state treasurer to pay the prizes of fifty dollars and upwards, drawn in the fourth and last class of this lottery, had been read three times, in the House, May 2, 1780, when it was passed to be engrossed, and sent up to the Council, for concurrence. On the same day it was passed by the Council, in concurrence, to be engrossed, and, on the next day, it was passed to be enacted, and was consented to, and signed by fifteen councillors.

Chap. 46. John Adams claimed to have first suggested the formation of the distinguished society incorporated by this chapter, in the course of a conversation with the Rev. Dr. Samuel Cooper, at a dinner given in 1779, by the corporation of Harvard College, in honor of the Chevalier de la Luzerne, the French ambassador, and his suite. In the Life and Works of Mr. Adams, edited by his grandson,† may be found his recollections on this subject after the lapse of thirty years. He there describes how he enlisted the services of Dr. Cooper, in propagating "the idea and the plan"; which, he adds, was done so effectually, "that the first Legislature under the new Constitution adopted and established it by law." However just this claim may be, it is clear that Mr Adams was mistaken in his recollection of the date of the passage of the act. What is more interesting, however, is Mr. Adams's assertion that the contemplation of the formation of such a society, inspired him to propose the second section of chapter five of the Constitution of the Commonwealth, — a clause which has been fruitful of consequences most important and most creditable to the state.‡

The bill of this chapter appears to have been brought in on motion, without a petition or previous commitment. It was read a first time, in the House, Dec. 15, 1779, and a second and third time, on the two succeeding days On the 17th, it was passed to be engrossed, and was sent up to the Council, for concurrence, by a committee consisting of Messrs. Parsons, Phillips, Baldwin, Tudor and Dawes.

In the Council, it was immediately read, and the 22d was assigned for the second reading. On the 31st, it was read a second time, in Council, and referred to a joint committee, consisting of Thomas Cushing and Timothy Danielson, of the Council, and Messrs. Wales, Dawes and Walley, of the House, who were ordered to take the bill into consideration, "and report, at the next sitting of the General Court, what is proper to be done thereon."

What further disposition of this bill was made between Dec. 31, 1779 and April 10, 1780, has not been discovered, on account of the loss of the House Journals during that period; but on the day last mentioned, it appears to have been in charge of a committee of the Council, and, on the 21st, to have had its first reading in that branch. On the 22d, the committee of the Council, to which the subject-matter of the bill had been referred, reported the bill in a new draught, which being sent down to the House on the 24th, was then read a first time, and ordered to be read again on the twenty-seventh. On the 25th, a joint committee was appointed, consisting of Messrs. Parsons, Osgood and Tudor, of the House, and Timothy Danielson and Timothy Edwards of the Council, "to consider and report a list of names proper to be inserted in the bill, * * to be inserted in alphabetical order." On the 27th, this committee reported, in Council, a list of names identical with those of the corporators named in the act, with the addition of the names of John Pitts and Artemas Ward, which, however, were cancelled in the report.

The bill, with the names inserted, had been read three times, in the House, on the second day of May, when it was passed to be engrossed, and was sent up to the Council, for concurrence. On that day, it was read, in the Council, and was passed to be engrossed, in concurrence, on the 3d. On the 4th, it was passed to be enacted, by both branches, and was signed by fifteen of the Council.

The first meeting of the Academy was held in the philosophy chamber of Harvard College (as required by the act), May 30, 1780, upon the call of James Bowdoin, which was duly advertised in the public newspapers. James Bowdoin was chosen president, Caleb Gannett, secretary, and Ebenezer Storer, treasurer, "until the next meeting." At

* Printed resolves, chapter LXVII. † Vol. IV., p. 259, note.

‡ On the 21st of March, 1776, a resolve was passed in the Continental Congress recommending to the "assemblies, conventions, and councils or committees of safety" of the several colonies to "take the earliest measures for erecting and establishing in each and every colony, a society for the improvement of agriculture, arts, manufactures and commerce, and to maintain a correspondence between such societies, that the rich and numerous natural advantages of this country for supporting its inhabitants may not be neglected."

this meeting a committee was appointed, "to agree upon the names, number and duties of the several officers," of the Academy; to prepare rules and by-laws; to determine the times, places and manner of convening the fellows, and the number that should constitute a quorum; to devise a common seal; to consider for what causes fines should be imposed, and the amount thereof; and to report their proceedings at the adjournment of the meeting.

At the next meeting, by adjournment, the above-named committee made a report, which was referred to the consideration of a committee of three, who were directed "to make report at the next meeting." The officers elected at the first meeting were continued in place until the next meeting. At this meeting, also, the business of the Academy was begun, by contributions to the library and cabinets.

At the next meeting, held, by adjournment, on the 30th of August, a code of statutes was reported, and, with the exception of the second article in the eighth chapter, was accepted and adopted. The following officers were chosen by ballot, at this meeting: James Bowdoin, president; Samuel Cooper, vice president; Caleb Gannett, recording secretary; Joseph Willard, corresponding secretary; Stephen Sewall, vice treasurer; James Winthrop, cabinet keeper. At the same time Thomas Cushing, Henry Gardner, John Hancock, Samuel Langdon, John Lowell, Robert Treat Paine, Phillips Payson, James Warren, Edward Wigglesworth and Samuel Williams, were chosen councillors.

After the appointment of committees to secure rooms in Boston, and to provide for accurate observation of the solar eclipse in October following, Thomas Cushing was authorized to administer to the president, the oath prescribed by the statutes of the Academy, and the meeting was dissolved.

No seal was adopted until 1785, though Samuel Mather had offered a design for one, more than two years before. Mather's device has not been preserved; but from the tenor of his letter* to Bowdoin, dated Jan 14, 1783, in which a sketch of it was enclosed, it may be inferred that it differed widely from the device finally adopted.

The seal adopted by the Academy, but without the circumscription "SIGILLUM ACADEMIÆ ARTIUM ET SCIENTIARUM AMERICANÆ," appears as a vignette, on the title-page of the first volume of the Memoirs of the Academy, and is fully described in the volume.

"The fellows residing in Cambridge," were authorized to perfect the device of this seal, Jan. 26, 1785 — they having previously reported a device, agreeably to instructions, and two other devices, with an explanatory letter, having been received from Dr. Benjamin Waterhouse. The records of the Academy show that on the 24th of August, 1785, a seal had "been executed by Mr. Joseph Callender, appointed for that purpose," and that he was paid therefor, the sum of nine pounds.

Chap. 47. The enumeration of the articles, as originally drawn, of the first treaty of amity and commerce between France and the United States, which was concluded Feb. 6, 1778, was subsequently changed, by the omission of the original eleventh and twelfth articles, upon the application of Congress, which, by a resolve passed the day after it had unconditionally ratified the treaty, instructed the commissioners who represented the United States at the court of France, "to use their best endeavors to procure the abolition of" these articles. The objectionable articles were, accordingly, suppressed, Sept. 1, 1778, by order of the king, who declared it to be his intention, "that they be considered as having never been comprehended in the treaty," etc.

On the fourth of November, Congress ordered three hundred copies of this treaty to be printed, for distribution; and, as tidings of the edict announcing the alteration had not then arrived in the United States, this impression, which appears to have been referred to by the committee that reported the bill of this chapter, contained all the original articles, — the thirteenth of which (as stated in the preamble to this chapter, or the eleventh, in the amended treaty, and as stated in the resolve of Congress, and in the circular letter from President Huntington) is quoted, at length, in the following preamble to the resolve of Congress, also given below: —

"On motion of the committee for foreign affairs, Congress came to the following resolution;

Whereas by the eleventh article of the treaty of amity and commerce between his Most Christian Majesty and the United States of America, it is provided 'that the subjects and inhabitants of the said United States, or any one of them, shall not be reputed aubains in France, and consequently shall be exempted from the Droit d'Aubaine, or other similar duty under what name soever: they may by testament, donation or otherwise, dispose of their goods, moveable and immoveable, in favour of such persons as to them shall seem good, and their heirs subjects of the said United States, residing, whether in France or elsewhere, may succeed them, ab intestat, without being obliged to obtain letters of naturalization, and without having the effect of this concession contested or im-

* The following is an extract from this letter: —

"I find, that every Member of the Academy of the *Naturæ Curiosorum* has a Gold Ring, in which, in the Room of a Gem, is an open Book, in the Face of which is an Eye illustrated from Rays out of a Cloud: And, on the other Part, is the *Academical* Motto *nunquam otiosus:* From both Sides of the Book, there ly Serpents rolled about the Circle and holding their Tail in their Mouth. These Rings worn by the Members, it is said, are not so much for the Ornament of their Order, as for an Excitement seriously and faithfully to perform their Office.

I do not see Cause to recommend such a Custom: But as it seems proper for *our Academy* to have a proper Seal, and I have understood, that there has been some Discoursing about it; if there has not yet been any Proposal offered as to this Matter, I would beg leave to propose the Form of one, which may possibly be judged not unsuitable: And it is here inclosed for the Notice and Consideration of the Academy."

peded under pretext of any rights or prerogatives of provinces, cities or private persons: and the said heirs, whether such by particular title or ab intestat, shall be exempt from all duty called Droit d'Detraction, or other duty of the same kind; saving nevertheless the local rights or duties as much and as long as similar ones are not established by the United States or any of them. The subjects of the Most Christian King shall enjoy, on their part, in all the dominions of the said states, an entire and perfect reciprocity relative to the stipulation contained in the present article; but it is at the same time agreed, that its contents shall not affect the laws made or that may be made hereafter in France, against emigrations, which shall remain in all their force and vigor; and the United States, on their part or any of them, shall be at liberty to enact such laws relative to that matter as to them shall seem proper.'

Resolved, That it be recommended to the legislatures of the several United States to make provision, where not already made, for conferring like privileges and immunities on the subjects of his Most Christian Majesty, agreeable to the form and spirit of the above recited article." — *Journals of Congress: Jan.* 14, 1780.

This resolve was communicated with a letter from which the following is extracted: —

"Philadelphia Jan^{y} 18. 1780

Sir, You will receive herewith enclos'd two acts of Congress of the 13th & 14th Inst.

* * * *

The other act of the 14th Instant recommending the Legislature of the several United States to make provision when not already made for conferring like privileges & Immunities on the Subjects of his most Christian Majesty as are granted to the Subjects and Inhabitants of these United States by the recited Articles in the Treaty of Amity & Commerce will no doubt be chearfully complied with by each of the States

His most Christian Majesty as soon as the Treaty became known published an Edict con[formable?*] to that Article exempting the [subjects &?*] Inhabitants of the United States from the Droit d' Aubai[ne*] &^{c}

I have the honour to be
with every Sentiment of respect
Sir your hble Servt SAM. HUNTINGTON President

The President
of the Council of Massachusets Bay." — *Mass. Archives, vol.* 202, *p.* 25.

The message of the Council, at the opening of the fourth session, contained the following passage: —

"The Secretary will also lay before you a Letter of the 18 of January last enclosing a Resolution of Congress of the 13 for the Regulation of Prisoners of War; and a Resolution of the 12 of January recommending that Provision be made for Conferring like Priviledges and immunities on the Subjects of his Most Christian Majesty within this State as are granted to the Subjects of the United States of America within the Kingdom of France Agreable to the Eleventh Article of the Treaty of Amity & Commerce

These Resolutions are important, the one as it may respect the more speedy enlargement of Unfortunate men in Captivity, and the other as it will afford us an opportunity of testifying our Regard to the Interest of that Prince with whom the United States have formed so happy a Connection."— *Ibid., vol.* 158, *p.* 164.

On the 22d of March a committee was appointed, consisting of Messrs. Adams and Danielson, of the Council, and Warren, Freeman and Greenleaf, of the House, to take the foregoing resolve of Congress into consideration, "and to bring in a bill for said purpose." On the 25th of April, this committee was changed, by the substitution of Messrs. Parsons and Phillips, for Messrs. Warren and Freeman, who were absent, and, on the 29th, the bill of this chapter was read twice, in Council, and was there passed to be engrossed, and sent down for concurrence. On the 3d of May, the bill, having been read three times, in the House, was passed, in concurrence, to be engrossed, with eight amendments, by which, "or" was substituted for "and," as the fifth word of the title; and, in the preamble, "one" was inserted in the fourth line, "duty," in the sixteenth line, and "and that," at the beginning of a sentence in the eighteenth line; while in the same line, "one" was stricken out between "any" and "of," and "pretence" was changed to "pretext," in the thirteenth line, and "present" changed to "said," in the twenty-first line. By these amendments, also, the words "to the contrary," in the last line of the act, were inserted. The Council promptly concurred in these amendments, and on the 5th of May, the bill was passed to be enacted, and was signed by fifteen of the Council.

Chap. 48. The following letter from Major Thomas Edwards, the commanding officer at Rutland, was read, in Council, Sept. 21, 1779, and referred to a committee, consisting of Moses Gill, of the Council, and Colonels Hyde and Sparhawk, of the House: —

"Rutland, Sept^{r} 14th 1779

Sir — I had the Honor of writing to you, for the Information of the Honble Council, some short time since, respecting a Deserter from Col^{o} Henry Jackson's Regiment being liberated from Goal, & also of there being a Number of Deserters about in the Neighbouring Towns: — since which I have been inform'd that there a Number in Murraysfield, where they determine to defend themselves in Case any Attempt is made to apprehend them — of this I inform'd the Honble Gen^{l}. Gates, who directed me to represent the matter to the Honble Council, who, he added, no Doubt would give Orders to the Brigadier of the County & the Committee of the Town to cause them to be apprehended & sent to their Regiment I have the Honor to be with the greatest Respect

Y^{r}. Honor's Most Obed^{t}. Serv^{t}
T. EDWARDS." — *Mass. Archives, vol.* 224, *p.* 99.

* Manuscript mutilated.

The above-named committee reported a resolve, which, with the action thereon of the two branches, was as follows: —

"On the Memorial of Majr Thomas Edwards, Praying the Aid of this Court; for Apprehending & Securing Deserters.

*Whereas it has been Represented to this Court by Majr Thomas Edwards, Commanding officer at Rutland that there are a Number of Deserters from the Continental Army, Now at Murryfield in the County of Hampshire who Refuse to join their respective Corps.

Therefore Resolved, that Elisha Porter Esqr Sherriff of the County of Hampshire, be and he hereby is directed imediately to repair to Murryfield in the said County of Hampshire, there to Apprehend and Secure any Persons, Soldiers in the Continental Army, which may be found in said Town of murryfield, or any of the Adjacent Towns in said County, not having leave of Absence for their Commanding officer, and having so Secured them, to march them forthwith to Rutland in the County of Worcester under Such a Guard as he may Judge Proper And there deliver them Ouer to the said Thomas Edwards to be by him Conveyed to their respective regiments

In Council Sepr 25th 1779 Read & Accepted
Sent down for Concurrence JOHN AVERY D Secy
In the House of Representatives 25 — 1779 Read & concurrd
JOHN HANCOCK Spkr

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 100.

Four days later, the following resolve† was passed, for the capture of deserters who had recently passed muster, but who had not marched to join the army: —

"State of Massachusetts Bay In the House of Representatives Sept 29. 1779

Whereas it has been represented to this Court that a number of Soldiers have deserted from the Superintendents of several Counties within this State.

Resolved, That every Superintendent from whom any Soldiers have deserted be directed & he is hereby directed to advertize them in one of the Boston News Papers and offer a Reward of One Hundred Dollars & all reasonable Expences for each of them who may be taken and secured in any of the Goals in the United States, or deliver'd to him —

Sent up for Concurrence JOHN HANCOCK Spkr
In Council Septemr 29th 1779 Read & Concurred JOHN AVERY D Secy

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 160

In the note to chapter 29, p. 1281, *ante*, mention is made of the claim, by some who had enlisted to serve during the war, to a discharge at the expiration of the time of service of the "three-years' men," and of the foundation of this claim. So many of these men had left the army by the end of the winter of 1779-80, as to alarm all patriots in and out of the army, and to cause the following application to the Legislature, for more adequate provision for officers engaged in arresting and returning deserters: —

"Boston March 20th 1780

Sir Inclosed is a list of forty four Deserters from my Regiment, which I have lately recieved from the commanding Officer, now in Camp — and there is the greatest reason to believe, that the Men bourn on this list, are now, or have not long since been in the Towns which are said to be their usual places of Residence — By observing the Dates, so far as they could be ascertained, you will see that some have been long absent from the Regiment, and others have left it since the Returns were made out for the Settlement on Account of the Depreciation of the Currency

It is not unlikely the other Regiments from the State have suffered by Desertion nearly in the same proportion with mine; and tho' it is possible, that in some Instances the People have been imposed on by forged Furloughs and Discharges: yet, so far as I can learn, a general Neglect seems to have taken place with regard to apprehending Deserters; especially in the *town* of Northampton, where a Number from my Regiment reside, who appear publickly and are known to be Deserters, Notwithstanding which no measures are taken to secure them — I cannot say, whether this Neglect arises from an Opinion which seems to prevail among the People, that no Deserter is liable to Punishment or under any Obligation to compleat his time of Service in the Army; unless he is taken up before the *term*, for which he inlisted, expires; or whether it is because no provision is made by this State (which I am told is the Case) for the subsistence of Deserters in Prison or to defrey the expences of conducting them to Camp, in case they are apprehended

But perhaps it will be asked why some continental Officers are not directed to apprehend those Deserters — to which I would beg leave to answer, that the provision made by the Public, for the Expences of Officers on such Commands, is no more than three Dollars per day, and by the Articles of War no stoppages from the Soldier can exceed the one half of his continental Pay, by which means an Officer stands no chance of being indemnified for any considerable part of his necessary expences, and must therefore be supposed to undertake such Service very reluctently —

From these considerations I am led to conclude (unless some more effectual Measures are adopted by this State) that very few Deserters will be made to return to their Regiments: Nevertheless, as many of these Men were engaged during the War, and others have a considerable part of the Term for which they inlisted yet to serve, if they could be obliged by any Means to Join their respective Regiments, not only the many Evils, which attend the Neglect of apprehending Deserters, would be removed; But it would be a very great saving to the State, as the Number would make up a considerable part of the Recruits now wanted —

In case the Honorable Court should think proper to take any further Measures to remedy the Evils pointed out; I would beg leave to suggest, whether, if a general Pardon from his Excellency should take place, it would not be a further Inducement to Deserters to return, for this State to make Provision, that all Deserters who return to their Regiments and serve out the term of their Inlistment, shall be entitled to the Benefit of the

* Printed resolves, chapter LXXXI. † *Ibid.*, chapter CIV.

Resolve of Court for making good the Depreciation of the Currency. Also whether, it would not be a Means of detecting many others, if the County Muster Masters and some faithful Malitia Officers in each town were furnished with descriptive *lists* in alphabetical Order of the Deserters from each Regiment, as many of those who have recieved the public Money and deserted, will offer themselves to be again mustered as Recruits provided they can recieve a further sum and escape with Impunity — and in case any regular Officers are ordered on the recruiting Service I doubt not, many Deserters would be taken up, if they were also furnished with descriptive Lists from the several Regiments especially in or near the Sea ports —

As I am no less desirous to detect and punish those who desert the public Service, than to reward such as continue faithful in it, I hope my Zeal for the public good will be a sufficient Apology for giving you this Trouble —

I am, Sir, with the highest Respect your and the Publics most obedient humble Servant—

RUFUS PUTMAN."— *Mass. Files*: *Bills*, 1780.

This letter, which was directed to Mr. Speaker Hancock, was read, in the House, March 21, 1780, and referred to a joint committee, consisting of Messrs. Page and Nash, of the House, and Danielson, of the Council, who were directed "to consider the same, and report what is proper to be done thereon." On the next day, this committee reported a bill, which was then read, in Council, a first time, and was read again, on the first of April, when it was passed to be engrossed, and was sent down to the House, for concurrence. In the House, the bill was read a third time, on the 20th of April, and was committed to Messrs. Baldwin, Hunt, and Davis of Boston. By the 3d of May, it had emerged from this committee, and had been read three times in the House. On that day, it was passed to be engrossed, "as taken into a new draught," and was sent up to the Council, for concurrence, where, on the 4th, it was read and concurred in, with two amendments; one, substituting the words "major part," for the word "president," before the words, "of the Council," in the first line of the ninth section; and the other, striking out the word "honorable," before "Council," in the fourteenth line of the eleventh section. These amendments having been concurred in by the Council, the bill was passed to be enacted, on the 5th, and was signed by twelve councillors, although the record shows that it was consented to by fifteen.

After the bill had been enacted, the House, by message, proposed to still further amend the bill, by striking out the words "major part," which, by a former amendment, had been substituted for the word "president." This appears to have been agreed to by the Council; for not only these words, but the words "of the," which, in the bill, precede the word "Council," are omitted in the engrossment.

With the exception of the alterations just noticed, the bill, as redrawn, corresponded with the act, and was, substantially, the same as the first draught — the most important differences being the addition of the eleventh, twelfth and sixteenth sections, and the reduction of the limit of the fines, from not more than £5,000, and not less than £3,000, to the more moderate scale fixed in the third, fourth, fifth, seventh and thirteenth sections of the act. The more important of the minor differences, were the insertion of the fifth and sixth words in the title, and the changing the words "ship or vessel," to "deserter or deserters," in the tenth line of the fourth section, and authorizing indictments, for the recovery of fines, instead of limiting the remedy to an action of debt, bill, plaint or information, as in the bill.

While the bill was on its passage to engrossment, the following correspondence took place between President Weare of New Hampshire, and President Powell, by which it appears that the Council entertained no doubt of their authority to incur the expense incident to the arrest and return of deserters from the New Hampshire lines, and to order the payment of charges for the arrest and return of deserters from the Massachusetts quota, who should be found in New Hampshire: —

"Exeter Aprl 29th 1780

Sr. Four Deserters from the Continental Army belonging to your State have been taken up by a Continental Officer, and Committed to Goals in this State Vizt. Daniel Sergent, David Hill, Samuel Bridge, and Benjamin Parker, They are now sent under a Guard to your State, as it is Apprehended that this is the only sure way in Order to their being returnd to their Duty —

I have inclosed an extract from the Accompt of the Officer who took them up, of the Expence he was at on that Account, which has been allowd, And paid by this State; And Doubt not but this, together with the prison Charges, and Charges of Conveying them to Boston, which the officer who goes with them will lay before you, will be Readily Paid by your State —

I Am further to Request to be informd, whether for the future, Any Deserters belonging to your State, that may be taken up in this, shall be Sent on to your State, or Secured in this, And how the Charges shall be paid —

I am likwise to desire, that Deserters belonging to this State May be taken up and Confind in Yours, and Notice given, And the Charges thereof shall be paid by this State —

I have the Honor to be with Sentiments of Esteem and Respect

Yr Obt. Humle Sert.

MESHECH WEARE Prest

Honble President Powell." — *Mass. Archives, vol.* 202, *p.* 163.

"State of Massachusetts Bay Council Chamber May 2 1780

Boston May 2d 1780

Sir I am to acknowledge the receipt of your favour of the 29th ultº. & inform you that John Jones Qm & William Lang Sergeant, deliverd one Deserter belonging to this State (viz) Saml Bridges, — I have inclosed a Coppy of the acct. Exhibited by the Officer

aforesd which was allowed & paid — and am to assure you that prior Charges will be paid when any person appears properly authorized to receive the same — I am further to request that if any Deserters from this State, presume to Secret themselves within your State, that they may be apprehended (if possible) & Confined & that Notice may be given to us, and the Charges shall be paid — we shall observe the same mode of Conduct with regard to Deserters from the New Hampshire lines — and shall take the earliest oppertunity to furnish you with a List of our Deserters & should think it very proper to be acquainted with the Names of such as have Deserted from your State, to prevent delays in their being forwarded to Camp —

In the Name & Behalf of the Council I have the Honr to be,
with great respect, your very Humⁱ Sert — ——— President
Honⁱ Meshec Weare Esqr." — *Ibid., p.* 167.

The Council having complied with the directions of the ninth section of this chapter, received the following acknowledgement from the commander-in-chief: —

"Head Qrs Morris Town May 31 1780

Sir I had the Honor Three days ago to receive your Letter of the Instant, covering a Resolve of your Honourable Assembly, for annexing Colo Jackson's Regiment to the line of the State — and an Act for preventing & punishing Desertion &c. I shall take an early occasion agreable to the desire of the Assembly, to arrange & number this Regiment.

I have the honor to inclose the Draft of a proclamation, founded in the spirit of the Act with respect to Deserters, Copies of which you will be pleased to have printed and dispersed through the State, if you think it proper. This Act in it's design, appears well calculated to answer the Objects of it, and if well executed, will have very salutary consequences. There is nothing more injurious to the public and nothing more practised, than engaging Deserters on board privateers and other Armed Vessels — and our exertions cannot be too great to prevent it.

I have the honor to be with very great regard respect
Sir Yr Most Obed Sert Go. WASHINGTON
The Honble Jeremiah Powell." — *Ibid., vol.* 228, *p.* 168.

This letter was read, in both branches, June 10, 1780, and an order was thereupon passed, that the secretary cause the proclamation enclosed therewith, "to be published in the several newspapers." The proclamation was as follows: —

"BY HIS EXCELLENCY GEORGE WASHINGTON, Esq; General and commander in Chief of all the Forces of the UNITED STATES of AMERICA.

PROCLAMATION.

WHEREAS *the honorable the Council and House of Representatives of the State of* Massachusetts Bay, *by an Act passed on the 5th Day of this Month entitled,* 'An act to prevent and punish Desertion, and for apprehending and securing Deserters from the Continental Army,' *have suggested, among other things, that it appeared many Deserters from the Battalions belonging to the State, sensible of their Folly and Wickedness in violating their Oaths, and in dishonorably abandoning the Cause of their Country, would gladly be restored to the Favour of their Fellow-Citizens, by a speedy Return to their several Companies and Regiments in the Continental Army were it not for the Apprehension of an ignominious Punishment:*

And whereas the said honorable Council and House of Rspresentatives, have been pleased to recommend it to the Commander in Chief of the said Army, to proclaim a Pardon to all Deserters described in the said Act, who, being on Land, should return to their several Companies and Regiments within three Months after the publication of the said Act, and if at Sea, within one Month after they return into Port:

IN order, therefore, to remove, on the one Hand, every Appprehension and Fear of Punishment from the Minds of those who have repented of their base and wicked Conduct, and wish to return; and on the other, to prevent all Appearance of Excuse on the Part of those who shall reject the Indulgence herein set forth — I HEREBY MAKE IT KNOWN TO ALL SOLDIERS, of the Descriptions contained in the said Act, who have deserted from the Battalions or Companies of the said State, serving in the Continental Army, or who were intended as Recruits or Levies, inlisted or detached from the Militia for the same, and who deserted before or after they joined the Army, that a FREE AND FULL PARDON is proclaimed and granted to them, on Condition that they join their respective Regiments and Companies, or where they had not been incorporated, surrender themselves to any Officer of their State, present with the Army, within the Times and on the Terms particularly limited and specified in and by the said recited Act.

And being anxious to save wherever it is possible, I further admonish and warn all Deserters in the said State, belonging to any Regiment, Corps or Company whatsoever, in the Army, to avail themselves of the Mercy held forth by this Proclamation, — and if they do not, that they will reject it at the Peril and Hazard of their Lives.

GIVEN *at Head Quarters in Morris Town, this 31st Day of May, A D.* 1780.
G. WASHINGTON.
By His Excellency's Command. ROB. H. HARRISON, Secretary." — *Independent Chronicle, of June* 15, 1780.

The letter of Col. Putnam, which was the inducement of the act, and in which he particularly complained of certain residents of Northampton, who had left the army without leave, excited resentment in that town, at the censure implied in the provisions of this chapter, which the inhabitants, connecting it with Putnam's charges, understood to be intentionally aimed against some of their fellow-townsmen who, even if technically to blame for their conduct, they thought were not to be indiscriminately classed with the bounty-jumpers and wilful deserters who needed to be pardoned before reinstatement. Accordingly, the fol-

lowing memorial was read in the House, June 2, 1780, and referred to a committee, consisting of Messrs. Washburn, Osgood and Hastings: —

"State of Massachusetts Bay

To the Honorable the Council and the Honorable House of Representatives of the State of Massachusetts Bay most humbly Shew

The Inhabitants of the Town of Northampton, in the County of Hampshire, that in the month of April 1777, twelve persons inhabitants of sd Town, Inlested into the Army of the United States of America. These several parsons, as appears by the testimony of many reputable Witnesses, receiv'd the fullest encouragement, that the three Years Service, in which they engag'd, should expire, on the first Day of January 1780, particularly, the several Officers who at that Time Commanded, the Companys of Militia, to which these Soldiers belong'd, have testify'd that Colo Tupper, in a Public harangue to the sd Companys, assur'd them that those, who would engage, for three years in the Continental Service, would without question, be descharg'd by the first of Janry 1780. — This was even urg'd as a motive, to enduce the above mention'd persons to enlist, It was observ'd to them that three months of the three years, had already expir'd, which Time they had employ'd, in their own private affairs. — The same motive, as diverse Credible Witnesses have testify'd, was made use of to the same persons, by Majr. Allen & other Continental Officers, belonging to this neighbourhood. — Indeed the officers of the Companys, of militia, were requested by the recruiting Officers, to use this argument both in public & private, with the Soldiers of their respective Companys, to induce them to enlist. — From these circumstances the persons afores^d, as your petitioners conceive, on the best grounds suppos'd, the public faith pledg'd, for their discharge, on the sd first of Janry 1780, and enlisted the more readily, on that Account. — Your petitioners have no apprehension, that the above mention'd officers, gave this encouragement, with any base or unworthy design, but from full belief that it was well grounded, and that those persons who would then enlist, would actually be discharg'd, on the same first Day of Janry. — The Soldiers above mention'd, in all instances, so far as has come, to the knowledge of your petitioners, have acted the faithfull, brave & gallant part, and have deserv'd much of their Country, for streniously & honorably difending her freedom, and that of mankind, they are also desended from reputable Familys, and have sustain'd fair & unblemished characters. — On the first of Janry 1780, Acting on the above encouragement, they quited the Army, and return'd to their respective homes. — The Circumstances of this Conduct, so far as your petitioners can Judge, were such as Evidenc'd, the innocence of their intentions, and a full persuasion, that they claim'd an incontestable right, ground'd on what they esteem'd, the faith of the public, pledg'd by its well known officers. — They left the Army, as we have been Credibly inform'd, after giving their officers, timely and sufficient notice, of their determination, and the reasons on which it was formed. — Your petitioners need not remark, that such plain dealing, is inconsistant, with a Consciousness of guilt, whose universal attendants are secresy and disguise. — With this view, of the conduct of these men, your petitioners cannot but consider them, as meriting a Character, very distant from that, of common deserters. — Common sense, as your petitioners conceive, enforces on the mind, an important distinction between them; and the Farmer or Mechanic, of the plainest understanding, would esteem himself benefited, by admiting those into his Family, and business, whilst he would reject these, with abhorance, — perhaps a discrimination, so well, so naturally, and so universally made, may Justly apply, in every light, in which these persons, can be view'd, however public, and however Interesting. — But notwithstanding this real, and well grounded distinction, these Soldiers are affected, equally with comon deserters, by an Act of the Legislature, of this State, entitled an Act to prevent & punish Dissertion, and for apprehending and Securing Deserters from the Continental Army

To all the penalties of this Act, they are as much expos'd, as any others, however black, and ill design'd, their desertion may have been, — your petitioners therefore beg leave, to represent to your honors, that if this Act should be suffer'd, to take Effect, and fully to opperate, against the sd Soldiers, it would occasion great uneasiness, and anxiety in our minds. — The difference between their Crime, and the Crimes of deserters in general, will as your petitioners humbly conceive, be evident to all Men. — To involve them, for an Action which cannot be deem'd, worse than an error in Judgement, in the same severe punishment, which others are to suffer, for the blackest offences, will your petitioners apprehend, be tho't by the best subjects, of this State, to confound the agrevations of guilty actions. — your petitioners humbly submit to your honors, whether such effects, may not, probably arise from the opperation of the sd Act, in the Case described, as would be unjustifiable, inexpedient, and dangrous. — If your honors have observ'd, the impressions, made on the minds, of any of the Militia of this State, by the sd Act, who are in the circumstances above described, you will much better imagine, than your petitioners can represent, the great discouragements its opperation will be attended with, to the recruiting service and its tendancy to prevent, those supplys of men, from being furnished, which are now most unhappily, pricarious and distant. —

Your Petitioners therefore humbly hope, that your honors will consider the case, of these Soldiers, with your usual wisdom and tenderness. — They are willing to rejoin their respective Corps, and to serve faithfully, the remainder of the Term, for which they enlisted, in hopes they may be restor'd, to all the advantages, and honors of good Soldiers; Honors which they have not design'd to forfiet. — After the extreem difficultys, under which the sd act must necessaryly labour, in its execution, if allow'd to opperate in all Cases, and the probable inexpediency, of its effects, should be fully consider'd, your petitioners cannot but hope, that your Honors, in your great wisdom, will devise and apply some remidy in the case of the twelve persons above mention'd, And your petitioners as in duty bound shall ever pray. —

At a Legal Meeting of the Inhabitants of the Town of Northampton, quallify'd by Law to Vote in Town affairs, Assembled at the Court House in the s^d^ Town on Monday the 22^d^ Day of May 1780. A Committee was appointed, to make a draft of a petition, to present to the Gen^l^ Court of this State, in behalf of the twelve persons mention'd in the above petition, who left the Army on y^e^ 1^st^ of Jan^r^ last Voted Unanimously that the above petition be accepted, and the Moderator of this Meeting, is requested, to Sign the same in behalf of the s^d^ Town, and forward it to the Gen^l^ Court, as soon as may be
EPHRAIM WRIGHT Moderat^r^". — *Mass. Archives*, *vol.* 228, *p.* 211.

On the 7th, the committee above named reported a resolve,* which, together with the action of the Assembly thereon, was as follows: —

"State of Massachusetts Bay In the House of Representatives June 7. 1780.

Upon the Petition of the Inhabitants of the Town of Northampton setting forth that twelve Persons Inhabitants of Said Town Enlisted into the Continental Army in the month of April 1777, & were Assured by Continental Officers that the three Years Service in which they engaged, would Expire, with Respect to themselves on the first of January 1780 upon which assurance made inconsiderately & without Sufficient Authority the Men Afore Said pretended to Claim it as their Right, to leave the Camp on the afore Said first Day of January & did accordingly Leave it contrary to the Express Orders of their Officers whereby they are now become liable to the Penalties of an Act made to prevent Desertion, and whereas by Said Act all that may be called Deserters are indiscriminately Subjected to the Same Penalties without any Difference as to the Degrees of Criminality — Therefore

Resolved that all Persons that enlisted into the Continental Service after the first Day of January 1777, and have left the Service without a regular Discharge and can give any Sufficient evidence that they Supposed their engagements expired on the first Day of January 1780, may be permitted to return to Camp any time before the Sixth Day of July next and Said Persons so returning shall be held to do Duty after their arrival in Camp so long as to compleat & make up the full term of three Years from the Date of their Several Inlistments, and all Such Persons as are above discribed who shall comply with the lenient Terms of this Resolve Shall be entitled to all the Priviledges & Immunities Promised in an Act of this State, to Such Persons as have deserted and shall return voluntarily to Camp & Serve for the Term of nine months, besides compleating the Deficiency of Time in three years Service any Law of this State to the contrary notwithstanding

Resolved that a Copy of the foregoing Resolution be transmitted to the Commander in Chief of the Army of the United States, and he is hereby Desired to Grant a full Pardon to all Such Soldiers as shall Strictly comply with this Resolve

Sent up for Concurrence NATH GORHAM Speak^r^ *Pro Tem^e^*
In Council June 7 1780 Read & nonconcurr'd S ADAMS Secr^y^

In Council June 15^th^ 1780 Read again and the Board reconsider'd their Vote of Non concurrence passed the Seventh Inst^t^ and Concur with the Vote of the Honble House
JOHN AVERY D Sec

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 207.

Chap. 49. The resolves of Congress, of March 18, 1780 (referred to in this chapter), for calling in the depreciated currency, appear in full in the note to chapter 40, *ante*;† and the resolves of the General Court, of June 9, 1779, establishing the bounties granted, and fines ordered to be paid, in this chapter, are explained in the note to chapter 30, *ante*.‡ The occasion for calling the militia into service (to defray the expense of which the former tax was, in part, laid), is also explained in the note to the last-named chapter.

In October, 1779, a fresh call for recruits was made on Massachusetts, on receipt of supposed authentic intelligence of the arrival of Count D'Estaing, with his fleet. This call was made by the commander-in-chief, and required not less than 2,000 men, as the Massachusetts contingent, for reënforcing the army under his immediate command.

The Legislature promptly responded to this call by passing a series of resolves on the 9th of October,§ ordering the following detachments from the militia of the several counties named below; viz., Suffolk, 241 men; Essex, 350 men; Middlesex, 359 men; Worcester, 450 men; Hampshire, 400 men; Berkshire, 200 men. The men were to be raised "by lot, draft, or voluntary enlistment," in the same manner as under former calls, and to serve "for the term of three months from the time of their joining the army, unless sooner discharged." If a draft should be necessary, it was to be made from the train-bands and alarm lists.

Stringent measures were adopted for collecting fines of persons drafted who were either physically unable to serve, or who should fail to find substitutes within twenty-four hours after being drawn, and also for sending recruits to the appointed places of rendezvous.

The recruits were to be formed into companies of 68 men each ("as near as may be"), including officers, and to march to Claverack, on the Hudson, as expeditiously as possible. The men from Middlesex and Worcester were to constitute one regiment; the men from Suffolk and Essex, another; the men from Hampshire and Berkshire, another. The brigadiers in the respective counties were to appoint the officers of the companies, and, in conjunction with the brigadiers of other counties furnishing companies in the same regiment, were to appoint field-officers to command the respective regiments. The commanding officer of each of these regiments was authorized to appoint an adjutant, a quartermaster, a surgeon and a surgeon's mate, for his regiment.

To the command of the entire force thus to be raised, the Council were empowered and

* Printed resolves of the May session, chapter LXV. † Pages 1339 and 1340.
‡ Pages 1297 and 1298. § Printed resolves of the September session, chapter CCXXVII.

requested, to appoint a brigadier, who, in turn, was to appoint a chaplain and a brigade-major, "for the service of the brigade," and all these officers were ordered to repair to Claverack, without delay, "there to receive the order of General Washington, or such officer as he shall appoint."

An ample monthly allowance was granted, in addition to the pay of the Continental establishment, to officers of the line, commissioned and non-commissioned, and of the staff, and to the privates and musicians.

The arrest and return of deserters was provided for, and a penalty of £500 ordered to be laid upon the inhabitants of any town, for every deserter, from this or any former detachment, who should escape the punishment prescribed by these resolves, by reason of the negligence of "the militia officers, selectmen and committee, in the same town." The penalty was ordered to be "added to the next state tax of such town or plantation."

No town was to receive credit for any prisoner, or deserter from the enemy, enlisted as part of its quota, "either in their number of men raised, or the money they may pay him."

The penalty of dismission from office (on being reported to the General Court by the superior officer), or of a fine, according to their respective grades, was affixed, by these resolves, to the offence of neglect of duty, by officers.

Each recruit was to be properly armed and equipped,—by himself, if of sufficient ability, otherwise by the selectmen; and a bounty of £30, besides mileage, was directed to be paid out of the town treasury to each non-commissioned officer and private, enlisted under this call, who should appear properly armed and equipped. The sum of the bounties so paid, was to be "deducted from the next state tax levied on such town." For delinquency in complying with these resolves every town was ordered to be fined, for each man needed to complete its quota at the proper time, "such sum as the General Court shall hereafter determine;" which sum was to be "added to the next state tax of such town and plantation."

The following resolve* was passed to enable the General Court to ascertain the amount of the fines incurred by delinquent towns, and the amount paid as bounty, to towns, under the resolves of the ninth of October: —

"State of Massachusetts Bay } In the House of Representatives Novr 27 1779

Whereas the Resolve of this Court pass'd the 9th day of October last for raising two thousand Troops for the purposing of reinforcing the Continental Army does not require any return to be made of the Troops so raised: by reason of which the Towns who raised their Troops cannot receive the Bounty therein promised nor the delinquent Towns fined

Therefore Resolved that the Brigadier Generals in this State who were required by said Resolve to raise Troops for the above purpose; be & they hereby are required on or before the Second Wednesday of the next Sitting of this Court — to make returns into the Secretary's Office of the men so raised in their respective Brigade, & also the apportionment made by the Commanding Officer of each Regiment, in their Brigades on the respective Towns in their said Brigades

Sent up for Concurrence JOHN HANCOCK Spkr
In Council Novr 27th 1779 Read & Concurred JOHN AVERY D Sey
Consented to" — [Signed by fifteen of the Council].— *Mass. Archives, vol.* 225, *p.* 126.

Notwithstanding this preparation for fining delinquent towns, it does not appear that any such fines were laid under these resolves. The fines laid in the present chapter were such as were incurred under the resolves of June 8, 1779. The unremitted fines incurred under those resolves by the delinquent towns of Suffolk, Essex, Middlesex, Hampshire and Worcester counties and by two towns in Bristol County, had been assessed by chapter 30, and were either already collected, or in process of collection. In the present chapter, fines were laid on the following of the remaining counties; viz., Plymouth, Barnstable and Berkshire; and also on the remaining towns in Bristol County, and on the town of Oxford in Worcester County,† whose fines had not been ascertained at the date of the passage of the former tax act. In the counties of Dukes and Nantucket no fines had been incurred, since no call for detachments had been made upon the towns in those counties; and although the counties of Cumberland and Lincoln had been called upon by the resolves of June 9, 1779, to furnish their quota of men for this service, they had been excused from doing so by the resolves of the 26th of the same month, which provided for raising, in those counties, a force of 1,200 men, to be under the command of Gen. Solomon Lovell, and to coöperate with the fleet, and a train of artillery under Col. Paul Revere, in the expedition against Penobscot. The county of York had been called upon for three hundred men to join the forces thus raised in Lincoln and Cumberland; and, in the following spring, after the failure of that expedition, all three counties had been again called upon for 700 men, for the defence of Penobscot, under the command of General Peleg Wadsworth, 310‡ of whom were to be raised in York County, 240 in Cumberland County and 150‡ in Lincoln County.

The inhabitants of York County, therefore, felt that they had an equal claim to exemption, with the two other counties in Maine; and when an attempt was made to provide, in the bill of this chapter, for laying fines on delinquent towns in York County, Edward Grow, Joseph Prime and Joshua Bragdon, in behalf of that county, presented to the General Court a petition, representing that they "were cheerfully complying" with the requirement of the resolves of June 9, 1779, for raising nine-months' men (and would have

* Printed resolves, chapter XC.
† See note to 1779–80, chapter 30, pp. 1298 and 1299.
‡ Two companies, of fifty men each, were ordered to be raised in Lincoln and York counties, respectively, by order of the Council, Feb. 14, 1780, and these numbers are included in the above figures.

soon raised their full complement), when they were suddenly called to send every man they could hire, or detach from the militia, to aid the forces at Penobscot; that they had supposed that they would be exempt from fines for not completing their quota of nine-months' men, "as the other two counties, in the province of Maine, were," and were greatly surprised at the intention of the General Court to fine them; that they were "not able to pay the tax already laid" on the county; and if the fine should be added, it would greatly distress them, as they were then called upon for 310 men more for the defence of the eastern parts of the state, which call, though it involved expense, they were determined to comply with; wherefore they prayed for relief. This petition was read, in the House, April 1, 1780, and referred to the committee "on the petition of the town of Hingham," and two days later, the following resolve * was passed: —

"State Massachusetts Bay In house of Representatives Aprill 3d 1780

on the Petition from the County of York Praying that they be Excused from the fine for their Deficiency of their men they were ordered to Raise for Nine months by a Resolve of the Generel Court Passed the Eighth of June 1779 for the Reasons Set forth in Said Petition

Resolvd that the Prayer of Said Petition be so far Granted that Said fine be Suspended for the Present, and it is further Resolved that the Selectmen of the Severel Towns in Said County be and they hereby are Directed to make Returne into the Secretaries office on or before the Second Wednessday of the Next Sessions of the Generel Court of the Number of men they have Raised in Compliance with the Aforesaid Resolve and also their apportion of men they had assigned them to Raise for Penobscott by the Brigadier of Said County by order of the Honble the Council Passed June ye 29th 1779. also the Number of men they actually had in Service by land on Said Expedition

Sent up for Concurrence JOHN HANCOCK Spk
In Council April 3d 1780 Read & Concurred JOHN AVERY D Sey
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *vol.* 227, *p.* 10.

A petition, dated April 1, 1780, signed by David Thatcher, Solomon Freeman and Barnabas Freeman, representatives of the towns of Yarmouth, Harwich and Eastham, was presented to the General Court, in which the petitioners alleged that the said towns were unable to pay their taxes, much less their fines, on account of the entire cessation of the "whale and cod fishery" — the business upon which they wholly depended for money wherewith to pay taxes; and that their lands would not yield enough to supply them with bread and meat; wherefore they prayed that the distressed circumstances of those towns may be taken into consideration, and they so far relieved as to have the fines suspended for the present. Upon this petition the following resolve † was passed: —

"State of Massachusetts Bay } In the House of Representatives Apl 4th 1780

On the Petition of David Thatcher, Solomon Freeman & Barnabas Freeman in behalf of the Towns of Yarmouth Harwich & Eastham — representing the inability of said Towns at present to pay the fines which they have incured by reason of a failure in not raising their Nine months men agreeable to a Resolve passed June 9th 1779

Resolved, That no fines be Set upon either of the Towns of Yarmouth Harwich or Eastham in consequence of the failure of those Towns in not raising the men required of them respectively by a Resolve of the General Court passed June the 9th 1779 untill the further orders of the General Court

Sent up for Concurrence JOHN HANCOCK Spkr
In Council April 4th 1780 Read & Concurred JOHN AVERY D Sey
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 41.

The inhabitants of the town of Sandwich, in Barnstable County, also (upon the petition of their selectmen and agents, Seth Freeman, Micah Blackwell and Sylvanus Nye), succeeded in getting their town omitted from the list of towns fined in the act. The petitioners represented that their town was among the foremost to engage in the Revolution, and had ever afforded to that cause "their most cheerful, seasonable and ample assistance," etc.; that they had contributed to the three-years' men of the Continental Army their full quota of one-seventh of the serviceable male inhabitants, of which they had "at a very early period," made return as required by law; that, fearing the unfavorable effects of the tardiness of a neighboring town, they had kept on enlisting men until they had furnished, and made proper return of, eleven more men than their quota, for which they had expected to receive credit "in future requisitions;" that, though they had always "afforded" their "full supplies, ever since," until they were called upon for twelve nine-months' men under the resolves of June 9, 1779, their circumstances were such that they were only able, then, to furnish eight of the twelve men called for; that this was about the proportion they had usually sent, and would have been their full proportion in this instance if the General Court had not adopted a new rule of computation, by which the Quakers among them were included in the estimate; that they had furnished, about the time of the above enlistment, one other man, to serve during the war, which they had supposed would be accepted as an equivalent for the four nine-months' men in which they were deficient, since the town of Dartmouth had been similarly favored; and, moreover, that the militia of Sandwich had been "continually on the alert, in defence of our own and the Falmouth shores," in which service they had been obliged to double their enlistments, on account of the failure of other towns to raise their quotas, — and this at an expense for which they had been less than half repaid by the state; that by reason of their great expenses for public charges they were greatly reduced: many of the poorer sort being "compelled to part with their only cow," to pay their taxes; — wherefore they

* Printed resolve of the March session, chapter CXVI. † *Ibid.*, chapter CXXVI.

prayed that the town might not be fined for their failure to raise the whole number of twelve men, which they believed must cause them to "sink under the burden of taxes encreased in this way."

This petition was referred, March 31, 1780, to the committee on the petition of the town of Hingham, who made a report which, with the action of the Assembly thereon, is given below: —

"House of Representatives Ap. 1. 1780

The Committee of ye House appointed to consider what Towns should be exempted from Fines in the present Tax Bill for not raising men report as their Opinion that the Committee on ye Tax Bill be instructed not to annex Any Fines to the Town of Sandwich for ye reasons set forth in the Petition of sd Town

pr DANL THURSTON pr order

Read & accepted Sent up for Concurrence JOHN HANCOCK Spkr

In Council April 4'. 1780 Read & Concurred JOHN AVERY D Scy

Consented to" — [Signed by sixteen of the Council]. — *Ibid.*, *p.* 35.

A bill for apportioning and assesssing a tax of £2,788,291 13*s.* 6*d.* for defraying the public charges, and also £33,444 10*s.* for the pay of the representatives, was read a second time, in the House, April 11, 1780. The previous proceedings upon this bill have not been ascertained, because of the loss of the journals of the House for the earlier part of the session. At this stage an amendment was offered to the bill, for exempting the unimproved lands of non-residents from county, town and parish taxes; but this was rejected by a vote of thirty-three to twenty-one. An unsuccessful attempt was made at the same time to procure the insertion of a clause similar to if not identical with section 14 of the act. On the 18th, the bill was recommitted, "to be made conformable to the bill which has passed the House, respecting the currency." On the 2d of May, the bill, with the title changed to the form in which it appears at the head of this chapter, was passed to be engrossed, in the House, after three several readings, and was sent up to the Council, for concurrence. In the Council this bill was read a first time on the 2d of May, and again, on the 3d, when it was passed, in concurrence, to be engrossed. On the 5th, the bill was passed, in concurrence, to be enacted, and, according to the record, was consented to by fifteen of the Council.

The call of Congress for an immediate supply of money, referred to in the resolves * of June 15, 1780, printed below, was the following: —

"On the report of a committee, to whom was referred a memorial from the honourable the minister plenipotentiary of France,

Resolved, That the states of Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts Bay and New Hampshire, be most earnestly called on to collect and pay into the continental treasury, immediately, if possible, and at all events within thirty days from this time, ten millions of dollars for the special purpose hereafter mentioned, in the following proportions; the payments to be credited to the said states respectively, on their quotas of money due to the United States to the first day of March last, viz.

* * * *

Massachusetts Bay, ... 1,794,950

* * * *

Resolved, That the money to be raised as aforesaid, be appropriated and applied to the bringing the army into the field, and forwarding their supplies, in such manner as the exigencies and nature of the service may require."— *Secret Journals of Congress: May* 19, 1780.

The letter enclosing these resolves of Congress, and bearing the same date, contained the following urgent appeal: —

"Sir, Congress have recd authentic information that his Most Christian Majesty is preparing to send a powerfnl Naval & Land force to some part of the Continent of North America. This force generously calculated either to produce a diversion in our favour, or to forward the operation of our Arms by being directed to the same object, may either by our exertions be made the means of delivering our Country in the course of the Campaign from the ravages of war, or being rendered ineffectual thrô our supiness serve only to sully the reputation of our Arms, to defeat the benevolent intention of our great Ally & to disgrace our Confederacy in the Eyes of all Europe —

Every State that reflects upon the depreciation of the Currency & their own deficiency in the payment of their taxes must necessarily conclude that the Treasury is exhausted — The Military departments are at a stand for the want of money to put them in motion. Congress have no resources but in your spirit & virtue, upon these they confidently rely — you kuow the value of the prize for which you contend, nor need you be informed how much you are interested in a speedy termination of this distressing & expensive war.

But as the smallest disappointment in the requisitions they make may be attended with the most serious consequences, they have endeavoured so to limit their demands as not to exceed your power to comply with them.

The sum for which you are called upon by the within resolution they flatter themselves you will furnish to the Treasury by the fifteenth of June at furthest without neglecting to discharge the orders that have been drawn upon you for the whole of which, you will receive credit on your account of taxes due on the first of March last —

* * * *

It may not be improper to suggest to you, that if a strict & immediate collection of taxes should be insufficient to procure the necessary sums within the time limited, it may perhaps be more speedily obtained by Loans." — *Mass. Archives, vol.* 202, *p.* 184.

* Printed resolves of the May session, chapter LVII.

This letter was laid before the House, by a majority of the Council, at the opening of the General Court, this year, as follows: —

"Our Finances ought to be Closely attended to and every exertion made to have our Quota of Taxes for the Service of the United States seasonably Collected & punctually paid into the Continental Treasury. The public Exigencies demand our punctual Compliance with the requisitions of Congress relative to this Subject; effectual measures should also be immediately adopted & carried into Execution for procuring our proportion of the necessary supplies for the Army. * * * *

Congress in their Circular Letter of the 21th of April last have in a very pressing manner urged your attention to this matter as well as a punctual payment of our Quota of the Taxes, they very justly observe 'that no Period has occurred in this long and Glorious struggle in which Indecision could be so destructive & on the other hand, no Conjuncture has been more favourable to great & deciding Efforts.' The Secretary will lay before you the several Letters referred to as likewise a Letter just received from the President of the Congress dated the 19th May, Inclosing a resolve of the same date earnestly calling upon this State to collect and pay into the Continental Treasury immediately if possible or at all Events within thirty days from that time, One Million seven hundred Ninety six thousand & nine hundred and fifty dollars to be applied solely to the bringing the Army into the Field and forwarding their Supplies in such manner as the Exigency and nature of the service may require

We earnestly recommend it to you to pay an immediate and unremitted attention to these several Matters so that we may be prepared to meet the Enemy and to Co-operate with our Allies as occasions may offer & Circumstances may require with Vigour and Decision through the Ensuing Campaign." — *Extracts from message, June* 1, 1780: *ibid., vol.*, 158, *p.* 170.

The following are the resolves of the General Court above referred to. They show, expressly, the purpose for which they were passed, and the order in which the several counties were requested to advance a sum equal to the amount of the taxes laid by this chapter: —

"In the House of Representatives June 14. 1780

Whereas the Congress of the United States have call'd for an immediate supply of money in the public Treasury, as indispensably necessary to enable them to prosecute their plans against the common enemy, in conjunction with the Fleets and Armies of the Allies of these States whose arrival is hourly expected; and as the Supplies of men granted by the General Court of this State, may prove fruitless, without a punctual complyance with this Requisition also — Therefore Resolved that the good people of this State who live in the Counties, of Suffolk, Essex Middlesex, Hampshire, Plymouth Bristol and Worcester, be, and they hereby are earnestly requested to pay into the hands of one of the Commissioners hereafter named, A *or of the Selectmen & Committee of their respective towns*, immediately such sums as may be about their respective proportions of that moiety of the tax order'd to be paid into the Treasury on the fifteenth day of July next; — and all who have it in their power to advance their proportion of the other moiety of the tax order'd to be paid into the Treasury by the fifteenth day of September next, are hereby informed, that the exigencies of the public, are a most pressing call upon them to advance their proportion of the second moiety also, forthwith, in the same manner, and as large a sum in adition thereto, as their present Circumstances will admit: — and every person complying with this requisition shall receive from the Commissioner to whom his money shall be paid, a Receipt in the form hereinafter prescribed, which Receipts shall be received by the Constables and Collectors in their respective districts, in payment of such moiety as shall be specified in the said Receipts: —

And those persons who shall agreable to this applycation advance both moieties of the tax aforesaid, shall be allowed and paid by the respective Constables & Collectors aforesaid, five per Cent, on the sum advanced for the second moiety aforesaid; — and those persons whose Zeal for their Country's welfare shall prompt them to advance a larger sum than the amount of both moieties of the tax aforesaid, shall be repaid the ballance by the Constables and Collectors of their respective districts on the said fifteenth day of Sept^{r} next, with an allowance of five per Cent. In both of the last mention'd cases, the sum allowed for advancing the money to be endorst on the back of the Receipt;

And the Receipts above mentiond shall be received by the Treasurer of this State, of the Constables and Collectors receiving the same as aforesaid, in discharge of the tax aforesaid, for the sums expressed in such receipts and the allowance which was made thereon

And the Receipts for the sums paid on account of the first moiety of the abovemention'd rate, shall be in the form following,

Received this day of 1780, of of the town of , in the County of , the sum of , advanced to Government, on account of the first moiety of the tax, which is order'd to be paid into the Treasury on the fifteenth day of July next. —
Commissioner

And the Receipts for the sums that shall be paid over and above the first moiety aforesaid, shall be in the form following —

Received this day of 1780, of of the town of , of the County of , the sum of , advanced to Government agreably to a Resolution of the Gen^{l}. Court of the day of June 1780, for which sum the said shall on the fifteenth day of Sept^{r} next receive an allowance of five per Cent, and also the ballances that shall be then due to him, if any such shall remain after discharging his proportion of the second moiety of the Tax which is order'd to be paid into the Treasury on the fifteenth day of September next. —
Commissioner —

And it is further Resolved that the following persons be appointed Commissioners to receive and give Receipts for any sums which may be advanced as aforesaid. — viz. In the County of Suffolk Thomas Walley Esq^r. Sam^l. Henshaw Esq^r Mr. Abner Ellis, and Mr. Stephen Stoddard.

In the County of Essex Mr. Sam^l Ward, Jon^n Titcomb Esq^r. Jonathan Webster Esq^r & The Hon^ble Michael Farley Esq^r.

In the County of Middlesex The Hon^ble James Prescot Esq^r. Sam^l Thatcher Esq^r Col^o Loammi Baldwin Mr. Wm Brown, Maj^r Joseph Hosmer

In the County of Hampshire — Elijah Hunt Esq. Mr. David Sexton and Mr. Thomas Williston —

In the County of Plymouth Mr. David Jacobs, Maj^r Nathaniel Goodwin & Cap. Abraham Washburn. —

In the County of Worcester Joseph Allen Esq^r. Will^m Dunsmore Esq^r. Lieu^t Andrew Parker Mr. Ebenez^r Waters and Cap. Loring Lincoln

In the County of Bristol Edward Pope Esq^r Col^o Shubael Peck & Sam^l Toby Esq — each of the beforemention'd Receipts to be signed by only one of the aforesaid Commissioners —

And the Commissioners aforesaid shall forthwith pay or cause to be paid into the Treasury all monies by them received of any person as aforesaid — and each of them shall keep an Account of all sums by him received, and of whom, and shall lodge the same in the Treasurers Office without delay.

And whereas it is of the highest [consequence*] that the purpose of this application be answer'd with the utmost possible dispatch, The Selectmen & Committees of Correspondence of the several towns in the Counties herein mention'd are hereby most earnestly requested, to use their utmost exertions, that the monies herein call'd for may be collected & payed to some one of the Commissioners before named, Without the smallest delay; — and when 'Tis remember'd what important services have been render'd to the Community by these public Officers on past occasions, the General Assembly have the fullest confidence that no pains will be spared on their part, on this pressing emergency. —

Sent up for Concurrence JOHN HANCOCK Spk^r

In Council June 15th 1780 Read & Concurred with an Amendment at A —

Sent down for Concurrence JOHN AVERY D Sec^y

at A dele *or of the Selectmen & Committee of their respective Towns*

In the House of Representatives June 15. 1780

Read & concurred JOHN HANCOCK Spk^r

Consented to" — [Signed by fifteen of the Council]. — *Ibid., vol.* 228, *p.* 259.

The following measures were taken for the premature collection of the second moiety of this tax: —

"In the House of Representatives June 22 1780

†Whereas the present Exigencies of the public, require a punctual payment of taxes, and most towns in the State have advanced and are advancing their taxes, even before the time required by law for their payment,

Resolved, that in any case where the payment of the first moiety of the tax which is required to be discharged, on the 15th of July next, shall not be compleat^d on the 31st of July next, the Treasurer of this State be, and he is hereby directed to issue his Executions against all Constables & Collectors who shall then be delinquent as aforesaid. —

Resolved that Commissioners be appointed for the Counties of Cumberland, Lincoln, Dukes County & Nantucket, to take measures for collecting immediately the second Moiety of the tax which is order'd to be paid into the Treasury on the 15th of September next. — And that Sam^l Freeman and John Lewis Esq^rs be appointed Commissioners for the County of Cumberland; Charles Cushing Esq^r & Nath^l Thwing Esq for the County of Lincoln; Stephen Hussey & James Athearn Esq^rs for the County of Nantucket & Dukes County. —

And it is Resolved that the Resolution of the General Assembly of the 15th instant, for collecting money, as it designates the duty of Commissioners Selectmen, Committees of Correspondence and the Inhabitants, and every other clause and article thereof, relating to every other matter and thing therein contained, shall avail and be observed by the Commissioners, Selectmen, Committee, an Inhabitants of the said Counties of Cumberland, Lincoln, Nantucket & Dukes County, (excepting so far, as said Resolution relates to the first moiety of the tax, to be paid on or before the 15th of July next) as fully and compleatly, as they might and would have done, if the names of those Counties had been particularly named in said Resolution. —

And the Commissioners are hereby enjoined to convey the money they are severally to collect, to the Treasury of this State, with utmost expedition.

Sent up for Concurrence JOHN HANCOCK Spk^r

In Council June 24th 1780 Read & Concurred JOHN AVERY D Sec^y

Consented to" — [Signed by fifteen of the Council]. — *Ibid., p.* 461.

"In the House of Representatives June 24 1780 —

‡Resolved that the Resolution of the General Assembly of the 15th instant, for collecting monies from the several Counties therein named, be, and it is hereby extended to the Counties of Barnstable, York, & Berkshire — and that the following persons be appointed Commissioners to receive money and give receipts for any sums which may be advanced, in the manner prescribed by the above mention'd Resolve viz; —

Nathaniel Freeman, Esq^r Barnabas Freeman Esq^r & Capt Edmund Hows - - - in the County of Barnstable; John Frost & the Hon^bl Benj^a Chadbourne, Esq^rs in y^e County

* Manuscript mutilated.

† Printed Resolves of the May session, chapter CXXX. ‡ *Ibid.*, chapter CXXIX.

of York and Theodore Sedgwick, Jahleel Woodbridge & Gideon Wheeler Esq^rs County of Berkshire; and every article and clause of said Resolve, designating the duties of Commissioners, Selectmen, Committees of Correspondence and the inhabitants, and as they relate to every other matter and thing therein contained, shall avail, and be observed, by the Commissioners Selectmen, Committees & Inhabitants of the Counties of Barnstable, York and Berkshire, as fully & compleatly, as they might and would have done, had the names of those Counties been particularly named in said Resolve. — and the Secretary is hereby directed to forward this Resolve as also the Resolve referr'd to as soon as possible to the several Commissioners in the several Counties above mention'd —

Sent up for Concurrence JOHN HANCOCK Spk^r
In Council June 24^th 1780 Read & Concurred JOHN AVERY D Sec^y
Consented to" —[Signed by sixteen of the Council]. — *Ibid.*, *p.* 459.

To insure the prompt collection of the overdue first moiety of the tax laid by this chapter, the Council appears to have issued an order which, however, has not been discovered. This order was reënforced by the following concurrent resolve,* for hastening the collection of both moieties of the tax, or so much thereof as had not already been paid into the treasury: —

"State of Massachusetts Bay In the House of Representatives September 13. 1780

Whereas the exigencys of Government are such as render it absolutely necessary that the Collectors of Taxes should be punctual in their payments of taxes to the Treasurer of this State at the time when said Taxes become due —

Therefore Resolved that the Treasurer of the State be directed and he is hereby accordingly directed to issue his executions against all the Collectors of taxes in the Countys of Suffolk Essex and Middlesex who shall be deficient in their payments on the sixteenth of October next for any taxes that are payable on or before the fifteenth of September instant: and against the Collectors in all other parts of this State on the first of November for any of the aforemention^d taxes that may be due from them on that day —

And it is further Resolved that nothing contained in this Resolve shall be consider^d as repealing the order of the Hon^e the Councill to the Treasurer to issue his executions for the taxes due on the Fifteenth of July last —

And it is further Resolved that the Secretary be directed and he is hereby accordingly directed to cause these Resolves to be imediately publish^d in the Boston and Worcester News Papers, that all persons concerned may be duly notifyed hereof, and govern themselves accordingly —

Sent up for Concurrence JOHN HANCOCK Spk^r
In Council Sep^r 13.^th 1780 Read & Concurred JOHN AVERY D Sec^y
Consented to" —[Signed by fifteen of the Council]. — *Ibid.*, *vol.* 229, *p.* 23.

Besides the fines remitted before the act was passed, other fines were subsequently remitted by resolve. Most of the towns thus exempted were in Barnstable County; thus, on the petition of the town of Falmouth, by Joseph Dimuck its representative, setting forth "the deplorable situation of the town, and their inability to pay the taxes laid upon them, much more their fines for deficiency in their quota of nine-months'" men: and representing that the town had, at all times, been ready to procure their quota of men, and had succeeded in doing so on all former calls, and had raised five of the eight men called for under the resolves of June 9th, and were proceeding to complete the number, when the enemy's fleet appeared before the town, by which they were "so harassed and distressed" that they could not possibly enlist more men; that the five men actually enlisted constituted their full quota "exclusive of the Quakers," who constituted one third part of the town; that they were exposed to the ravages of refugees, "who did, the last summer, continually infest" their "coast"; wherefore they prayed for a remission of the fine laid upon them for deficiency in their quota, — in answer to which the following resolve† was passed: —

"State of Massachusets Bay In the House of Representatives May 2: 1780

On the pettition of Major Joseph Dimick in Behalf of the Town of falmouth in the County of Barnstable Seting forth the Circumstances of Said Town praying that the fine of Eighteen Hundred pounds Laid on the Town for the failure of Raising of Three men to serve in the Continental Army for Nine months By a Resolve of the Ninth Day of June Last Be Remitted unto them Therefore

Resolved that there Be paid unto the Selectmen of falmouth the Sum of Eighteen Hundred pounds out of the public Treasury of this State

Sent up for Concurrence JOHN HANCOCK Spk^r
In Council May 2^d 1780 Read & Concurred JOHN AVERY D Sec^y
Consented to" —[Signed by fifteen of the Council]. — *Ibid.*, *vol.* 186, *p.* 194½.

The inhabitants of Barnstable, also, in town meeting assembled, authorized the presentation to the General Court of a petition, representing their zeal in "promoting the common cause" from the beginning of the war, upon all occasions, "even beyond their abilities, in their endeavors to comply with the several resolves" of the Assembly, by raising their quota of men for the land-service, in which respect, considering the peculiar circumstances of their situation, they believed themselves to be not behind other towns in the state; that the town was part of a peninsula, and from about four to six miles in width, from shore to shore; that Hyannis Harbor on the south of the town, was of easy access, and more exposed than any other town in the county (Falmouth excepted) to the ravaging parties of the enemy while they were in possession of Rhode Island, in consequence of which they were obliged to maintain, constantly, a coast-guard through the previous summer, until the evacuation of Rhode Island, while many of their "most active young men were abroad in sea-service, or in the enemy's prisons," they not being able to find employment

* Printed resolves, chapter XVIII.
† *Ibid.*, March session, chapter CCL.

at home; that fourteen of their militiamen had been detached for service at Falmouth, through the summer, and "the remainder greatly fatigued by marching and countermarching, on all alarms, to and from Falmouth," insomuch that the little husbandry of the town was greatly neglected and behindhand; that their finances were low, and the balance, even for the necessaries of life, greatly against them; that many families had removed or were removing from the town, being unable to support themselves there; notwithstanding which, and much more that might be said of their distressing circumstances, they immediately set about complying with the orders of June last, for recruiting nine-months' men; that "a number of young men were detached, fines were repeatedly paid," and the town called together upon complaint of the "hardness of the duty of this regiment under the aforementioned circumstances," when an almost unanimous vote was passed to raise the required number of men, by a town bounty; that an active committee was thereupon raised, "with Major Micah Hamblen at their head, with an unlimited commission from the town, to raise the men by any reasonable bounty, at the expense of the town"; that six men were accordingly raised and marched to the proper rendezvous, and great pains were taken by the committee to complete the quota: that more men were not procurable either for money or produce; that husbandry was then in danger for want of hands to carry it on; that if made known to the General Court, these circumstances, and others that might be mentioned, including the heavy burden of taxes: local, state and Continental, would, in their belief, have induced the General Court to exempt them from the fine for their unavoidable deficiency of men, since other towns had been excused, or their fines suspended, under circumstances somewhat similar, though not so distressing, as that of Barnstable; wherefore the petitioners prayed that the fine of £6,000 laid upon them might be remitted.

This petition was dated June 14, 1780,—the day on which the town meeting was held. Edward Bacon was moderator of the meeting; and a copy of the petition, attested by Ebenezer Bacon, the town clerk, was ordered to be delivered to "Brigadier Joseph Otis, or Capt. Sturgis Gorham, who were chosen joint or separate agents to present the same to the" Legislature, "and, in the name and behalf of said town, to pray that the same may be speedily granted."

On the 20th of June, this petition, and another from Wellfleet (which has not been discovered in the archives), were referred to a committee consisting of Messrs. Perry, Wales and Sargeant, upon whose report a resolve was prepared granting the prayer of both petitions; but the petition of Barnstable was ordered to be referred to the next session, and upon the petition of Wellfleet the following resolve * was passed: —

"State of the Massachusetts-Bay In the House of Representatives June 22d 1780

Wheras by the Tax Act which pass'd the last Sessions of the General Court a fine of three Thousand Pounds was laid on the Town of Wellfleet for not furnishing their full Quota of Men agreable to a Resolve of the General Court passd June 8th 1780. and it appearing to this Court that the Distress'd Circumstances of that Town occasioned by the War, and not any unwillingness of the Inhabitants to do their Duty, was the occasion of their Deficiency

Therefore Resolved the said Town of Wellfleet be and they are hereby remitted the said fine of Three Thousand pounds and the assessors of said Town are hereby directed not to assess the same on the Polls & Estates of the said Town, and the Treasurer of this State be and hereby is directed not issue his Warrants against the Constable or Constables of said Town for the said fine of Three Thousand pounds but that he discharge the said Town therefrom, any Law Usage or Custom to the contrary notwithstanding

Sent up for Concurrence JOHN HANCOCK Spkr
In Council June 22d 1780 Read & Concurred JOHN AVERY D Secy
Consented to"—[Signed by sixteen of the Council]. — *Ibid., vol.* 228, *p.* 383.

Nearly a year later, the following resolve† was passed, granting the prayer of Barnstable: —

"Common Wealth of Massachusetts In the House of Representatives May 7th 1781

Whereas it appears by the representations of the Inhabitants of the Town of Barnstable to this Court, that it was extremely difficult & burdonsom for said Town to procure the whole number of Nine Months Men required of them by a Resolve of the General Court of the eighth of June 1779, by reason of their being greatly exposed to the ravages of the enemy — And whereas said Town have been fined the Sum of six thousand pounds old money for not procuring the Men as aforesaid — Therefore Resolved

That the said Town of Barnstable shall be allowed in the next public Tax laid on said Town the said fine of six thousand pounds old money, or the value thereof in other money, and the same shall be deducted from their said next Tax accordingly.

Sent up for concurrence CALEB DAVIS Speaker
In Senate May 10th 1781 — Read & Concurred JER: POWELL Presidt
Approv'd JOHN HANCOCK." — *Ibid., vol.* 233, *p.* 48.

Following Barnstable and Wellfleet, the town of Chatham, on the 8th of June, 1780, presented a petition, by its agent, Richard Sears, who represented that the town, notwithstanding its extreme poverty, exerted itself to comply with the requisition for five nine-months' men under the resolve of June, 1779, and succeeded in raising the whole number called for, four of whom were delivered to the superintendent, and had joined the army; but that the fifth man, though in good health when he started, was taken lame when he had marched as far as Yarmouth (about 17 miles), by which he was confined for about a month, and had continued lame ever since, which was a circumstance entirely unlooked for by the town; and since they had always exerted themselves to their utmost to raise

* Printed resolves of the May session, chapter XCIII.
† *Ibid.*, April session, 1781 chapter CLIV.

men, and to comply with the orders of the General Court, the petitioner prayed, in view of these facts and the extreme poverty of the town, that the fine might be remitted; whereupon the following resolve* was passed:—

"State of Massetts Bay } In the House of Representatives June 9th 1780—

on the Petition of Richard Sears in Behalf of the Town of Chatham Setting fourth that the Town is find £600 — in the Last Tax act for one Defitiant man required By a Resolution passed June 1779. and hath made it appear that the Town raised their full Purpotion required of them, and on their March to Joine the Continental Army one of them was Seased with a Lameness which confined him most of the time Since; tho the Town had no apprehension of Such an Event — Therefore Resolved that there be allowed and paid out of the publick Treasurery of this State the Sum of Six Hundred pounds to Richard Sears for the use of the Town of Chatham in full for the fine aforesaid

Sent up for Concurrence NATH GORHAM Speaker P Tep
In Council June 10th 1780 Read & Nonconcurred JOHN AVERY D Sec^y
In Council June 19th 1780 Read again and the Board reconsider their Vote of Nonconcurrence passed June 10th Inst and Concurr with the Vote of the Honble House
JOHN AVERY D Sec^y

Consented to" — [Signed by fifteen of the Council]. — *Ibid., vol.* 228, *p.* 156.

The fine of £5,400 incurred by the town of Oxford, was omitted from chapter 30, by the order of Nov. 29, 1779, on the petition of Edward Davis, the consideration of which was referred to the next session, as shown in the note to said chapter, pp. 1298 and 1299 *ante*. On the 6th of March, 1780 (by which time the number of enlistments in which this town was deficient, had dwindled to five men), a second petition for relief was prepared by Ebenezer Learned, John Town, Ezra Bowman and Reuben Lamb, selectmen, in which they declared that they understood, from their representative in the General Court, that they were fined three thousand pounds, for deficiency in their quota of nine-months' men, and asserting that they had enlisted, to serve during the war, one man more than the superintendent had returned, which man had been duly mustered in, by the muster-master for Worcester County, as would appear by his receipt; that there was a "gore of land lying between Oxford and Connecticut, that" was "ordered to do military duty in Oxford," in consequence of which their proportion of Continental recruits was three or four more than it should have been; that the residents on this gore were not taxable in Oxford towards the expense of raising men for the army, notwithstanding which the town had completed every draught except the last; that the failure in the present instance was not for want of good will, but because the exemption of the inhabitants of the gore, and of thirty-seven others, inhabitants of the town, who had "refused to take up arms, by reason of their religious principles," reduced the number to be drawn from, to about two-thirds of the train-band and alarm list in that town; that under these circumstances it would be seen by their returns there were "but very few left to draft out of"; and that if other towns had raised as many men, proportionately, as had Oxford, according to the resolve of Jan 25, 1777, "said town would not have had to draft men" as it had done; wherefore they submitted the matter to the wise consideration of the Assembly, and thereupon the following resolve† was passed:—

"State of Massachusetts Bay } In the House of Representativs April the 12th 1780 —

the Committee on the petition of the select men of the town of Oxford praying that the fine of three thousand pounds sect on said town for ther Deficiancy of five men Caled for by the Resolve of June the-9 -1779 find that the town of Oxford Have three men In the Contanentall armey for Which they have Not Creadt Therefore

Resolved that Eighteen hundred pounds a part of the Three Thousand above said Be Remitted to the town of Oxford Sent up for Concurrence JOHN HANCOCK Spk^r
In Council April 12th 1780 Read & Concurred JOHN AVERY D Sec^y

Consented to" — [Signed by fifteen of the Council]. — *Ibid., vol.* 227, *p.* 123.

The difficulty encountered in securing proper returns upon which to base estimates of fines, from the selectmen of the towns in Lincoln County, may have been inferred from the purport of the resolves of May 3, 1779, given in the note to chapter 30, p. 1298, *ante;* and the peculiarly heavy burdens resting upon that county and Cumberland County, from that time onward, may be gathered from what has already appeared in this note. Besides the exemption granted to both counties from the draft for the nine-months' men, the county of Cumberland had been granted relief from the enforcement of chapter 30 of this year, by the resolve of May 5, 1780, printed on p. 1307, *ante*. Another resolve was passed, the same day, abating to the county of Lincoln £15,000 of the taxes assessed on that county by both chapter 30 and the present tax act. The petition upon which this resolve was granted, was prepared by a convention of "agents," or delegates from the several towns in the county, and is deemed sufficiently interesting to be inserted here at length; viz. —

"State of the Massechusetts Bay in New England. } To the Honourable the Council and house of Representatives In General Court Assembled at Boston. A. D. 1779 —

The Petition of the Several Towns in the County of Lincoln, by their Agents mett, in Convention at Wiscasset pint on the Sixteenth Day of November A. D. 1779 — Humbly Shews —

That the first Settlers of this County, as well as those that have Settled here Since, were most of them very poor, and Distitute of almost all the Necessaries of Life, the Land heavyly Loaded with wood and Timber, and very hard to Cultivate, they were obliged to go into the Lumber Trade, for their Immediate Support, by which they had many Thousand Busshells of Grain Annually brought to them, as well as wool & flax and other

* Printed resolves of the May session, chapter XXXII.
† *Ibid.*, March session, chapter CLXII.

Articles by which they were Supported, and have ever Cheefully paid their full proportion of the Publick Charges, but Since the Commencement of the unhappy Controversy between Great Britan and these Colonies, our Case and Circumstances are become truly Deplorable, for those few that had some small Interest in their hands, which consisted Chiefly in Coasting Vessels, which they imployd, in carrying of our wood and Lumber, and bringing back Grain, & other Necessaries of Life, until the Risque became so great that it reduced our wood and Lumber to almost nothing, and the prise of Provisions Excessive high, whereby an undue proportion of the Burthen of the War fell upon us, and finally out of Sixty Coasting vessels, which was own'd to the westward of St. Georges Forty nine are taken or Lost, and Still further to compleat our misfortune, we are prohibited by a Law of this State, from Exporting masts spars & yards, many of which are now Leying upon our hands, and will soon be finally Lost, and in the year past, the Little hopes we had from the produce of our Small Farms was almost wholly cutt off by an uncommon Drought, so that in the winter Season many Families were forced to Live (or rather Subsist,) without bread or meat, for weeks and many for months together, as there was but very Little Grain brought to us to be sold, and that at as high a Price as Sixty Dollars ₰ᵖʳ Busshell — and as to the present year the Prospect is still more Gloomy and Desperate, for after haveing Struggled through the Miseries of a hard and pinching winter, the Peoples Countenances Pale, and their Bodies become feeble, through want and hunger, they were in the Spring of the year, from the first appearance of things, in great hopes of a fruitfull Summer, but their Early hopes were soon cutt off, by amazeing Swarms of Grasshoppers, and other insects which in many parts of this County almost covered the face of the Ground, and distroyd great part of the Grain & Grass and almost all vegetables that grew out of the Earth, and still further to compleat our Misery, Early in the Summer our Sea Coasts were infested, and our harbours blockd up by British Ships of war, and Privateers, whereby the people were Alarmd and Almost all Buisness Laid aside for some time, not knowing which way to turn theirselves But in a Short time about one half of the Militia was calld to Arms, and marchd for the protection of our Defenceless Sea Coasts, and then to Join in that Inglorious Expedition to Ponobscott, where they served for two months, this being in the most Buisy Season in the whole year, and thereby many Lost great part of their Grass and Grain which the Devouring Insex had Left — And since that, about one-third more of the Militia has been calld off to Guard the Sea Coast, and our Defenceless neighbours who then were and Still are every hour in Jeopardy of their Lives and fortunes from the Enemy, which Troops are now returnd, and the Eastern parts of the County Left naked and Defenceless, and most of the Provision there Eate up or Destroyed, and the Wretched Inhabitants near the Sea Coasts driven back without any thing to Support themselves, and Lays as a Dead weight on the rest of the people, who are obliged in Charity to Support them, altho they have not half Provision enough to Supply their own Families, through the winter, and notwithstanding our provisions are so Exhausted by Supplying the troops, before the publick Stores came down and Supporting the miserable Inhabitants who have Lost their all, we are not a Little Surpprized to find, that by an Order from the Committee of war, a Large Quantity of Beef which the Inhabitants could very badly spare, but for the publick Good did consent to Turn out for the use of the Troops, but it Seems it was not Used, and is now Orderd to Boston, and should it so happen, that upon any Sudden Emergancy more Troops should be raized, it would be impossible to Supply them even for two Days, this now is the true State of this Poor and Distressd County, and when we Look about us and behold the Distress of the People almost Distitute of most of the Necessaries of Life, no Exports or Imports by Sea as Usual in time past, whereby our wood and Lumber, the Little we got, in our perplexd Circumstances, Lays upon our hands, and no provision brought to us and no money to purchase any with, we Stand amazd at the Prospect, and when we Look forward and behold the Monsterous Taxes that are Laid upon us, and no money to Pay it with, we are Astonishd & know not what to do, but this we are sure of, that if it is possible we can by any means subsist ourselves through the Winter, yet it is impossible for us to pay those heavy Taxes Demanded of us, or Supply those Articles of Clotheing which by a Resolve of the General Court is Enjoind upon us, and altho we have hitherto been neglected, as not to have Precepts Sent to us whereby we could make choice of a person to Represent us in the General Assembly, and have a voice in the Choice of Councillers and Consequently in that part of the Legeslative Body, which procide as Governor, Yet we humbly trust we may Decently petition that Power which has Taxed us unrepresented, as we have a President from these Colonies of Partitioning the Parliment of Great Britan in a Simalar Case —

we do therefore most Earnestly implore the favor of this Honourable Court to take our peculiar distresd Case under your wise Consideration and Release those heavy Taxes that are Demanded of us, and Releave us from our Distresses in such a way and manner as to you in your great wisdom and Goodness shall seem meet otherwise we must be forced to Resign up our all into the hands of that power which shall see fit to take it from us, and your humble petitioners as in Duty Bound shall ever Pray. —

Signd by Order of the Convention EZRA TAYLOR President
Attest MOSES DAVIS Clerk." — *Ibid., vol.* 228, *p.* 61.

The following is the resolve * passed upon the foregoing petition: —

"State of Massachusett } In the House of Representatives May 4. 1780

On the Petition of the Several Towns in the County of Lincoln praying for an abatement of a part of their Taxes —

Resolved that Fifteen Thousand Pounds be abated; upon each of the Taxes orderd to be assest Since the first day of September 1779; and that the Several Towns be directed to meet together by there agents, whose buisness it Shall be to abate the afforesaid Fifteen

* Printed resolves of the March session, chapter CCCXVIII.

Thousand Pounds from the Several Towns in the County of Lincoln as they Shall Judge equil and Just — and also that the Said agents be directed to make a return of the Sum that each Town Shall be So abated to the Treasurer of this State as Soon as may be

Sent up for Concurrence JOHN HANCOCK Spkr

In Council May 5'. 1780 Read & Concurred JOHN AVERY D Sey

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 60.

The following resolve* upon the petition of the selectmen of Boothbay, sufficiently shows the purport of their petition, which was dated June 16, 1780: —

"State of Massachusetts Bay In the House of Representitives June 16. 1780

on the Memoriall of the Selectmen of the Town of Boothbay Seting forth that the Late Selectmen of Said Town have Neglected to Assess the Inhabitants of Said Town in the two Last Preceading State Taxes and that the Selectmen for the Present year cannot by Law assess the Same, whereby Great Inconveniences have arrison —

Therefore Resolved that the Selectmen of The Said Town of Boothbay for the Time being be and they hereby are impowered and Directed as Soon as May be to assess the Polls & Estates of the Inhabitants of the Said Town of Boothbay with the full Sums Set to Said Town in the two A Last B *Preceading Tax acts* C and commit Perfect Lists of the Said assessments to the Constables or Collectors of the Said Town of Boothbay Requiring them to geather the Same and Pay them in to the Treasurer of this State without Delay. and the said Cunstabels or collectors are hereby impowered & Directed to gather the Same any Law of this State to the contrary notwithstanding —

and it is further Resolved that the Treasurer of this Stat be & hereby is Directed to Stay his Executions against Said Cunstables or collectors untill ye further order of this Court Sent up for Concurrence JOHN HANCOCK Spkr

In Council June 16'. 1780 Read & Concurred with an Amendment at A & B

Sent down for Concurrence JOHN AVERY D Sey

at A insert Tax Acts preceding the —

at B. dele from B. to C

In the House of Representatives June 17. 1780 Read & concurrd

JOHN HANCOCK Spkr

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 285.

The following petition, and the resolve† thereon, seem appropriately inserted here: —

"State of Massachusetts Bay } To the Honble Councill & House of Representatives for said state in Genl Court Assembled this 8th day of Sept: 1780

The petition of the Subscribers a Comtee of a Small Number of poor people Just begining a Settlement on Androscoggin River Called Lewiston Humbly sheweth — That your petitioners together with about twenty familes are Just now begining a Settlement in the Wilderness, and att a great distance from any other Settlement being very poor and not able as yet to raise our bread, & having no way to raise money to pay taxes living so far in the Wilderness, and the Inhabitants of Winthrop lying about fifteen miles distance from us have taxed us for our poles and unimproved lands att such Extravagant Rate, that if we are Obliged to pay the tax they have layd upon us we must leave our Small improvements, we Apprehend they have no right to tax us, lying att so great a distance and they being Taxed Only their proportion with the other Towns in this state —

Therefore as the state receives no benefit from our paying Taxes to Winthrop, most humbly pray that Your Honours would Order our Taxes taken of by them, and that they pay their proportion of taxes that the honourd Court have layd upon them, and when Ever it appears to the Genl Court that we are able & ought to pay some part of the Charge of Government, we will with Chearfullness pay what the Court shall see meet to lay upon us & pray that we may have the liberty of other new plantations have to raise the Money our selves in the way the Court shall provide and as in duty bound shall Ever Pray

LEMUEL CUMMINGS
BENJN MORRILL } Comtte". — *Ibid.*, *vol.* 229, *p.* 4.
JOHN HERRICK

"State of Massachusitts Bay } In the House of Representatives Sept 11th 1780

On ye petition of Lemuel Cumings & others a Comtee in behalf of the Inhabitants of a New plantation Called Lewistown in the County of Lincoln praying for an abatement of publick taxes, assessed on them by the assessors of the Town of Winthrop for the Year 1779 —

Resolved that the prayer of said petition be granted and that the assessors of the said Town of Winthrop be and they are hereby Ordered and directed to abate all the publick Taxes that have or shall be assessed on the polls and Estates of the said inhabitants of Lewistown for the Year 1779, provided Nevertheless that Nothing in this resolve shall be construed to Extend to make any abatement in the Taxes imposed on the Town of Withrop by the Genl Court

Sent up for Concurrence JOHN HANCOCK Spkr

In Council Sept 12: 1780 Read & Concurred JOHN AVERY D Sey

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 3.

By the act for incorporating the town of Milford, chapter 35, § 3, *ante*, the inhabitants of that town were held to pay their proportionable part of all taxes "granted to be assessed on the town of Mendon during the present sitting of the General Court;" but in this act no special provision was made for apportioning and assessing those taxes. Whereupon the assessors of Mendon and Milford joined in an application to the General Court, for relief. The prayer of these petitioners, and the resolve‡ passed thereon for apportioning the tax laid in this chapter, were as follows: —

* Printed resolves of the May session, chapter LXXI.
† *Ibid.*, September session, chapter XI.
‡ *Ibid.*, May session, chapter XXII.

"The Hon^r the Council & House of Representitives of the State of the Massechitts in Gen^l. Court Assembled —

We the Subscribers Selectmen and Assessors of the Town of Mendon Beg Leave to inform the Hon^ble Court that we have Rec^d. a Tax-bill and Warrant from the Treasurer of this State requiring us to assess the Town of Mendon in the Sum of £32623 — 10 —

Pray that the Same may be altered, and the Sum of £12829 Set to the Town of Milford which is agreed upon to be their Proportion of the Said Tax Set forth in Said Warrant

Mendon June 5^th 1780

STEPHEN TORREY
JOHN BENSON
WILLIAM THAYER
BENJ^N READ
JOHN TYLER
PETER PENNIMAN
} Selectmen & Assessors of Mendon

We the Subscribers Assessors of the Town of Milford agree to the above Proportion —

ADAMS CHAPIN
ICHABOD THAYER, J^R,
MOSES CHAPIN."— *Ibid.*, *vol.* 228, *p.* 126.

"State of Massachusetts Bay In the House of Representatives June 7^th 1780

Whereas the Town of Milford in the County of Worcester was set off from the Town of Mendon by the late General Court and Incorporated into a seperate Town and whereas the whole of the Tax by the last Tax Bill that should have been set upon both said Towns is set upon the Town of Mendon therefore it is Resolved that the Treasurer of this state be and hereby is Directed to Issue his Warrant to the Assessors of the Town of Milford aforesaid Directing and Requiring them to assess upon the polls & Estates of the Inhabitants of said Milford the sum of twelve thousand eight hundred & twenty nine pounds; it being their proportion of the said Tax set upon Mendon aforesaid and the same shall be Deducted from the sum set upon the said Town of Mendon

Sent up for Concurrence NATH GORHAM Speaker Pro Temp^e
In Council June 7 1780 Read & Concurrd S ADAMS Secr^y
Consented to" — [Signed by fifteen of the Council].—*Ibid.*, *p.* 125.

Of the two following resolves, the former was the result of an order of the House, on the sixth of June, appointing Messrs. Washburn, Hunt and Easton, a committee "to consider the apportionment of taxes set on the town of Washington, and report what alteration, if any, ought to be made therefrom": —

"State of Massachusetts Bay In the House of Representatives June 10 1780

* Whereas as it has been represented & made to appear to this Court That the Town of Washington was Doom'd by the Committee on the Valuation in a much larger sum than would have been set upon them if the Committee had been furnished with a List of their Polls & Estates, In Consequence of which the s,d Town has been Tax,d much more than their equal proportion ever since the last Apportionment of Taxes upon the several Towns in this State.— Therefore

Resolv,d that one third part of all the Taxes set upon the Town of Washington since the last General Valuation & apportionment of Taxes was made, be and they hereby are Abated And the Treasurer of this State is hereby directed to Credit the s,d Town, a sum equal to the amount of one third part of all the Taxes set upon the s,d Town within the time afore s,d

Sent up for Concurrence NATH GORHAM Speaker Pro. Temp^e
In Council June 14^th. 1780 Read & Concurred JOHN AVERY D Sec^y
Consented to" — [Signed by eighteen of the Council].— *Ibid.*, *p.* 251.

The same abatement was made to the town of Washington in subsequent taxes, by the resolve of Nov. 23, 1780, printed in the note to 1780, chapter 16, *post*.

"State of Massachusetts-Bay In the House of Representatives Sept. 11^th 1780

† Upon the petition of Gilbert Dench in behalf of the Inhabitents of the Town of Hopkinton Praying for a Further time beyond the 13 Inst. for paying the first moiety of the State & Continental Tax ordered in the Taxbill to be paid into the Treasury the 15^th of July last for Reasons set forth in said petition

Resolved that the further time of four weeks from the said thirteenth Inst. Septembr be and hereby is allowed the Collectors of said Town of Hopkinton to pay in the first moiety of said Tax and the state Treasurer is hereby directed to stay his Executions untill that time accordingly

Sent up for Concurrence JOHN HANCOCK Spk^r
In Council Sep.^r 11^th 1780 Read & Concurred JOHN AVERY D Sec^y
Consented to" — [Signed by sixteen of the Council].— *Ibid.*, *p.* 496.

On a petition, dated Sept. 4, 1780, by the selectmen, committee of safety, and commissioned officers, of the town of Greenwich, representing that they had borrowed money of the constables who collected the taxes, wherewith to furnish the equipment of the men raised by them to fill the quota required of the town, which they conceived was excessive, because no credit had been allowed to them for men raised by them for six months' service, in the Continental Army; that thus they had "raised a double quota of men," besides sixteen militiamen for three months, — making a total of forty-eight men, or nearly half their "militia"; and praying (as they hoped the General Court desired "no more than a vigorous exertion of" their "abilities, and not a consumption of them"), to be allowed, in future, their "number of men enlisted during the war, as that part of" their "quota that number does complete, and also to postpone by a resolve * * the executions ordered to be sent upon the constables, for their delaying to pay the tax granted March, 1780."

* Printed resolves of the May session, chapter LIII. † *Ibid.*, September session, chapter VI.

On the 19th of September, this petition was referred to Messrs. Farley, Freeman and Smith, and a resolve was prepared, directing the treasurer to stay his execution, as prayed for, until the 20th of October, following. This resolve does not appear to have been passed; but the resolve * of Jan. 30, 1781, seems to have practically furnished the relief they sought.

On the 7th of June, 1780, an "address and petition" from the town of Hancock, was read in the House, "and ordered to lie." This petition was prepared by Asa Douglass, William Boardman and Samuel Hand, a committee chosen for the purpose, at a legal town meeting held for the purpose of considering the form of a constitution of government, and for choosing a member of the convention for forming the same, and also for choosing a representative to the General Court, which representative was charged with the duty of presenting the petition. The petition was signed by all the members of the committee which draughted it, by three selectmen, and by the town clerk, all of whom certified to the doings at the town meetings, aforesaid. The petitioners declared that they considered themselves "greatly burthened by more than a double proportion of taxes to what many of the neighboring towns are," and referred to the discrimination, in the tax bill, in favor of Williamstown, which they considered "three times the value" of Hancock, yet assessed, in the tax act, "but a few shillings above" the latter; and also between Hancock and Great Barrington, Stockbridge, New Marlborough, Tyringham and Richmont, "with others in the county." They disclaimed any desire to free themselves from their equal proportion of the public charge, but professed only a wish that the matter might "be examined, and the mistake rectified, if any there be"; and asked leave to represent "the general circumstance and situation this town is in, which is peculiarly different, and, in a variety of particulars, more disadvantageous to its inhabitants perhaps than any other town in this state experience." They then proceeded to describe the shape and geographical position of the town, which was about two miles wide and fifteen miles long, — "a mere strip and fragment of lofty, rugged, and uncouth mountains, and only two small scraps of it fit for any profitable improvement," one of which, until the last year, had been assessed to the adjoining town of Richmont, and with no communication between them, possible, except by roads for nearly eight miles within the state of New York; that the northern piece of improvable land lay "in a very narrow hollow, running out of York state, * * admitting of but one tier of small farms, chiefly of about one hundred acres each, and less;" that much of this land was on the mountain side, and only fit for woodland; that all the rest of the land was wild and uncultivable, too stony, dry and gravelly to be fit for grain or grass, and had been thought not worth taking into the adjoining towns, nor fit to make a town by itself, "until certain gentlemen having grants to lay out, ventured to make pitches here for want of land elsewhere;" that the best land had been purchased and settled by the present inhabitants, and "the rough remainder has ever since been the common resort of the poorest sort of people from different states, who could not get a living in the lower towns," and had not been permitted to remain there, and so had fled in great numbers to this mountainous region before the place had been incorporated; that by this means the number of the inhabitants of Hancock, as compared with other towns, had become double in proportion to their wealth, "it being computed that two-thirds of" the inhabitants were "unable to pay their poll-tax without distressing their families, that they have rarely any other houses than huts, made with round logs, covered with bark or splits, without boards, glass or nails"; that the best part of the improvements in the town lay in a gore between "Dwight's and Messenger's lines," which was claimed by New York, to which state the inhabitants there paid taxes; that the settlements in Hancock were only about thirteen years old, or one-third as old as those of the neighboring towns, and consequently the land was loaded with old timber, which the inhabitants had been unable to remove during the war; wherefore, after making several surmises as to the cause of the mistake through which they claimed they had been overrated, and overtaxed, the petitioners prayed that the General Court would take their affairs into consideration, and do that which "shall appear most just and equal."

The petition appears to have been taken up June 14th, and referred to the committee "on the tax on Lanesborough"; and, one week later, the following resolve † was passed: —

"State of Massachusetts Bay In the House of Representatives June 19 1780

On the Petition of the Inhabitants of the Town of Hancock Setting forth the many Inconveniencies they Labour under by reason of their Lands being new & uncultivated and that Said Town was Set much higher in the last Valuation in proportion to its Value than other Towns in the Vicinity

And Whereas it Appearing to this Court that Said Town of Hancock was Set much too high in the last Valuation — Therefore Resolved that the Town of Hancock be and hereby is Abated to the Amount of one third part of the Taxes Set on Said Town Since the last Valuation took Place, and the Treasurer of this State be and he hereby is Directed to Credit Said Town of Hancock Accordingly for Reasons Set forth in Said Petition

Sent up for Concurrrence JOHN HANCOCK Spkr

In Council June 21. 1780 Read & Concurred JOHN AVERY D Sey

Consented to" — [Signed by seventeen of the Council]. — *Ibid.*, *p.* 363.

See, further, as to the taxes of Hancock, the resolves of Sept. 28, 1780, and of Oct. 4, 1780, in the notes to chapters 9 and 16, respectively, of that year, *post*.

The committee "on the tax on Lanesborough," above referred to, was appointed Sept. 22, 1780, and consisted of Messrs Hastings, Pickering and Starkweather, who were instructed to enquire into "that tax", and report what is proper to be done respecting

* Printed resolves, chapter XLIX. † *Ibid.*, May session, 1780, chapter XCIV.

the same. The action of the Legislature in this case is shown in the note to chapter 9, of the year 1780, to which, as well as to the present chapter, the resolve there printed, applied.

By the resolve of Nov. 7, 1780, printed in the note to chapter 16 of the year 1780, the town of Thomaston was abated "one-half of all the taxes set to said town" since May 1, 1780. This was in addition to the relief granted to the towns in Lincoln County, by the resolve of May 5, 1780, and probably enabled the town to ease the inhabitants of Camden of the burden of which they had complained to the General Court. See note to chapter 30, p. 1310, *ante*.

In addition to the suspension by the resolve of April 3, 1780,* of the fines on the county of York for deficiency in their quota of men, the tax on the town of Fryeburg, imposed by chapter 30, *ante*, was suspended, and the town was still further relieved to the extent of the abatement of one-half of its taxes by the resolve of Feb. 16, 1781, printed in the note to 1780, chapter 16, *post*.

Supplementary note to chapter 30. The following is the new draught in which this resolve was passed†: —

"State of Mass^{ts} Bay In the House of Representatives April 3^{d} 1780

On the Petition of William Bodman Agent for the Town of Williamsburgh praying for an Abatement of part of the fine laid on Said Town in the last Tax Act —

Resolved. That the Sum of Six hundred Pounds be remitted to said Town and the Treasurer of Said State be and hereby is directed to discount said Sum of Six hundred Pounds with the Collector or Constable of Said Williamsburgh as part of the Tax in which said fine was assessed." — *Mass. Archives, vol.* 227, *p.* 60.

* Pages 1252 and 1378, *ante*.

† Compare with the resolve on p. 1301, *ante*, and the printed resolve there referred to.

ACTS,

PASSED 1780.

ACTS

Passed at the Session begun and held at Boston, on the Thirty-first day of May, A. D. 1780.

CHAPTER 1.

AN ACT FOR RAISING BY LOTTERY THE SUM OF TWO HUNDRED THOUSAND DOLLARS, FOR THE PURPOSE OF REPAIRING THE ROADS IN THE GREEN WOODS, SO CALLED, IN THE COUNTIES OF HAMPSHIRE AND BERKSHIRE.

Preamble.

Whereas it appears that the roads leading through the Green Woods, so called, are so much out of repair, and the inhabitants unable to repair the same, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

What sum to be raised by lottery for repairing the roads through the Green Woods.

[Sect. 1.] That a sum not exceeding two hundred thousand dollars be raised by a lottery with a deduction of twenty per cent upon the amount of the tickets, when sold, for the purpose of repairing the roads through the Green Woods, so called, from Josiah Brewer's to the crotch of the road near Blan[d]ford meeting-house on the south road; and from half a mile west of Taggard's, to Becket line, and from Becket west line, through Washington, to Pitsfield line, being on the middle road; also half a mile west of Miller's, in Worthington, to Pit[t]sfield line, on the north road: one hundred thousand dollars of the aforesaid sum of two hundred thousand dollars, to be first expended on the said south road, forty thousand on the said middle road, and sixty thousand on the said north road; and that Theodore Sedgwick, Esq[r]., Jahleel Woodbridge, Esq[r]., Doctor John Sibley, Col[o]. James Easton, and Captain Asa Barnes, or any three of them, shall be managers of said lottery, and who shall be sworn to the faithful[l] performance of their trust; which said managers shall make, and publish in such newspapers as they shall judge proper, a scheme for said lottery as soon as may be; and they shall also publish therewith all necessary rules and regulations for the management thereof. And all prizes which may be drawn in said lottery shall be paid without any deduction: *provided*, they are demanded within six months after the drawing of said lottery; otherwise the money arising from such prizes to be appropriated to the purpose aforesaid.

Names of the managers.

Said managers to be sworn to the faithful performance of their trust.

The scheme of said lottery, to be published.

Prizes to be subject to no deduction.

Proviso.

And be it further enacted,

Persons convicted of forgery, to sit on the gallows and to pay a fine of £5,000

[SECT. 2.] That if any person shall forge, counterfeit or alter, any lottery tickets issued by virtue of this act, or shall pass any such forged, counterfeited or altered tickets, knowing the same to be such and being thereof convicted before the superior court of judicature, court of assize and general goal delivery, shall be punished by set-[t]ing on the gallows for the space of one hour, with a rope about his neck, and shall pay a fine not exceeding the sum of five thousand pounds, to the use of this state, and shall suffer not more than twelve months' imprisonment; or shall suffer all, or any, of the foregoing punishments, at the discretion of the court before whom he shall be convicted, according to the nature and circumstance of the offence.

And be it further enacted,

The moneys arising from the sale of said lottery tickets to be paid to persons appointed by this court: their names:

[SECT. 3.] That when and so often as the managers shall receive monies arising from the sale of any of the lottery tickets, aforesaid, they shall and hereby are ordered to pay the same to such person or persons as is hereafter appointed by this court, who are [i] [e]mpowered to lay out the same to the best advantage, by engaging labourers, to work on said roads, and paying the same; that Trueman Wheeler, Esq[r]., Major Warham Parks, Mr. Jonathan Brewster, Capt. Eli Root, and Capt. —— Norton, or any three of them, who shall receive any monies as aforesaid, shall, when required by this court, be able to shew how much money they received of the managers, aforesaid, and how they have expended the same, and be allowed for their time and expence, out of the money raised, as aforesaid, such sums as the managers of this lottery shall think reasonable. [*Passed June* 14.

— to be accountable for the expenditures of the moneys received.

CHAPTER 2.

AN ACT TO SET GEORGE SUMNER AND EBENEZER SUMNER, AND LANDS OF NATHANIEL SUMNER, ESQ[r]., FROM THE TOWN OF STOUGHTON, AND TO ANNEX THEM TO THE TOWN OF DEDHAM.

Preamble.

WHEREAS, for the greater convenience of attending the public worship of God, and other good reasons, it is found necessary to disannex George Sumner, Ebenezer Sumner, and the farms on which they now live, together with the lands of Nathaniel Sumner, Esq[r]., from the town of Stoughton, and incorporate them with the town of Dedham, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Disannexing certain persons and their lands, from the town of Stoughton, and annexing them to the town of Dedham.

[SECT. 1.] That the abovesaid George Sumner and Ebenezer Sumner, with their families, and such of their lands on which they now live, and such of the lands of Nathaniel Sumner, Esq[r]., as are contained in the fifteenth lot of the twelfth division of land, and in the fortieth lot in Pigeon Swamp, in Stoughton, be, and they are hereby, disannexed from the town of Stoughton, and annexed to the town of Dedham, and shall forever hereafter be considered as such.

Provided, nevertheless, —

Their proportionable part of taxes, to what town payable.

[SECT. 2.] That the several persons above named shall pay their proportionable part of all taxes which are already assessed or levied on the town of Stoughton, in like manner as though this act had not been made. [*Passed June* 17.

CHAPTER 3.

AN ACT FOR SET[*T*]ING OFF A PART OF ROYALSTON, CALLED ROYALSTON LEG, AND ANNEXING THE SAME TO THE TOWN OF WINCHENDON.

Whereas it appears that the inhabitants living on a strip of land belonging to Royalston, in the county of Worcester, called Royalston Leg, about one mile wide, lying the whole length of the town of Winchendon, would be much accom[*m*]odated by being set off from Royalston, and annex[t][*'d*] to the town of Winchendon, in the same county, — Preamble.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same, —

[Sect. 1.] That all that part of Royalston called Royalston Leg, containing, by estimation, about two thousand acres, begin[*n*]ing at the north-west corner of Winchendon, then run[*n*]ing northwardly, a parallel line with Winchendon west line, about one mile to the province line, so called; then eastwardly, by the province line, the length of the town of Winchendon, be and hereby is set off from Royalston and annex[t][*'d*] to Winchendon: and the town of Winchendon is hereby extended so far north as the state line of New Hampshire, and said land, with the inhabitants living thereon, shall forever hereafter be considered as belonging to the town of Winchendon. Boundaries.

Provided, nevertheless, —

[Sect. 2.] That the said inhabitants and non-residents shall pay all taxes which are al[]ready assessed and lev[y][*i*]ed on the town of Royalston, anything in this act to the contrary notwithstanding. Taxes, by whom paid.

Provided, also, —

And be it further enacted by the authority aforesaid,

[Sect. 3.] That the amount of the estates contained on and in said tract of land, and the polls thereon, returned, by the assessors of the town of Royalston, in the valuation last taken, as belonging to Royalston, be deducted from the return of said assessors and added to the return made by the assessors of the town of Winchendon. Polls and estates returned by the assessors of the town of Royalston, to be added to the town of Winchendon.

[*Passed June* 17.

CHAPTER 4.

AN ACT FOR REPEALING TWO ACTS MADE IN THE YEAR OF OUR LORD [ONE THOUSAND SEVEN HUNDRED AND SEVENTY-NINE] [*1779*]; ALSO A RESOLVE PASSED APRIL [TENTH, ONE THOUSAND SEVEN HUNDRED AND EIGHTY] [*10th, 1780*], SO FAR AS SAID ACTS AND RESOLVE PROHIBITS THE EXPORTATION OF ANY ARTICLES, TO EITHER OF THE UNITED STATES OF AMERICA, BY LAND.

Whereas Congress have earnestly recommended to the several states to take off every restriction on the inland trade between the said states, — Preamble.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That the said two acts, one, intitled "An Act to prevent sundry articles being exported from this to the neighbouring states;" the other, intitled "An Act in addition to an act intitled 1779-80, chap. 13. 1779-80, chap. 15.

Laws repealed for restraining inland trade.

'An Act to prevent sundry articles being exported from this to the neighbouring states;'" and the resolve aforesaid, prohibiting any beef or pork, either on hoof or in barrels, or any molasses, rum, or salt, from being transported out of this state (so far as any clause in either of said acts or resolve contained, prohibits the free exportation of any article enumerated or d[i][*e*]scribed in either of said acts or resolve, to either of the United States of America, by land), be and hereby are repealed and made null and void.

Provided, nevertheless, —

Proviso.

[SECT. 2.] That all articles which have been seized or stop[*p*]ed, in pursuance of either of said acts or resolve, or any breaches of said acts or resolve, already p[u][*e*]rp[r]e[*r*]trated, shall be proceeded with and prosecuted in the same way and manner they would have been if this act had not been made. [*Passed June* 17.

CHAPTER 5.

AN ACT FOR PROLONGING THE TIME FOR ADMINIST[*E*]RING THE OATH, OR AFFIRMATION, OF FIDELITY AND ALLEGIANCE, TO COMMISSIONED MILITARY OFFICERS.

Preamble. 1779-80, chap. 19.

WHEREAS, by the laws of this state, it is required that the oath, or affirmation, of fidelity and allegiance be administered to all commissioned military officers of this state, by the first day of July next, otherwise that such officer be considered as disqualified to act in the office whereunto he is commission[at]ed; which time does not appear to this court sufficient for all the commissioned military officers to take said oath, by reason of many of them having been called abroad into the public service, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Time prolonged to the first day of March next, and no officer disqualified to act, till that time.

[SECT. 1.] That the time for administering said oath of fidelity and allegiance be prolonged, for all commissioned military officers, to the first day of March next; and that no person be considered as disqualified from acting in any military office, aforesaid, before the expiration of said time, although the oath aforesaid be not to them administered; any law of this state to the contrary notwithstanding.

And be it further enacted by the authority aforesaid,

Commanders of regiments, required to enjoin their officers to take the oath.

[SECT. 2.] That the commanding officer of each regiment of militia within this state, require and enjoin every militia officer under his command, that hath not taken said oath of fidelity and allegiance, to take the same on or before the first day of March aforesaid; and said commanding officer is hereby empowered, having first taken said oath himself, to administer the same to any of the officers of the regiment under his command, and required to make return thereof into the secretary's office as soon as may be. [*Passed June* 19.

CHAPTER 6.

AN ACT APPOINTING COMMISSIONERS, ON THE PART OF THIS STATE, TO COMPLEAT THE BILLS OF CREDIT WHICH MAY BE EMITTED ON THE CREDIT OF THIS STATE, IN CONSEQUENCE OF A RESOLUTION OF CONGRESS, OF THE [EIGHTEEN] [*18*] TH DAY OF MARCH LAST, AND THE LAW OF THIS STATE FOR CARRYING THE SAME INTO EXECUTION, AND MAKING OTHER PROVISION RELATIVE THERETO.

Preamble. 1779-80, chap. 10, § 6.

Whereas, in and by the act passed in the last session of the general court, for carrying into execution the resolution of Congress, of the eighteenth day of March last, for emitting bills of credit on the funds of the respective states, it is provided that there should be appointed, on the part of this state, six commissioners, to join with the commissioner that was or might be appointed by Congress to compleat this state's proportion of said bills before the emission thereof, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Committee appointed to sign the new bills emitted by Congress.

[Sect. 1] That Richard Cranch, Samuel Osgood, Samuel Henshaw, Thomas Dawes, Ebenezer Wales, and Loammi Baldwin, Esq'rs, be, and they are hereby, appointed commissioners for the purposes aforesaid; and any two of them, and no more, shall, on the part of this state, sign each of the bills to be emitted, as aforesaid, and do whatever else may be necessary to compleat said bills according to the resolution and act aforesaid.

And be it further enacted by the authority aforesaid,

Treasurer directed to exchange said bills.

[Sect. 2.] That the treasurer of this state, for the time being, be, and he is hereby, impowered and directed, as soon as said bills or any part thereof shall be compleated as aforesaid, and the bills at present in circulation, shall in any considerable sums, be brought into the treasury of this state, to be exchanged, to exchange the bills so brought in, for the bills to be emitted, at the rates established by the resolution and act aforesaid; and said new bills, when lodged in the treasury of this state, shall be thence issued in discharge of such warrants as may be legally drawn on the same.

Provided, always, —

Proviso.

[Sect. 3.] That nothing in this act contained shall operate against any appropriation, of a part of the taxes ordered to be paid into the treasury in the months of July and September next, which is or may be made the present s[e][*i*]tting of the general court, anything in this act to the contrary notwithstanding. [*Passed June* 19.

CHAPTER 7.

AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED AND NEAR EXPIRING.

Sundry laws revived.

Whereas the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; viz[t]., one act made in the year of our Lord one thousand seven hundred and seventy-seven, intitled "An Act for taking up and restrain- 1776-77, chap. 45.

ing persons dangerous to this state;" another act made in the year of our Lord one thousand seven hundred and seventy-eight, [i][*e*]ntitled "An Act for taking affidavits out of court, in certain cases not already provided for;" three acts made in the year of our Lord one thousand seven hundred and seventy-nine; one, [i][*e*]ntitled "An Act against monopoly and forestalling;" an- [*o*]th[o][*e*]r, [i][*e*]ntitled "An Act to prohibit the exportation of masts and spars, of certain dimen[t][*s*]ions, for a limited time;" the other, [i][*e*]ntitled "An Act for making provision for appeals to Congress in certain maritime cases, and under certain restrictions,"—

1778-79, chap. 2.
1778-79, chap. 31.
1778-79, chap. 36.
1779-80, chap. 10.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Time limited.

That such of the before-mentioned acts as are now expired, be revived, and such of said acts as are not yet expired, be continued, with all and every clause, matter and thing therein respectively contained, and shall be in force until[l] the tenth day of June, one thousand seven hundred and eighty-one, and from thence to the end of the next session of the general court. [*Passed June* 22.

CHAPTER 8.

AN ACT FOR THE PUNISHMENT OF SUCH PERSONS AS SHALL ENCOURAGE DESERTIONS FROM THE FLEETS AND ARMIES OF ANY FOREIGN POWER WHO SHALL PROSECUTE THE WAR IN AMERICA IN CONJUNCTION WITH THE UNITED STATES OF AMERICA, AND FOR RECOVERING SUCH DESERTERS AS SHALL CONCEAL THEMSELVES AMONG THE INHABITANTS.

Preamble.
1779-80, chap. 9.

WHEREAS it has been recommended to the legislatures of the United States, by the honorable Congress, by their resolve of the twenty-seventh day of May last, to pass a law for the punishment of such persons as shall encourage deserters from the fleet[*s*] [and] [*or*] armies of any foreign power who shall prosecute the war in America,—

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Persons encouraging desertion from the fleets or armies of our allies, or concealing deserters to be subject to the fines and penalties established by the laws of this state.
1779-80, chap. 48.

[SECT. 1.] That any person or persons who shall promote or encourage desertion, or harbo[*u*]r or conceal any deserter from the fleets or armies of any power who shall prosecute the war in America, in conjunction with these states, shall be subject to the like fines and penalties as are, by the laws now in being, of this state, inflicted on persons for promoting and encouraging desertion, or harbo[*u*]ring or concealing deserters from the army of the United States.

And be it further enacted by the authority aforesaid,

Persons apprehending deserters from the said fleets, etc., entitled to a like reward as is allowed for the apprehending deserters from the Continental Army.

[SECT. 2.] That any person or persons who shall apprehend and secure any deserter from any of the fleets or armies of any power who shall, in conjunction with these states, prosecute the war in America, shall be [i][*e*]ntitled to the like reward as is allowed to persons apprehending and securing deserters from the army of the United States. [*Passed June* 23.

CHAPTER 9.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF SEVENTY-TWO THOUSAND POUNDS, UPON THE SEVERAL TOWNS AND OTHER PLACES WITHIN THIS STATE HEREINAFTER NAMED, FOR THE PURPOSE OF ESTABLISHING FUNDS TO SECURE THE REDEMPTION OF THE BILLS ORDERED TO BE EMITTED BY AN ACT OF THE GENERAL ASSEMBLY, PASSED THE TWENTY-FOURTH DAY OF APRIL, IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND EIGHTY; AND ALSO FOR PAYING, ANNUALLY, IN SPECIE, THE INTEREST ARISING ON NOTES, WHICH HAVE BEEN ISSUED UPON THE CREDIT OF THE PROVINCE, COLONY, OR, NOW, STATE, OF MASSACHUSETTS BAY, PROMISING TO BE PAID IN GOLD AND SILVER.

Whereas it is provided in and by said act, that there be granted a tax 1779-80, chap. 40
of seventy-two thousand pounds [, annually], for seven years, including the present year, to be levied on the polls and estates within this state, according to such rules, and in [such] proportion on the several towns and other places therein, as should be agreed upon and ordered by the general court for each of said seven years, at their May sessions in those years, respectively, to be paid into the treasury of this state on or before the first day of November then next after, —

Be it [therefore] *enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,*

[Sect. 1.] That there be and hereby is granted a tax of seventy-two thousand pounds, lawful money, the present year, to be levied on the polls, and estates both real and personal within this state; and that each town and other place within this state be assessed and pay, as such town and other place's proportion of the sum of seventy-two thousand pounds, the following sums set against them respectively; that is to say, —

IN THE COUNTY OF SUFFOLK.

Boston,	Three thousand nine hundred and sixty pounds,	£3,960 0s. 0d.
Roxbury,	Five hundred [*and*] ninety-seven pounds,	597 0 0
Dorchester,	Four hundred [*and*] forty-six pounds eight shillings,	446 8 0
Milton,	Three hundred [*and*] twelve pounds,	312 0 0
Bra[*i*]ntree,	Seven hundred [*and*] two pounds,	702 0 0
Weymouth,	Three hundred [*and*] forty-two pounds,	342 0 0
Hingham.	Three hundred and ninety-eight pounds eight shillings,	398 8 0
Cohasset[t],	One hundred [*and*] fifty-four pounds sixteen shillings,	154 16 0
Dedham,	Seven hundred and twenty pounds,	720 0 0
Medfield,	Two hundred [*and*] fifty-two pounds,	252 0 0
Wrentham,	Three hundred [*and*] forty-five pounds twelve shillings,	345 12 0
Brookline,	Two hundred and forty-one pounds four shillings,	241 4 0
Needham,	Two hundred [*and*] ninety-five pounds sixteen shillings,	295 16 0
Stoughton,	Four hundred [*and*] sixy-eight pounds,	468 0 0
Stoughtonham,	Two hundred [*and*] sixteen pounds six shillings,	216 6 0
Medway,	Two hundred [*and*] seventy-three pounds twelve shillings,	273 12 0
Bellingham,	One hundred [*and*] twenty-six pounds,	126 0 0
Hull,	Forty-four pounds eight shillings,	44 8 0
Walpole,	Two hundred [*and*] thirty-two pounds sixteen shillings,	232 16 0
Chelsea,	One hundred [*and*] seventy-one pounds,	171 0 0
Franklin,	Two hundred [*and*] seventy-four pounds sixteen shillings,	274 16 0
Foxborough,	Two hundred and eight pounds sixteen shillings,	208 16 0
	Ten thousand seven hundred and eighty-two pounds eighteen shillings,	£10,782 18s. 0d.

IN THE COUNTY OF ESSEX.

Salem,	One thousand four hundred and fifty-five pounds eighteen shillings,	£1,455 18s. 0d.
Danvers,	Five hundred [*and*] fifty-one pounds eight shillings,	551 8 0
Ipswich,	Nine hundred [*and*] fifty-four pounds,	954 0 0
Newbury,	Eight hundred [*and*] eighty pounds four shillings,	880 4 0
Newburyport,	Nine hundred [*and*] seventy-two pounds,	972 0 0
Marblehead,	Nine hundred [*and*] eighteen pounds eighteen shillings,	918 18 0
Lynn,	Four hundred [*and*] thirty-two pounds,	432 0 0
Andover,	Eight hundred [*and*] twenty pounds four shillings,	820 4 0
Beverly,	Five hundred [*and*] ninety-six pounds eight shillings,	596 8 0
Rowley,	Four hundred [*and*] forty-five pounds four shillings,	445 4 0
Salisbury,	Three hundred [*and*] forty* pounds sixteen shillings,	340* 16 0
Haverhill,	Five hundred and four pounds,	504 0 0
Glo[*u*]cester,	Six hundred [*and*] thirty-five pounds eight shillings,	635 8 0
Topsfield,	Two hundred [*and*] fifty-three pounds four shillings,	253 4 0
Almsbury,	Three hundred and eleven pounds two shillings,	311 2 0
Bradford,	Three hundred [*and*] twenty-two pounds ten shillings,	322 10 0
Methuen,	Two hundred [*and*] sixty-three pounds eight shillings,	263 8 0
Boxford,	Two hundred [*and*] seventy-five pounds fourteen shillings,	275 14 0
Wenham,	One hundred [*and*] thirty-six pounds sixteen shillings,	136 16 0
Manchester,	One hundred [*and*] thirty-four pounds fourteen shillings,	134 14 0
Middleton,	One hundred [*and*] ninety five pounds six shillings,	195 6 0
	Eleven thousand three hundred ninety-nine pounds two shillings,	£11,399 2s. 0d.

IN THE COUNTY OF MIDDLESEX.

Cambridge,	Five hundred [*and*] fifty pounds sixteen shillings,	£550 16s. 0d.
Charlestown,	One hundred [*and*] eighty pounds,	180 0 0
Watertown,	Two hundred [*and*] fifty pounds four shillings,	250 4 0
Woburn,	Three hundred [*and*] seventy-six pounds four shillings,	376 4 0
Concord,	Three hundred [*and*] forty-five pounds twelve shillings,	345 12 0
Newton,	Three hundred [*and*] twenty-nine pounds eight shillings,	329 8 0
Reading,	Three hundred [*and*] seventy-three pounds ten shillings,	373 10 0
Marlborough,	Four hundred [*and*] thirty-two pounds,	432 0 0
Billerica,	Two hundred [*and*] eighty-eight pounds,	288 0 0
Framingham,	Three hundred [*and*] thirty-four pounds sixteen shillings,	334 16 0
Lexington,	Two hundred [*and*] thirty-three pounds two shillings,	233 2 0
Chelmsford,	Two hundred [*and*] seventy-five pounds eight shillings,	275 8 0
Sherburne,	One hundred [*and*] seventy-four pounds twelve shillings,	174 12 0
Sudbury,	Four hundred [*and*] sixty-five pounds twelve shillings,	465 12 0
Malden,	Two hundred [*and*] fourteen pounds sixteen shillings,	214 16 0
Weston,	Two hundred [*and*] thirty-seven pounds eighteen shillings,	237 18 0
Medford,	Two hundred [*and*] eighty pounds sixteen shillings,	280 16 0
Hopkinton,	Two hundred [*and*] eighteen pounds eight shillings,	218 8 0
Westford,	Two hundred [*and*] fifty pounds four shillings,	250 4 0
Waltham,	Two hundred [*and*] sixteen pounds,	216 0 0
Stow,	One hundred [*and*] ninety-nine pounds sixteen shillings,	199 16 0

* In the contemporaneous impression, £345, 16*s.* 0*d.*

MIDDLESEX COUNTY — *Concluded.*

Groton,	Three hundred [*and*] thirty-four pounds sixteen shillings,	£334 16*s.* 0*d.*
Shirley,	One hundred [*and*] thirty pounds sixteen shillings,	130 16 0
Pepperel,	Two hundred and four pounds twelve shillings,	204 12 0
Townsend,	One hundred [*and*] fifty-six pounds,	156 0 0
Dracut,	Two hundred and eleven pounds sixteen shillings,	211 16 0
Bedford,	One hundred [*and*] sixty-three pounds ten shillings,	163 10 0
Holliston,	One hundred [*and*] ninety-four pounds eight shillings,	194 8 0
Acton,	One hundred [*and*] eighty-one pounds sixteen shillings,	181 16 0
Dunstable,	One hundred [*and*] sixty-eight pounds eighteen shillings,	168 18 0
Lincoln,	One hundred [*and*] sixty-nine pounds four shillings,	169 4 0
Wilmington,	One hundred [*and*] thirty-six pounds sixteen shillings,	136 16 0
Tewkesbury,	One hundred [*and*] sixty-five pounds,	165 0 0
Littleton,	Two hundred [*and*] seventeen pounds four shillings,	217 4 0
Ashby,	Eighty-two pounds sixteen shillings,	82 16 0
Natick,	One hundred [*and*] twenty pounds twelve shillings,	120 12 0
Stoneham,	Eighty pounds two shillings,	80 2 0
	Eight thousand nine hundred and forty-five pounds eight shillings,	£8,945 8*s.* 0*d.*

IN THE COUNTY OF HAMPSHIRE.

Springfield,	Four hundred and thirty-two pounds eighteen shillings,	£432 18*s.* 0*d.*
W[est] Springfield,	Four hundred and thirty-three pounds ten shillings,	433 10 0
Wilbraham,	Two hundred and forty-nine pounds six shillings,	249 6 0
Northampton,	Three hundred and forty pounds sixteen shillings,	340 16 0
Southampton,	One hundred and fifty-one pounds ten shillings,	151 10 0
Hadley,	Two hundred and eight pounds sixteen shillings,	208 16 0
South Hadley,	One hundred and three pounds sixteen shillings,	103 16 0
Amherst,	Two hundred and thirt[een][*y*] pounds twelve shillings,	*213 12 0
Granby,	One hundred and eleven pounds twelve shillings,	111 12 0
Hatfield,	Two hundred and one po[*u*]nds eighteen shillings,	201 18 0
Whately,	Eighty-sev[ev]en pounds eighteen shillings	87 18 0
Williamsburg[h],	One hundred and six pounds sixteen shillings,	106 16 0
Westfield,	Three hundred [*and*]twenty-three pounds e[i]ght shillings,	323 8 0
Deerfield,	Two hundred [*and*] thirty-four pounds eighteen shillings,	234 18 0
Greenfield,	One hundred and forty-five pounds ten shillings,	145 10 0
Shelburn[e],	One hundred and sixty-one pounds two shillings,	161 2 0
Conway,	One hundred and ninety-seven pounds eight shillings,	197 8 0
Sunderland,	Ninety-seven pounds four shillings,	97 4 0
Montague,	One hundred [*and*] eight pounds,	108 0 0
Northfield,	One hundred [*and*] sixty-nine pounds ten shillings,	169 10 0
Brimfield,	Two hundred [*and*] twenty-five pounds eighteen† shillings,	225 18† 0
South Brimfield,	One hundred [*and*] thirty-three pounds ten shillings,	133 10 0
Monson,	One hundred [*and*] fifty-five pounds eight shillings,	155 8 0
Pelham,	One hundred [*and*] sixty pounds ten shillings,	160 10 0
Greenwich,	One hundred [*and*] forty-eight pounds ten shillings,	148 10 0
Blanford,	One hundred [*and*] seventy-nine pounds two shillings,	179 2 0
Leverett,	Sixty-three pounds twelve shillings,	63 12 0
Palmer,	One hundred [*and*] forty-five pounds sixteen shillings,	145 16 0
Granville,	Two hundred [*and*] seventy-five pounds fourteen shillings,	275 14 0
New Salem,	One hundred [*and*] eighty-three pounds six shillings,	183 6 0

In the contemporaneous impression, at *, £230, 12*s.* 0*d.*; at †, £225, 10*s.* 0*d.*

HAMPSHIRE COUNTY — *Concluded.*

Belcherto[w]n,	One hundred [*and*] ninety pounds sixteen shillings,	£190 16*s.* 0*d.*
Colrain,	One hundred [*and*] sixteen pounds eight shillings,	116* 8 0
Ware,	Ninety-three pounds six shillings,	93 6 0
Warwick,	One hundred [*and*] twenty-seven pounds four shillings,	127 4 0
B[a][e]rnardston,	One hundred pounds sixteen shillings,	100 16 0
Murrayfield,	One hundred [*and*] fifteen pounds four shillings,	115 4 0
Charlemont,	Ninety three pounds,	93 0 0
Ashfield,	One hundred [*and*] twenty-eight pounds two shillings,	128 2 0
Worthington,	One hundred [*and*] twenty pounds six shillings,	120 6 0
Shutesbury,	Ninety-five pounds two shillings,	95 2 0
Southwick,	Ninety-two pounds fourteen shillings,	92 14 0
Suffield,		–
Enfield,		–
Somers,		–
Ludlow,	Sixty-six pounds,	66 0 0
Norwich,	Forty-seven pounds two shillings,	47 2 0
Merryfield,	Forty-three pounds sixteen shillings,	43 16 0
N[o] 5 Cummington,	Seventy-seven pounds fourteen shillings,	77 14 0
Westhampton,	Fifty-six pounds eight shillings,	56 8 0
Chesterfield,	One hundred [*and*] sixty-six pounds sixteen shillings,	166 16 0
Chesterfield Gore,		–
	Seven thousand four hundred [*and*] eighty-one pounds eight shillings,	£7,481 8*s.* 0*d.*

IN THE COUNTY OF PLYMOUTH.

Plymouth,	Three hundred [*and*] ninety-one pounds ten shillings,	£391 10*s.* 0*d.*
Scituate,	Five hundred [*and*] sixty-five pounds four shillings,	565 4 0
Duxborough,	One hundred [*and*] eighty-five pounds fourteen shillings,	185 14 0
Marshfield,	Two hundred [*and*] thirty-four pounds six shillings,	234 6 0
Bridgwater,	Nine hundred [*and*] fifty pounds eight shillings,	950 8 0
Middleborough	Seven hundred [*and*] seventy-seven pounds,	777 0 0
Rochester,	Three hundred [*and*] forty-eight pounds eighteen shillings,	348 18 0
Plympton,	Two hundred [*and*] eighty-five pounds eighteen shillings,	285 18 0
Pembroke,	Three hundred [*and*] eighteen pounds twelve shillings,	318 12 0
Kingston,	One hundred [*and*] sixty-nine pounds sixteen shillings,	169 16 0
Hanover,	One hundred [*and*] seventy-six pounds eight shillings,	176 8 0
Abington,	Two hundred [*and*] thirty-eight pounds ten shillings,	238 10 0
Hallifax,	One hundred [*and*] nineteen pounds two shillings,	119 2 0
Wareham,	One hundred [*and*] four pounds two shillings,	104 2 0
	Four thousand eight hundred [*and*] sixty-five pounds eight shillings,	£4,865 8*s.* 0*d.*

IN THE COUNTY OF BARNSTABLE.

Barnstable,	Four hundred [*and*] sixty-five pounds six shillings,	£465 6*s.* 0*d.*
Sandwich,	Three hundred [*and*] thirty-three pounds twelve shillings,	333 12 0
Yarmouth,	Three hundred [*and*] two pounds fourteen shillings,	302 14 0
Eastham,	Two hundred [*and*] seventeen pounds ten shillings,	217 10 0
Harwich,	Two hundred [*and*] fifty pounds ten shillings,	250 10 0
Chatham,	One hundred [*and*] fifteen pounds sixteen shillings,	115 16 0
Wellfleet,	One hundred [*and*] eight[y] pounds twelve shillings,	†108 12 0
Truro,	One hundred [*and*] ten pounds eight shillings,	110 8 0
Falmouth,	Two hundred [*and*] thirty-four pounds,	234 0 0
	Two thousand one hundred [*and*] thirty-eight pounds eight shillings,	£2,138 8*s.* 0*d.*

In the contemporaneous impression, at *, £160, 8*s.* 0*d.*; at †, £180.

IN THE COUNTY OF BRISTOL.

Taunton,	Five hundred [*and*] seventy-two pounds two shillings,	£572 2*s*. 0*d*.
Rehoboth,	Six hundred [*and*] fifty-seven pounds eighteen shillings,	657 18 0
Swanzey and Shawamet,	Three hundred [*and*] fifty-one pounds eighteen shillings,	351 18 0
Dartmouth,	One thousand and fifty-seven pounds sixteen shillings,	1,057 16 0
Norton,	Two hundred [*and*] fifty-six pounds four shillings,	256 4 0
Mansfield,	One hundred [*and*] sixty-eight pounds eighteen shillings,	168 18 0
Attleborough,	Four hundred [*and*] twenty pounds,	420 0 0
Dighton,	Two hundred [*and*] thirty-three pounds fourteen shillings,	233 14 0
Freetown,	Two hundred [*and*] sixty-two pounds four shillings,	262 4 0
Rainham,	One hundred [*and*] eighty pounds,	180 0 0
Easton,	One hundred [*and*] ninety-six pounds four shillings,	196 4 0
Berkley,	One hundred [*and*] twenty-six pounds six shillings,	126 6 0
	Four thousand four hundred [*and*] eighty-three pounds four shillings,	£4,483 4*s*. 0*d*.

IN THE COUNTY OF YORK.

York,	Four hundred forty-eight pounds sixteen shillings,	£448 16*s*. 0*d*.
Kittery,	Four hundred eighty-six pounds eighteen shillings,	486 18 0
Wells,	Three hundred ninety-six pounds,	396 0 0
Berwick,	Six hundred seven pounds four shillings,	607 4 0
Arund[a][*e*]ll,	One hundred seventy-one pounds,	171 0 0
Biddeford,	One hundred eighty-five pounds eight shillings,	185 8 0
Pepperel[*l*]borough,	One hundred seventy-two pounds sixteen shillings,	172 16 0
Lebanon,	One hundred three pounds ten shillings,	103 10 0
Sanford,	Ninety-six pounds six shillings,	96 6 0
Buxton,	One hundred thirty-six pounds sixteen shillings,	136 16 0
Fryeburgh,	One hundred eight pounds,	108 0 0
Coxhall,	Forty-five pounds,	45 0 0
Massabesec,	Fifty-two pounds four shillings,	52 4 0
Limerick,	Fourteen pounds eight shillings,	14 8 0
Brownfield,	Fourteen pounds eight shillings,	14 8 0
Little Falls,	Twenty-five pounds four shillings,	25 4 0
	Three thousand sixty-three pounds eighteen shillings,	£3,063 18*s*. 0*d*.

IN THE COUNTY OF DUKES COUNTY.

Edgarton,	One hundred seventy-seven pounds twelve shillings,	£177 12*s*. 0*d*.
Chilmark,	One hundred ninety-one pounds eight shillings,	191 8 0
Tisbury,	One hundred fifty-two pounds two shillings,	152 2 0
	Five hundred twenty-one pounds two shillings,	£521 2*s*. 0*d*.

IN THE COUNTY OF NANTUCKET.

Sherburne,	Seven hundred ninety-four pounds two shillings,	£794 2*s*. 0*d*.

IN THE COUNTY OF WORCESTER.

Worcester,	Five hundred twenty-nine pounds four shillings,	£529 4*s*. 0*d*.
Lancaster,	Five hundred seventy pounds,	570 0 0
Mendon,	Four hundred twenty-one pounds four shillings,	421 4 0
Brookfield,	Five hundred fifty-eight pounds,	558 0 0
Oxford,	One hundred seventy-two pounds sixteen shillings,	172 16 0
Charleton,	Two hundred sixty-four pounds twelve shillings,	264 12 0
Sutton,	Five hundred twenty-five pounds twelve shillings,	525 12 0

WORCESTER COUNTY — *Concluded.*

		£	s.	d.
Leicester,	One hundred thirty-six pounds sixteen shillings,	136	16	0
Spencer,	Two hundred sixteen pounds,	216	0	0
Rutland,	Two hundred forty-eight pounds eight shillings,	248	8	0
Paxton,	One hundred forty-four pounds,	144	0	0
Oakham,	One hundred two pounds twelve shillings,	102	12	0
Barre,	Two hundred ninety-eight pounds sixteen shillings,	298	16	0
Hubbardston,	One hundred two pounds twelve shillings,	102	12	0
New Braintree,	One hundred ninety-eight pounds,	198	0	0
Southborough,	One hundred ninety-four pounds eight shillings,	194	8	0
Westborough,	Two hundred three pounds fourteen shillings,	203	14	0
Northborough,	One hundred thirty-three pounds four shillings,	133	4	0
Shrewsbury,	Three hundred seventy-eight pounds,	378	0	0
Lunenburgh,	Two hundred fifty-two pounds,	252	0	0
Fitchburgh,	One hundred forty-four pounds,	144	0	0
Uxbridge,	Two hundred thirty-nine pounds eight shillings,	239	8	0
Harvard,	Two hundred sixty-eight pounds four shillings,	268	4	0
Dudley,	One hundred seventy-two pounds sixteen shillings,	172	16	0
Bolton,	Two hundred fifty-three pounds sixteen shillings,	253	16	0
Upton,	One hundred eleven pounds twelve shillings,	111	12	0
Sturbridge,	Two hundred forty-eight pounds eight shillings,	248	8	0
Leominster,	Two hundred sixteen pounds,	216	0	0
Hardwick,	Two hundred eighty-eight pounds,	288	0	0
Holden,	One hundred forty-four pounds,	144	0	0
Western,	One hundred eighty-three pounds twelve shillings,	183	12	0
Douglass,	One hundred nine pounds sixteen shillings,	109	16	0
Grafton,	One hundred ninety-eight pounds eighteen shillings,	198	18	0
Petersham,	Two hundred twenty-three pounds four shillings,	223	4	0
Royalston,	One hundred twenty-nine pounds eighteen shillings,	129	18	0
Westminster,	One hundred ninety-two pounds twelve shillings,	192	12	0
Templeton,	One hundred ninety-two pounds twelve shillings,	192	12	0
Princeton,	One hundred forty-seven pounds twelve shillings,	147	12	0
Ashburnham,	Ninety-three pounds twelve shillings,	93	12	0
Winchendon,	One hundred four pounds eight shillings,	104	8	0
Woodstock,	.		–	
Northbridge,	Seventy-two pounds,	72	0	0
Ward,	Eighty-four pounds six shillings,	84	6	0
Athol,	One hundred fifty-four pounds sixteen shillings,	154	16	0
	Nine thousand six hundred twenty-three pounds eight shillings,	£9,623	8s.	0d.

IN THE COUNTY OF CUMBERLAND.

		£	s.	d.
Falmouth,	Three hundred seventy pounds sixteen shillings,	370	16s.	0d.
North Yarmouth,	Three hundred forty-one pounds two shillings,	341	2	0
Cape Elizabeth,	Two hundred [and] twelve pounds eight shillings,	212	8	0
Gorham,	One hundred eighty pounds six shillings,	180	6	0
Brunswick,	One hundred sixty-nine pounds four shillings,	169	4	0
Harpswell,	One hundred twenty-six pounds,	126	0	0
Windham,	Seventy-eight pounds six shillings,	78	6	0
New Glocester,	One hundred [and] eleven pounds twelve shillings,	111	12	0
Scarborough,	Two hundred seventy-nine pounds eighteen shillings,	279	18	0
Pearsontown,	Sixty pounds,	60	0	0
Royalsburg,	Thirty-four pounds ten shillings,	34	10	0
Gray,	Thirty-eight pounds fourteen shillings,	38	14	0
Raymondstown,	Fourteen pounds eight shillings,	14	8	0
Bakerstown,	Seven pounds four shillings,	7	4	0
Sylvestertown,	Seven pounds four shillings,	7	4	0
Bridgetown,	Five pounds eight shillings,	5	8	0
	Two thousand [and] thirty-seven pounds,	£2,037	0s.	0d.

IN THE COUNTY OF LINCOLN.

		£	s.	d.
Pownalborough,	Two hundred [and] twelve pounds eight shillings,	£212	8s.	0d.
Georgetown,	Two hundred sixty-two pounds ten shillings,	262	10	0
Newcastle,	One hundred [and] four pounds eight shillings,	104	8	0
Woolwich,	Eighty-two pounds ten shillings,	82	10	0
Waldoborough,	One hundred pounds sixteen shillings,	100	16	0
Topsham,	One hundred twenty-one pounds sixteen shillings,	121	16	0

LINCOLN COUNTY — *Concluded.*

Winslow,	Seventy-two pounds twelve shillings,	£72 12*s.* 0*d.*
Bo[i][*w*]doinham,	Forty-one pounds fourteen shillings,	41 14 0
Boothbay,	One hundred forty pounds two shillings,	140 2 0
Bristol,	One hundred forty-seven pounds,	147 0 0
Vassalborough,	One hundred and fourteen pounds,	114 0 0
Edgecumbe,	Sixty-six pounds eighteen shillings,	66 18 0
Hallowel[l],	Ninety-seven pounds sixteen shillings,	97 16 0
Belfast,	Fourteen pounds fourteen shillings,	14 14 0
Warren,	Fifty-three pounds eight shillings,	53 8 0
Thomastown,	Fifty-three pounds eight shillings,	53 8 0
The lower town of St. Georges,	Forty-six pounds sixteen shillings,	46 16 0
Medumcook,	Thirty-six pounds six shillings,	36 6 0
Pittston,	One hundred and five pounds twelve shillings,	105 12 0
Winthrop,	One hundred and eight pounds,	108 0 0
	One thousand nine hundred and eighty-two pounds fourteen shillings,	£1,982 14*s.* 0*d.*

IN THE COUNTY OF BERKSHIRE.

Sheffield,	Three hundred fifty-five pounds four shillings,	£355 4*s.* 0*d.*
Great Barrington,	Two hundred [*and*] sixty-one pounds,	261 0 0
Partridgefield,	Eighty-seven pounds twelve shillings,	87 12 0
Williamston,	Two hundred and five pounds ten shillings,	205 10 0
New Marlborough,	One hundred seventy-two pounds ten shillings,	172 10 0
Lanesborough,	Three hundred [and] seven pounds sixteen shillings,	307 16 0
Pittsfield,	Two hundred eighty-one pounds fourteen shillings,	281 14 0
Lenox,	One hundred seventy-four pounds twelve shillings,	174 12 0
Stockbridge,	One hundred eighty-four pounds ten shillings,	184 10 0
Egremont,	One hundred [and] three pounds sixteen shillings,	103 16 0
Tyringham,	One hundred thirty-eight pounds six shillings,	138 6 0
Sandisfield,	One hundred seventy-eight pounds ten shillings,	178 10 0
Becket,	Eighty-nine pounds fourteen shillings,	89 14 0
Windsor,	One hundred thirty-two pounds,	132 0 0
Hancock,	One hundred seventy-one pounds eighteen shillings,	171 18 0
Richmond,	Two hundred [and] six pounds two shillings,	206 2 0
Loudon,	Forty-seven pounds eight shillings,	47 8 0
Washington,	Ninety-six pounds twelve shillings,	96 12 0
West Stockbridge,	One hundred [and] four pounds two shillings,	104 2 0
Alford,	Fifty-seven pounds,	57 0 0
New Ashford,	Fifty-one pounds,	51 0 0
Ash[ue][*ew*] lot,	Fifty-four pounds,	54 0 0
Plantation No. 7,	Forty-seven pounds eight shillings,	47 8 0
Adams,	Two hundred sixty-seven pounds six shillings,	267 6 0
Lee,	One hundred [and] six pounds ten shillings,	106 10 0
	Three thousand eight hundred eighty-two pounds,	£3,882 0*s.* 0*d.*

SUMS TOTAL.

Suffolk,	Ten thousand seven hundred [and] eighty-two pounds eighteen shillings,	£10,782 18*s.* 0*d.*
Essex,	Eleven thousand three hundred ninety-nine pounds two shillings,	11,399 2 0
Middlesex,	E[l][*i*]ght thousand nine hundred forty-five pounds eight shillings,	8,945 8 0
Hampshire,	Seven thousand four hundred eighty-one pounds eight shillings,	7,481 8 0
Plymouth,	Four thousand eight hundred sixty-five pounds eight shillings,	4,865 8 0
Barnstable,	Two thousand one hundred [and] thirty-eight pounds eight shillings,	2,138 8 0
Bristol,	Four thousand four hundred [and] eighty-three pounds four shillings,	4,483 4 0
York,	Three thousand [and] sixty-three pounds eighteen shillings,	3,063 18 0
Dukes County,	Five hundred twenty-one pounds two shillings,	521 2 0
Nantucket,	Seven hundred ninety-four pounds two shillings,	794 2 0
Worcester,	Nine thousand six hundred twenty-three pounds eight shillings,	9,623 8 0
Cumberland,	Two thousand [and] thirty-seven pounds,	2,037 0 0
Lincoln,	One thousand nine hundred [and] eighty-two pounds fourteen shillings,	1,982 14 0
Berkshire,	Three thousand eight hundred eighty-two pounds,	3,882 0 0
	Seventy-two thousand pounds,	£72,000 0*s.* 0*d.*

And be it further enacted by the authority aforesaid,

[SECT. 2.] That the treasurer do forthwith send his warrants, directed to the selectmen or assessors of each town or other place, within this state, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town or other place, in manner following; that is to say, to assess all the male polls above the age of sixteen years, within their respective towns or other places nearest adjoining to them, belonging to no other town or place, including negroes and molattoes (and such of them as are under the government of a master or mistress, to be taxed to said master or mistress, respectively, in the same manner as minors and apprentices are taxed), at five shillings; and to assess the remainder of the sum set to each town or place (after deducting the amount of the sum assessed to the polls as aforesaid) on the inhabitants of said town or place as aforesaid, according to the just value of the whole real estate by each inhabitant of such town or place, respectively, possessed in his own right, or in the right of others, lying within said town or place, improved or not improved; and on the non-resident proprietors of real estate, lying within said town or place, in their own right, or in the right of others, improved or not improved: *sav*[e]*ing* all a[r]gre[*e*]ments between landlords and tenants, and where no agre[*e*]ment is, the landlord to reimburse one-half of the tax; and also on the inhabitants of such town or place, according to the proportion of the amount and just value of their whole personal estate, including money at interest more than they pay interest for, debts due to them, not on interest, more than they are indebted, monies of all kinds on hand, and also the amount of the just value of all goods, wares and merchandize, stock in trade, vessels of all sorts, with their stores, appurtenances and appendages, plate, horses, oxen, and cattle of all sorts and ages, sheep, swine, and grain of all sorts, and all kinds of produce of the land, and all other property whatever (excepting hous[e]hold furniture, wearing apparel, farming utensils and the tools of mechanicks), on the twentieth day of May last; and the current price of the real and personal estate on the said twentieth day of May before mentioned, in the currency of these United States, shall be considered the just value of the same; and on the amount of their income from any profession, faculty, handicraft, trade or employment; and also on the amount of all incomes and profits gained by tra[i]ding by sea and on shore, and by means of advantages arising from the war, and the necessities of the community, — and in considering the incomes and profits last mentioned, the assessors are to have special regard to the way and manner in which the same have been made, as well as the *quantum* thereof, and to assess them at such rate, as they on their oaths, shall judge to be just and reasonable: *provided*, they do not in any case assess such incomes and profits at more than ten times the sum of the same amount in other kind of estate.

Provided, also, —

[SECT. 3.] That if, in any case, the assessors shall apprehend there has been any material alteration in the property of any individual, after the said twentieth of May above mentioned, before the time of making the assessment, they shall then call upon such individuals to give in upon oath (which oath said assessors are impowered to administer), a true list of their polls, and all the property by them possessed at the time they are so called upon; and if any person so called upon shall refuse or neglect to give in such list, or shall give

in a false list, and be thereof convicted before the said assessors, they shall then proceed to assess such person, to the best judg[e]ment and estimation they can form, of the several kinds of property by him possessed, according to the foregoing d[i][e]scription.

[Sect. 4.] And the treasurer in his said warrant, shall likewise require the assessors to make a fair list of said assessments, set[t]ing forth, in distinct columns, against such person's name, how much he or she is assess[e]'d at for polls, and how much for real estate, and how much for personal estate, as aforesaid; and if as a guardian, or for any estate in his or her improvement, in trust, to be distinctly expressed; and shall also insert upon their rate-bills the number of acres of unimproved land which they have taxed to each of the non-resident proprietors of land within their respective town[s] or places, and also the value at which they have estimated the same; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collector or collectors, constable or constables, of any such town or place, and to return a certificate of the name or names of such collector or collectors, constable or constables, with the sum total to each of them committed, unto himself, some time before the twentieth day of September next; and on failure thereof each assessor so refusing or neglecting his duty herein, shall be subject to pay a fine of five hundred pounds, to be recovered, by execution, from the state treasurer, for the time being, which fine shall be paid into the state treasury for defraying the public charges; and in case of neglect by the assessors, in making return as aforementioned, the treasurer of this state is hereby impowered and directed to send his executions accordingly, unless such assessors shall make it appear that their rate-bills were compleated, and delivered to the collectors before the said twentieth [day] of September next.

[Sect. 5.] And the treasurer for the time being, on the receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector or collectors, constable or constables, of such town or place, requiring him or them, respectively, to collect the whole of the respective sums assessed on each particular person, and to pay in their collections before the first day of November next.

Provided, nevertheless, —

[Sect. 6.] That the following persons; viz[t]., the president, fellows, professors, tutors, librarian and students of Harvard College, who have their usual residence there, and settled ministers of the gospel, and grammar-school masters, are not to be assessed for their polls or their estates, unless their real estate be not under their actual management and improvement, or not in the parishes where they are settled; and also all persons who have the management and improvement of the estate of Harvard College, are not to be assessed for the same; and if there are any other persons who, through infirmity or poverty, are unable to pay as others towards the public charges, or any widows or orphans, who, depending on the interest of their money for subsistence, are, by the state of the currency, so reduced as that in the judgment of the assessors they ought to be relieved in their taxes; in any such case the assessors may exempt their polls or estates, or abate any part of what they are set at, as they on their oath shall think just and equitable. And where no person appears to discharge the taxes on non-resident proprietors of unimproved lands, to the collectors, he shall publish, in Gill's "Continental Journal," and that only, three weeks successively, the names of all such proprietors, where they are known, with the sum of the taxes assessed on their lands, respectively, and

also the time and place of sale; and where they are not known, he shall, in the same manner, publish the sum of the taxes on the several rights and divisions, together with the time and place of sale, and in each case shall post the same in some public place in the town where the said land lays, for the term of one month; and if no person shall appear thereupon to discharge said taxes, then the constable or collector shall proceed to sell at public sale, to the highest bidder, so much only of said unimproved lands as will be sufficient to discharge said taxes and necessary intervening charges, and shall have power to adjourn, from day to day, if necessary, to compleat the sale, not to exceed three days, and shall give and execute a deed to the purchaser, expressing therein the cause of such sale, and saving to the aforesaid proprietor or proprietors, the right of redemption of any lands so sold, at any time within three years from the time of sale; and the same shall be conveyed to him or them on paying, within three years, as aforesaid, the sum such land sold for, and twelve per cent annual interest on said sum, together with all necessary intervening charges thereon.

Provided, nevertheless, —

And be it further enacted,

[SECT. 7.] That no purchaser of such land shall cut down any trees or timber, or commit strip or waste thereon, until[l] the three years, the time of redemption as aforesaid, shall expire.

Be it further enacted by the authority aforesaid,

[SECT. 8.] That the several officers and soldiers that may be in the army on the twentieth day of May, aforesaid, shall be considered as resident in the several towns and places to which they belonged at the time of their engaging in the army, their absence notwithstanding; and the assessors of the several towns and other places in this state, shall consider such officers and soldiers as resident in such town or place, and shall tax them accordingly: *provided,* that such as are engaged in the Continental Army for the term of three years, or during the war, be, and they hereby are, exempted from their poll tax.

And be it further enacted by the authority aforesaid,

[SECT. 9.] That the assessors of each town or other place, respectively, in convenient time before the assessment, shall give seasonable warning to the inhabitants, in any town meeting, or by posting up notifications in some public place or places in such town or other place, or notify the inhabitants some other way, to make and bring in to the assessors true and perfect lists of their polls, and of all their real and personal estate[s] they are possessed of on the said twentieth day of May; viz[t]., houses, lands, and all real estate whether improved or not improved,—to the assessors of the town or place where such houses and lands and other real estates lay; distinguishing those in the management and possession of some other person, as also a list of all other personal estate, including money at interest more than they pay interest for, debts due, not on interest, more than they are indebted, and of monies of all kinds, in hand, distinguishing hard money from paper money; and also the amount of the just value of all goods, wares and merchandize, stock in trade, plate, horses, oxen, cattle of all sorts and ages, sheep, swine, grain of all sorts, and all kinds of produce of the land, and of all other property whatsoever (excepting hous[e]hold furniture, wearing apparel, farming utensils and tools of mechanicks), on the said twentieth day of May, according to the current price of such real and personal estate in the currency of the United States, on the said twentieth day of May; and also of the

amount of their income from any profession, faculty, handicraft, trade or employment, and of the amount of all incomes and profits gained by trading by sea and on shore, and by means of advantages arising from the war, and the necessities of the community; all which they are to render to the assessors, on oath, if required; which oath the said assessors are hereby [i][e]mpowered to administer. And if any person or persons shall, upon such notice given, neglect or refuse to give in to the assessors the list of their polls and rateable estate, according to the description thereof before given, which they were possessed of on the said twentieth day of May, or shall bring in a list which the assessors are, in their judgment, convinced is a false one, it shall be lawful to and for the assessors, and they are hereby directed, to assess such person or persons, according to the best judgment and estimation they can form of the real and personal estate of the said person, according to the d[i][e]scription before given: *saving* to such person the privilege of applying to the court of general sessions of the peace for relief. And if any person or persons shall not bring in a list of their estates as aforesaid to the assessors, he or they so neglecting or refusing shall not be admitted to make application to the court of general sessions, for any abatement of the assessment layed on him or them.

[Sect. 10.] And if the assessors are not, in their judgment, convinced of any falsehood in the list, to them presented, of their polls and real and personal estate, such lists shall be a rule of that person's proportion to the tax who presented the same, which the assessors may not exceed.

Provided, nevertheless, —

[Sect. 11.] That nothing in this act shall be construed to extend so as to require any assessors to assess any person for any estate, real or personal, in his possession (absentees' estates excepted), that is the property of the United States, or any of them.

Whereas there are, within this state, several tracts of unimproved land belonging to persons who have left the same and gone over to the enemy, and no provision has been made by the government of the same for the payment of the taxes, otherwise than by the sale of such lands, which may be attended with great loss to the state; for the preventing of which, —

Be it enacted,

[Sect. 12.] That all constables and collectors of taxes be, and they hereby are, directed to stay the sale of all such lands until[l] a further order of this court be taken thereon.

And be it further enacted by the authority aforesaid,

[Sect. 13.] That the treasurer of this state be, and he hereby is, [i][e]mpowered and directed to allow or pay to such constables or collectors, the amount, in their respective lists, of the taxes on such unimproved lands on certificate from the major part of the assessors who made such tax, being produced, set[t]ing forth the sum taxed in any list exhibited, on said unimproved lands, and to keep an account of all monies by him so allowed or paid.

Be it further enacted by the authority aforesaid,

[Sect. 14.] That all male persons from sixteen years old and upwards, residing or usually doing business in any town or place within this state, shall be considered within the true intent and meaning of this act, and the assessors are directed to proceed to assess them for their trade and faculties, exercised there, and also for their polls, if not taxed for their polls elsewhere.

And be it further enacted by the authority aforesaid,

[SECT. 15.] That the said tax shall be paid only in the several species of gold and silver coins current in this state before the war, and at the rates they then passed, or in uncoined silver of sterling alloy at six shillings and eightpence an ounce, or in uncoined gold of like alloy at five pounds one shilling and fourpence an ounce, or in good, merchantable codfish at twenty-four shillings per quintal, Indian corn at four shillings per bushel, rye at six shillings per bushel, wheat at eight shillings per bushel, wheat flour at twenty-four shillings per hundred weight, gross, beeswax at one shilling and eightpence per pound, pork at four pounds per barrel, beef at two pounds eight shillings per barrel, potash at forty pounds per ton, pearlash, of the best quality, sixty pounds per ton, hemp at three pounds per hundred weight, refined bar-iron at forty shillings per hundred weight, bloomery iron at thirty shillings per hundred weight, flax, well dressed, tenpence per pound: *provided*, that all the aforesaid articles be good and merchantable, and of the produce and manufacture of this state, and that the rates and prices herein affixed shall be the rates and prices at which they shall be received in payment of this tax; and the persons paying their taxes in either of the articles aforesaid, shall run the risk and pay the charges of transporting the same to such store in the town of Boston, or elsewhere, as may be ordered by the general court, or by the treasurer, for the time being.

And be it further enacted by the authority aforesaid,

[SECT. 16.] That each town within this state which shall appear, upon the settlement of the next valuation, to have paid more than their proportion since the settlement of the last valuation, shall be allowed what they have so overpaid, in the next tax for specie, after the said next valuation is set[*t*]led.

And whereas several places have been incorporated, or annexed to other towns, since the last valuation, and which were given in by some other town in their last valuation, —

Be it therefore enacted by the authority aforesaid,

[SECT. 17.] That those towns from which such places were taken, shall proceed to tax the same as though they had not been seperated from them. [*Passed June* 19.

ACTS

Passed at the Session begun and held at Boston, on the Seventh day of September, A. D. 1780.

CHAPTER 10.

AN ACT FOR ANNEXING JOSIAH BLOOD, WITH THE WHOLE OF HIS LAND LYING IN THE DISTRICT OF CARLI[S]LE, TO THE TOWN OF CONCORD.

Whereas, in the act for incorporating part of Concord, part of Billerica, part of Chelmsford and part of Acton, into a district by the name of Carli[s]le, part of the farm belonging to Josiah Blood was taken into said district, which was never intended, — Preamble. 1779-80, chap. 42.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

That the said Josiah Blood, and his land, be set[t] off from the said district of Carli[s]le, and annexed to the town of Concord, there to do duty and receive priviledges; anything in the aforesaid incorporating act to the contrary notwithstanding. [*Passed September* 12. Josiah Blood, and land, set off to the town of Concord.

CHAPTER 11.

AN ACT TO SET OFF A PART OF THE TOWN OF STOUGHTON, AND ANNEXING IT TO THE TOWN OF STOUGHTONHAM.

Whereas it appears that John Tolman of Stoughton, in the county of Suffolk, with his estate, and a quantity of meadow land belonging to inhabitants of said Stoughtonham, Walpole and Dedham, would be much accommodated by being set off from said town of Stoughton, and annexed to the town of Stoughtonham, — Preamble.

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[Sect. 1.] That all that part of the said town of Stoughton that lies adjoining to, and upon the north-easterly line of, the said town of Stoughtonham, containing, by estimation, about three hundred and seventy acres, beginning at the south-westerly corner of John Billings's lot, and running in the line of said Billings['s], and the said John Tolman's land[s], northerly and westerly, to a stake and heap of Boundaries.

stones in the corner of Nathaniel Cummings's lot; and then, in the lines of said Billings and Cummings, until it comes to the line of Joseph Hartwell's land; then westerly, in the line of said Hartwell, John Billings and Samuel Cummings, to Stoughtonham old line; and, in the said old line, to the head line of Pidgeon['s]-Swamp lot; then easterly, to the easterly line of John Tolman's swamp lot; and then, in said Tolman's easterly line, northerly, to the bounds of Dedham, or Neponset River,—be and hereby is set off from said town of Stoughton, and annexed to the town of Stoughtonham; and said line, so far as it extends, to be the line between the aforesaid towns; and said lands, with the inhabitants thereon, shall forever hereafter be considered as belonging to the town of Stoughtonham.

Provided, nevertheless, —

Proviso. [SECT. 2.] That the said inhabitants shall pay their proportionable part of all taxes which are already assessed and levied on said town of Stoughton; anything in this act to the contrary notwithstanding.

Provided, also, —

And be it further enacted by the authority aforesaid,

[SECT. 3.] That the amount of the estate contained on and in said tract of land, and the polls thereon return[*e*]'d by the assessors of the town of Stoughton, in the valuation last taken, as belonging to the said town of Stoughton, be deducted from the return made by said assessors, and added to the return made by the assessors of the town of Stoughtonham. [*Passed September* 19.

CHAPTER 12.

AN ACT FOR CARRYING INTO EXECUTION A RESOLVE OF CONGRESS, OF THE [TWENTIE] [*20*]TH OF MARCH LAST; AND FOR REPEALING CERTAIN CLAUSES OF AN ACT MADE IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND SEVENTY-SIX, [E][*I*]NTITLED "AN ACT TO PREVENT* FORGING AND ALTERING BILLS OF PUBLIC CREDIT, AND FOR PREVENTING THE DEPRECIATION THEREOF, AND FOR MAKING THE BILLS OF CREDIT OF THE UNITED COLONIES, AND THE BILLS OF THIS GOVERNMENT, A TENDER IN ALL PAYMENTS;" AND FOR ESTABLISHING A RULE OF DEPRECIATION.

Preamble. WHEREAS, by a resolve of Congress of the twentieth day of March last, it is recommended to the states to revise their laws enacted pursuant to a former resolution of Congress making the Continental bills of credit a tender in discharge of debts and contracts, and to amend the same in such manner as they shall judge most conducive to justice in the present state of the paper currency; *and whereas*, by an act of the great and general court passed in the year of our Lord one thousand seven hundred seventy-six, entitled as aforesaid, among other things, it is therein enacted in the following words: "That if any person shall, directly or indirectly, receive or pay any of the bills aforesaid for a less sum than is in them expressed, such person shall be incapable ever after of holding any civil or military office in this colony, and for every such offence pay a fine of forty pounds, to be recovered before any court of record, by bill, plaint, or indictment;

1775-76, chap. 18, §§ 4, 5 and 6.

* "The," is in the quoted title.

one moiety whereof shall be to the use of the person who shall sue or inform for the same, and the other moiety to the use of this colony;" and it is also therein f[a][*u*]rther enacted in the following words: "That if any * persons shall set, or offer, his, her or their goods, wares or merchandize at a smaller or less price, in gold or silver, than what they are, by him, her or them, set at in the paper currency of the United Colonies, or either of them, he, she or they shall pay a fine of twenty pounds; one moiety thereof to the use of the person who shall sue for and recover the same, and the other moiety to the use of the town where the offence is committed;" and it is also therein f[a][*u*]rther enacted as follows: "That the bills of credit of the United Colonies, established by the American Congress, and the bills of this government, shall be received in all payments within this colony, and a tender of the same may be pleaded in bar to any action brought for the recovery of any money, or species of money, due by deed or simple contract, or in any way or manner whatever. And all justices, sheriffs, grand jurors and tythingmen, are hereby strictly enjoined and commanded to bring to justice all persons offending against this act, or any part of it," —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Repealing certain clauses.

[Sect. 1.] That all and every part of the clauses before recited be and hereby are repealed and made null and void.

And whereas it has happened that the paper bills of credit of the United States, and of this state, have been, from time to time, since the first day of January, in the year of our Lord one thousand seven hundred and seventy-seven, depreciating, so that it is become necessary, in order that justice may be done to debtors and creditors in this state, that a scale of such depreciation may be formed, as nearly as possible, to the real depreciation, from time to time, —

Be it therefore enacted by the authority aforesaid,

Scale of depreciation for the payment of moneys.

[Sect. 2.] That the following scale shall be the rule, in all courts of law within this state, for settling the rate of depreciation on all contracts, public or private, for the payment of monies, made on or since the said first day of January; and that all contracts, public or private, made before the said first day of January, shall be considered alike, and as having been made before any depreciation had taken place: —

SCALE OF DEPRECIATION.

Scale of depreciation.

One hundred dollars in gold and silver, in January, A. D. one thousand seven hundred and seventy-seven, being equal to one hundred and five dollars in the bills of credit of the United States.

One thousand seven hundred and seventy-seven, —

January,	105, one hundred and five,
February,	107, one hundred and seven,
March,	109, one hundred and nine,
April,	112, one hundred and twelve,
May,	115, one hundred and fifteen,
June,	120, one hundred and twenty,
July,	125, one hundred and twenty-five,
Aug[*u*]st,	150, one hundred and fifty,
Sep[*tembe*]r,	175, one hundred and seventy-five,
Octo[*ber*],	275, two hundred and seventy-five,
Nov[*embe*]r,	300, three hundred,
Dec[*embe*]r,	310, three hundred and ten.

* "Person or," omitted.

One thousand seven hundred and seventy-eight, —

January,	325, three hundred and twenty-five,
February,	350, three hundred and fifty,
March,	375, three hundred and seventy-five,
April,	400, four hundred,
May,	400, four hundred,
June,	400, four hundred,
July,	425, four hundred and twenty-five,
Aug[*u*]st,	450, four hundred and fifty,
Sep[*tembe*]r,	475, four hundred and seventy-five,
Octo[*ber*],	500, five hundred,
Nov[*embe*]r,	545, five hundred and forty-five,
Dec[*embe*]r,	634, six hundred and thirty-four.

One thousand seven hundred and seventy-nine: —

January,	742, seven hundred and forty-two,
February,	868, eight hundred and sixty-eight,
March,	1,000, one thousand,
April,	1,104, eleven hundred and four,
May,	1,215, twelve hundred and fifteen,
June,	1,342, thirteen hundred and forty-two,
July,	1,477, fourteen hundred and seventy-seven,
Aug[*u*]st,	1,630, sixteen hundred and thirty,
Sep[*tembe*]r,	1,800, eighteen hundred,
Octo[*ber*],	2,030, twenty hundred and thirty,
Nov[*embe*]r,	2,308, twenty-three hundred and eight,
Dec[*embe*]r,	2,593, twenty-five hundred and ninety-three.

One thousand seven hundred and eighty: —

January,	2,934, twenty-nine hundred and thirty-four,
February,	3,322, thirty-three hundred and twenty-two,
March,	3,736, thirty-seven hundred and thirty-six,
April,	4,000, four thousand.

And be it further enacted by the authority aforesaid,

In all cases where executors, etc., have received bills be discharged.

[SECT. 3.] That, in all cases where executors, administrators, guardians, agents, attornies, or those who have received monies for others, in trust, have received the bills of credit aforesaid in their aforesaid capacities, for others, that,* upon payment of the same monies, or on the assignment of such securities as they have taken for the same (or such other bills of credit as they may, for the benefit of those for whom they have acted, have exchanged for the bills they received as aforesaid), be discharged from any demands of those for whom they have so acted; and the judges of probate are hereby directed to settle the accounts of executors, administrators and guardians, accordingly, on their oath, without allowing any depreciation on the bills of credit aforesaid: and on such bills of credit or securities being produced in any court of law (by any agent or attorney, or person who has received money for others, in trust, on any actions brought by their principals against them), and ready to be delivered or assigned over, as aforesaid, such agent or attorney, being † to be ex-

Judges of probate, directed to settle the accounts of executors, etc.

* This superfluous word appears both in the bill, and the engrossed act. If it had been "they," it would have supplied a needed nominative to "be discharged", in the eighth line of this section, and would have made it possible to correct the marginal note, with certainty.

† *Sic*: "ready", omitted?

amined on oath, in such court, touching the same, shall be discharged of so much as they shall deliver in, or assign over, without any depreciation allowed against them in such cases.

And be it further enacted by the authority aforesaid,

The calculation to have reference to the first day of each month, respectively.

[Sect. 4.] That the calculation in the foregoing scale shall be considered as having refer[r]ence to the first day of each month, respectively, and the bills of credit aforesaid shall be considered as having depreciated in regular and equal degrees from the first day of each month.

Provided, nevertheless, —

Proviso.

[Sect. 5.] That the bills of credit heretofore emitted by the United States shall remain a legal tender, at the nominal value, to answer all debts due from the inhabitants of this state to their creditors in other states, until[l] such time as the state or states in which such creditors belong shall make sim[u][*i*]lar laws to promote equal justice.

Whereas sundry persons disaffected to the United States, and some others who have been lost to virtue and the general good of said states, have utterly refused taking the bills of credit of the United States, for their debts, notwithstanding legal tenders have been made for discharging the same, whereby debtors in many cases may be subjected to great injustice if no provision is made for their relief, —

Be it therefore enacted by the authority aforesaid,

Persons who have tendered the bills of the United States, judgment to be given for the nominal sum of the present current money.

[Sect. 6.] That where any person has made a tender, in bills of credit of this or the United States, for the discharge of any debt, and the creditor has refused to receive the same, and shall hereafter bring his action for said debt, in all such cases the justices of the superio[u]r court of judicature, &c., and the justices of the several inferio[u]r courts, be, and they hereby are, [i][*e*]mpowered and directed, respectively, in all and every such case that shall come before them, to give judgment thereon for the nominal sum, of the present current money of the United States (or a sum equal thereto, in the bills of credit emitted by this government agreeably to an act of Congress of the eighteenth March last), in case the tender was made previous to the first day of January, one thousand seven hundred and seventy-seven; but in case the tender was made at any time since the first day of January, one thousand seven hundred and seventy-seven, or, at any time, to executors, administrators, agents, attornies, or to any other persons acting in trust, the justices of the court before whom such cause may be, shall direct the same to be heard, and finally determined, by refer[r]ence thereof to indifferent persons mutually chosen by the contending parties; and in case they, or their attornies, shall neglect or refuse to appoint such referrees, the said justices are authorised to appoint three indifferent persons, freeholders within the county where such cause shall be tried, which said referrees, so chosen or appointed, shall hear and finally determine such cause as to them shall appear just and equitable, taking into consideration all the circumstances thereof.

In case.

And whereas contentions and disputes may arise between creditors and debtors, relative to any payments that may have been made towards the discharge of any contract made for the payment of money; to prevent the same, —

Be it further enacted by the authority aforesaid,

Payments towards the discharge of any debt, etc.,

[Sect. 7.] That all payments which have been made towards the discharge of any debt or contract, public or private, and which have been, by the creditor, acknowledged, either by indors[e]ment, receipt,

how to be reckoned.

or discharge, in writing, on account, the sum so paid shall be reckoned to the credit of the debtor, as so much paid in discharge of the same (where there has been, between creditor and debtor, no agreement to the contrary), without any deduction from the sum so paid in consideration of the depreciation of money.

And whereas, in some instances, since the first day of January, one thousand seven hundred and seventy-seven, accounts and book-debts may have been charged at the rate of the real value in gold or silver, without taking into consideration any depreciation, —

Be it further enacted,

When disputes shall arise, to be determined by referees.

[SECT. 8.] That where any dispute shall arise between debtor and creditor, with respect to any such accounts or book-debts, all suits arising on such disputes and contentions shall be determined by referrees, chosen and appointed as before directed with regard to tenders of money as aforesaid; but in all suits brought for the recovery of accounts or book-debts contracted since the said first day of January, one thousand seven hundred and seventy-seven, where it is not alledged that such accounts or book-debts were charged at the rate of the real value in gold or silver, all such accounts and book-debts shall be discharged agreeable to the scale of depreciation in this act established.

Be it further enacted by the authority aforesaid,

No execution to be issued where judgments have been made up, until the expiration of six months. Proviso.

[SECT. 9.] That in all cases where judg[e]ment shall be made up agreeable to the scale of depreciation herein contained, no execution shall be issued until the expiration of six months after the passing this act: *provided*, that all attachments made shall be held good and valid, to answer the execution on judgment, at any time within seven months after the passing this act; any law to the contrary notwithstanding. [*Passed September* 29.

CHAPTER 13.

AN ACT FOR REVIVING AND CONTINUING ONE LAW OF THIS STATE, MADE AND PASSED IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND SEVENTY-SEVEN, INTITLED "AN ACT FOR THE REPEALING ONE PART OF A LAW OF THIS STATE, MADE AND PASSED IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND SEVENTY-SIX, INTITLED 'AN ACT FOR REPEALING ONE LAW OF THIS COLONY, MADE AND PASSED IN THE FOURTH YEAR OF THE REIGN OF WILLIAM AND MARY, KING AND QUEEN, INTITLED "AN ACT FOR REGULATING FEES AND ALLOWANCES OF THE SEVERAL OFFICERS AND PERSONS, WITHIN THIS COLONY, HEREINAFTER MENTIONED,"'" AND FOR REPEALING ANOTHER ACT OR LAW OF THIS STATE, MADE AND PASSED IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND EIGHTY, INTITLED "AN ACT FOR FURTHER AUGMENTING CERTAIN FEES, ALLOWANCES AND PENALTIES ESTABLISHED BY LAWS OF THIS STATE, AND FOR ENLARGING THE JURISDICTION OF JUSTICES OF THE PEACE."

Preamble.

WHEREAS the fees and allowances to civil officers and other persons as set down in an act of this state made and passed in the year of our Lord one thousand seven hundred and seventy-seven, intitled

1777-78, chap. 17.

"An Act for the repealing one part of a law of this state, made and

passed in the year of our Lord one thousand seven hundred and seventy-six, intitled 'An Act for repealing one law of this colony, made and passed in the fourth year of the reign of William and Mary, king and queen, intitled "An Act for regulating fees and allowances of the several officers and persons * hereinafter mentioned,"'" appear to be adequate to their services and expences in the present situation of the public currency, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Reviving a law passed 1777, and to continue the same to the first day of May, 1781.

[Sect. 1.] That the aforesaid act, made and passed as aforesaid, in the year of our Lord one thousand seven hundred and seventy-seven, and every part and clause thereof, so far as it determines the fees and allowances to civil officers and other persons, shall be and hereby is revived, and declared to continue in force until the first day of May, which will be in the year of our Lord one thousand seven hundred and eighty-one, and from thence to the end of the then next sitting of the general court, and no longer.

And be it further enacted by the authority aforesaid,

Certain laws respecting fees, declared null and void.

1779-80, chap. 37

[Sect. 2.] That one other law of this state, made and passed in the year of our Lord one thousand seven hundred and eighty, intitled "An Act for further augmenting certain fees, allowances and penalties, established by laws of this state, and for enlarging the jurisdiction of justices of the peace," — and all other laws of this state, made and passed since the year of our Lord one thousand seven hundred and seventy-eight, for the purpose of increasing the fees and allowances to civil officers, and for augmenting penalties, or for [i][e]nlarging the jurisdiction of justices of the peace, and every part and clause therein contained, be, and they are hereby, repealed and declared null and void.

Provided, nevertheless, —

Proviso.

[Sect. 3.] Where any judg[e]ments in any courts of record within this state, have, before the passing of this act, been made up in the current money of this state, or executions issued and have not been satisfied, the same shall be discharged and satisfied, at the nominal sum in such judg[e]ments or executions expressed, in the bills heretofore issued by Congress; or in gold or silver, or the new bills issued on the credit of this state agreeably to a resolution of Congress, passed the eighteenth day of March, A. D. one thousand seven hundred and eighty, at the rate of one dollar of silver, or † the new money, for forty dollars of the old. And where any recognizances have been taken before the passing of this act, and since the thirteenth day of April, *Anno Domini* one thousand seven hundred and eighty, and which may be hereafter forfeited, judg[e]ment shall be made up thereon at the rate of one dollar for every thirty-two dollars contained in such recognizances. [*Passed October* 3.

* "Within this colony," is in the quoted title. † *Sic*: "of"?

CHAPTER 14.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT IN FURTHER ADDITION TO AND EXPLANATION OF AN ACT IN ADDITION TO AN ACT FOR ERECTING OF A POWDER-HOUSE IN BOSTON."

Preamble.

1732-33, chap. 9.

WHEREAS the various acts of the late province of Massachusetts Bay, made and provided for the purpose of erecting a powder-house in Boston, and of deterring the inhabitants thereof from keeping certain quantities of powder, in houses and warehouses, &c.,* to the great inconvenience, discouragement, and danger of persons assisting in time of fire, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Persons presuming to keep powder in their houses, warehouses, etc., penalty over and above the forfeiture.

[SECT. 1.] That from and after the publication hereof, any person within the town of Boston who shall presume to keep, in his house or warehouse, or any other building, other than magazine, any powder above what is by law allowed, shall forfeit and pay, for every half-barrel, the sum of twenty pounds (and so, *pro rata*, for every greater quantity), over and above the forfeiture or confiscation of the said powder; one moiety thereof to be for the use of the poor of the town, to be paid to the town treasurer; the other moiety, to the fire-wards, or any others that shall sue for the same. And whoever, of said inhabitants, having offended as aforesaid, shall, in the same manner, a second time offend, shall forfeit and pay, for every half-barrel, the sum of forty pounds (and so, *pro rata*, for every greater quantity), over and above the forfeiture or confiscation of the powder, a second time, kept as aforesaid; one moiety thereof to be for the use of the poor of said town, to be paid to the town treasurer; the other moiety to the fire-wards, or any others who shall sue for the same: the said forfeitures to be in the money of the new emission, and to be recovered in manner as is provided in an act of said late province, made and passed in the year of our Lord one thousand seven hundred and seventy-one, intitled "An Act for erecting two † magazines for the safe keeping of powder," &c.

Inhabitants offending a second time, penalty.

The moieties, how to be disposed.

Forfeitures to be in the new emission.

1771-72, chap. 9.

To continue in force six years.

[SECT. 2.] This act to continue and be in force for the term of six years, from the second of October, one thousand seven hundred and eighty, and until the end of the then next session of the general assembly and no longer. [*Passed October* 4.

CHAPTER 15.

AN ACT TO INCORPORATE AN ACADEMY IN THE TOWN OF ANDOVER, BY THE NAME OF PHILLIPS ACADEMY.

Preamble.

WHEREAS the education of youth has ever been consider[*e*]'d by the wise and good as an object of the highest consequence to the safety and happiness of a people, as at that period the mind easily receives and retains impressions, is formed with peculiar advantage to piety and virtue, and directed to the pursuit of the most useful knowl-

* There seems to be an omission here. Probably the words, "are disregarded," or, "have proved insufficient," were meant to be inserted, but were inadvertently left out of the bill.

† "Publick," is in the quoted title.

edge; *and whereas* the Honorable Samuel Phillips, of Andover, in the county of Essex, Esquire, and the Honorable John Phillips, of Exeter, in the county of Rockingham and state of New Hampshire, Esquire, on the first day of April, in the year of our Lord one thousand seven hundred and seventy-eight, by a legal instrument of that date, gave, granted, and assigned to the Honorable William Phillips, Esquire, and others therein name[*d**], and to their heirs, divers lots and parcels of land in said instrument described, as well as certain other estate, to the use and upon the trust following; viz., that the rents, profits and interest thereof be forever laid out and expended, by the trustees in the said instrument named, for the support of a public free school or academy in the town of Andover; *and whereas* the execution of the generous and important design of the grantors aforesaid will be attended with very great embarrassments, unless, by an act of incorporation, the trustees mentioned in the said instrument, and their successors, shall be authori[z][*s*]ed to commence and prosecute actions at law, and transact such other matters, in their corporate capacity, as the interest of the said academy shall require, —

Be it therefore enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

To establish in the town of Andover an academy by the name of Phillips Academy.

[Sect. 1.] That there be, and there hereby is, established, in the town of Andover and county of Essex, an academy by the name of Phillips Academy, for the purpose of promoting true piety and virtue, and for the education of youth, in the English, Latin, and Greek languages, together with writ[t]ing, arithmetic, music[*k*], and the art of speaking; also, practical geometry, logic, and geography, and such other of the liberal arts and sciences, or languages, as opportunity may hereafter permit and as the trustees hereinafter provided shall direct.

Be it further enacted by the authority aforesaid,

Trustees appointed for said academy, and incorporated into a body politic.

[Sect. 2.] That the Hon[*orabl*]e Samuel Phillips, of Andover, aforesaid, Esq[*ui*]r[*e*], the Hon[*orabl*]e John Phillips, of Exeter, aforesaid, Esq[*ui*]r[*e*], the Hon[*orabl*]e William Phillips and Oliver Wendell, Esq[*ui*]r[*e*]s, and John Lowell, Esq[*ui*]r[*e*], of Boston, in the county of Suffolk and state of Massachusetts Bay, the Rev[*eren*]d Josiah Stearns, of Epping, in the county of Rockingham, aforesaid, the Rev[*eren*]d William Symms, of said Andover, the Rev[*eren*]d Elias Smith, of Middleton, in the said county of Essex, the Rev[*eren*]d Jonathan French, Sam[*ue*]l Phillips, jun[r]., Esq[r]., Mr. Eliphalet Pearson, gentleman, and Mr. Nehemiah Abbot, yeoman, — all of Andover, aforesaid, be, and they hereby are, nominated and appointed trustees of said academy; and they are hereby incorporated into a body politic, by the name of the Trustees of Phillips Academy; and that they and their successors shall be and continue a body politic and corporate, by the same name forever.

And be it further enacted by the authority aforesaid,

The lands confirmed to William Phillips and others as trustees of said academy.

[Sect. 3.] That all the lands and monies which, by a legal instrument, bearing date the first day of April, in the year of our Lord one thousand seven hundred and seventy-eight, were given, granted, and assigned by the [be][*a*]fore-mentioned Samuel Phillips and John Phillips, unto the said William Phillips, Oliver Wendell, John Lowell, Josiah Stearns, William Symm[e]s, Elias Smith, Jonathan French, Samuel Phillips, jun[r]., Eliphalet Pearson and Nehemiah Abbot, and to their heirs, be, and they hereby are, confirmed to the said William Phillips and others, last named, and to their successors, as trustees of

* Engrossment mutilated.

Phillips Academy, forever, for the uses and purposes, and upon the trust which in said instrument are expressed; and the trustees aforesaid, their successors, and the officers of the said academy, are hereby required, in conducting the concerns thereof, and in all matters relating thereto, to regulate themselves conformably to the true design and intention of the said grantors as expressed in their instrument above mentioned.

And be it further enacted by the authority aforesaid,

Said trustees to have one common seal, and to renew said seal, and to sue and be sued.

[SECT. 4.] That the said trustees and their successors shall have one common seal, which they may make use of in any cause or business that relates to the said office of trustees of the said academy, and they shall have power and authority to break, change, and renew the said seal, from time to time, as they shall see fit; and that they may sue and be sued in all actions, real, personal, and mixed, and prosecute and defend the same unto final judgment and execution, by the name of the Trustees of Phillips's Academy.

And be it further enacted by the authority aforesaid,

Empowered to elect such officers as said trustees shall judge necessary, and to make laws.

[SECT. 5.] That the said Samuel Phillips and others, the trustees aforesaid, and their successors, the longest livers, and survivors, of them, be the true and sole visitors, trustees, and governors of the said Phillips Academy, in perpetual succession forever, to be continued in the way and manner hereafter specified; with full power and authority to elect such officers of the said academy as they shall judge necessary and convenient, and to make and ordain such laws, orders, and rules, for the good government of said academy, as to them, the said trustees, governors, and visitors aforesaid, and their successors, shall, from time to time, according to the various occasions and circumstances, seem most fit and requ[e][*i*]site; all which shall be observed by the officers, scholars, and servants of the said academy upon the penalties therein contained: *provided*, *notwithstanding*, that the said rules, laws, and orders be no ways contrary to the laws of this state.

Proviso.

And be it further enacted by the authority aforesaid,

The number of trustees to consist of no more than thirteen nor less than seven.

[SECT. 6.] That the number of the said trustees, aforesaid, and their successors, shall not, at any one time, be more than thirteen, or less than seven, — seven of whom shall constitute a quorum for transacting business; and a major part of the members present at any legal meeting shall decide all questions that shall come before them, except in the instance[*s*] hereinafter excepted; that the principal instructor, for the time being, shall ever be one of them; that a major part shall be laymen and respectable freeholders; also, that a major part shall consist of men who are not inhabitants of the town where the seminary is situate.

The principal instructor to be one of them.

And to perpetuate the succession of [the] said trustees,—

Be it further enacted by the authority aforesaid,

In case of death, the major part of the trustees empowered to supply the vacancies.

[SECT. 7.] That as often as one or more of the trustees of said Phillips Academy shall die, or resign, or, in the judg[e]ment of a major part of the other trustees, be render[*e*]'d, by age or otherwise, incapable of discharging the duties of his office, then, and so often, the trustees then surviving and remaining, or the major part of them, shall elect one or more persons to supply the vacancy or vacancies.

And be it further enacted by the authority aforesaid,

The trustees to be deemed capable, in the law, to take and receive by gift, grant, etc. Proviso.

[SECT. 8.] That the trustees aforesaid, and their successors, be, and they hereby are, rendered capable, in law, to take and receive, by gift, grant, devise, bequest, or otherwise, any lands, tenements, or other estate, real and personal: *provided*, that the annual income of the

said real estate shall not exceed the sum of five hundred pounds, and the annual income of the said personal estate shall not exceed the sum of two thousand pounds, — both sums to be valued in silver, at the rate of six shillings and eightpence by the ounce; to have and to hold the same to them, the said trustees, and their successors, on such terms, and under such provisions and limitations, as may be expressed in any deed or instrument of conveyance to them made.

Provided, always, —

[Sect. 9.] That neither the said trustees nor their successors shall ever hereafter receive any grant or donation the condition whereof shall require them, or any others concerned, to act, in any respect, counter to the design of the first grantors, or of any prior donation; and all deeds and instruments which the said trustees may lawfully make, shall, when made in the name of the said trustees, and signed and delivered by the treasurer, and sealed with the[ir] common seal, bind the said trustees and their successors, and be valid in law. Proviso.

And be it further enacted by the authority aforesaid,

[Sect. 10.] That if it shall hereafter be judged, upon mature and impartial consideration of all circumstances, by two-thirds of all the trustees, that, for good and substantial reasons which at this time do not exist, the true design of this institution will be better promoted by removing the seminary from the place where it is founded, in that case it shall be in the power of the said trustees to remove it accordingly, and to establish it in such place, within this state, as they shall judge to be best calculated for carrying into effectual execution the intention of the founders. [*Passed October* 4. Two-thirds of said trustees empowered to remove the seminary, and to establish the same in such place as they shall judge to be best.

CHAPTER 16.

AN ACT FOR APPORTIONING AND ASSESSING A [*TAX OF**] FIVE MILLIONS SIX HUNDRED AND ONE THOUSAND AND TWENTY-SIX POUNDS THIRTEEN SHILLINGS AND FOURPENCE, UPON THE SEVERAL TOWNS AND OTHER PLA[*CES IN T**]HIS STATE HEREINAFTER NAMED, FOR DEFRAYING THE PUBLIC CHARGES; AND FOR CARRYING INTO EXECUTION THE RESOLVES OF CONGRESS OF THE EIGHTEENTH OF MARCH, ONE THOUSAND SEVEN HUNDRED AND EIGHTY.

Whereas it is necessary that the aforesaid sum of five millions six hundred and one thousand and twenty-six pounds thirteen shillings and fourpence, should be raised and paid into the public treasury of this state, as soon as may be, for the purpose of carrying into execution the resolves of Congress of the said eighteenth of March, one thousand seven hundred and eighty, wherein it is recommended to this state to pay in their proportion of all the Continental bills of credit now in circulation, by the last day of April, one thousan[*d**] seven hundred and eighty-one; and for defraying such public charges as have arisen, or that may arise, for the support of government; therefore, for the more effectual drawing into the treasury the sum of five millions six hundred and one thousand and twenty-six pounds thirteen shillings and fourpence, —

* Engrossment mutilated.

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That each town and other place within this state be assessed and pay, as such town and other place's proportion of the said sum of five millions six hundred and one thousand and twenty-six pounds thirteen shillings and fourpence, the following sums set against them respectively; that is to say, —

COUNTY OF SUFFOLK.

Boston,	Three hundred and eight thousand pounds,	£308,000 0*s.* 0*d.*
Roxbury,	Forty-six thousand four hundred and thirty-three pounds six shillings and eightpence,	46,433 6 8
Dorchester,	Thirty-four thousand seven hundred and twenty pounds,	34,720 0 0
Milton,	Twenty-four thousand two hundred and sixty-six pounds thirteen shillings and fourpence,	24,266 13 4
Braintree,	Fifty-four thousand six hundred pounds,	54,600 0 0
Weymouth,	Twenty-six thousand six hundred pounds,	26,600 0 0
Hingham,	Thirty thousand nine hundred and eighty-six pounds thirteen shillings and fourpence,	30,986 13 4
Cohasset,	Twelve thousand and forty pounds,	12,040 0 0
Dedham,	Fifty-six thousand pounds,	56,000 0 0
Medfield,	Nineteen thousand six hundred pounds,	19,600 0 0
Wrentham,	Twenty-six thousand eight hundred and eighty [*pounds*],	26,880 0 0
Brookline,	Eighteen thousand seven hundred and sixty pounds,	18,760 0 0
Needham,	Twenty-three thousand and six pounds thirteen shillings and fourpence,	23,006 13 4
Stoughton,	Thirty-six thousand four hundred pounds,	36,400 0 0
Stoughtonham,	Sixteen thousand eight hundred and twenty-three pounds six shillings and eightpence,	16,823 6 8
Medway,	Twenty-one thousand two hundred and eighty pounds,	21,280 0 0
Bellingham,	Nine thousand eight hundred pounds,	9,800 0 0
Hull,	Three thousand four hundred and fifty-three pounds six shillings and eightpence,	3,453 6 8
Walpole,	Eighteen thousand one hundred and six pounds thirteen shillings and fourpence,	18,106 13 4
Chelsea,	Thirteen thousand three hundred pounds,	13,300 0 0
Franklin,	Twenty-one thousand three hundred and seventy-three pounds six shillings and eightpence,	21,373 6 8
Foxboro[*ugh*],	Sixteen thousand two hundred and forty pounds,	16,240 0 0
	Eight hundred and thirty-eight thousand six hundred and seventy pounds,	£838,670 0*s.* 0*d.*

COUNTY OF ESSEX.

Salem,	One hundred and thirteen thousand two hundred and thirty-six pounds thirteen shillings and fourpence,	£113,236 13*s.* 4*d.*
Danvers,	Forty-two thousand eight hundred and eighty-six pounds thirteen shillings and fourpence,	42,886 13 4
Ipswich,	Seventy-four thousand two hundred pounds,	74,200 0 0
Newbury,	Sixty-eight thousand four hundred and sixty pounds,	68,460 0 0
Newburyport,	Seventy-five thousand six hundred pounds,	75,600 0 0
Marblehead,	Seventy-one thousand four hundred and seventy pounds,	71,470 0 0
Lynn,	Thirty-three thousand six hundred pounds,	33,600 0 0
Andover,	Sixty-three thousand seven hundred and ninety-three pounds six shillings and eightpence,	63,793 6 8
Beverly,	Forty-six thousand three hundred and eighty-six pounds thirteen shillings and fourpence,	46,386 13 4
Rowley,	Thirty-four thousand six hundred and twenty-six pounds thirteen shillings and fourpence,	34,626 13 4
Salisbury,	Twenty-six thousand five hundred and six pounds thirteen shillings and fourpence,	26,506 13 4
Haverhill,	Thirty-nine thousand two hundred pounds,	39,200 0 0
Gloucester,	Forty-nine thousand four hundred and twenty pounds,	49,420 0 0
Topsfield,	Nineteen thousand six hundred and ninety-three pounds six shillings and eightpence,	19,693 6 8
Almsbury,	Twenty-four thousand one hundred and ninety-six pounds thirteen shillings and fourpence,	24,196 13 4

Essex County — *Concluded.*

Bradford,	Twenty-five thousand and eighty-three pounds six shillings and eightpence,	£25,083 6*s.* 8*d.*
Methuen,	Twenty thousand four hundred and eighty-six pounds thirteen shillings and fourpence,	20,486 13 4
Boxford,	Twenty-one thousand four hundred and forty-three pounds six shillings and eightpence,	21,443 6 8
Wenham,	Ten thousand six hundred and forty pounds,	10,640 0 0
Manchester,	Ten thousand four hundred and seventy-six pounds thirteen shillings and fourpence,	10,476 13 4
Middleton,	Fifteen thousand one hundred and ninety pounds,	15,190 0 0
	Eight hundred and eighty-six thousand five hundred and ninety-six pounds thirteen shillings and fourpence,	£886,596 13*s.* 4*d.*

County of Middlesex.

Cambridge,	Forty-two thousand eight hundred and forty pounds,	£42,840 0*s.* 0*d.*
Charlestown,	Fourteen thousand pounds,	14,000 0 0
Watertown,	Nineteen thousand four hundred and sixty pounds,	19,460 0 0
Woburn,	Twenty-nine thousand two hundred and sixty pounds,	29,260 0 0
Concord,	Twenty-six thousand eight hundred and eighty pounds,	26,880 0 0
Newton,	Twenty-five thousand six hundred and twenty pounds,	25,620 0 0
Reading,	Twenty-nine thousand and fifty pounds,	29,050 0 0
Marlborough,	Thirty-three thousand six hundred pounds,	33,600 0 0
Billerica,	Twenty-two thousand four hundred pounds,	22,400 0 0
Framingham,	Twenty-six thousand and forty pounds,	26,040 0 0
Lexington,	Eighteen thousand one hundred and thirty pounds,	18,130 0 0
Chelmsford,	Twenty-one thousand four hundred and twenty pounds,	21,420 0 0
Sherburne,	Thirteen thousand five hundred and eighty pounds,	13,580 0 0
Sudbury,	Thirty-six thousand two hundred and thirteen pounds six shillings and eightpence,	36,213 6 8
Malden,	Sixteen thousand seven hundred and six pounds thirteen shillings and fourpence,	16,706 13 4
Weston,	Eighteen thousand five hundred and three pounds six shillings and eightpence,	18,503 6 8
Medford,	Twenty-one thousand eight hundred and forty pounds,	21,840 0 0
Hopkinton,	Sixteen thousand nine hundred and eighty-six pounds thirteen shillings and fourpence,	16,986 13 4
Wes[t]ford,	Nineteen thousand four hundred and sixty pounds,	19,460 0 0
Waltham,	Sixteen thousand eight hundred pounds,	16,800 0 0
Stow,	Fifteen thousand five hundred and forty pounds,	15,540 0 0
Groton,	Twenty-six thousand and forty pounds,	26,040 0 0
Shirley,	Ten thousand one hundred and seventy-three pounds six shillings and eightpence,	10,173 6 8
Pepper[r]ell,	Fifteen thousand nine hundred and thirteen pounds six shillings and eightpence,	15,913 6 8
Townsend,	Twelve thousand one hundred and thirty-three pounds six shillings and eightpence,	12,133 6 8
Dracut,	Sixteen thousand four hundred and seventy-three pounds six shillings and eightpence,	16,473 6 8
Bedford,	Twelve thousand seven hundred and sixteen pounds thirteen shillings and fourpence,	12,716 13 4
Holliston,	Fifteen thousand one hundred and twenty pounds,	15,120 0 0
Acton,	Fourteen thousand one hundred and forty pounds,	14,140 0 0
Dunstable,	Thirteen thousand one hundred and thirty-six pounds thirteen shillings and fourpence,	13,136 13 4
Lincoln,	Thirteen thousand one hundred and sixty pounds,	13,160 0 0
Wilmington,	Ten thousand six hundred and forty pounds,	10,640 0 0
Tewk[e]sbury,	Twelve thousand eight hundred and thirty-three pounds six shillings and eightpence,	12,833 6 8
Littleton,	Sixteen thousand eight hundred and ninety-three pounds six shillings and eightpence,	16,893 6 8
Ashby,	Six thousand four hundred and forty pounds,	6,440 0 0
Natick,	Nine thousand three hundred and eighty pounds,	9,380 0 0
Stoneham,	Six thousand two hundred and thirty pounds,	6,230 0 0
	Six hundred and ninety-five thousand seven hundred and fifty-three pounds six shillings and eightpence,	£695,753 6*s.* 8*d.*

COUNTY OF HAMPSHIRE.

		£	s.	d.
Springfield,	Thirty-three thousand six hundred and seventy pounds,	£33,670	0	0
West Springfield,	Thirty-three thousand seven hundred and sixteen pounds thirteen shillings and fourpence,	33,716	13	4
Wilbraham,	Nineteen thousand three hundred and ninety pounds,	19,390	0	0
Northampton,	Twenty-six thousand five hundred and six pounds thirteen shillings and fourpence,	26,506	13	4
Southampton,	El[e]ven thousand seven hundred eighty-three pounds six shillings and eightpence,	11,783	6	8
Hadley,	Sixteen thousand two hundred and forty pounds,	16,240	0	0
South Hadley,	Eight thousand and seventy-three pounds six shillings and eightpence,	8,073	6	8
Amherst,	Sixteen thousand six hundred thirteen pounds six shillings and eightpence,	16,613	6	8
Granby,	Eight thousand six hundred eighty pounds,	8,680	0	0
Hatfield,	Fifteen thousand seven hundred three pounds six shillings and eightpence,	15,703	6	8
Whately,	Six thousand eight hundred thirty-six pounds thirteen shillings and fourpence,	6,836	13	4
Williamsburg,	Eight thousand three hundred and six pounds thirteen shillings and fourpence,	8,306	13	4
Westfield,	Twenty-five thousand one hundred and fifty-three pounds six shillings and eightpence,	25,153	6	8
Deerfield,	Eighteen thousand two hundred and seventy pounds,	18,270	0	0
Greenfield,	Eleven thousand three hundred and sixteen pounds thirteen shillings and fourpence,	11,316	13	4
Shelburne,	Twelve thousand five hundred thirty pounds,	12,530	0	0
Conway,	Fifteen thousand three hundred and fifty-three pounds six shillings and eightpence,	15,353	6	8
Sunderland,	Seven thousand five hundred and sixty pounds,	7,560	0	0
Montague,	Eight thousand four hundred pounds,	8,400	0	0
Northfield,	Thirteen thousand one hundred and eighty-three pounds six shillings and eightpence,	13,183	6	8
Brimfield,	Seventeen thousand five hundred and seventy pounds,	17,570	0	0
South Brimfield,	Ten thousand three hundred and eighty-three pounds six shillings and eightpence,	10,383	6	8
Monson,	Twelve thousand and eighty-six pounds thirteen shillings and fourpence,	12,086	13	4
Pelham,	Twelve thousand four hundred and eighty-three pounds six shillings and eightpence,	12,483	6	8
Gre[e]nwich,	Eleven thousand five hundred and fifty pounds,	11,550	0	0
Blanford,	Thirteen thousand nine hundred and thirty pounds,	13,930	0	0
Leverett,	Four thousand nine hundred and forty-six pounds thirteen shillings and fourpence,	4,946	13	4
Palmer,	Eleven thousand three hundred and forty pounds,	11,340	0	0
Granville,	Twenty-one thousand four hundred and forty-three pounds six shillings and eightpence,	21,443	6	8
New Salem,	Fourteen thousand two hundred and fifty-six pounds thirteen shillings and fourpence,	14,256	13	4
Belchertown,	Fourteen thousand eight hundred and forty pounds,	14,840	0	0
Col[e]rain,	Nine thousand and fifty-three pounds six shillings and eightpence,	9,053	6	8
Ware,	Seven thousand two hundred and fifty-six pounds thirteen shillings and fourpence,	7,256	13	4
Warwick,	Nine thousand eight hundred and ninety-three pounds six shillings and eightpence,	9,893	6	8
Barnardsto[w]n,	Seven thousand eight hundred and forty pounds,	7,840	0	0
Murrayfield,	Eight thousand nine hundred and sixty pounds,	8,960	0	0
Charlemont,	Seven thousand two hundred thirty-three pounds six shillings and eightpence,	7,233	6	8
Ashfield,	Nine thousand nine hundred and sixty-three pounds six shillings and eightpence,	9,963	6	8
Worthington,	Nine thousand three hundred and fifty-six pounds thirteen shillings and fourpence,	9,356	13	4
Shute[s]bury,	Seven thousand three hundred and ninety-six pounds thirteen shillings and fourpence,	7,396	13	4
Southwick,	Seven thousand two hundred and ten pounds,	7,210	0	0
Suffield,			–	
Enfield,			–	
Somers,			–	
Ludlow,			–	
Norwich,	Five thousand one hundred and thirty-three pounds six shillings and eightpence,	5,133	6	8
Merryfield,	Three thousand six hundred and sixty-three pounds six shillings and eightpence,	3,663	6	8
No. 5 Cummington,	Two thousand two hundred and sixty-three pounds six shillings and eightpence,	2,263	6	8
Westhampton,	Six thousand and forty-three pounds six shillings and eightpence,	6,043	6	8
	Four thousand three hundred eighty-six pounds thirteen shillings and fourpence,	4,386	13	4

HAMPSHIRE COUNTY — *Concluded.*

Chesterfield,	Twelve thousand nine hundred seventy-three pounds six shillings and eightpence,	£12,973 6*s.* 8*d.*
Chesterfield Gore,	Two thousand one hundred and seventy pounds,	2,170 0 0
	Five hundred eighty-two thousand nine hundred and thirteen pounds six shillings and eightpence,	£582,913 6*s.* 8*d.*

COUNTY OF PL[I][*Y*]MOUTH.

Plymouth,	Thirty thousand four hundred and fifty pounds,	£30,450 0*s.* 0*d.*
S[*c*]ituate,	Forty-three thousand nine hundred and sixty pounds,	43,960 0 0
Duxborough,	Fourteen thousand four hundred and forty-three pounds six shillings and eightpence,	14,443 6 8
Marshfield,	Eighteen thousand two hundred and twenty-three pounds six shillings and eightpence,	18,223 6 8
Bridg[e]water,	Seventy-three thousand nine hundred and twenty pounds,	73,920 0 0
Middleborough,	Sixty thousand four hundred and thirty-three pounds six shillings and eightpence,	60,433 6 8
Rochester,	Twenty-seven thousand one hundred and thirty-six pounds thirteen shillings and fourpence,	27,136 13 4
Plympton,	Twenty-two thousand two hundred and thirty-six pounds thirteen shillings and fourpence,	22,236 13 4
Pembroke,	Twenty-four thousand seven hundred and eighty pounds,	24,780 0 0
Kingston,	Thirteen thousand two hundred and six pounds thirteen shillings and fourpence,	13,206 13 4
Hanover,	Thirteen thousand seven hundred and twenty pounds,	13,720 0 0
Abington,	Eighteen thousand five hundred and fifty pounds,	18,550 0 0
Halifax,	Nine thousand two hundred and sixty-three pounds six shillings and eightpence,	9,263 6 8
Wareham,	Eight thousand and ninety-six pounds thirteen shillings and fourpence,	8,096 13 4
	Three hundred seventy-eight thousand four hundred and twenty pounds, [Total]	£378,420 0*s.* 0*d.*

COUNTY OF BARNSTABLE.

Barnstable,	Thirty-six thousand one hundred and ninety pounds,	£36,190 0*s.* 0*d.*
Sandwich,	Twenty-five thousand nine hundred and forty-six pounds thirteen shillings and fourpence,	25,946 13 4
Yarmouth,	Twenty-three thousand five hundred and forty-three pounds six shillings and eightpence,	23,543 6 8
Eastham,	Sixteen thousand nine hundred and sixteen pounds thirteen shillings and fourpence,	16,916 13 4
Harwich,	Nineteen thousand four hundred and eighty-three pounds six shillings and eightpence,	19,483 6 8
Wellfleet,	Eight thousand four hundred and forty-six pounds thirteen shillings and fourpence,	8,446 13 4
Chatham,	Nine thousand and six pounds thirteen shillings and fourpence,	9,006 13 4
Truro,	Eight thousand five hundred and eighty-six pounds thirteen shillings and fourpence,	8,586 13 4
Falmouth,	Eighteen thousand two hundred pounds,	18,200 0 0
	One hundred sixty-six thousand three hundred and twenty pounds,	£166,320 0*s.* 0*d.*

COUNTY OF BRISTOL.

Taunton,	Forty-four thousand four hundred and ninety-six pounds thirteen shillings and fourpence,	£44,496 13*s.* 4*d.*
Rehoboth,	Fifty-one thousand one hundred and seventy pounds,	51,170 0 0
Swan[s][*z*]ey w[*i*]th, Shawa[u][*m*]et,	Twenty-seven thousand three hundred and seventy [*pounds*],	27,370 0 0
Dartmouth,	Eighty-two thousand two hundred and seventy-three pounds six shillings and eightpence,	82,273 6 8
Norton,	Nineteen thousand nine hundred and twenty-six pounds thirteen shillings and fourpence,	19,926 13 4

BRISTOL COUNTY — *Concluded.*

Mansfield,	Thirteen thousand one hundred and thirty-six pounds thirteen shillings and fourpence,	£13,136 13*s.* 4*d.*
Attleborough,	Thirty-two thousand six hundred and sixty-six pounds thirteen shillings and fourpence,	32,666 13 4
D[e]ighton,	Eighteen thousand one hundred and seventy-six pounds thirteen shillings and fourpence,	18,176 13 4
Freetown,	Twenty thousand three hundred and ninety-three pounds six shillings and eightpence,	20,393 6 8
Raynham,	Fourteen thousand pounds,	14,000 0 0
Easton,	Fifteen thousand two hundred and sixty pounds,	15,260 0 0
Berkley,	Nine thousand eight hundred and twenty-three pounds six shillings and eightpence,	9,823 6 8
	Three hundred forty-eight thousand six hundred ninety-three pounds six shillings and eightpence,	£348,693 6*s.* 8*d.*

COUNTY OF YORK.

York,	Thirty-four thousand and six pounds thirteen shillings and fourpence,	£34,006 13*s.* 4*d.*
Kittery,	Thirty-seven thousand eight hundred and seventy pounds,	37,870 0 0
Wells,	Thirty thousand eight hundred pounds,	30,800 0 0
Berwick,	Forty-seven thousand two hundred and twenty-six pounds thirteen shillings and fourpence,	47,226 13 4
Arundel[l],	Thirteen thousand three hundred pounds,	13,300 0 0
Biddeford,	Fourteen thousand four hundred and twenty pounds,	14,420 0 0
Pepper[*r*]el[*l*]boro'[*ugh*],	Thirteen thousand four hundred and forty pounds,	13,440 0 0
Lebanon,	Eight thousand and fifty pounds,	8,050 0 0
San[d]ford,	Seven thousand four hundred and ninety pounds,	7,490 0 0
Buxton,	Ten thousand six hundred and forty pounds,	10,640 0 0
Fryburgh,	Eight thousand four hundred pounds,	8,400 0 0
Coxhall,	Three thousand five hundred pounds,	3,500 0 0
Massabesec,	Four thousand and sixty pounds,	4,060 0 0
L[e][*i*]merick,	One thousand one hundred and twenty pounds,	1,120 0 0
Brownfield,	One thousand one hundred and twenty pounds,	1,120 0 0
Little Falls,	One thousand nine hundred and sixty pounds,	1,960 0 0
	Two hundred thirty-eight thousand three hundred and three pounds six shillings and eightpence,	£238,303 6*s.* 8*d.*

COUNTY OF DUKES COUNTY.

Edgartown,	Thirteen thousand eight hundred and thirteen pounds six shillings and eightpence,	£13,813 6*s.* 8*d.*
Chilmark,	Fourteen thousand eight hundred and eighty-six pounds thirteen shillings and fourpence,	14,886 13 4
Tisbury,	Eleven thousand eight hundred and thirty pounds,	11,830 0 0
	Forty thousand five hundred and thirty pounds,	£40,530 0*s.* 0*d.*

COUNTY OF NANTUCKET.

Sherburne,	Sixty-one thousand seven hundred and sixty-three pounds six shillings and eightpence,	£61,763 6*s.* 8*d.*

COUNTY OF WORCESTER.

Worcester,	Forty-one thousand one hundred and sixty pounds,	£41,160 0*s.* 0*d.*
Lancaster,	Forty-four thousand three hundred and thirty-three pounds six shillings and eightpence,	44,333 6 8
Mendon and Milford,	Thirty-two thousand seven hundred and sixty pounds,	32,760 0 0
Brookfield,	Forty-three thousand four hundred pounds,	43,400 0 0
Lunenburgh,	Nineteen thousand six hundred pounds,	19,600 0 0
Oxford,	Thirteen thousand four hundred and forty pounds,	13,440 0 0
Charl[e]ton,	Twenty thousand five hundred and eighty pounds,	20,580 0 0
Sutton,	Forty thousand eight hundred and eighty pounds,	40,880 0 0
Leicester,	Ten thousand six hundred and forty pounds,	10,640 0 0
Spencer,	Sixteen thousand eight hundred pounds,	16,800 0 0

WORCESTER COUNTY — *Concluded.*

Rutland,	Nineteen thousand three hundred and twenty pounds,	£19,320* 0*s.* 0*d.*
Paxton,	Eleven thousand two hundred pounds,	11,200 0 0
Oakham,	Seven thousand nine hundred and eighty pounds,	7,980 0 0
Barre,	Twenty-three thousand two hundred and forty pounds,	23,240 0 0
Hubbardsto[w]n,	Seven thousand nine hundred and eighty pounds,	7,980 0 0
New Braintree,	Fifteen thousand four hundred pounds,	15,400 0 0
Southboro[*ugh*],	Fifteen thousand one hundred and twenty pounds,	15,120 0 0
Westborough,	Fifteen thousand eight hundred and forty-three pounds six shillings and eightpence,	15,843 6 8
Northborough,	Ten thousand three hundred and sixty pounds,	10,360 0 0
Shrewsbury,	Twenty-nine thousand four hundred pounds,	29,400 0 0
Fitchburgh,	Eleven thousand two hundred pounds,	11,200 0 0
Uxbridge,	Eighteen thousand six hundred and twenty pounds,	18,620 0 0
Harvard,	Twenty thousand eight hundred and sixty pounds,	20,860 0 0
Dudley,	Thirteen thousand four hundred and forty pounds,	13,440 0 0
Bolton,	Nineteen thousand seven hundred and forty pounds,	19,740 0 0
Upton,	Eight thousand six hundred and eighty pounds,	8,680 0 0
Sturbridge,	Nineteen thousand three hundred and twenty pounds,	19,320 0 0
Leominster,	Sixteen thousand eight hundred pounds,	16,800 0 0
Hardwick,	Twenty-two thousand four hundred pounds,	22,400 0 0
Holden,	Eleven thousand two hundred pounds,	11,200 0 0
Western,	Fourteen thousand two hundred and eighty pounds,	14,280 0 0
Douglass,	Eight thousand five hundred and forty pounds,	8,540 0 0
Grafton,	Fifteen thousand four hundred and seventy pounds,	15,470 0 0
Petersham,	Seventeen thousand three hundred and sixty pounds,	17,360 0 0
Royalsto[*w*]n,	Ten thousand one hundred and three pounds six shillings and eightpence,	10,103 6 8
Westminster,	Fourteen thousand nine hundred and eighty pounds,	14,980 0 0
Templeton,	Fourteen thousand nine hundred and eighty pounds,	14,980 0 0
Princeto[w]n,	Eleven thousand four hundred and eighty pounds,	11,480 0 0
Ashburnham,	Seven thousand two hundred and eighty pounds,	7,280 0 0
Winchendon,	Eight thousand one hundred and twenty pounds,	8,120 0 0
Woodstock,		—
Northbridge,	Five thousand six hundred pounds,	5,600 0 0
Ward,	Six thousand five hundred fifty-six pounds thirteen shillings and fourpence,	6,556 13 4
Athol,	Twelve thousand and forty pounds,	12,040† 0 0
	Seven hundred and forty-eight thousand four hundred and eighty-six pounds thirteen shillings and fourpence,	£748,486 13*s.* 4*d.*

COUNTY OF CUMBERLAND.

Falmouth,	Twenty-eight thousand eight hundred and forty pounds,	£28,840 0*s.* 0*d.*
North Yarmouth,	Twenty-six thousand five hundred and thirty pounds,	26,530 0 0
Cape Elizabeth,	Sixteen thousand five hundred and twenty pounds,	16,520 0 0
Gorham,	Fourteen thousand and twenty-three pounds six shillings and eightpence,	14,023 6 8
Brunswick,	Thirteen thousand one hundred and sixty pounds,	13,160 0 0
Harpswell,	Nine thousand eight hundred pounds,	9,800 0 0
Windham,	Six thousand and ninety pounds,	6,090 0 0
New Gloucester,	Eight thousand six hundred and eighty pounds,	8,680 0 0
Scarborough,	Twenty-one thousand seven hundred and seventy pounds,	21,770 0 0
Pearsontown,	Four thousand six hundred and sixty-six pounds thirteen shillings and fourpence,	4,666 13 4
Royalsborough,	Two thousand six hundred and eighty-three pounds six shillings and eightpence,	2,683 6 8
Gray,	Three thousand and ten pounds,	3,010 0 0
Raymondtown,	One thousand one hundred and twenty pounds,	1,120 0 0
Bakerstown,	Five hundred and sixty pounds,	560 0 0
Sylvester,	Five hundred and sixty pounds,	560 0 0
Bridgetown,	Four hundred and twenty pounds,	420 0 0
	One hundred and fifty-eight thousand four hundred and thirty-three pounds six shillings and eightpence,	£158,433 6*s.* 8*d.*

* £19,330 in printed act.

† £1,240 in printed act.

COUNTY OF LINCOLN.

Pownalborough,	Sixteen thousand five hundred and twenty pounds,	£16,520 0s. 0d.
Georgetown,	Twenty thousand four hundred and sixteen pounds thirteen shillings and fourpence,	20,416 13 4
Newcastle,	Eight thousand one hundred and twenty pounds,	8,120 0 0
Woolwich,	Six thousand four hundred and sixteen pounds thirteen shillings and fourpence,	6,416 13 4
Topsham,	Nine thousand four hundred and seventy-three pounds six shillings and eightpence,	9,473 6 8
Thomastown,	Four thousand one hundred and fifty-three pounds six shillings and eightpence,	4,153 6 8
Bowdoinham,	Three thousand two hundred and forty-three pounds six shillings and eightpence,	3,243 6 8
Boothbay,	Ten thousand eight hundred and ninety-six pounds thirteen shillings and fourpence,	10,896 13 4
Bristol,	Eleven thousand four hundred and thirty-three pounds six shillings and eightpence,	11,433 6 8
Vassalboro[*ugh*],	Eight thousand eight hundred and sixty-six pounds thirteen shillings and fourpence,	8,866 13 4
Medumcook,	Two thousand eight hundred and twenty-three pounds six shillings and eight [pence],	2,823 6 8
Winslow,	Five thousand six hundred and forty-six pounds thirteen shillings and fourpence,	5,646 13 4
Waldoborough,	Seven thousand eight hundred and forty pounds,	7,840 0 0
Edgecomb,	Five thousand two hundred and three pounds six shillings and eightpence,	5,203 6 8
Pittston,	Eight thousand two hundred and thirteen pounds six shillings and eightpence,	8,213 6 8
Hollowell,	Seven thousand six hundred and six pounds thirteen shillings and fourpence,	7,606 13 4
Bellfast,	One thousand one hundred and forty-three pounds six shillings and eightpence,	1,143 6 8
Warren,	Four thousand one hundred and fifty-three pounds six shillings and eightpence,	4,153 6 8
The lower town of St. Georges,	Three thousand six hundred and forty pounds,	3,640 0 0
Winthrop,	Eight thousand four hundred pounds,	8,400 0 0
	One hundred and fifty-four thousand two hundred and ten pounds,	£154,210 0s. 0d.

COUNTY OF BERKSHIRE.

Sheffield,	Twenty-seven thousand six hundred and twenty-six pounds thirteen shillings and fourpence,	£27,626 13s. 4d.
Great Barrington,	Twenty thousand three hundred pounds,	20,300 0 0
Partridgefield,	Six thousand eight hundred and thirteen pounds six shillings and eightpence,	6,813 6 8
Williamstown,	Fifteen thousand nine hundred and eighty-three pounds six shillings and eightpence,	15,983 6 8
New Marlboro[*ugh*],	Thirteen thousand four hundred and sixteen pounds thirteen shillings and fourpence,	13,416 13 4
Lanesboro[*ugh*],	Twenty-three thousand nine hundred and forty pounds,	23,940 0 0
Pittsfield,	Twenty-one thousand nine hundred and ten pounds,	21,910 0 0
Lenox,	Thirteen thousand five hundred and eighty pounds,	13,580 0 0
Stockbridge,	Fourteen thousand three hundred and fifty pounds,	14,350 0 0
Egremont,	Eight thousand and seventy-three pounds six shillings and eightpence,	8,073 6 8
Tyringham,	Ten thousand seven hundred and fifty-six pounds thirteen shillings and fourpence,	10,756 13 4
Sandisfield,	Thirteen thousand eight hundred and eighty-three pounds six shillings and eightpence,	13,883 6 8
Becket,	Six thousand nine hundred and seventy-six pounds thirteen shillings and fourpence,	6,976 13 4
Windsor,	Ten thousand two hundred and sixty-six pounds thirteen shillings and fourpence,	10,266 13 4
Hancock,	Thirteen thousand three hundred and seventy pounds,	13,370 0 0
Richmond,	Sixteen thousand and thirty pounds,	16,030 0 0
Loud[e][*o*]n,	Three thousand six hundred and eighty-six pounds thirteen shillings and fourpence,	3,686 13 4
Washington,	Seven thousand five hundred and thirteen pounds six shillings and eightpence,	7,513 6 8
West Stockbridge,	Eight thousand and ninety-six pounds thirteen shillings and fourpence,	8,096 13 4
Alford,	Four thousand four hundred and thirty-three pounds six shillings and eightpence,	4,433 6 8

BERKSHIRE COUNTY — *Concluded.*

New Ashford,	Three thousand nine hundred and sixty-six pounds thirteen shillings and fourpence,	£3,966 13*s.* 4*d.*
Ashawelet,	Four thousand two hundred pounds,	4,200 0 0
Plantation No. 7,	Three thousand six hundred and eighty-six pounds thirteen shillings and fourpence,	3,686 13 4
Adams,	One thousand four hundred and seventy-three pounds six shillings and eightpence,	1,473 6 8
New Providence,	Six thousand and sixty-six pounds thirteen shillings and fourpence,	6,066 13 4
Lee,	Eight thousand two hundred and eighty-three pounds six shillings and eightpence,	8,283 6 8
	Three hundred and one thousand nine hundred and thirty-three pounds six shillings and eightpence,	£301,933 6*s.* 8*d.*

SUMS TOTAL.

Suffolk,	Eight hundred and thirty-eight thousand six hundred and seventy pounds,	£838,670 0*s.* 0*d.*
Essex,	Eight hundred and eighty-six thousand five hundred and ninety-six pounds thirteen shillings and fourpence,	886,596 13 4
Middlesex,	Six hundred and ninety-five thousand seven hundred and fifty-three pounds, six shillings and eightpence,	695,753 6 8
Hampshire,	Five hundred and eighty-two thousand nine hundred and thirteen pounds six shillings and eightpence,	582,913 6 8
Plymouth,	Three hundred and seventy-eight thousand four hundred and twenty pounds,	378,420 0 0
Barnstable,	One hundred and sixty-six thousand three hundred and nineteen pounds six shillings and eightpence,	166,319 6 8
Bristol,	Three hundred and forty-eight thousand six hundred and ninety-three pounds six shillings and eightpence,	348,693 6 8
York,	Two hundred and thirty-eight thousand three hundred and three pounds six shillings and eightpence,	238,303 6 8
Dukes County,	Forty thousand five hundred and thirty pounds,	40,530 0 0
Nantucket,	Sixty-one thousand seven hundred and sixty-three pounds six shillings and eightpence,	61,763 6 8
Worcester,	Seven hundred and forty-eight thousand four hundred and eighty-six pounds thirteen shillings and fourpence,	748,486 13 4
Cumberland,	One hundred and fifty-eight thousand four hundred and thirty-three pounds six shillings and eightpence,	158,433 6 8
Lincoln,	One hundred and fifty-four thousand two hundred and ten pounds,	154,210 0 0
Berkshire,	Three hundred and one thousand nine hundred and thirty-three pounds six shillings and eightpence,	301,933 6 8
	Five millions six hundred and one thousand and twenty-six pounds thirteen shillings and fourpence,	£5,601,026 13*s.* 4*d.*

And be it further enacted by the authority aforesaid,

[SECT. 2.] That the treasurer do forthwith send his warrants, directed to the selectmen or assessors of each town or other place, within this state, that are taxed, requiring them, respectively, to assess the sum hereby set upon such town or other place, in manner following; that is to say, to assess all the male polls above the age of sixteen years, within their respective towns or other place next adjoining to them, belonging to no other town or place, including negroes and mul[l]attoes (and such of them as are under the government of a master or a mistress, to be taxed to the said master or mistress, respectively, in the same manner as minors and apprentices are taxed), twenty pounds; and to assess the remainder of the sum set to each town (after deducting the amount of the sum assessed on the polls

as aforesaid) on the inhabitants of said town or place as aforesaid, according to the just value of the whole real estate by each inhabitant of such town or place, respectively, possessed in his own right, or in the right of others, lying within said town or place, improved or not improved; and on the non-residents possessors of real estate lying within said town or place, in their own right, or the right of others, improved or not improved: *saving* all agreements between landlords and tenants, and where no agreement is, the landlord to reimburse one-half of the tax; and also on the inhabitants of such town or place, according to the proportion of the amount and just value of their whole personal estate, including money at interest more than they pay interest for, debts due to them, not on interest, more than they are indebted, monies of all kind on hand, and also the amount of the just value of all goods, wares and merchandize, stock in trade, vessels of all sorts, with their stores, appurtenances and appendages, plate, horses, oxen, and cattle of all sorts and ages, sheep, goats, swine, and grain of all sorts, and all produce of the land, and all other property whatsoever excepting household furniture, wearing apparel, farming utensils (and the tools of mechanicks), on the fifteenth day of October, one thousand seven hundred and eighty; and the current price of the real and personal estate on the said fifteenth day of October, before mentioned, in the currency of the United States, shall be considered as the just value of the same; and on the amount of their income from any profession, faculty, handicraft, trade or employment: and also on the amount of all incomes and profits gain[*e*]'d by trading by sea and on shore, and by means of advantages arising from the war, and the necessities of the community, — and in considering the incomes and profits last mentioned, the assessors are to have special regard to the way and manner in which the same have been made, as well as the *quantum* thereof, and to assess them at such rate, as they on their oaths, shall judge to be just and reasonable: *provided*, they do not in any case assess such incomes and profits at more than ten times the sums of the same amount in other kind of estates: and the treasurer in his [said] warrant, shall likewise require the assessors to make a fair list of said assessments, setting forth, in distinct columns, against each person's name, how much he or she is assessed at for polls, and how much for real estate, and how much for personal estate, as aforesaid; and if as a guardian, or for any estate in his or her improvement, in trust, to be distinctly expressed; and shall also insert upon their rate-bills the number of acres of unimproved land[*s*] which they have taxed to each of the non-residents proprietors of land within the respective towns, and also the value at which they have estimated the same; and the list or lists so perfected, and signed by them, or the major part of them, to commit to the collector or collectors, constable or constables, of any such town[s] or place, and to return a certificate of the name or names of collector or collectors, constable or constables, with the sum total to each of them committed, unto himself, some time before the fifteenth day of November next; and the collectors or constables shall specify in the receipt which shall be by them given, for any tax, on any such unimproved land, belonging to non-resident proprietors, the number of acres on which the tax is laid, and what proportion thereof is for state, what proportion for town, and what proportion for county, tax.

[SECT. 3.] And the treasurer for the time being, on the receipt of such certificate, is hereby impowered and ordered to issue forth his warrants to the collector or collectors, constable or constables, of such town or place, requiring him or them, respectively, to collect the whole

of the respective sums assessed on each particular person, and to pay in their collections to the treasurer, aforesaid, in manner following; that is to say, one moiety thereof on or before the fifteenth day of December next, and the remaining moiety thereof on or before the fifteenth day of March next.

Provided, nevertheless, —

[Sect. 4.] That the following persons, viz[t]., the president, fellows, professors, tutors, librarian and students of Harvard College, who have their usual residence there, and settled ministers of the gospel, and grammar-school masters, are not to be assessed for their polls or their estate, unless their real estate be not under their actual management and improvement, or not in the towns where they are settled; and also all persons who have the management and improvement of estate of Harvard College, are not to be assessed for the same; and if there be any other persons who, through age, infirmity or poverty, are unable to pay as others towards the public[k] charges, or any widow or orphans, who, depending on the interest of their money for subsistence, are, by the state of the currency, so reduced as that in the judg[e]ment of the assessors they ought to be relieved in their taxes; in such case the assessors may exempt their polls or estate, or abate any part of what they are l[s]et at, as they on their oaths shall think just and equitable.

[Sect. 5.] And the justices in their sessions, in their respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns, and other places in such county, in proportion to this tax; and the assessors in each town in this state are also directed, in making a town or county tax or assessment, to govern themselves by the same rule. And where no person appears to discharge the tax on non-resident proprietors' unimproved land, to the collector, he shall publish, in Gill's "Continental Journal and Weekly Adverti[z][s]er", and that only, three weeks successively, the names of all such proprietors, where they are known, with the sum of the tax assessed on their land, respectively, and also the time and place of sale; and where they are not known, he shall, in the same manner, publish the sum of the taxes on the several rights and divisions, together with the time and place of sale, and in each case shall post the same in some public[k] place in the town where the said land lays, for the term of one month; and if no person shall appear thereupon to discharge said tax, then the constable or collector shall proceed to sell at public sale, to the highest bidder, so much only of said unimproved land as will be sufficient to discharge said taxes with the necessary intervening charges, and shall have power to adjourn, from day to day, if necessary, to compleat the sale, not to exceed three days, and shall give and execute a good deed to the purchaser, expressing thereon the cause of such sale, and saving to the aforesaid proprietor or proprietors, the right of redemption of any lands so sold, at any time within three years from the time of sale; and the same shall be conveyed to him or them on paying, within three years, as aforesaid, the sum such land sold for, and twelve per cent annual interest on said sum, together with all necessary intervening charges thereon.

Provided, nevertheless, —

And be it further enacted,

[Sect. 6.] That no purchaser of such land shall cut down any trees or timbers, or commit strip or waste thereon, until the three years, the time of redemption as aforesaid, shall expire.

Be it further enacted,

[SECT. 7.] That the several officers and soldiers that may be in the army on the fifteenth day of October next, shall be considered as resident in the several towns and places to which they belonged at the time of their engaging in the army, their absence notwithstanding; and the assessors of the several towns and other places in this state, shall consider such officers and soldiers as resident in such town or place, and shall tax them accordingly: *provided*, that such as are engaged in the Continental Army for the term of three years, or during the war, be, and they hereby are, exempted from their poll tax.

And be it further enacted,

[SECT. 8.] That the assessors of each town or other place, respectively, in convenient time before making the assessment, shall give seasonable warning to the inhabitants, in any town meeting, or by posting up notifications in some public[k] place or places in such town or other place, or notify the inhabitants some other way, to make and bring in to the assessors true and perfect lists of their polls, and of all their real and personal estates, lands and all real estate whether improved or not improved, — to the assessors of the town and place where such houses and lands and other real estates lay; distinguishing those in the management and possession of some other person, as also a list of all their personal estate, including money at interest more than they pay interest for, debts due, not on interest, more than they are indebted, and monies of all kinds, in hand; and also the amount of the just value of all goods, wares, merchandize, stock in trade, plate, horses, oxen, cattle of all sorts and ages, sheep, goats, swine, grain of all sorts, and all kind of produce of the lands, and of all other property whatsoever (excepting household furniture, wearing apparel, farming utensils and the tools of mechanicks), on the said fifteenth day of October; according to the current price of such real and personal estate in the currency of the United States, on the said fifteenth day of October; and also the amount of their incomes from any profession, faculty, handicraft, trade or employment, and of the amount of all incomes and profits gained by trading by sea [or][*and*] on shore, and by means of advantages arising from the war, and the necessities of the community; all which they are to render to the assessors, on oath, if required; which oath the said assessors are hereby impowered to administer. And if any person or persons shall, upon such notice given, neglect or refuse to give in to the assessors the list of their polls and rateable estates according to the description thereof before given, which they w[h]ere possessed of on the fifteenth day of October, [or] shall bring a list which the assessors are, in their judgment convinced is a false one, it shall be lawful to and for the assessors, and they are hereby directed, to assess such person or persons, according to the best judg[e]ment and estimation they can form of the real and personal estate of the said person, according to the description before given. And if any person or persons shall not bring in a list of their estates as aforesaid to the assessors, he or they so neglecting or refusing shall not be admitted to make application to the court of general sessions, for any abatement of the assessment laid on him or them.

[SECT. 9.] And if the assessors are not, in their judg[e]ment, convinced of any falsehood in the list, to them presented of the[*ir*] polls and real and personal estate, such list, shall be a rule of that person's proportion to the tax who presented the same, which the assessors may not exceed.

Provided nevertheless, —

[Sect. 10.] That nothing in this act shall be construed to extend so as to require any assessors to assess any person for any estate, real or personal, in his possession (absentees' estates excepted), that is the property of the United States, or any of them.

Provided also, —

[Sect. 11.] That nothing in this act contained shall be construed to prevent any non-resident proprietors of unimproved lands within any town or plantation in this state from making application to the court of general sessions of the peace, for any abatement of the assessment laid on his or their lands in the same manner they might have done if they had given in a list of their rateable estate to the assessors of such town or plantation, any law of this state to the contrary, notwithstanding.

Whereas there are, within this state, several tracts of unimproved land belonging to persons who have left the same and gone over to the enemy, and no provison has been made by the government of the same for the payment of the taxes, otherwise than by the sale of such land, which may be attended with great loss to the state; for the prevent[ing][*ion*] of which, —

Be it enacted by the authority aforesaid,

[Sect. 12.] That all constables and collectors of taxes be, and they hereby are, directed to stay the sale of all such lands until a further order of the general court be taken thereon.

And be it further enacted by the authority aforesaid,

[Sect. 13.] That the treasurer of this state be, and he hereby is, impowered and directed to allow or pay to such constables or collectors, the amount, in their respective lists, of the taxes on such unimproved lands, on a certificate from the major part of the assessors who made such tax, being produced, setting forth the sum taxed in any list exhibited, on said unimproved lands, and to keep an account of all monies by him so allowed or paid.

And whereas doubts have arisen respecting the true intent and meaning of the word "inhabitant" in some former tax acts, —

Be it [therefore] [*further*] *enacted by the authority aforesaid*,

[Sect. 14.] That all male persons sixteen years old and upwards, residing and usually doing business in any town within this state, shall be considered within the true intent and meaning of this act, and the assessors are directed to proceed to assess them for their trade and faculties, exercised there, and also for their polls, if not taxed for their polls elsewhere.

And be it further enacted by the authority aforesaid,

[Sect. 15.] That each town in this state, which shall appear, upon the settlement of the next valuation, to have paid more than their proportion since the settlement of the last valuation, shall be allowed what they have so overpaid, in the next tax, after the said next valuation is settled.

Provided nevertheless, —

And be it further enacted by the authority aforesaid,

[Sect. 16.] That the collectors or constables be and hereby are authori[z][*s*]ed and impowered to receive one dollar in specie, or one dollar of the bills emitted by this state by an act passed the fifth day of May, A. D. one thousand seven hundred and eighty, for carrying into execution the resolve of Congress of the eighteenth of March, 1780, in lieu of forty dollars of the Continental bills now in circulation; 1779-80, chap. 40

and the treasurer of this state shall receive of the said constables or collectors, the specie or the new bills at the rate aforesaid.

Provided nevertheless, —

And be it further enacted by the authority aforesaid,

[SECT. 17.] That where any town, district, persons or lands, have been set off since the taking of the last valuation and are not particularly mentioned and assessed in this act,* shall be taxed by the towns from which said towns, districts, persons and lands have been set off, their equal proportion, any law of this state to the contrary, notwithstanding. [*Passed September* 30.

NOTES. — The two sessions of the Assembly in which the foregoing acts were passed, and both of which were held in Boston, constituted the last General Court that was convened before the adoption of the Constitution of the Commonwealth. The former session began May 31st, and continued until June 24th, when the Court was prorogued to August 2d, and, by subsequent proclamations, to September 7th, which was the first day of the second session. The second session was likewise ended by a prorogation, from the fourth to the eighteenth of October. On the thirteenth of October, the Assembly was again prorogued, by proclamation, to the twenty-fourth; and it was dissolved, by proclamation, on the twenty-third of October, — two days before the assembling of the "General Court of Massachusetts," under the Constitution.

All the acts of this year were printed, — the tax acts, chapters 9 and 16, being printed separately. The engrossments, upon paper, of all these acts, are preserved, except of chapter 14; and all bear the signatures of fifteen, or more, of the Council, except chapters 3 and 9 (each of which was signed by fourteen, only,) and chapter 15, which was signed by twelve councillors.

Chap. 1. The necessity of repairing the highways through the "Green Woods," in western Massachusetts, in order to facilitate the transportation of military supplies, seems to have been first brought to the attention of the Legislature by General Heath, in the following letter to the Council: —

"Head Quarters Boston Sept^r 4, 1777 —

Gentlemen I am informed by General Fellows that the Roads through the Green Woods in the Western parts of this State, through the almost constant passing & repassing of carriages to & from the northern Army with provisions and Military Stores is rendered almost impasable, and unless repaired before the wet Season sets in, will become entirely so, with loaded Teams, I would beg leave to recommend to your Honors consideration the repairing thereof in such way as to you in your wisdom may appear most eligable

I have the honor to be
very respectfully Your Obt Servt
W HEATH." — *Mass. Archives, vol.* 215, *p.* 99.

Thereupon, the following resolves were passed: —

"State of Massachusetts of Bay In the House of Representatives Sept^r 17th 1777

† Whereas it appears by the representation of General Heath that the roads through the Green woods in the Western parts of this State are almost impassable for want of repair whereby the Transportation of articles necessary for the army may be greatly impeded, therefore resolved that Noah Goodman Esq^r Nathaniel Kingsley Esq^r Capt. Elijah Hunt & John Chadwick be a Committee to procure Men to repair the aforesaid roads in this State and that the Treasurer be and hereby is directed to pay unto said Committee or order the Sum of Eight hundred pounds for the purpose aforesaid

Said Committee to be accountable to this Court for the Expenditure of the same
Sent up for Concurrence J. WARREN Spk^r
In Council Sept^r 19'. 1777 Read & Concurred JN^O AVERY D^y Sec^y
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 98.

"In the House of Representatives Sept. 20th 1777

‡ Resolved That M^r Ephraim Wright of North Hampton, be of the Committee appointed to repair the Roads through the Green Woods in the Western Parts of this State — in the room of M^r Elijah Hunt, excused —
Sent up for Concurrence R T PAINE Spk^r pr tem
In Council Sept^r 20.' 1777 Read & Concurred JN^O AVERY D^y Sec^y
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *p.* 103.

Early in the ensuing spring, further provision was made for continuing the work of repairing these roads, by the following resolve §: —

"In the House of Representatives March 2^d 1778

Resolved that Noah Goodman Esq^r Nathaniel Kingsley Esq^r M^r Ephraim Wright & John Chadwick Esq^r (who were appointed a Committee Sep^r 19th 1777 to procure necessary Repairs of the Roads thro' the Green Woods in the Western parts of this State) be continued a Committee to procure further necessary Repairs of s^d Roads as soon as may be practicable this Spring, Sent up for Concurrence J WARREN Spk^r
In Council March 3^d 1778 Read & Concurred JN^O AVERY D^y. Sec^y
Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *vol.* 217, *p.* 275.

* The word "they" seems to have been omitted here, both in the bill and the engrossed act.

† Printed resolves, chapter XV. ‡ *Ibid.*, chapter XVIII.

§ *Ibid.*, January session, 1778, chapter CCXIX.

Two years later, the public thoroughfare from Tyringham to Blandford being still in bad condition, the following memorial was prepared in the interest of those upon whom devolved, by law, the onerous duty of keeping it in repair: —

"To the Honorable the Council and House of Representatives of the State of the Massachusetts Bay in general Court assembled:

Humbly shew the Subscribers, Inhabitants of the County of Berkshire and others, that the publick Road, leading from Westfield, through that rough and but little cultivated Tract of Land, well known by the same of the Green Woods, to Great Barrington is almost impassable for want of Reparation; That the Exigencies of the War, the Situation of our Continental Army on Hudson's River and the present State of our foreign Trade render it necessary that a very great Part of the Supplies of Provision and other public Stores for the use of the Army and much private Property of the Inhabitants of the State of New York and Part of this State consisting of foreign Commodities as well as Provisions of flour and other Necessaries remitted to Boston and other Sea Ports within this State should be transported there, — whereby a prodigious additional Expence is incured as well to the Continent as to Individuals, in Teams and Carriages; great and heavy Losses are sustained by the oversetting of Carts and other Carriages, dashing in Pieces of Casks and other Vessels, occasioning the great Damage or total Destruction of their valuable Contents; and as the Expence of repairing said Road so as to make the same feasible would greatly exceed the Abilities of those People who live near, & who alone are by Law obliged to repair the same, your Petitioners are of Opinion that should your Honors grant a Lottery for the Purpose of raising a sufficient Sum of Money for repairing said Road, a sufficient Number of People, from a true Spirit of Patriotism, conscious of the Utility of the Measure would speedily and cheerfully contribute a Sum adequate to this important Purpose

Wherefore your Petitioners pray your Honors to grant a Lottery for raising the Sum of Forty Thousand Pounds, or such other Sum as may be Judged necessary and that Managers may be appointed to conduct the same, and also a suitable Committee, whose Business it shall be, faithfully to dispose of the Money so raised, in repairing the public Road, from the Town of Tyringham in said County of Berkshire, to the Crotch of the Roads near Blandford Meeting House in the County of Hampshire, or that your Honors would adopt some more eligible Method of repairing said Road as in your Wisdom may seem best — and as they ought will ever pray.

Great Barrington April 19: 1780

JAMES BULL	ELIJAH DWIGHT	WM WHITING
EZEKL CHEEVER	WM BACON	JOSIAH SMITH
JNO DWIGHT	JOHN SIBLEY.	THOMS L WITBECK
LUKE BLISS	ROBT VN RENSSELAER	WALTER PYNCHON
THEODOR SEDGWICK	HY J: V: RENSSELAER	JOHN FELLOWS
WM ASHMAN	GILBERT DENCH	EBEN BEMENT
DANIEL LAMB	WM PYNCHON JUNR	MOSES HOPKINS
JEREMY STIMPSON	MOSES CHURCH	JOHN GUNN
JOHN MENDON	JOSEPH EAYRS	DANLL NASH
		THOS INGERSOLL."— *Ibid.*, *vol.* 228, *p.* 63.

This memorial was read, in the House, June 1, 1780, and committed to Messrs. Dench, Kollock and Sears, who, on the next day, reported a resolve * which was passed, as follows: —

"State of Massachusetts Bay In the House of Representitives June 2d 1780

on the Petition of William Whiting and others Praying for a grant of a Lottery for Mending & Repairing of the High way through the Green woods so called in the Countys of Hampshire & Berksheir —

Resolved that the Prayer of said Petition be Granted & that the Petitioners have Leve to Bring in a bill for the Purpos mentioned in said Petition —

Sent up for Concurrence JOHN HANCOCK Spkr

In Council June 2 1780 Read & Concurrd S ADAMS Secry

Consented to" — [Signed by fifteen of the Council].— *Ibid.*, *p.* 65.

Accordingly, a bill for raising, by lottery, for the purpose indicated in the resolve, a sum not exceeding £100,000, "with a deduction of twenty per cent upon the amount of the tickets when sold," was read a first time, in the House, on the 3d of June, and, on the 5th, was committed to Messrs. Orne, Goodman and Bonney, who reported it back, apparently with an amendment adding to the description of the roads to be repaired, all the roads mentioned in the act, after the road from Brewer's, to the crotch near Blandford meeting-house. By this amendment, also, the sum to be expended was appropriated as follows: £40,000 upon the south road, £25,000 upon the middle road, and £35,000 upon the north road. This amended bill was read a first time, in the House, and recommitted, on the 5th. On the 7th, it was read a second time, apparently in a new draught corresponding with the act, and on the 8th, it was read a third time, passed to be engrossed, and sent up for concurrence. In the Council, it was read a first time, on the 8th; and was passed, on the 9th, in concurrence, to be engrossed, with four amendments, by which it was proposed to expend the whole of the $200,000 to be raised by the lottery, in repairing the south and north roads,— $140,000 upon the former, and the remainder upon the latter. The House, on the 9th, having refused to concur in these amendments, a committee of conference was appointed, the next day, consisting of Messrs. Easton and Hunt, of the House, and Thomas Cushing and Timothy Danielson, of the Council. On the 12th, the House still refusing to concur in the proposed amendments, and having voted to adhere to their own vote, the Council ceased to press the amendments, and voted to concur in the bill; and, on the 14th, it was passed to be enacted.

* Printed resolves of the May session, chapter I.

Soon after this chapter was enacted, an effort was made to procure its repeal, as shown by the following petition, in which the reasons for this proceeding are given: —

"To The Honble the Council & House of Representatives of Massachusetts Bay.

The subscribers, humbly shew — that By an Act of the great & Genl Court passed the last session thereof, provision was made, for the purpose of raising by Lottery, 200,000 Dollars, to be expended in repairing three several Roards therein mentioned, leading thro' the greenwoods so called. your Petitioners fully convinced of the utility and wisdom of rendering those woods more safely & easily passable (large & valuable Quantities of public property being necessarily transported thro' the same,) are at the same time convinced that the act aforesaid carried into Execution in the manner provided, will be dilatory and inefficatious in its operation; your Petitioners humbly conceive, One Road effectually cleared, will answer every purpose of Advantage to the Community; this will reduce the matter to a single Object, it will prevent all Disputes naturally arising from diferent Views, Interests & Judgments in the Managers, the Inconveniences resulting from which Causes, must otherwise be obviously apparent. your Petitioners therefore humbly pray that the Act aforesaid may be repealed, and that such Provision may be made for repairing the Road leading from Westfield in the County of Hampshire, thro' Blanford in the same County, to Great Barrington in the County of Berkshire, as to your Honors in your great Wisdom shall seem meet.— And as in Duty bound shall pray.

County of Berkshire } THOMAS L WITBECK MOSES HOPKINS
20th July 1780. } EBENEZER BEMENT JOHN ADAMS JUNR
WM BACON WALTER PYNCHON JOSIAH SMITH
WM GOODRICH ELIJAH DWIGHT BENEDICT DEWEY
JOHN FELLOWS." — *Mass. Files: House, no.* 640.

Simultaneously with this movement, a majority of the persons named in the act as managers of the lottery, declined to accept the trust, in the following memorial, in which they give their reasons for so doing: —

"To The Honble the Council and House of Representatives of Massachusetts-Bay.

Theodore Sedgwick, Jahleel Woodbridge and John Sibley humbly shew,

That by an Act of the great and General Court (passed in the last session thereof) they together with Colo James Easton & Captn Asa Barns, were appointed Managers of a Lottery for the purpose of raising 200,000 Dollars, for the Reperation of the Roads leading thro' the green woods: They feel themselves necessitated to decline the Execution of the Trust reposed in them for the following Reasons, viz: —

Because they think, nothing, but the most urgent necessity, to effect a purpose, of public Utility, can justify, the raising money by Lottery: with respect to one of the Roads, mentioned in said Act, viz: that leading from Westfield to Great Barrington, they conceive, this to be the Case; but they are not sufficiently acquainted, with the other roads in said Act mentioned; to enable them, to form such a Judgment as will justify to their own feelings their actively carrying into Effect, all the purposes of the act aforesaid.

Because, they are humbly of Opinion, that it is of great Importance to the public, that the Reparation, of the Road first aforesaid, should be effected, as soon as possible, and that unavoidable Delays, will result, from a Division, of the Objects of the Lottery.

Because, they think, that should one Road, leading thro that Country, be cleared, every necessary public Intention would thereby be answered: Lotteries are a Burden on the Community — at a time when the Demands of the Country require, that every expensive Exertion, should be pointed to one grand object, they think, that a Diversion from this, to an Object in Comparison thereof, of little consequence cannot be justified: And finally,

Because, that the aforesaid Colonel Easton and Captn Barns living in a part of the Country, which would receive Benifit, from the Reparation of the north Road, in said act mentioned, (which in the Opinion of the Legislature was not of the first Importance,) the Bias of self Interest, so prevalent in the human Heart, will probably, induce them, to give that road an undesserved Preference; indeed should your Honors be of Opinion, that, *that road* ought to be repaired in the way provided, the subscribers humbly conceive, that the managers ought to be appointed in such manner that no Division of Interest will result from their local Situation.

These Reasons the subscribers thought themselves in duty bound to suggest to your Honor's Consideration, to which they have nothing to add but an Assurance of the respect & Subjection, with which they, have the Honor to be, Your Honor's, most Obedient & respectful Servants

County of Berkshire, } THEODORE SE[DGWICK*]
20th July 1780. — } JAHLEE[L WOODBRIDGE*]
JOHN [SIBLEY*]."—*Ibid.*

The above memorial and petition were read, in the House, Sept. 14, 1780, and committed to Messrs. Kollock, Foster and Perry of Easton,— Kollock having been appointed in place of Capt. Wales, originally appointed. On the 23d, this committee reported, "that no alteration be made in the act for granting said lottery"; which report having been accepted, a day was assigned for the choice of three managers to take the place of the three who had declined to act. The vacancies were filled as follows: —

"State of Massachusetts-Bay In the House of Representatives Sept. 29th 1780

†The House, by ballot, made choice of Coll John Brown of Pittsfield Capt William Walker of Lenox, and Ephraim Fitch of Egremont, as Managers of the Lottery lately granted by an Act of the General Court, for raising a Sum of money to repair the Road through the Green Woods in the room of Mr. Sedgwick, Mr Woodbridge and Mr Sibley who decline serving

Sent up for Concurrence JOHN HANCOCK Spkr
In Council Sepr 29.' 1780 Read & Concurred JOHN AVERY D Sey
Consented to" —[Signed by fifteen of the Council].—*Mass. Archives, vol.* 229, *p.* 283.

* Manuscript mutilated.

† Printed resolves, chapter LXXXV.

Chap. 2. From time to time, before the Revolution, sundry inhabitants of the north part of Stoughton, with their estates, were annexed to one of the precincts of Dedham, and some of them were originally incorporated in the second precinct of the latter town, on account of the comparative nearness of the meeting-house and public schools of Dedham.

For a similar reason Nathaniel Sumner, Esq., as early as 1770, presented a petition to the town of Stoughton, to be set off to Dedham, with his lands; and at a town meeting, held on the 19th of March, that year, this application was referred to a committee of three persons, "to view and to enquire into the circumstances of" this "petition, and make report at the next meeting." In the mean time, the inhabitants of the district of Stoughtonham met and chose a committee "to consult and advise" with the committee of Stoughton with reference to Sumner's petition, and to report at an adjourned meeting on the 16th of April. At a town meeting, held on the 24th of May, following, a majority of the committee of Stoughton reported that, "upon y^e^ whole we think not benefishal to y^e^ Town of Stoughton to Sett of to Dedham y^e^ Lands Petitioned for by s^d^ Sumner Looking upon y^e^ Request to be vastly Deteramental to s^d^ Town of Stoughton if we should so do therefore we are of y^e^ opinion not to set of s^d^ Lands"* The inhabitants at the same meeting voted, first, to accept the report, and then, to reconsider this vote, and to continue, to the next meeting, the consideration of the article in the warrant, respecting the above report.

No further action by the town, on the above-mentioned petition, has been discovered, and Mr. Sumner seems to have made no further effort to be set off to Dedham until ten years later, when, upon his application to the town, another committee of three, was appointed, at the town meeting held on the 6th of March, to take his request into conideration. This committee made the following report, at a town meeting held May 24, 1780: —

"The committe on y^e^ Request of Nath^l^ Sumner Esq^r^ Having attended that Service Report as followeth (viz) your committe are of Opinion that his upland Lott in Stoughton be Set off to Dedham, but it is with grate Reluctance for us to Report to have his meadow and meadow Bottom Sett to s^d^ Dedham but by Reason of its Joining on his upland Lott & being on the westerly end of Pigeon Swomp & being allmost Surounded by his up land, Except on one Side, therefore your committe are of y^e^ mind that the s^d^ Meadow & meadow Bottom in s^d^ Pigeon Swomp togather with his up land, and the Inhabitants thereon in Stoughton on the westerly side of the Line hereafter Mentioned be Sett or annexed to the Town of Dedham There to Do Duty & Receive Priveledge (viz) Begining at the Easterly cornor of his upland Lott & Runing Northwesterly Between his Pigeon Swomp Lott & the Rest of s^d^ Swomp a Straight Line till it comes to traphole Brook or Dedham Line all which is Submitted by your committe —

Stoughton-may y^e^ 8^th^ 1780 PETER TALBOT
NATH^L^. FISHER
BENJAMIN GILL." — *Mass. Files*: *House, no.* 628.

At the same meeting, the inhabitants accepted this report. The inhabitants of Dedham, also, signified, by a vote, of which the following certified copy is preserved, their consent that the persons and land so set off, be annexed to their town: —

"Dedham May 30^th^ 1780. At a Meeting of the Town of Dedham legally Assembled s^d^ Town Voted — To accept of the Lands of Nath^ll^ Sumner Esqr as set off by a Vote of the Town of Stoughton with the Inhabit^s^ thereon and the places of their habitations as described in s^d^ Vote —

A true Copy from the Town Records ABNER ELLIS Town Clerk." — *Ibid.*

The following petition was thereupon presented to the General Court, for confirmation of these proceedings: —

"State of y^e^ Massachusetts Bay } To the Honorable the Councel, & to y^e^ Honorable House of Representatives of the State of the Massachusetts in General Court Assembled on the 31^st^ Day of May *A*D: 1780 at Boston —

The Petition of Nath^ll^ Summer of Dedham, & George Sumner & Ebenezer Sumner of Stoughton humbly sheweth That the Town of Stoughton at a Meeting of the Freholders and other Inhabitants of s^d^ Town legally assembled on Wednesday y^e^ 24^th^ Day of May *A*D 1780 did pass a Vote to sett off from s^d^ Town to y^e^ Town of Dedham s^d^ George & Ebenezer with such Part of the Homstead Lands of your Petitioners, that lies within the Line of s^d^ Stoughton Viz part of the fifteenth Lot in the 12 Divisions of Land, (so called) and the 40^th^ Lot in Pigeon Swamp adjoining thereto. And whereas the Town of Dedham at a Meeting of the Freeholders & other Inhabit^s^ of s^d^ Town on the 30^th^ day of s^d^ May, Voted to accept s^d^ Lands with s^d^ Persons & Families dwelling thereon, Attested Coppies of s^d^ Votes being herewith transmitted. And as your Petitioners, by reason of their distant Scituation from y^e^ Place of publick Worship & Schools in s^d^ Stoughton, it being five Miles from the nearest Meeting House and two Miles & half from the nearest Inhabitant of s^d^ Town, are cut off from enjoying the Priveleges of s^d^ Town in common with others: but may much more advantagiously, do Duty and enjoy Privelege in the Town of Dedham as s^d^ Persons & Lands lie in the Neighbourhood of Dedham and but two Miles from a Meeting House in s^d^ Town — Therefore the Prayer of this Petition is that the honorable Court would Please to set off s^d^ Lands with the Families thereon from the Town of Stoughton and Annex them to y^e^ Town of Dedham, agreable to the Vote of s^d^ Town of Stoughton — there to do Duty & recieve Privelege —

And your Petitioners, as in Duty bound, shall ever pray &cra.

NATH^LL^ SUMNER
GEORGE SUMNER
EBENEZER SUMNER." — *Ibid.*

* Town records of Stoughton, p. 337.

This petition was read in the House, June 2d, and a vote was thereupon passed, that the prayer thereof be granted, and "that the petitioners have leave to bring in a bill, accordingly."

The bill of this chapter had its three readings, in the House, on the 10th, 12th, and 15th, of June, respectively, when it was passed to be engrossed, and was sent up to the Council, for concurrence, and was there passed, in concurrence, to be engrossed, on the day last named. On the 17th, it was passed to be enacted, in both branches, and was signed by sixteen councillors.

Chap. 3. The inhabitants of the territory belonging to Royalston, and lying north of Winchendon, having applied to each of those towns, for their consent that they, and their estates within the above territory, be set off from the former town, and annexed to the latter, the following votes were passed by those towns, respectively: —

"At a Legal Town meeting in Royalston on Monday the Second Day of March A D 1778 and Continued by ajorment to the fourth Day of may then meet and at the Request of the Inhabitents Liueing on a Track of Land Called Royalston Legg —

Voted by the Town of Royalston that the land Called Royalston legg with the Inhabitents there on be Set of from Royalston and laid to the Town of Winchendon: Said Inhabitents paying all Lawfull Taxes assesed there on to the time the Generail Court Shall Ratify and Confeirm the Same —

Royalston may 4: 1778

Coppy — Test JOHN FRY Town Clerk." — *Mass Files: House, no.* 420.

"At A Legal Meeting of the Town of Winchendon on Monday the Second Day of March *A*D 1778

at the Request of the Inhabitants of a tract of Land Called Royalston Legg

The Town Voted that the Strip of Land Lying Between the North Line of the Town of Winchendon & Newhampshire Line Called Royalston Legg Be Received on to the Town of Winchendon

A true Coppy taken from Winchendon Records

Attest ABEL WILDER Town Clerk." — *Ibid.*

Thereupon, the following petition to the Legislature was read in the House, Jan. 29, 1779, and forthwith committed to Messrs. Knowlton, Pynchon and Whitney: —

"State of the To The Honorable Council & House of Representatives
Massachusetts Bay In General Court assembled
In New England

The Inhabitants of a Tract of Land Called Royalston Legg in the County of Worcester Humbly Sheweth —

— That Said Tract of Land Lyeth Betwixt the North part of The Town of Winchendon & New Hamshire Line Being Six Miles in Length & but about one mile In width

— That Said Tract of Land Can Not be accommodated In The Town of Royalston

— That the Inhabitants of Said tract of Land Petitioned The Towns of Royalston & Winchendon At Their anual Meetings Last March Requesting the Town of Royalston to Vote us off & the Town of Winchendon To Receive us on to that Town which was accordingly Done By Both of Said Towns

Wherefore your Petitioners Pray your Honours To annex Said Tract of Land Called Royalston Legg To the Town of Winchendon So far west as the west Line of Said Town or otherwise relieve your Petitioners as in your Wisdom you shall think fitt

As In Duty Bound your Humble Petitioners Shall Ever Pray &c

Royalston December ye 23: 1778

JONATHAN PERHAM	WILLM BEAL
JAMES STEEL	SAMLL STEEL
AMOS HEYWOOD	DANIEL HEYWOOD." — *Ibid.*

The above committee reported, on the same day, a resolve that the prayer of the petition be granted, and that the petitioners, "with their lands, as far west as the west line of the said town of Winchendon, be annexed thereto; they paying their proportionable part of the taxes set upon the town of Royalston before the date of this resolve." Upon reading this resolve, an order was passed, "that the petitioners have leave to bring in a bill for that purpose."

No further legislative proceedings upon the subject-matter of the above petition have been discovered, until Nov. 29, 1779, when the petition was again read, in the House, and committed to Messrs. Parks, Whitney and Fessenden, who, on the 7th of December, reported a resolve granting the prayer of the petitioners, and giving them leave to bring in a bill, as before. The General Court was adjourned on the day this report was made, and no action appears to have been had thereon, in the Council, until April 25, 1780, when a vote of concurrence was passed by the Board. Owing to the loss of the journal of the House, after this date, the further action of the House during this session, has not been ascertained, but a memorandum on the bill, apparently in the handwriting of the clerk, indicates that it was then referred to the next sitting."

On the 3d of June, 1780, the bill of this chapter was read a first time, in the House, and, on the 9th and 10th, respectively, it was read a second and a third time, when it was passed to be engrossed, and sent up for concurrence. On the 13th, it was passed to be engrossed, in concurrence, by the Council, and, on the 17th, it was passed to be enacted, and was signed by fourteen of the Council, though fifteen is the number stated in the record.

Chap. 4. In the notes to the acts of 1779-80, chapters 7, 13 and 15, some account is given of the expedients resorted to by the Legislature of Massachusetts to prevent the effects of the depreciation of the currency. A disposition to comply with the recommen-

dation of Congress, of Aug. 25, 1779,* to remove all restrictions on inter-state trade, was manifested in the report of the joint committee appointed Sept. 9, 1779,† in which the plan proposed by the convention at Concord, was recommended, as more effectual than embargoes, to prevent the inflation of prices. Notwithstanding the concurrent recommendations of the convention at Concord, of Congress, and of the above committee, chapter 13 was passed in less than two weeks after this committee had reported, and was followed, on the 6th of October, by the enactment of chapter fifteen.

The recommendation of the convention at Hartford,‡ Oct. 28, 1779, reënforced by the approval of Congress in the resolves of November 19th,§ seems to have encouraged the opponents of this restrictive policy, in the Massachusetts Legislature, to propose the total abrogation of the embargo acts. The resolves of Congress last referred to, which had been received and read in Council, on the 7th of December, were read in the House, on the 16th, and then referred to a joint committee, as has been already narrated.‖ On the same day, a bill to repeal both chapters 13 and 15, of the previous year, was introduced in the House.

The preamble of this bill, which was read a first time, in the House, December 16th, declared that the reason for passing the embargo acts had ceased, "by the failing of the measures which have been lately taken for regulating the prices of the necessaries of life, within this State." This was followed by a section repealing both the chapters above named, "so far as they affect any state which has not any act in force to prevent the exportation of the necessaries of life therefrom into this state." By another section it was provided that when any state, having in force any act to prevent the exportation, to this state, of the necessaries of life, should repeal the same, the two chapters aforesaid should "cease to operate with respect to such state."

On the 18th of December, 1779, this bill was read a second time, and ordered to be "recommitted." Endorsed on the original bill, still on file, are the names of Messrs. Pickering, Tudor and Walley (evidently in the handwriting of the clerk of the House); and these persons, probably, constituted the committee to whom the bill was thus referred. By the record, this bill seems to have been read a third time, passed to be engrossed, and sent up for concurrence, on the 21st, though the date given in a memorandum minuted on the bill, by the clerk, is the 22d, on which day it was read, a first time, in the Council, and nonconcurred; whereupon, a committee of conference was appointed, consisting of Artemas Ward, Thomas Cushing and Samuel Adams, of the Council, and Messrs. Pickering, Warren and Choate, of the House. On the 23d, Mr. Pickering went up with a message from the House, requesting that the act, if the Council had not passed upon it, might be sent down; which was accordingly done.

Further proceedings upon this bill appear to have been suspended in order to allow further efforts to be made to induce Connecticut to concur with Massachusetts in the repeal of their respective embargo acts. Accordingly, Jan. 6, 1780, Samuel Adams and Timothy Danielson, of the Council, and Messrs. Paine, Baldwin, and Davis of Boston, of the House, were appointed a committee, "to take into consideration the expediency of writing a letter," for that purpose, to the state of Connecticut. The letter which was prepared and sent in accordance with this vote, elicited the reply from Governor Trumbull, dated March 10th, which is printed in the note to 1779-80, chapter 13.¶

On the 17th of March, a committee, consisting of Messrs. Dawes and Ammidown, of the House, and Danielson of the Council, appointed to consider a letter, dated March 2d, received from Governor Greene of Rhode Island, reported "that the embargo act, as far as it respects Rhode Island, be repealed." The committee also reported a letter to Governor Greene. None of the papers relating to this correspondence have been found in the archives, but there remains on file a petition of Ellis Gray, not dated, in which he represented that he had in his custody a quantity of merchandise (a schedule of which was endorsed on the petition), belonging to Robert Champlin and Samuel Wickham, "of the island of Rhode Island, which they imported into this state while said island was in possession of the British troops"; that he had received orders since the evacuation of said island, by the owners, who were "known friends to the American cause," to ship the said merchandise to them, — they having returned thither; and that Wickham had "met with heavy loss, by the destruction of his real property in the town of Newport while under the domination of a cruel enemy"; wherefore, finding himself unable to comply with this order, "on account of the embargo act," he prayed that leave might be granted to "Ebenezer Shearman, master of the schooner , to take on board, and clear out, said goods," etc.

In answer to this petition, the following resolve ** was passed: —

"State of Massachusetts Bay In the House of Representatives March. 13th 1780
on the Petition of Elis Gray praying For Liberty to Export Sundrie articles to Rhod Island

Resolved, that the prayer of Said Petition be granted, and the Naval officer for the port of Boston be & he is hereby directed to Clear out for the Island of Rhod Island, on Board the Schooner Luke, Ebenr Shearman Master Ninteen Casks of Nails Two Casks of Mollasses Eighteen barrils & one hogshead Sugar Seven barrils Coffee Eight Teirces Taffier, and one Cask of Rum, on said Gray's Makeing oath that the said articles were Imported Into this State, by Robert Champlin and Samll Wickham of the State of Rhod Island and are there property as Sett forth in his Petition

Sent up for Concurrence JOHN HANCOCK Spkr
In Council March 14'. 1780 Read & Concurred JOHN AVERY D Sey
Consented to" — [Signed by fifteen of the Council].— *Mass. Archives, vol.* 226, *p.* 148.

* See note to 1779-80, chapter 13, *ante*, p. 1257. † *Ibid.*, pp. 1255 and 1256. ‡ *Ibid.*, p. 1259.
§ *Ibid.*, p. 1262. ‖ Page 1262. ¶ Page 1264. ** Printed resolves, chapter VI.

The passage of the resolves of April 10, 1780,* was the last attempt to lay an embargo on inland traffic; and this was done, professedly, in an emergency which seemed to justify, if not demand, extreme measures.

The bill of this chapter was read a first time, in the House, on the 7th of June, 1780. It was read a second time on the 8th, and, after debate, the next morning session was assigned, by a vote of seventy-nine to thirty-two, for a third reading of the bill; at which time it was read, passed to be engrossed, and sent up for concurrence. It was read in the Council, on the 9th and 14th, respectively, when it was passed, in concurrence, to be engrossed, "as taken into a new draught." In the title of this new draught, exactly agreeing with the present chapter, the specific reference to the two acts to be repealed, which the title of the original bill contained, was omitted, and was inserted in the body of the bill. Both the title and the body of the bill, in the new draught, included a reference to the resolve of April 10th, which was wholly omitted in the former draught. On the 15th, the House concurred in the above vote of the Council, and, on the 17th, the bill was passed to be enacted, and was signed by fifteen of the Council.

In the convention which was held in Boston, August 3, 1780, an account of which is given in the note to chapter 16, *post*, the following resolve was adopted: —

"5th Resolved, That it be recommended to the several States that have Acts laying an Embargo on the Transportation of Articles by Land from one State to another — to Repeal them — as being unnecessary & tending rather to injure, than serve the Common Cause we are engaged to Support and maintain — to Continue Embargo's on Provision by Water, and that particular Care be taken to prevent all illicit Trade with the Enemy." — *Ibid.*, *vol.* 144, *p.* 143.

Chap. 5. The bill of this chapter, having passed to be engrossed, in the Council, June 15th, was sent down to the House, for concurrence, and on that day was read a first time. On the next day, it had its second and third readings in the House, and was passed to be engrossed, in concurrence, and on the 19th, was passed to be enacted, by both branches, and signed by fifteen of the Council.

Chap. 6. This chapter was enacted to fulfil the engagement of the Legislature † to appoint six commissioners, on the part of this state, any two of whom were to act in conjunction with such commissioners as had been or should be appointed by Congress to sign and number the bills of credit emitted by virtue of that act.

The following are the resolves of the Continental Congress appointing commissioners on the part of the United States: —

"On motion of Mr. Adams seconded by Mr. Lovell,

Resolved, That Nathaniel Appleton and Joseph Henderson, esquires, be appointed commissioners on the part of the United States, either of them to endorse the bills that shall be emitted by the state of Massachusetts-Bay, pursuant to the resolution of Congress of the 18th day of March last." — *Journals of Congress: June* 29, 1780.

"Resolved, That Thomas Walley and Peter Boyer be appointed, in addition to Nathaniel Appleton and Joseph Henderson, commissioners on the part of the United States, any one of them to endorse the bills that shall be emitted by the state of Massachusetts-Bay, pursuant to the resolution of Congress of the 18th day of March last." ‡ — *Ibid: Aug.* 29, 1780.

These resolves were communicated by Samuel Huntington, president of Congress, to James Bowdoin, president of the Council, in letters dated, respectively, July 6th, and Aug. 31, 1780.

The bill of this chapter was read a first time, in the House, June 14th, and was there passed to be engrossed, on the 16th, when it was sent up to the Council, for concurrence. The Council concurred in the vote for engrossment, on the 17th, and the bill was passed to be enacted, on the 19th, and was signed by fifteen councillors.

Chap. 7. The bill of this chapter originated in the Council, where it was read a first time, on the 9th of June, and passed to engrossment and was sent down for concurrence, on the 14th, on which day it was read a first time, in the House. The bill was read, in the House, a second and third time, on the 15th and 16th, respectively, and was thereupon committed to Messrs. Partridge, Lowell and Sedgwick. On the 19th, this committee, having been changed by the substitution of Messrs. Sargeant, and Brown of Watertown, for Messrs. Lowell and Partridge, who were absent, reported the bill back with a proposed amendment striking out, from the preamble, the title of 1779-80, chapter 7, which was one of the acts embraced in the bill as originally drawn. The above report was accepted, and the bill as thus amended was returned to the Council, where it was concurred in. It was passed to be enacted, on the 22d, and was signed by eighteen of the Council.

Two other acts which had been included in the original draught; namely, 1779-80, chapter 15 (which was repealed by chapter 4 of the present year), and 1779-80, chapter 19 (which was continued by chapter 5 of the present year), had been stricken out before the bill came down from the Council.

Chap. 8. In chapter 36 of the acts of 1776-77, and chapter 9 of the acts of 1779-80, and the notes to each, may be found the provisions made by the Legislature to prevent desertion from our own forces. No such measures, however, having been adopted to prevent desertion from the ranks of the allies who were coöperating, or who might coöperate, with the Continental forces, Congress made the following recommendation to the several states, to pass laws to that end: —

* Pages 1265 and 1266, *ante*.

† 1779-80, chapter 40, § 7.

‡ See note to 1779-80, chapter 40, pp. 1339 and 1340, *ante*.

"Resolved, That it be recommended to the legislatures of these United States to pass laws for the punishment of such persons as shall encourage desertions from the fleets or armies of any foreign power who shall prosecute the war in America in conjunction with these United States, and for recovering such deserters as shall endeavour to conceal themselves among the inhabitants." — *Journals of Congress: May* 27, 1780.

Accordingly, the bill of this chapter was read twice and passed to be engrossed, in Council, June 22d, and sent down to the House, for concurrence, where, on the same day, it was passed, in concurrence, to be engrossed, and on the next day was passed to be enacted, and was signed by sixteen of the Council, though fifteen is the number of consenting councillors shown by the record.

Chap. 9. This chapter enjoys the distinction of being the first act, since the beginning of the Revolution, laying a tax payable exclusively in silver and gold, or in equivalent merchandise of the kinds designated in the act. It was the first in the series of taxes provided, in sections 10, 12 and 13, of chapter 40 of the previous year, to be levied, annually, for seven years, to secure the punctual redemption of the bills of credit emitted by virtue of that chapter, and for the payment of the interest thereon.

The bill of this chapter was "brought in" to the House, June 12, 1780, by a committee appointed nine days before, consisting of Messrs. Henshaw, Woodbridge and Mattoon,— the first two having been put upon the committee, on the 7th, in place of Messrs. Freeman and Lowell, who were excused from serving. It was read a first time that day, and a second time on the day following, when, after debate, a committee, consisting of Messrs. Orne, Smith, Davis, Osgood and Barnes, was appointed, "to consider what is proper to be done respecting the delivery of such articles as may be received in lieu of hard money, towards the tax of £72,000."

On the day last named, another committee, consisting of Messrs Hastings, Mattoon and Drew, was appointed "to enquire into the tax set on the town of Lanesborough, and report what is proper to be done respecting the same," and also, "to bring in a clause to be inserted in the tax bill, empowering assessors to take advantage of the change of property which may take place between the 18th of May and the time they make their assessments" The loss of the original bill leaves it doubtful what changes were made or proposed by these committees. On the 19th, the bill was passed to be engrossed, and was sent up for concurrence, by a committee of five members, and on the same day it was passed to be enacted, in both branches, and was signed by fourteen (though the record says fifteen) of the Council.

The town of Hancock, in addition to the burden of fines from which, for sufficient cause, it had successfully sought relief, as shown in the note to 1779-80, chapter 30 (p. 1306, *ante*), and the excessive taxation to which it had been subjected by reason of over-valuation, as shown in the notes to 1779-80, chapter 49 (p. 1388, *ante*), and chapter 16 of the present year (p. 1462, *post*), was so unfortunate this year as to fail to receive the necessary warrant from the treasurer, for the collection of its state taxes. Before the requirements of the law in this respect had been complied with, the collector of taxes, chosen at the previous annual town meeting, had adopted religious sentiments which constrained him to decline to serve longer in that capacity. What these views were, does not certainly appear; but it is not unlikely that he had become a follower of Ann Lee, who about that time, had made many converts in that region. The story of this misadventure of the town is told in the following petition: —

"To the Honnourable Council and House of Representatives, for the State of the Massechusetts Bay, to be Conveigned at Boston on the 7th Day of September Instant; —

The Petetion of the Select Men of the Town of Hancock humbly Sheweth; that whereas the Inhabitants of Said Town, at their Annual Meeting in the Month of March last past, did agree with: chuse and appoint, Hezekiah Orsborn of Said Town, to Serve as the only Constable and Collector: of Taxes in the Town for the present Year; as he had Served in that Capacity the Year past, and had not done Collecting; he perceiuing the Inhabitants Extreamly loth to serve in that place; did offer his Service the present Year; for a Certain Stipulated price; as a reward for the Same; the Rate Streaks being delivered him; the Assesors Transmited an account of the Same to the States Treasurer, Desireing him to Send his Warrant to our Sd Constable for the Same; but as the Sum Inserted to the Treasurer, did not agree with the Order he had Sent to the Assesors; he did not See fit to Send his Warrant to the Constable to Collect the Same; the reason the returns from our Assesors did not agree with the Treasurers Order; was the figgures in which the Sum was inserted; was in hast misplaced; and therefore the Constable Still remains without any Warrant, and the Town are now of opinion it is not best he should have any; as he has of late fell into So gross a delusion: in Religeous matters with a number of others in this; and in York State: that they Seem Totally to Deny all Civil Authority; and Rule: and Intirely refuse to giue their Assistance in any Publick way whatever, we have had two Town Meetings on the Acount: one to consult what was best to do in the Case: at which it was Concluded if the States Treasurer, persued the Constable in the legal way, it might terminate to the Dammage of the Town, as the Constable is a man of but Very Small intrest; and has no Bondsman; and for the Town to proceed to appoint another Constable, in his room; when he was nither Dead, nor removed; they thought unwarranable, without a Special Order of Assembly for the purpose; whereupon the Town appointed a Committe to Treat with Sd Orsborn; and See if they could make a Saveing Settlement with him, as he had Collected Some thousands of the State Tax, before he fell into this Distracted way; which remained in his hands, Sd Committe to make returns to the Adjourned meeting for the purpose; and to perswade Orsborn to attend Sd Meeting if in their power; who on the Day appointed did attend, Declareing he could not in Concience proceed any further; to do the Duty of a Constable; even if it cost him what little

he had: and his Life with it, but was ready and willing to give up the Monney he had Collected: with the Rate Bills &c: which the Town did not care to take, untill Your Honnours Pleasure might be known respecting the Matter; whereupon the Town passd A Vote, that your Petetioners in Behalf of the Town, by a humble Petetion. Should represent the whole affair to Your Honnours: and beg leave to Suggest to Your Honnours: that it is the Opinion of the Town; that it might be better; (if it be agreable to your Honnours known Wisdom;) that we might have a Special order to Chuse another Constable: and releale Orsborn; than to persue him farther; as we have no Apprehention that his Conduct Originates from any bad Design; Sence from the very beginning of the present war, he has been Esteamed: a faithfull Steady Friend to the Cause of the Country; it is indeed Verry painfull to us, to Consider these unhapy Surcomstances have prevented our earlyer Contribution to publick Use; Especially when our Country Calls So loud; but beseech your Honnours to believe it is more our Misfortune: than our fault: — beging that we may not be Subjected to Penalties; for any Delays; which we could nither foresee, nor prevent; Intreating your Honnours: to take the affair into your Wise Consideration: and do that which in your Great Wisdom Shall Seem Meet, and your Petetioners as in Duty bound will ever Pray.—

NATHANAEL GARDNER
WM BORMAN
JOHN BOARDMAN
} Select Men of the Town of Hancock." — *Mass. Archives, vol.* 229, *p.* 241.

This petition was read in the House, Sept. 18, 1780, and committed to Messrs. Hand, Childs and Barnes. On the 21st, Col. Easton was substituted on this committee, for Mr. Hand, who was excused, and on the 25th, Mr. Singletary was substituted for Capt. Barnes, who was absent. On the 28th, the committee reported the following resolve* : —

"In the House of Representatives Septr 28th 1780 —

On the Petition of the Select-Men of the Town of Hancock

Resolved That the Select Men of the Town of Hancock be empowered forthwith to call a Meeting of the Inhabitants of said Town — who, when convened, are hereby authorized & empowered to make Choice of a Constable & Collector of Taxes, in the Room of Hezekiah Osborne who was chosen at their annual Meeting in March last — for Reasons set forth in said Petition — any Law of this State to the contrary notwithstanding And it is further

Resolved That the Treasurer of this State be and he is hereby directed to suspend the issuing of his Executions against the Constable of said Town for the Taxes assessed on them for the Term of Two months from the Day on which he has been directed to issue Executions against the delinquent Collectors any Resolve to the contrary notwithstanding.

Sent up for Concurrence JOHN HANCOCK Spkr
In Council Sepr 28th. 1780 Read & Concurred JOHN AVERY D Scy
Consented to" — [Signed by sixteen of the Council] — *Ibid., p.* 243.

The difficulty that was encountered by the assessors of Mendon, in apportioning the tax laid by chapter 49, of the last year (see the note on p. 1386, *ante*), was not guarded against in the present chapter, by which the tax of Milford was again included in the sum set upon Mendon. The assessors of both towns now united in a petition to the General Court, to apportion the tax. This petition and the resolve passed thereon are given below: —

"To the Honble Genl Assembly of the State of Massachusetts. we yr honrs humble petitioners in behalf of the Towns of Mendon & Milford beg leave to inform yc honble Court that there appears to us such Difficulties for the Town of Mendon To Tax the Town of Milford, as the Tax is not Seperate in the Last Tax Bill passd yc 24th Day of April 1780 † to be paid in Silver & Gold. & we yr humble Petirs have agreed that Milford Should take upon them the Sum of one hundred & sixty six pounds three shilling as their proportion of Said Tax and that the remainder be Set to yc Town of Mendon, and that with Submission to the honble Court, that proportion may be observd untill there Shall be a valuation Settled thro' the whole State —

And we yr honrs humble Petitioners as in Duty Bound Shall ever pray

Mendon 25th Octr 1780:

B READ
JOHN TYLER
ADAMS CHAPIN
MOSES CHAPIN
ABRAHAM JONES
PETER PENNIMAN
} Assessors of Mendon and Milford."—*Ibid., p.* 497.

"Commonwealth of Massachusetts —

‡ On the Petition of the Assessors, of the Town of Mendon, and the Town of Milford;—

Resolved, That the Treasurer & Receiver General be, and he hereby is, directed forthwith to issue his Warrants, in usual Form, to the Selectmen or Assessors of the Towns of Mendon, & Milford, respectively; requiring them forthwith to assess the rateable Inhabitants of said Towns of Mendon, & Milford, in the Sums following, viz. the Town of Mendon, in the Sum of two hundred and fifty five Pounds, and one Shilling — and the Town of Milford, in the Sum of One hundred and sixty six Pounds three Shillings: The said Sums, being the Proportion of the said Towns respectively, of a Tax of Seventy-two Thousand Pounds, which by a late Act of the General Court, was apportioned and ordered to be assessed on the several Towns, and other Places, within this Commonwealth for the Purposes mentioned in the said Act.—

And it is further Resolved, That in all future Taxes to be apportioned & assessed on the several Towns & other Places, within this Commonwealth, by any Act, or Acts of the Genl Assembly, before a new and General Valuation shall be established; the said Towns

* Printed resolves, chapter LXXIX.

† *Sic:* June 19, 1780.

‡ Printed resolves of the October session, chapter XV.

of Mendon, and Milford, shall be taxed according to the following Rule, viz. The Town of Mendon in the Proportion of three Pounds, ten Shillings & ten Pence to one Thousand Pounds; and the Town of Milford, two Pounds, six Shillings & two Pence to a Thousand Pounds

In Senate November 6th 1780 Read & Accepted, sent down for Concurrence JER: POWELL Presidt

In House of Representatives Novr. 6. 1780 Read & concurred CALEB DAVIS Speaker

Approv'd JOHN HANCOCK." — *Ibid.*, *p.* 495.

The following is the resolve referred to in the note to 1779-80, chapter 49, for abating the state tax on the town of Lanesborough. Just when and in what manner this subject was first brought to the attention of the Legislature, has not been discovered. It was first referred to the committee above named, June 13, 1780; and the committee last appointed probably reported the resolve: —

"Common Wealth of Massachusetts In the House of Representatives November 7th 1780

* Whereas it Appears to this Court that the Town of Lanesborough in the County of Berkshire through Mistake Was Taxed more than their proportion by Reason of the Plantations of New Providence and New Ashford being Return'd by Sd Lanesborough in their last valuation And it Appears that Sd Plantations have Ever Since by Sd Valuation been taxed by themselves —

Therefore Resolved that the Town of Lanesboroug be Abated the Sum of Fifteen Thousand Seven Hundred and Ninety Six pounds of the Old Continental Currency and Also the Sum of Seventy five pounds in the Silver money Tax laid on Sd Town and the Treasuror of this Common Wealth be and he is hereby Directed to Discount with the Constable or Constables of the Sd Town of Lanesborough The Aforesaid Sums

Read & accepted sent up for concurrence CALEB DAVIS Speaker

In Senate Novr 8th 1780 — Read & Concurred JER. POWELL Presidt

Approv'd JOHN HANCOCK "— *Ibid.*, *vol.* 230, *p.* 28.

Accompanying the foregoing resolve, in the state archives, are certificates of the assessors of Lanesborough for the years 1777 and 1778, showing that in both those years the polls and estates of the towns of New Ashford and New Providence had been included in the assessment of Lanesborough, and that in the former year, there were eighty ratable polls in New Providence, and thirty-seven, in New Ashford, while the combined valuation of those towns then amounted to £21,437 17*s.* As the taxes assessed on Lanesborough, in the present and the preceding tax acts, after Adams (which included the former plantation of New Providence), had been made a separate town, were, relatively, larger than in former years, it is clear that the existing valuation was not a just basis for future assessments; and, since the act for incorporating Adams had provided that the inhabitants should pay their proportionable part of such taxes, only, as had been actually assessed and levied previous to the 10th of April, 1780 (the date of the incorporation), it is equally clear that Lanesborough was entitled to a proportionate abatement of the amount assessed to it, both in this chapter and in 1779-80, chapter 49, no part of which taxes was assessable upon the town of Adams.

For other abatements of taxes imposed by this chapter, see, in the note to 1779-80, chapter 49, the resolve of June 14, 1780,† and in chapter 16, *post*, the resolve of Nov. 23, 1780, respecting the taxes of the town of Washington; also, in the note last referred to, see the resolves of Oct. 4, 1780, relating to the tax laid on the town of Hancock, and Nov, 7, 1780, relative to the tax laid on the town of Thomaston.

Chap. 10. On comparing the boundary line of the proposed district of Carlisle, as reported by the joint committee of the General Court, appointed upon the petition of John Green and others, with the boundary established by the act incorporating the district,‡ it will be seen that by the former, the farm of Josiah Blood was wholly excluded from the new district, and that by the act (in which the lines on the surveyor's plan were followed), part of this farm fell within the bounds of Carlisle and part remained in Concord. This was evidently an inadvertence on the part of the framers of the bill; and for the correcting this mistake the following petition was presented to the General Court: —

"To the Honble the Councel and House of Representitives of the Massachusetts Bay in General Court Assembled the Petition of Josiah Blood Humbly Sheweth

that a Number of the Inhabitants of Concord Chelmsford Bellerica & Acton Prefered a Petition to the Late General Court Praying that they Might be Set off into a Seperate Town Destrict or Parish Agreeable to Bounds Mentioned in Said Petition in Consequence of Said Petition a Committe was appointed to Repair to the Towns Aforesaid and Veiw the Same and Report — and as the Proposed Bounds of the Said Destrict Did Take in a Part of the Farm of your Petitioner Grately to his Damage in the Opinion of the Honble Committe who Did Report that the Bounds Should be So Far Altered as to Leave the Whole of your Petitioner farm to the Town of Concord which Report was Accepted, But was Neglected in the Bill for Incorporation

your Petitioner Therefore Humbly Request your Honrs that a Bill May be Brought in Annexing the Whole of his Farm to the Town of Concord and as in Duty Bound shall Ever Pray JOSIAH BLOOD

Concord August ye 12 1780." — *Mass. Files: Bills*, 1780.

This petition was read, first, in Council, on the first day of the second session (Sept. 7, 1780), and thereupon both branches concurred in a resolve granting leave to the petitioner "to bring in a bill for the purpose mentioned in this petition."

The bill of this chapter was accordingly read, in Council, September 9th, passed to be

* Printed resolves of the October session, chapter XXVI.

† Page 1387, *ante*.

‡ 1779-80, chapter 42.

engrossed, and sent down for concurrence. In the House, it was read a first time, on the 11th, and a second time, on the 12th, when an amendment was proposed by which the words, "in General Court assembled, and by authority of the same," were added to the enacting clause. On the same day, this amendment being concurred in by the Council, the bill was passed through all the subsequent stages, to be enacted, and was signed by fifteen of the Council.

Chap. 11. The district of Stoughtonham, which was made a town by the operation of the general act of 1775-76, chapter 3, was incorporated as a district by the act of 1765-66, chapter 6. It had previously been the second precinct of Stoughton, and was so established by the order of the General Court, of July 2, 1740, accepting the report of a committee, in which the boundaries of the precinct were defined, as shown in the note to the act last above mentioned.

The first attempt by the inhabitants of this territory to be set off from the parent town, that has been discovered, was on the 8th of December, 1738, when Joseph Hewins, Samuel Estey, Daniel Richards, Samuel Bird, and others, presented to the General Court a petition for that purpose, "shewing that they are very inconveniently situated to attend the public worship of God," in the first parish. On this petition, which has not been found in the state archives or elsewhere, notice was ordered to be served on the town of Stoughton. After some disagreement between the two branches, the first Thursday of the next (April) session was fixed as the time for hearing the petitioners. Upon receiving this notice the inhabitants assembled, in town meeting, March 12, 1738-39, and chose a committee, * consisting of Elkanah Billings, Silas Crane and William Crane, to answer the petitioners. It appears from an entry in the town records of Stoughton, under date of May 17, 1739, showing that an account of the expenses of this committee was then allowed and ordered to be paid, that this committee attended the Court, and opposed the petition. On the 19th of April 1739, an order was passed in Council, "that the petition be dismissed," and, on the following day, the House concurred in this order.

On the 14th of June, 1739, the following petition was read in the House, and the petitioners were ordered to serve notice thereof upon the town of Stoughton, returnable on the first Thursday of the next session: —

"To His Excellency Jonathan Belcher Esqr Captain General and Govenour In Chief In & over His Majestes Prouance of ye Massachusets Bay In New England and to the Honourabele His Majesties Counsel and House of Representatives In General Court assembled at Boston on the Eight day of June 1739

The Petision of John Hixson Benja Johnson — Comtt To Prefer a Petision to this Hono Coart In behalf of ye subscribers Inhabitanc of ye southerly Part of ye Town of Stoughton — Humbly sheweth

Whereass by ye Prouidenc of ye all Disposing God our Lots are Faling to us at so great a Distance from ye Publick Worship Of God In ye North Part of sd Town yt your Petisioners Cannot Ever without great Difficulty attend ye Publick worship of God Their

Wee Have Petisined ye Town once & again to be Eased of ye great Difficultys wee now Labor under but Have bin by them Rejected Notwithstanding ye great Length of way which sum of your Petisioners Live from ye Publick worship In ye North Part about 8 or 9 miles and In Consideration of our great Duty to attend ye Publick worship of God not only our selves but with our famelys & Children Which are by ye Blessing of God Greatly Encreased theirfore Your Petisioners Haue of Late Petisioned this Hono Coart to Bee set off a seprate Towne or Precinct but This Hono Coart Did not see cause to grant ye Prayer of ye Petision: ye Reason as wee Humbly Conseve wass ye answers to ye Petision which Was Rong & Erroneous: Theerfore your Petisioners Humbly Pray This Hono Coart to see with your own Eyes by sending a Committy to Uew ye surcomstances at ye Charge & Cost of your Petisiners that this Hono Coart may bee Wrightly Informed and see ye unjust Preseedings of ye Non Petisoners And Their fallacious answers to our former Petision & as your Petisioners Are obliged by Concience and Law to attend ye worship of God Thay have By a free Contribution Maintained Preaching among them selues for a Considerabel time notwithstanding Thay have Paid Their Proporsenabel Part To ye North Paart whear thay Cannot Have but Litel or none aduantage Wee wold beg Leave to Informe this Hono Coart that since wee have Had Preaching among us its Encuraged sum well minded Parsons to Come And setel within ye Limets herein Petisined for and if it should Please This Hono Coart to grant our Petision it wold be a great Incuragement to a great many more if your your Petisioners ware In a kepassety to have the ordinencs of God administered among them and your Petisioners Haveing Had sum Experince by their Haveing maintained Preaching among themselus Thay Look on them selves abel to maintain ye worship of God —

Your Petisioners Theirfore Humbly Pray this Hono Coart that thay wold Plase to Send a Commity to Vew our Circumstances that so your Petisioners May be Put Into a kepassety that thay may have ye ordinances of our Sauiour Setteled among them In a Reguler order by seting Them off a Distinct and Seperate towne or Precinct by ye followings Meets and Bounds (viz) to begin with ye Line of Dadham Whear it meets with wolpole Line & to Run noth Esterly with ye Line of Dadham Untill it meets with massapoy River whear it Runs Into Neponset River and from Croch of sd Rivers a straight Line south Esterly untill it meets with ye Parting of ye Roods a Littel to ye south of Calab Haywards House Then a straight Cours south esterly Untill it meets with withington and artherton Bounds ye Est side of ye Town way near withington Dam from thence a southerly Course untill it meets with ye Colony Line whear it Croses Trout Brook and with ye Colony Line westerly untill it meets with Rentom Line and with ye Line of Rentom

* Town records of Stoughton, vol. 1, p. 77.

notherly untill it meets with y^e^ Line of wolpole and with wolpole Line Notherly untill it meets with y^e^ Bounds first mentioned and wee Humbly Beg Leave here to say that what wee now offer In Respect of our being so set off is in sincerity for y^e^ Promoting y^e^ worship of God and Religion In y^e^ Purity of It among us

Whearfore wee Pray your Excellency and Honours would be Pleased to Hear our Request and grant our Petision and As wee In Duty Bound Shall Ever Pray

JOSEPH HEWINS:	ABRAHAM CHANDLER	JEREMIAH BELCHER
BANJEMIN ESTEY	EBENEZER ESTE	CLEFFORD BELCHER
TIMOTHY TOLMAN	WILLIAM WEBB	EPHRIM PAYSON
ISAAC COMINGS	MAYHEW TUPPER	EPHRIM PAYSON JUN^R^
JOHN SMITH	STEPHEN HOLAND	SAMUEL BIRD
WILLIAM COALDWELL	BENJA PERRYE	THOMAS RANDALL
SAMUEL COMINGS	JOSIAH PERRY	BENJAMIN PERRY JUN
WILL^M^ RICHARDS	ELIACOM PERRY	JOSHUA JOHNSON
SAMUEL ESTE	JOHN NOYES	JOB SWIFT
SAMUEL DWELLE*	ELEAZ^R^ HAWSE	THOMAS TUPER
NATHANIELL CONEY SENER	DANIEL RICHARDS	EBENEZER CAPEN
PELATIAH WHITTEMORE	JOSEPH EUERET	MARTHU HOBBS
ELEA^R^ PUFFER	JACOB ESTEE	WILLIAM WOD
JOSEPH INGRAHAM	JOSHUA WHITTEMORE	NATHAN CLARK
BENJ^A^ LOVELL	EBEN^R^ HEWINS	BENJAMIN ESTEY JU^R^
SAMUEL LOVEL	JOSEPH HEWINS JUN^R^	OBEDIAH HAWSE
MATTHIAS PUFFER	EDWARD BELCHER	BENJA JOHNSON
		JOHN HIXON." — *Mass. Archives, vol.* 114, *p.* 425.

On the day appointed for the hearing upon the foregoing petition, it was again read, together with the answer of the town of Stoughton, and on the following day a joint committee was appointed, consisting of Messrs. Bourn, Stoddard and Lynde, of the Council, and Greaves, Buckminster and Jones, of the House, "to take the same under consideration, hear the parties, and make report of what they judge proper for this Court to do thereon." The answer of the town of Stoughton, which was presented by Elkanah Billings, Preserved Lyon and William Sherman, a committee chosen for that purpose at a town meeting on the 10th of September, has not been discovered; but the report of the joint committee of the General Court was made, in Council, Sept. 27, 1739, as follows: —

"The Comitte to whom was refferred the Petition of Jn^o^ Hixon & Benj^a^ Jonson having hear'd the Party's & taken under consideration their Papers Pleas & Allegations, Report that in their Opinion, it may be proper for a Comitte from the Court to veiw the Lands Petitioned for a Precinct together with the State & circumstances of the Town of Stoughton, hear the Party's, & Report what may be further proper for the Court to do thereon,— The Charge of the Comitte to be born by the Petitioners.

In y^e^ Name & by order of y^e^ Com^tt^

M BOURN."— *Ibid., p.* 444.

On the 28th, this report was accepted, and a committee, consisting of William Dudley and Anthony Stoddard, of the Council, and Messrs. Buckminster, Read and Little, of the House, was appointed "for the purposes above mentioned," — the petitioners to pay the charges attending the performance of this duty.

For some reason which has not been discovered, this committee seems not to have acted. By the records of the town of Stoughton, however, it appears that at the town meeting held March 10, 1739-40, a vote was passed by the inhabitants, for dividing the town into two precincts, and that a committee was appointed, consisting of Elkanah Billings, William Crane, George Talbot, John Shepard, Joseph Hewins, jun., Samuel Bird, Jeremiah Fuller, Ralph Pope, Silas Crane, Benjamin Savell, Samuel Billings and Charles Wentworth, to make this division, "by such a line as the town shall agree to," and "to make report at the next town meeting." On the 19th of May this committee reported, in town meeting, as follows: —

"It is the Opinion of us y^e^ Subscribers that if the Town See Cause to Divide into two precincts that it be Done as followeth, (Viz) By a Line paralel with Braintrey Line, at y^e^ Distance of five miles & a half from s^d^ Braintrey Line: and whereas there is a small Tract of Land in the Southeast Corner of this Town, Set off to y^e^ North precinct in Bridgwater that there be half so much Land as is Set off to Bridgwater as aboves^d^, taken off to the Southwest of y^e^ above mentioned Line at y^e^ South East End thereof, to Ly to the North or Northeast part —

March y^e^ 24^th^ 1739/40 — Elkanah Billing, William Crane, George Talbutt, John Shepard, Ralph Pope, Silas Crane, Samuel Billing, Charles Wentworth } Com^tee^." — *Town records of Stoughton, vol.* 1, *p.* 85.

This report was unsatisfactory to the inhabitants, who were desirous to be set off into a separate precinct, less on account of the attempt to forestall legislative action, than on account of the nature of the division it proposed. Accordingly, another effort was made by petition, to procure from the General Court a vote or resolve establishing a new precinct, by suitable bounds, as follows: —

"To his Exellency Jonathan Belcher Esqr Captain General and Comander in Cheif in and ouer His Magesties Prouenc of the Massachusets Bay in New England and to the Honerble His Magesties Council & House of Representetius In General Court assembled att Boston on the 5th of June 1740

The Petiton of us the Subscribers in behalf of a number of the inhabatnts in in the south westerly part of stoughton humbly sheweth that haueing here to fore petishoned this Hor.

* Or, Durelle.

ble Court for that part of stoughton to be Erected into a seperat Township or Presint Runing such a Diuiding Line as to take about one third part of the Ratabile estate in that Toune as by the Petision may appear it being in Court and the Honble Counsele & Houce of Representetiues haueing appointed a Commitee theiron tho not perfeted now so it is may it please your Exellensy & Honours the toune being sensable of the necessity of a Diuision by Reson of our great Length and uter Enconuenansy if not imposability of asembiling to gather in one houce for the Publick worship Did a gree and vote a Diuision of the toune in to two pressents the Last march meting and Chose a Committee their for of twelue men such as the toune saw good who made a Report in favour of such a Diuision as we apprehend is nither Conuenient or Resonable for it leues including some people Liueing nerer to norton New meting some and werentham meting, who we niuer Expect to Come to us nor Desir them they Liueing so Remote but one Quarter part of the ratabil Estat or heads for in stoughton thir is 272 heads where of 68 is reported to be set of: in £28: 16s: 11d Rated Estate But £6 — 14s — 7d is also set of, wherby many of the Petisioners are Excluded, many that haue bin att the Charge in bulding a meting houce whare-in we haue had the publick worship for some time, also Excluded, and the Remanr utturly unabil to support the gospel minestry, which we ar very Desirus of and in a short time would haue setteled, and supported, if we had A suffshency of Estate and polls theirfor, as may be seen by the plan here with presented. wherefore the humbil petision of the subscribers is, that your Honers would Either grant our former Petition and Erect us in to a seprat Township or precinct or Consider the surcumsansis and Capasity of the toun and what the highest man in the rate pays to wards the support of the Gospel and Releue us in the premisis by seting us of in to a seprat township or precen or other wis giue us sume other help in the premisis as your Exelensy & honers shall in your justis & Clemensy seem meet

JEREMIAH FULLER
JOSEPH HEWINS JUNR
WILLIAM RICHARDS." — *Mass. Archives, vol.* 114, *p.* 548.

This petition was read in the House, June 6, 1740, and notice thereof was ordered to be served on the town of Stoughton, returnable on the 25th of the same month. On the day appointed, a committee chosen by the town of Stoughton appeared and presented the following answer: —

"To His Excellency Jonathan Belcher Esqr Captain General and Governour in Chief in and over His Majesties Province of the Massachusetts Bay in New England, To the Honourable the Council and House of Representatives in General Court Assembled. — June 25. 1740. —

The Answer of William Royall, Elkanah Billing, Simon Stearns, George Talbott and Silas Crane a Committee Chosen by the Town of Stoughton to make Answer to the Petition of Jeremiah Fuller Joseph Hewins Junr and William Richards, presented to the General Court, Praying to be set off a Separate Township or Precinct. —

Humbly Sheweth, That Whereas the Petitioners for the Precinct, have in Order to gain their purpose, Used a great deal of Craft to Perswade Your Excellency and this Honble Court into an Opinion that the Town of Stoughton is well able to Spare what they desire by their Petition, but are not so just as to inform Your Excellency and this Honble Court, that altho' the Taxes for the Support of the ministry, hath been small, that there is Arrearages due to the minister, of above Eighty Four Pounds, which the Town hath Voted him, as may Appear by a Report of a Committee, Appointed by the said Town for that purpose, herewith Exhibited, and which the Inhabitants must be Taxed for, Neither were they so just as to let Your Excellency and Honours know that there is not so much rateable Estate in Said Stoughton, as there was when it was first Erected into a Township, by reason of a great part of the best rateable Estate, being set off to Dedham and other Towns, And Also Endeavour to Amuse Your Excellency and Honours with a number of Polls that there is in the Town, Your respondents beg leave to Inform Your Excellency and Honours, that great part of the Polls that are rated in Stoughton, are such as have no Estate in the Town, but depend upon their labour for their Subsistence and are daily removing out of the Town, So that there is repeated requests made by the Constables to the Selectmen, for remitting their Rates. We Would further beg leave to Inform Your Excellency and Honours that about Six Years past, great part of the Petitioners applyed themselves to the Selectmen for to have a Way laid out to Mr. Dunbars Meeting, which the Selectmen did, and to make them easy the Town Confirmed; which Way Cost the Town nigh One Hundred Pounds, but the Petitioners were not long satisfied with that, but a few of them Erected a meeting house near their own Doors and are Endeaving to perswade Your Excellency and Honours to Set them off into a Precinct, leaving their present minister, to have his Rates Collected of Persons that live around them, And also to Compel above One half that are included within the Precinct, they Petition for, to be set off Contrary to their minds, as by their Petitions accompanying this Answer, may Appear, For which Reasons, Your Respondents Pray that their said Petition may be Dismiss'd, And the Town Allowed Exemplary Costs. —

And as in Duty Bound shall pray &c —

WM ROYALL
ELKANAH BILLING
SILAS CRANE
GEORGE TALBOTT
SIMON STEARNS." — *Ibid., p.* 550.

— whereupon, an order was passed appointing William Dudley and Joseph Wilder, of the Council, and Messrs. Paine, Watts and Pynchon, of the House, a committee to consider the papers, "hear the parties thereon, and make report what they judge proper for this Court to do thereon."

This committee made the report which, together with the order of the General Court thereon, is printed in the note to 1765-66, chapter 6, referred to above.

The third precinct in Stoughton was set off from the first precinct, Nov. 9, 1743, by order of the General Court. It embraced the territory of the present town of Stoughton, and by this separation the first precinct was reduced to the territory lying north, and which has since become the town of Canton.

On the 14th of March, 1757, sundry inhabitants of the second precinct applied, in their precinct meeting, for permission to be annexed to the third precinct, but their application was dismissed, "by Reason they Did not Bring their Petition."*

On the 7th of December, following, John Noyes, William Deverix, Ephraim Payson, jun., and William Smith of the second precinct, presented their petition to the General Court, to be annexed to the third precinct, representing that they had previously applied to the town, and had been refused. Notice upon this petition, returnable on the 21st of December, was ordered to be served on the second precinct, but service thereof seems not to have been made, and like notice was again ordered Jan 12, 1758, returnable on the second Tuesday of the next session. Upon this notice the inhabitants of the precinct, at a meeting held March 7th, chose Mr. Clifford [Belcher ?] and Mr Job Swift, a committee to answer the petition; and on the 14th, the parties were heard, and a joint committee, consisting of James Minot and Benjamin Pickman, of the Council, and Nathaniel Smith, Col. Lawrence and Capt. Williams, of the House, was appointed "to take the petition and answer under consideration, hear the parties, and report what they think proper to be done thereon." This committee reported, on the 17th, "as their opinion, after having heard the parties, that the said petition be dismissed." This report was accepted, and the petition was dismissed, accordingly.

The next move towards the annexation to the third precinct, of some of the inhabitants of the second precinct, appears to have been the appointment of a committee by each of the precincts, to mutually advise whether any portion of the lands or inhabitants of the second precinct should be set off to the third precinct, or whether the bounds between the said precincts should remain unchanged.

The first committee on the part of the second precinct, was chosen at a precinct meeting, held March 10, 1760, and consisted of Joseph Hewins, Elkanah Billings and Daniel Richards. At a meeting held Oct. 13, 1760, the inhabitants of the second precinct chose a new committee for the same purpose, consisting of William Bacon, Daniel Richards and Clifford Belcher,— the precinct at the same time refusing to vote that any of their lands or inhabitants should be annexed to the third precinct.

A majority of the committee of conference, as finally constituted, prepared and signed a report, which was accepted by the second precinct, at a precinct meeting, held, by adjournment, June 3, 1761. This report, together with the resolve of the General Court thereon, is printed in the note to 1765-66, chapter 6, referred to above.

On the 20th of May, 1765, a little more than three years after the annexation of the above-named petitioners, to the third precinct, a petition of the inhabitants of the second precinct, praying to be set off as a distinct township or district, was considered at a meeting of the inhabitants of the town of Stoughton. This petition, which is given below, the town voted to accept, "and alow them to Go of agreable to their prayer": —†

"To ye Town of Stoughton: In Town meeting Assembled this 20th Day of May A D 1765

We the Subscribers Chosen a Committe in Behalf of ye 2d precinct in sd Town: To Sollicet ye Town that sd 2d precinct may Be Set off a Distinct Township or District By them Selves Humbly Sheweth that ye Town is of Large extent and ye Inhabitants of ye sd 2d precinct Being ye most Remote of any other in ye Town By Which means the Difecalty of attending Town meetings Lies heavier on that precinct then on ye other Two / and the Disadvantage of Being unacquainted Each others Interest may in time Occation Sum Disagreement in ye Town Which we hope Will Never happen But Wish that the Same unanimity and peace that Now Subsists among us may forever Continue / Whether We Be Set off By our Selves or Not / But Inasmuch as We apprehend that our publick Biseness may Be Carried on With much Less Time and Expence To Both party / then it Now Can / our humble Request is that the Town Would pass a Vote that the Second precinct in ye Town of Stoughton / as it Now is / may for the future Go of By them Selves a Seperate Town or District as the Great and General Court Shall order / And your petitioners Shall Ever pray &c

Stoughton May ye 20th 1765 SAMLL BIRD } Committe." — *Town records*
WILLM RICHARDS } *of Stoughton, vol. 1, p. 290.*

The town having thus signified its assent, the petitioners found no difficulty in securing the passage of the act, 1765-66, chapter 6, by which the second precinct was erected into a district. Their petition was read in the House, June 7, 1765, and committed to Messrs. Thayer, Hersey and Wood, "to consider and report." On the 18th, the bill of that chapter was read three times, in the House, passed to be engrossed, and sent up for concurrence; and on the 20th, in the Council, it was passed, in concurrence, to be engrossed; and was then passed to be enacted by both branches, and on the 21st, was signed by the governor.

The tax, for the current year, which had been laid wholly on the town of Stoughton, was apportioned between that town and the newly erected district of Stoughtonham, by the resolve of Oct. 30, 1765, printed in the note to the tax act, vol. IV., pp. 865 and 866.

An ineffectual attempt to change the boundaries of Stoughtonham was subsequently made, on the petition of sundry inhabitants of Wrentham, Stoughton, Stoughtonham, Walpole and the north parish of Norton, praying to be erected into a distinct township. This petition was presented to the Legislature, Jan. 30, 1766; and at a meeting of the in-

* **Town records of Sharon, p. 41.** † Town records of Stoughton, vol. 1, p. 290.

habitants of the district of Stoughtonham held, by adjournment, March 17, 1766, it was voted, apparently in reference to this petition, to choose a committee to meet with certain of the petitioners, "in order to agree upon some more proper line," and if no such agreement should be made, the committee were to appear at the General Court, to oppose the petition. This appears to be all the change that was attempted to be made in the district and town of Stoughtonham * until March 9, 1778, when, at a meeting of the inhabitants of the town, Daniel Richards, Elijah Hewins and Royall Kollock were appointed a committee to prefer a petition to the town of Stoughton, to straighten the boundary line between those towns, "so that John Tolman and his lands, and some part of Fowl Meadow, may be annexed to Stoughtonham."

The committee thus appointed, reported at a meeting of the inhabitants, held March 8, 1779, by presenting a copy of a report (and of the vote thereon) made to the inhabitants of Stoughton, at a town meeting held one week before, by a committee chosen by the latter town for the same purpose. This report and vote were as follows: —

"The Committee on the Petition of John Tolman and others Reported as follows

We the Subscribers Being a Committee Chosen by the Town of Stoughton, at their Meeting on May y^e^ 18. Last, to Take under Consideration the Petition of the Committee of Stoughtonham & John Tolman and View the Premisses, and Having Attended that Service, Beg Leave to Report that whereas Said Committee Set forth in their Petition that the Line where it Crosses the Road is within a Mile & a half of Stoughtonham Meeting House and Runing in a Crooked and at this day almost undistingushed Manner, there doth not appear to your Committee So much weight, as at Prese.t to have it altered for we are of opinion that it may be Considerable well Distingushed and the Line Petitioned for not So Straight as it might be, and as the Gratest Part of what is Petitioned for is Meadow, and Meadow Bottom, & not Petitioned for by its Proprietors (which if it were) your Committee Can See no Reason why it Should be Sett off to Stoughtonham, and as Nath^ll^ Sumner Esq^r^ Signified to your Committee that he Should oppose that his Land in Stoughton, which is Included in Said Petition Should be Sett to Stoughtonham, your Committee think it would be a Hardship for this Town, to vote it off, —

and as to the Said Committee & John Tolman Sett forth in their Petition, his Being So Much Nearer to Said Stoughtonham Meeting House, and as to his fathers Being a Petitioner when the 2^d^ Precinct was Sett off, & being Most Cruely Disappointed, what Cruelty, there was in his Disappointment we are not able to Determine, But we have Reason to think that for Some Reasons he altered his Mind, and Chose to Continue to the first Precinct

This Reason in Said Petition we think have but Little weight, as to the Town Being So Much Nearer to attend all Publick Meetings, that we Know of, then a Grate Part of the Inhabitants of Said Stoughton, Except Publick worship, which more Especially Relates to y^e^ first Precinct, which if they Should be Petitioned and Should Sett him the Said Tolman off the Town May then act as they think Proper, But till then your Committee are of oppinion that Said Petition ought to be Dismissed all which is Submitted to by us —

Stoughton January 22^d^ 1779 PETER TALBOT, WM. WHEALER } Committee

Voted to accept of the Report of the Committee that was Chosen on the Petition of John Tolman and others

A True Copy from Stoughton Record
GEORGE CROSSMAN Town Clerk." — *Town records of Sharon, p.* 101.

The inhabitants of Stoughtonham thereupon appointed Joseph Hewins, Royall Kollock and Elijah Hewins, a committee, to present to the General Court a petition of the same purport as that which they had unsuccessfully presented to Stoughton. Accordingly, the following petition, signed by a majority of the committee above named, and by John Tolman, who may have signed on his own account, or as a substitute, on the committee, for Joseph Hewins: —

"State of Massachusetts Bay,

To the Honourable Council and House of Representatives in General Court Assembled

The Petition of us the Subscribers, appointed a Committee by the Town of Stoughtonham for the following Purpose: Viz^t^ to Petition y^e^ said Court for a more agreeable Line betwen them and Stoughton than at Present subsists; and John Tolman of Stoughton in behalf of himself and Property Humbly shews

That in the Year (1740) the Land that now makes the Town of Stoughtonham was set off from s^d^ Stoughton by the General Court to be a seperate Precinct; at which time the Town of Stoughton made violent opposition; But the Court by a view of a Plan of the whole Town, were convinced of the necessity of the Petitioners going of by themselves mad them a Seperate Precinct with this view, not to divide Mens perticular Properties, but that each Person should hold his whole Estate in the Precinct where his dwelling-house stood and it so happened that the Plan that the Committee had to direct them, had not the Subdivision lines of a large Lot drawn upon it, and the opposit Party after the Publick hearing was over took the opportunity to misinforme the Courts Committee by representing said large Lot as being whole & not subdivided by which means your Petitioner John Tolman and his Father before him, who was a Petitioner at the first and expected to Join with his Neighbours has unjustly been held to the first Precinct at the

* March 11, 1776, the town voted "to petition the General Court to change the name of the town * * to Washington, in honor of the present George Washington, and that such petition and vote of the town be presented by Mr. Edmund Quincy"; but, May 17, 1777, the inhabitants voted to dismiss an article, in the warrant for the town meeting, relating to changing the name of the town.

distance of Three Miles and an half from the Meetinghouse in Stoughton and but one Mile & an half from the Meetinghouse in Stoughtonham ever since, & not only so; but his Land lies in both Towns contrary to the design of the Courts Committee; for if it had not been to keep Mens Estates whole; the Court would not have made such a crooked Line betwen us and them. —

We Crave leave to inform the Honorable Court that upon the 18th of May 1778 the Town of Stoughtonham and the said John Tolman Petitioned Stoughton to settle a Line more Regular Including the Estate of John Tolman & running in the Lines of perticular Persons Lots until it comes to Dedham Line and takes off from Stoughton a Strip of Swamp, and Meadow that lies betwen Stoughtonham and Dedham; the Proprietors of a great Part of which live in Stoughtonham and but little of it owned by Stoughton People and lies more convenient to us than them; and not capable of making any Settlements Except a Part of the home Lot of Nathaniel Sumner Esq; that lies in Stoughton; which if he desires it should Remain there we have no desire to contend with him about it: although it lies vastly more convenient to Stoughtonham: than to Stoughton After about ten Months delay the Town of Stoughton Rejected the Petitions of Stoughtonham & said Tolman; and dismised both without any Releaf to either; which appears to us very disingenious and in no wise doing to others as they would (and have) been done by for some Years ago they stood in need of a triangular Peice of Land with four or five Families settled upon it to accomodate their new Precinct which belonged to Stoughtonham which we alowed to be set to their new Precinct for the sake of accomodation to the amount of about thirteen hundred Acres of valuable Land that your Petitioners can by no means obtain any Releaf either by having a better Line betwixt the Towns; or the Petitioner John Tolman be better accomodated without the Interpoition of this Honorable Court. The Line that Stoughtonham Petitioned for to be the Bounds betwen said Towns begins at the South-westerly Corner of John Billing Junr: his Lot and Running in the Line of said Billing and John Tolmans Land northerly and westerly to a Stake and heap of Stones in the corner of Nathaniel Comings Lot and then in the Lines of said Billing and Comings until it comes to the Line of Joseph Hartwells Land: then westerly in the line of said Hartwell John Billing and Samuel Coming to Stoughtonham old Line and in Stoughtonham Line to the Head Line of Pigeon Swamp Lots then easterly to the easterly Line of John Tolmans Swamp Lot and then in Said Tolmans line northerly to the Bounds of Dedham or Neponset River —

Your Petitioners therefore humbly Pray that: this Honorle Court would take the Premises into their wise and Judicious consideration: and we doubt not but that we shall be able to make it appear that the above described Line is Just and Reasonable and that you will confirm the above described Bounds to be the Dividing Line betwen the Towns of Stoughton and Stoughtonham and Annex John Tolman and his Estate to the Town of Stoughtonham for the future: And your Petitioners as in Duty Bound shall ever Pray

Stoughtonham September ye 16th 1779 — ELIJAH HEWINS, ROYALL KOLLOCK, JOHN TOLMAN." — *Mass. Archives*, *vol.* 226, *p.* 210.

The above petition was read in the House, Sept. 20, 1779, and committed to Messrs. Perry of Medfield, Curtis and Miller, who reported the following resolve thereon: —

"State Massachusetts Bay In the House of Representatives Novr 12 1779

On the Petition of the Comttee of the Town of Stoughtonham Praying for a more agreable Line Between them and the Town of Stoughton,

Resolved that the Petitioners notify the Said Town of Stoughton, to shew Cause if any they have on the Second Wednesday of the next Setting of this Court why the Prayer of the Petitioners should not be Granted By Leaving a Coppy of said Petition Together with a Coppy of this Resolve at Least fourteen Days before the Day above Prefixed with the Town Clerk of the Town of Stoughton

Sent up for Concurrence — JOHN HANCOCK Spkr

In Council Novr 12 1779 Read & Concurrd — SAML ADAMS Secry." — *Ibid.*, *p.* 213.

On the 16th of March, 1780, the petition was read again, and Samuel Niles, of the Council, and Messrs. Perry of Medfield, and Choate, of the House, were appointed a committee to take this petition into consideration, "hear the parties, and report what may be proper to be done thereon."

The petitioners filed, in aid of their petition, the following letter or certificate: —

"We the Subscribers Inhabitants of Dedham being informed that The Town of Stoughtonham have Petitioned the Great and General Court of this State for an alteration in the Line of Jurisdiction betwen sd Stoughtonham and Stoughton, which line if obtained agreeable to sd Petition will include a small Parcel of Meadow Bottom of which we are the Proprietors. We do hereby Signify that we are intirely willing that sd Meadow Bottom should be set to Stoughtonham agreeable to said Petition

Dedham March ye 7th. 1780 — JEREMIAH KINGSBERRY, JAMES KINGSBERRY, ASA EVERETT, EBENEZER EVERETT, ELEAZER RHOADS

To the Hon. Committee appointed to hear the Reasons for and against the alteration in sd Line." — *Mass. Files*: *Bills*, 1780.

On the day of the hearing, the following petition for further time in which to answer, was presented to the General Court, in behalf of the town of Stoughton, and was referred to the committee appointed to hear the parties: —

"To the Honorable Council & to ye Honb. House of Representatives

The Petition of Elijah Dunbar humbly shews that whereas ye Town of Stoughtonham, did in ye last Session of ye Genl Court prefer a Petition, praying that certain Lands be-

longing to y^e^ Town of Stoughton might be set off & annexed to y^e^ Town of Stoughtonham — in Consequence whereof y^e^ Town of Stoughton was notified to shew Cause on y^e^ 2^d^ Wednesday of y^e^ then next Sitting of y^e^ Gen^l^ Court (if any they had) why y^e^ prayer of s^d^ Petition should not be granted — & whereas y^e^ Town of Stoughton, at their Annual March Meeting held at Stoughton y^e^ 6^th^ of March Instant, (altho' there was an Article in y^e^ Warrant for y^e^ purpose of making Answer to s^d^ Petition) did not Act upon said Article, by reason of Difficulty arising in y^e^ Choice of Town Officers the Number of whom they had not time to compleat — and as the Town Meeting now stands adjorned to Monday y^e^ 20^th^ of March Instant, when they will have an Opportunity of Considering & Acting upon s^d^ Article, Therefore your Petitioner in Behalf of s^d^ Town of Stoughton; humbly prays, that a further Time may be Assigned, for y^e^ Town of Stoughton to exhibit their Reasons, why y^e^ prayer of s^d^ Petition should not be granted

And as in Duty bound shall ever pray

ELIJAH DUNBAR." — *Mass. Archives, vol.* 226. *p.* 214.

The committee above named made a report * on the next day, which, with the resolve of the General Court thereon, was as follows: —

"State of Massachusetts Bay, March 17^th^ 1780.

The Committee of both Houses On the Petition of the Town of Stoughtonham, Praying that a certain Tract of land, as described in the Petition, (in which Tract the Dwelling house & land of John Tolman One of the Petitioners is included,) may be anexed to the Town of Stoughtonham, also the Petition of Elijah Dunbar Esq^r^ in behalf of the Town of Stoughton, praying that the Consideration of Said Petition of Stoughtonham may be postponed to a further time; Have attended that Service and upon the Mutual agreement of the parties then present, Report as Our Opinion, that a Committee from this Court, repair to the Town of Stoughtonham, veiw the land mentioned, and hear the parties, and the Expence of Said Committee for veiwing the same be paid by the Town of Stoughtonham, and make Report to this Court. All which is humbly Submitted.

SAM NILES p^r^ Order

In Council March 17^th^ 1780

Read & Accepted and thereupon Resolved — That Samuel Niles Esq^r^ with such as the Hon'ble House shall join be a Committee to repair to the Town of Stoughtonham for the Purpose mentioned in the above Report —

Sent down for Concurrence JOHN AVERY D Sec^y^ —

In the House of Representatives Mar. 17. 1780 Read & concurrd — & M^r^ Perry of Medfield & Capt Williams of Roxbury are join'd — JOHN HANCOCK Spk^r^

Consented to" — [Signed by sixteen of the Council]. — *Ibid., p.* 209.

On the 20th of March the inhabitants of Stoughton appointed their selectmen; viz., James Endicott, Thomas Crane and Benjamin Gill, together with Elijah Dunbar and Nathaniel Fisher, a committee to make answer to the above petition from Stoughtonham. On the 25th of April, the committee of the Legislature chosen to repair to the town of Stoughtonham, view the premises, etc., had prepared their report. This report and the doings of the Assembly thereon, are given below: —

"The Committee of both Houses On the Petition of the Town of Stoughtonham, and John Tolman have Attended that Service veiwed the line between Said Town of Stoughtonham and Stoughton and the proposed line, heard the Committees from each Town, Considered the Same, And report as their Opinion, That the prayer of the Petition be granted, And that the Petitioners be Allow^d^ to bring in a bill Accordingly

April 25^th^ 1780. SAM^L^ NILES pr Order

In Council May 3^d^ 1780 Read and Ordered—That the Consideration of the above report be and hereby is referred to the Next setting of the Gen^l^ Court —

Sent down for Concurrenc JOHN AVERY D Sec^y^

In the House of Representatives May 3^d^ 1780 Read & concurrd

JOHN HANCOCK Spk^r^." — *Mass. Files: Bills,* 1780.

In the first session of the next General Court, the petition from Stoughtonham was read again, in Council, June 13th, and referred to a joint committee, consisting of Samuel Niles, of the Council, and Messrs. Coffin and Farley, of the House, who were ordered to take it into consideration, "with the papers accompanying the same, to hear the parties who are present, and report what may be proper to be done thereon." Among the "papers" thus referred to the committee, was the following petition, upon which the House, on the second of June, had passed a vote fixing the day for the hearing aforesaid. They had, at the same time, ordered the member from Stoughton to notify the town of Stoughtonham of this assignment: —

"To the Hon^ble^ the Council & House of Representatives of y^e^ Massachusetts Bay, in General Court Assembled — The Address and Petition of James Endicott Thomas Crane, Benjamin Gill, Elijah Dunbar & Nathaniel Fisher (A Committee chosen by y^e^ Town of Stoughton, to shew Cause why y^e^ Prayer of y^e^ Petition, presented by the Town of Stoughtonham, and one John Tolman the last Year; praying that s^d^ John Tolman with his Farm might be sett off & annexed to s^d^ Town of Stoughtonham; & also that a new Line between the said Towns, might be established as is described in said Petition:) humbly Shews: that y^e^ Committee chosen by y^e^ Gen^l^ Court to repair to the Premisses, & view them (at y^e^ sole Expence of s^d^ Town of Stoughtonham) & Report; gave the Select men of Stoughton Notice (by a Line under y^e^ Signature of y^e^ Hon. Samuel Niles Esq. Chairman of s^d^ Committee that they would attend s^d^ Business, at s^d^ Stoughtonham on y^e^ fifteenth Day of May then next ensuing — the Select men and Committee of Stoughton upon this agreed to attend y^e^ Hon^ble^ Court's Committee on s^d^ Day; & in

* Printed resolves, chapter XXVI.

y^e^ mean Time to prepare their Reasons why y^e^ prayer of y^e^ Petition of s^d^ Stoughtonham should not be granted: But to their great Disappointment & mortification they rec^d^ another Letter, signed by y^e^ abovementioned hon^b^^le^ Chairman, appointing Monday y^e^ seventeenth Day of April for s^d^ Purpose — By this new Appointment, made for some Reasons unknown to your Petitioners, at y^e^ particular & special Request of y^e^ Committee of Stoughtonham; the Committee of Stoughton had not Time sufficient to prepare for a Defence; & of y^e^ Town's Committee but two out of Five could possibly attend y^e^ Committee of y^e^ Gen^l^ Court when they were upon y^e^ Premisses — The Town of Stoughton at a legal Town meeting held in s^d^ Town on the twenty fourth Day of May Current, having this matter fully and plainly laid before them, were exceedingly alarmed, & very uneasy & immediately ordered that their Committee should forthwith cause y^e^ Premisses to be impartially, & accurately surveyed, that so y^e^ Quantity of Land petitioned for by Stoughtonham might be precisely ascertained, & that their Committee might thereby be enabled to make a proper Defince, or shew sufficient Reasons why y^e^ Prayer of s^d^ Petition should not be granted Therefore your Petitioners humbly request this honorable Court that y^e^ Land petitioned for by Stoughtonham might not be annexed to said Town, untill they can have an Opportunity of laying an accurate Plan of said Land before this Hon^ble^ Court & have a further Opportunity of shewing Cause why y^e^ prayer of s^d^ Petition should not be granted — And as in Duty bound shall ever pray &c

Stoughton May 31^st^ JAMES ENDICOTT pr Order —

N. B. a very considerable part of y^e^ Land petitioned for was flowed by water, from y^e^ time y^e^ Town of Stoughton rec^d^ Notice of Stoughtonham's Petition till long after y^e^ Com^tt^ of y^e^ Hon. Court was on y^e^ Premisses, & therefore could not be Surveyed." — *Ibid.*

At the hearing on the 13th of June, the town of Stoughton presented a survey of the land in controversy, which is on file in the office of the secretary of the Commonwealth,* and filed the following protest, or statement of reasons, against the annexation to Stoughtonham, of the territory in question: —

"To the Honorable y^e^ Council and House of Representatives of y^e^ State of Massachusetts Bay in General Court Assembled —

The Committee (chosen by y^e^ Town of Stoughton to take an accurate Survey of a certain Tract of Land, Lying in S^d^ Stoughton, which Land y^e^ Town of Stoughtonham has petitioned y^e^ General Court might be annexed to s^d^ Stoughtonham; & also make a further Defence, or offer some Reasons why y^e^ Prayer of y^e^ Petition of s^d^ Stoughtonham should not be granted) Having on y^e^ second Day of June Instant, prayed this Hon^b^^le^ Court, that they might have an Opportunity of performing the Intentions of y^e^ Town, before y^e^ Petition of s^d^ Stoughtonham was pass'd upon by y^e^ Hon^b^^le^ House: And this Hon^b^^le^ House having been pleased to comply so far with y^e^ prayer of s^d^ Petition that they then Assigned Tuesday y^e^ 13^th^ of June Instant, to take up y^e^ Papers of said Stoughtonham & Stoughton, & ordered Thomas Crane Esq. to notify y^e^ Town of Stoughtonham of s^d^ Assignment —

Upon which The Com^tt^ of Stoughton immediately took Measures to obtain an Accurate & an impartial Survey, of s^d^ Land — Their Surveyor, was a Man of Character belonging to Braintree, & their Chainmen Inhabitants of Dedham — The Com^tt^ of Stoughtonham was notified of y^e^ intended Survey to be present if they pleased, and John Tolman who joined with y^e^ Commtt of Stoughtonham was notified & present — The Result of s^d^ Survey is herewith inclosed which will give an Idea of y^e^ situation of y^e^ Land which y^e^ Town of Stoughton is exceeding unwilling to part with for y^e^ following Reasons —

1^st^ Because y^e^ Land is meadow Land, consequently uninhabitable, and therefore may & actually does accommodate y^e^ Town of Stoughton equally as well as it would Stoughtonham — And what Reason can be given why said Land should be taken from Stoughton (utterly against their wills) & annexed to Stoughtonham y^e^ Town cannot conceive —

2^d^ Because this Land is, and will be, advantagious to the Town to which it is annexed; And y^e^ Town can see no Reason why a Profit or advantage belonging to and enjoy'd by said Town, should be taken from them (against their wills) and given to Stoughtonham

3^d^ Because y^e^ Town cannot conceive how y^e^ Jurisdiction of this Land, can (compatible with y^e^ Principles of Liberty for which America is so nobly contending) be alienated from y^e^ Town of Stoughton, & given to Stoughtonham, unless y^e^ Town had forfeited its Right of Jurisdiction — JAMES ENDICOTT pr Order

Stoughton — June 13^th^ 1780."— *Ibid.*

Two days later, the committee reported as follows: —

"The Committee of both Houses on the petition of Stoughtonham and John Tolman with the papers accompanying the same, have Attended that Service heard the Committee from Stoughton and Stoughtonham and report the following resolve — Reso'ved that the prayer of the petition be granted and that the petitioners be, and they hereby are Allowed to bring in a bill for annexing the land petitioned for to the Town of Stoughtonham, agreeable to the line proposed in the petition."— *Ibid.*

This report was immediately accepted by both branches, and on Saturday, the 17th, the bill of this chapter was read a first time, in the House, and the next Tuesday was appointed for the second reading. At this stage, proceedings upon the bill were stayed, though for what reason does not appear. In the next session the bill was read again, on the 13th of September, and again on the 15th and 16th, respectively, when it was passed to be engrossed, and was sent to the Council, for concurrence. The Council concurred with the House on the same day, and, on the 19th, it was passed to be enacted by both branches, and was signed by fifteen of the Council.

* In collection of maps and plans.

Chap. 12. The act of 1779-80, chapter 7, by the second section of which it was made a penal offence to refuse to take the bills of credit of this state or of the United States, in pay for merchandize, etc., expired by limitation June 24, 1780; but the act of 1775-76, chapter 18, which prescribed severer penalties for the paying or receiving of such bills for less than their expressed value, or the selling or offering of goods at a less price for coin, than for paper, remained upon the statute-book until repealed by this chapter, although it had been generally evaded or disregarded. Even Congress and the state Legislature, by approving, or actively participating in schemes to adapt prices to the diminishing value of the bills of credit, had evaded this statute, in its spirit, by a subterfuge too palpable to be misunderstood. It was, moreover, beginning to be evident that the uncertain, yet ever increasing rate of depreciation, could not be counteracted by any of the devices already adopted in the popular conventions, or promulgated by the Legislature, and that unless the latter should open some new way of escape, breaches of the law would be unavoidable, even by those who were most zealous to comply with the statute forbidding any discrimination in favor of hard money as against the depreciated paper currency, which, by the same law, they were required to receive at its nominal value, on pain of a heavy fine and perpetual incapacity to hold any office, civil or military.

The purpose which the tender-act was designed to effect, was patriotic. The act was in harmony with the resolve* passed by Congress three months earlier, against such as should refuse to take the Continental bills of credit, and its penal provisions were aimed at those who were either hostile to the Revolutionary party or indifferent to its success, and who would not scruple to insist upon their right to exercise every privilege not explicitly denied them by law, however disastrous the consequences might be to the cause of independence; but the act proved an instrument of oppression to friends as well as foes.

The courageous stand taken by some individuals against the extreme measures proposed in the Boston resolves of June, 1779, and the beginning of a reaction, or rather an abatement of the zeal of the promoters of those measures, have been mentioned in the note to 1779-80, chapter 13.† But besides the ill-feeling and distress directly resulting from the operation of the impracticable law which thus provoked defiance, the daily depreciation of the bills of credit, which had driven all hard money out of circulation, was the source of grievous hardship to those especially who depended upon wages and salaries, and of gross injustice to the holders of notes and obligations given for debts incurred before the currency had depreciated. In the notes to previous acts, some account of the evils of this depreciation, as a motive for legislation, could not well be omitted. The distress of the soldiers in the army, and of their families, and the measures taken to relieve them, are dwelt upon in the note to chapter 29 of the previous year; while some idea of the extremity to which the people at large were reduced, may be gathered from the notes to the tax acts of the same year.‡ And it may be added that the frequent inadequacy of the emoluments of those public officers who were paid by fees, is to be inferred (although sufficient direct evidence exists) from the successive acts, by which, in the course of ten months, by no gradual process, fees had been augmented to thirty-two fold the hard-money rates.

By the autumn of 1779 there was, evidently, a wide-spread conviction that it was no longer inconsistent with patriotism to seriously consider whether the promoters of the financial schemes which had been thus attended with disaster, were worthy to continue in the management of public affairs. The efforts of the delegates of the people, in successive conventions, at Concord, Hartford and Philadelphia, to secure general coöperation in measures designed, ostensibly, to keep down prices, but in reality to bolster the declining currency, and the approval which those efforts received from Congress and the state legislatures, have been particularly described in the note to 1779-80, chapter 13, referred to above; and it was, probably, only the illusory hope of a successful issue from the last of these experiments that retarded the complete overthrow of the irredeemable paper currency, with its oppressive adjuncts of terrorism, and its brood of injustice and misery.

On the 18th of November, 1779, nearly three months before Congress recommended to the states to revise their laws making the Continental bills of credit a tender, a joint committee was appointed by the General Court of Massachusetts, "to consider the propriety of adopting a depreciation bill." The committee originally consisted of John Pickering, Caleb Davis, Nathaniel Gorham, Thomas Dawes and Israel Hutchinson, of the House, and Walter Spooner, Thomas Cushing, Moses Gill and Noah Goodman, of the Council, but in the course of two weeks Messrs. William Brown of Framingham, Amos Singletary of Sutton, Joseph Page of Salisbury (and, later, in his place, Moses Little of Newbury) and Edward Rawson of Mendon, were, respectively, substituted for Messrs. Pickering, Davis, Gorham and Hutchinson. On the 24th, both branches enjoined their respective members on this committee, to sit immediately; but on the first of December, Samuel Adams brought down a message from the Council "to propose an amendment to" the order of the House under which the above-named committee was appointed, by substituting for the words indicating the business of the committee, the following: "to consider the practicability of framing a bill for the relief of sufferers by means of the depreciation of public bills of credit, passing within this state." The message concluded with the statement that, "if the House should adopt said amendment, it was the desire of the Board that the journals of the House may be made conformable to said amendment." This amendment was adopted, and the entry in the minutes of the legislative proceedings of the Council was altered, accordingly, by cancellation and interlineation. The amended order, only, appears in the printed journals of the House.

* Journal of Congress, Jan. 11, 1776. It is printed in the supplementary note to the act, p. 544, *ante*.
† Page 1254, *ante*. ‡ 1779-80, chapters 30 and 49.

All attempts to discover the purview of the bill or bills which the movers of the above proceedings had in mind, have thus far proved unavailing; and though the loss of the journal of the House, after Dec. 31, 1779, renders it unsafe to affirm positively that the committee were not further instructed, and made no report, there is no evidence that any subsequent proceedings were had upon either proposition. The last entry prior to the fourth session, bearing upon the subject of depreciation, that has been discovered, is under date of December 16th, when a motion was made in the House, for the appointment of a committee, "to consider and report a bill whereby persons who suffer by means of the depreciation of the currency may be relieved," which was defeated by a vote of thirty-one to twenty-eight. This vote, "after further debate," the House refused to reconsider, by a vote of thirty-seven to twenty-nine.

The conjecture is a probable one, at least, that either the resolves of Congress of November 19th, approving of the recommendations of the Hartford Convention, and which were read in Council, December 7th (the day the Court adjourned to the 14th), were the foundation of an argument, which prevailed, for postponing action until the proposed convention at Philadelphia should have had opportunity to suggest a remedy, or it was deemed best to await the results of negotiations for a loan in Europe, which the Legislature was then contemplating.*

On the 14th of February, 1780, Congress passed the following resolve: —

"Resolved, That it be recommended to the legislatures of the several states to revise their laws, making the continental bills of credit a tender in payment of debts and contracts, and frame them so as to prevent injustice to creditors or debtors." — *Journals of Congress.*

The only difference between the foregoing resolve and the resolve of March 20th, which is printed in the note to 1779-80, chapter 40, † is, that the latter, besides containing an additional cautionary recommendation in the second paragraph, had reference only to such acts as were passed "pursuant to a former resolution of Congress," while the former recommends the revision of *all* acts passed by the several states, for the purpose mentioned.

Chapter 40 of the acts of 1779–80, which provided for a new emission of bills of credit, payable, principal and interest, in coin, was passed during the fourth session, in pursuance of the recommendation of the resolves of Congress of the 18th of March (which were forwarded with the resolve of the 20th, referred to above, as shown in the note to that chapter), and while the bill of that act was pending, a bill with the title of this chapter, but which has not been discovered in the state archives, was reported in the Council, read, and sent down to the House. On the 24th of April, 1780, this bill was read a first time in the House, and ordered to be read again on the next day.

The paper currency had now sunk to one-fortieth of its nominal value. Connecticut had already repealed her tender-acts,‡ and New Hampshire was intently watching the proceedings of the Massachusetts Legislature upon the "important affair" of the establishment of a new currency convertible into coin, to replace the depreciated bills of credit, with the purpose of imitating her example, in the first session of the General Court about to be convened in that state.§ The session passed, however, without further action on the bill.

In the afternoon of the day on which the next Assembly convened, the House "voted that all papers which were before the House the last year, and not passed upon, be revived, and have day in the present session"; and, two days later (June 2, 1780), "the House assigned three o'clock in the afternoon, to take into consideration the bill respecting depreciation," which was accordingly "read a second time, and considered." "The first enacting clause" providing for the repeal of section 6 of 1775–6, chapter 18, by which bills of credit had been made a legal tender in all cases, was adopted and passed, by a vote of ninety-eight to thirty-seven. On a second reading of the bill, four days later, the same clause was again adopted, by a vote of eighty-one to twenty-nine; and at the same time, another clause, for making the old bills a tender according to a certain rule of depreciation expressed in the bill, was put to vote, after debate, and rejected by a vote of ninety-seven to fourteen. A committee was then appointed, consisting of John Lowell, John Pickering and Elijah Hunt, "to bring in a clause making the present bills a tender for the discharge of judgments recovered in courts of law;" and to this committee, enlarged by the accession of Samuel Osgood and John Rowe, was specially referred the third paragraph of the bill, "containing the scale of depreciation" (and, generally, all the other paragraphs of the bill), and the committee were ordered to "consider what provision is proper to be made to prevent injuries arising to executors, administrators, guardians, agents, etc."

Debate on the bill was renewed on the 9th, when, upon reconsideration of a former adverse vote of fifty-four to sixty-one, it was voted, "by a majority of sixty-four members out of one hundred and twenty, that the scale [of depreciation] begin at the 1st October 1776¶;" and, on the same day, by another vote, of sixty-nine to fifty-two, "the whole paragraph determining the depreciation to begin at that time," was adopted; as, likewise, was the scale itself ("as far as April, 1780, when it was fixed at forty for one"), by still another vote, of sixty-eight to fifty, — only three members voting for exceeding this rate.

The consideration of the bill was resumed in the afternoon of the same day, when, by a vote, of fifty-six to fifty-three, a clause was ordered to "be brought in, to suspend for six months the execution of judgments that may be given on any actions brought in consequence of this bill;" and the bill was recommitted for that purpose.

On the 10th, the bill was read a third time, and passed to be engrossed by a majority of one, in a vote of one hundred and one members. A second vote taken "at the request of

* See 1779–80, chapter 31, and note.
† Page 1340, *ante*.
‡ Letter of Gov. Trumbull, March 10, 1780, in note on p. 1264, *ante*.
§ Letter of President Weare to President Powell, April 8, 1780; in Mass. Archives, vol. 202, p. 125.
¶ Erroneously written 1766, in the Journal.

some members," stood fifty-four to fifty-one, in favor of engrossing. The bill was then sent to the Council, for concurrence, where, on the same day, it was read a first time.

Between the 10th and 13th, the bill seems to have gone back to the House, either in a new draught, or with amendments; for, on the day last named, as appears by the "General Court minute book," it was again read a *first* time. Twice, on the 16th, it appears to have been brought down from the Council; each time with a message proposing several amendments thereto.

On referring to the "General Court minute book" for the 16th, it appears that on that day a message from the House was sent up, inquiring whether the Board had passed upon the bill; to which the Council replied, by message, that they had assigned several times for considering it, "but so many members of the Board were called off to attend the convention,* that the remaining few did not think proper to proceed upon it," and that on that day it was read a second time, and passed, in concurrence, with twelve amendments † and sent down for concurrence; whereupon it was returned, with a vote of concurrence by the House, but with additional amendments, in which the Council voted to concur, and again sent it down for concurrence, with still further amendments.

The House assigned the twentieth for the consideration of the amendments proposed by the Council. After a motion to postpone the further consideration of these amendments to the next session, had been rejected, by a vote of seventy-one to sixteen, the debate which ensued thereon was continued in the afternoon and on the next morning, when the bill was sent up to the Council, for concurrence, with a vote on the amendments, concurring in four of them, nonconcurring in six, and proposing five more.‡

The Board thereupon proposed a conference in the Representatives' chamber, at four o'clock in the afternoon, to which the House agreed, and the conference was held accordingly, James Bowdoin in the chair. After debate, the branches separated, and, soon after, the Council sent down a message proposing to refer the bill to a joint committee, "to take it into consideration and report what is proper to be done thereon."

The proposal was accepted, and the committee, consisting of Thomas Cushing, Robert Treat Paine and Timothy Danielson, of the Council, and Jacob Gerrish, Theodore Sedgwick, Samuel Osgood and Thomas Dawes, of the House, was appointed.

On the 24th, the Council sent the bill down to the House, with a vote of concurrence in some of the amendments proposed by that branch, and proposing others, upon which the House voted "that the consideration thereof be referred to the next sitting of the General Assembly." This vote, upon a message of inquiry from the Council, was communicated to the Board, whereupon the Council sent down the following message: —

"State of Massachusetts Council Chamber Boston June 24th 1780

Gentlemen of the House of Representatives

the Council, have been informed by your Messuage of this Day, that you have put over the further Consideration of a Bill, to repeal the Several Clauses of Acts made by the Legislature of this State making the continental Bills now in circulation a Tender in all Payment, and for Settling a Scale of Depreciation with respect to said Currency, to the next sitting of the General Court, which Measure we are constrained to say is likely to be attended with very Disagreeable Consequences. The Law enacted in the last session of the General Court expressly points you to the settling such Rule of Depreciation the fluctuating State of the said Currency which renders it, at a Time when Money is the most needed to fill up your Continental Batallions of uncertain Value, and the universal Expectation of the Good People of this State point you to the same great Object For wch wighty Reasons and many others that might be mentioned the Major Part of the Council conceive it their Duty not to give a Recess to the General Assembly till they have earnestly calld upon you to reconsider your Vote and resume the Consideration of the said Bill, and we Doubt not the Council will aid you and Concurr in a Measure so necessary to Doing Justice and the future Peace and Happiness of this State

In the Name & behalf of the Council

J[AMES] B[OWDOIN] Presid[t]." — *Mass. Archives vol.* 158, *p.* 176.

1779-80, chap. 40, § 16.

This message having been read to the House, a motion was made to reconsider their last vote, but the motion was lost, by a vote of thirty-seven to twenty-one, whereupon a committee was appointed, "to report an answer to the message." On the same day, this committee reported the following message: —

"In the House of Representatives June 24th 1780

To the Honble the Major part of the Council

May it please your Honors

The House having taken into their serious Consideration, your Honors Message of this Day on the subject matter of the Depreciation Bill

The House are exceeding sorry that the Diversity of setiment in both Houses respecting the subject matter of this Bill hath hinderd its being perfected to this late Hour of the session — Important Amendments still remaining undetermined, which it would take much Time to digest and finally pass upon — the raising Men and furnishing supplies for the Army demanding the immediate presence of the Members of the House with

* For framing the Constitution of the Commonwealth.

† Referred to by the letters A, B, C, D, E, F, G, H, I, K, L, M, N.

‡ These amendments appear to have been, chiefly, in the table, or "scale," of depreciation. As reported, the bill contemplated a scale beginning with October, 1776; and, from a memorandum on a blank leaf of the minutes of the House Journal for the session, it seems that the House concurred in four of the amendments proposed by the Council, including one by which all the months before January 1777, were expunged from this table. The House nonconcurred in four other of these proposed amendments, by majorities ranging from four to sixteen in a total vote not exceeding eighty-two.

their Constituents, have induced them not to reconsider their vote of postponing the further Consideration of the Bill aforesaid to the next session of the General Court — And therefore request your Honors to give a Recess to the Court as requested by the Message of the House of this Day." — *Ibid., p.* 175.

The report was accepted, and a committee appointed "to deliver the same to the Honorable the major part of the Council, who reported that they had attended the service assigned them."

On the second day of the next session, upon an order originating in the House, a joint committee, consisting of John Pickering, Thomas Dawes and John Lowell, of the House, and Thomas Cushing and Timothy Danielson, of the Council, was appointed, "to prepare and report a depreciation bill." On the 13th, Theodore Sedgwick was appointed in place of Lowell, who was absent, and on the 15th, the committee reported, in the Council, the bill of this chapter, which was read, and sent down to the House.

In the House, on the 16th, the bill was read a first time. It was read again, by assignment, on the 19th, when the further consideration thereof was postponed to the next day. On the 20th, the consideration of the bill was resumed, according to appointment, and the following passage was ordered to be stricken out of section two, by a vote of fifty-five to forty-nine: "and shall be discharged in the present current bills, at the rate of forty dollars for every six shillings lawful money; and all judgments hereafter to be made up on any contract for the payment of money, excepting contracts made since the 20th of May, 1775, where gold and silver was expressly contracted to be paid, shall be discharged in bills of credit of the United States now in circulation, or in bills to be emitted by Congress on the credit of this state or in gold or silver, at the rate of one dollar for forty of the present currency."

The House then postponed the further consideration of the bill until the next morning, when it was again postponed to the afternoon, and then to the next day. On the 25th, the bill was further considered, and a motion to strike out from the sixth section, the clause beginning with "the justices," in the fourth line, and ending with the words "in trust," in the sixteenth line, was defeated, by a vote of fifty to twenty-five.

On the 26th, the section above named, and the preamble thereto, were adopted, by a vote of thirty-nine to twenty-nine. The last three paragraphs of the bill (covered by sections 7, 8, 9 and 10 of this chapter), were thereupon committed to Nathaniel Freeman, Loammi Baldwin and James Warren, who reported the draught of those sections as they stand in the act. Before this amendment, these paragraphs were as follows: —

In section 7, between the word "payments," in the first line, and "the sum," in the fourth line, the section read, "that have been made previous to the first day of January, one thousand seven hundred and seventy-eight, towards the discharge of any debt or contract, public or private."

The following paragraphs stood in place of section eight, and its preamble and enacting clause: —

"*And be it further enacted by the authority aforesaid,*

That where any dispute shall arise between debtors and creditors with respect to any payments that have been made in discharge of any debt or contract since the first day January, one thousand seven hundred and seventy-eight, all suits arising on such disputes and contentions, shall be determined by referrees, chosen and appointed as before directed with regard to tenders of money, as aforesaid."

Section ten was omitted; and in place of section nine, was the following, with the same enacting clause: —

"That the several courts of law within this state shall not, until the expiration of six months after the passing of this act, make up judgment agreeable to the scale of depreciation herein contained."

On the 28th, the bill as thus amended, was read a third time, and passed to be engrossed by a vote of sixty-three to forty-eight; and it was thereupon sent up to the Council, for concurrence. In the Council, it was read twice, and passed to be engrossed, in concurrence; and, on the next day, in both branches, the bill was passed to be enacted, — the vote in the House, standing fifty-two to thirty-six. On the same day, it was consented to and signed by fifteen of the Council.

At some time after the date of its reference to this last-named committee, the words in the tenth and eleventh lines of the sixth section, beginning with "by this government," and ending with "March last," were substituted for the following passage: "to be emitted on the credit of the United States;" but whether this was made upon motion in the House, or included in the amendments reported by that committee, does not appear.

The following resolve* was reported by a committee of the House, consisting of Samuel Austin, John Bacon and Loammi Baldwin, appointed on the day of its passage, "to consider what directions are proper to be given to the treasurer, on account of depreciation, relative to any sums of money due to government:" —

"State Massachusetts Bay — In the House of Representatives Octo^{r} 3, 1780

Resolv'd that the Treasurer of this state, be and hereby is directed, to receive no moneys of any person, or persons, who may have been intrusted with the property of the publick, otherwise than agreeable to the Scale Contain'd in the Act of Depreciation, pass'd the present sessions of the Gen^{l} Court — Sent up for Concurrence JOHN HANCOCK Spk^{r}

In Council Oct'. 3^{d} 1780 Read & Concurred JOHN AVERY D Sey

Consented to" — [Signed by fifteen of the Council]. — *Mass. Archives, vol.* 229, *p.* 372.

Chap. 13. Upon the withdrawal from circulation of the depreciated paper currency, and the substitution of coin as legal tender, a new establishment of the fees of public offi-

*Printed resolves of the September session, chapter CXXII.

cers, which had been enormously increased in nominal amount, became necessary, and hence a committee of the House, consisting of Messrs. Gorham, Osgood, Baldwin, Leonard and Wales, was appointed, on the 19th of September, "to revise the fee-bill, and report what alterations are proper to be made therein." On the 26th, this committee reported a bill entitled "An act for further augmenting certain fees, allowances and penalties established by the laws of this state, and for enlarging the jurisdiction of justices of the peace." This bill was read a first and second time on the 28th, when it was committted to Messrs. Freeman, Henshaw and Chadbourn. On the next day the bill of this chapter was reported, and read a first time. On the 30th, it was read a second time, and on the 2d of October it was read a third time, passed to be engrossed, and sent up for concurrence. In the Council it was read a first time on the 2d of October, and a second time on the third, when it was passed, in concurrence, to be engrossed, and, on the same day, was passed to be enacted and was signed by fifteen of the Council.

Andrew Henshaw and Oliver Peabody, joint clerks of the Superior Court of Judicature, finding the fees of their office insufficient, had applied for further compensation, which had been allowed to them by the resolves of Dec. 17, 1779,* and March 30, 1780.† This year they again applied to the General Court, for relief, in separate memorials, whereupon each was again granted an allowance by the resolves of Sept. 12, 1780,‡ but no change in their favor was made in the fee-bill.

Chap. 14. On the 22d of September, 1780, an order was passed in the House, appointing Messrs. Rowe, Lowell and Cranch a committee "to revise the laws respecting gunpowder, and report what further provision is necessary to be made to prevent the storing it in improper places." Eight days later the bill of this chapter was read a first time in the House. It was read again, passed to be engrossed, and sent up to the Council, for concurrence, on the second of October. In the Council, after a second reading, on the same day, it was passed, in concurrence, to be engrossed, with three amendments, by two of which "*rato*" was changed to "*ratâ*", and by the third, the second section was added. These amendments were concurred in by the House, and the bill was passed to be enacted on the fourth of October, and, according to the record, was signed by fifteen of the Council.

Chap. 15. The conveyance to trustees, mentioned in the preamble of this chapter, was dated April 21, 1778, instead of April 1st, as stated in the act, and the property conveyed, consisted of seven parcels of land in Andover, containing an aggregate of one hundred and forty-one acres, and two hundred acres more, in Jaffrey, New Hampshire, besides £1,614 in money. The trustees named in the act were the same persons that had been appointed by the deed of trust; and they had met and organized, as required by that instrument, on the last Tuesday (the 28th) of April, 1778, — all being present but Josiah Stearns. It appearing that, in the conveyance as originally executed, the legal words of limitation denoting a gift to the trustees in fee-simple had been omitted, these words were inserted, and on the 29th, the instrument was again signed, sealed and delivered.

The purpose of the founders of the trust, as expressed in their conveyance, was the perpetual support of a public free school or academy in the south parish of Andover (subject to the same provisions respecting removal, as in section ten of this chapter, — the reasons therefor, however, to be given in writing and to be recorded with the vote), for the education of youth in the branches of knowledge mentioned in the first section of this chapter, "but more especially, to learn them the great end and business of living."

To the master, who was to be a professor of the Christian religion, and a trustee, was confided the duty of receiving and deciding upon applications for admission, "agreeably to the rules" which were to be established by the board; and he was authorized to make "rules and orders, as he shall find necessary, for the internal management and regulation of the seminary," subject to revisal and disallowance by the trustees, to whose regulations, and those established by the founders, he was required to conform in his own conduct.

It was made the "first and principal duty of the master, to regulate the tempers, to enlarge the minds, and form the morals," of his pupils, and while he was required to give special attention to their health, and to urge upon them "the importance of a habit of industry," his "attention to the disposition of the minds and morals of the youth under his charge" was to "exceed every other care." To this end, besides attending to their personal behavior, he was required to "frequently delineate" the beauty of virtue and the odiousness of vice," and to "spare no pains" to elevate the moral characters of his pupils, and "early and diligently to inculcate upon them" those doctrines of religion usually denominated Calvinistic, the better to qualify such as might devote themselves "to the sacred work of the gospel ministry."

These objects were reiterated, in different forms of expression, as the design of the founders, in the instrument of trust, and were finally recapitulated therein, in the order of their importance, — the promotion of piety and virtue being placed first; instruction in the English, Latin, and Greek languages, together with writing, arithmetic, music, and the art of speaking, second; geometry, logic and geography, third; and "other of the liberal arts and sciences, or languages," last.

None but Protestants were ever to "be concerned in the trust or instruction of this seminary", which was to be open, equally, to all youth who could read English, well, "excepting such particular numbers as the trustees may hereafter license."

After the first meeting, at which a name was to be given to the seminary, and a title to its principal instructor, the trustees, whose qualifications with regard to residence and social standing were to be the same as is provided in section six of this chapter, were to

* Printed resolves, chapter XV. *Ibid.*, March session, 1780, chapters CI and CII.
‡ *Ibid.*, September session, chapters VIII. and IX.

appoint and hold annual meetings, in Andover, at the house then occupied by Samuel Phillips, junior. These meetings were to be held for the purpose of visiting the school, for adjusting accounts, for making rules and orders, and for the choice (by ballot) of officers, consisting of a president, a clerk and a treasurer. Special meetings were to be called by the president upon the motion of three trustees; or at his pleasure, with the concurrence of any two of the trustees. At all meetings of the board "decent, not extravagant, entertainment" was to be made for them, and economy was enjoined both upon trustees and instructors. A majority of the board was to constitute a quorum, and the major part of the quorum was authorized to transact business. Upon a tie vote, the side on which the presiuent, or president *pro tempore*, voted was to prevail. Vacancies in the board were to be filled in the same manner as is provided in this chapter, except that the founders reserved the right, jointly, to appoint one person to a vacancy caused by their decease or resignation, who (and his successors) were to have like power of appointment, in perpetuity.

The trustees were invested with authority to sell and purchase real and personal estate for the trust, and were required to let the lands, and put out the trust money at interest upon good security, and to apply the rents, profits, issues and interest of all the trust property, to the support of the school, to which, after the death, resignation, or removal, of the master appointed by the founders, they were, from time to time, to appoint a master, and also to appoint all assistants. No trustee was to vote in the choice of any candidate for the office of principal instructor, who should be as near to him, in kinship, as cousin or nephew. The master was not to vote in the settling of his salary and perquisites, nor was a trustee (who was at the same time a minister, belonging to the town) to be permitted to vote on any question in which the town or parish in which the seminary was situated, should be a party, or interested.

No pupil was to board in any family which was "not licensed by the trustees;" and the latter were authorized to "determine for what reasons a scholar shall be expelled, and the manner in which the sentence shall be administered."

The trustees were to contract with each master and assistant, before his "entrance upon office, as to salary," which was not to be changed except in favor of the teacher; and power was given the trustees to remove the master, or any assistant, for misconduct, neglect of duty, or incapacity.

The trustees were empowered to make repairs, and to erect such buildings as they should judge necessary; and they were directed, when of sufficient ability, to "erect a large, decent building, sufficient to accommodate at least fifty scholars with boarding, besides the master and his family," unless the trustees should determine that the design of the institution "may be better promoted by the scholars' boarding in private families, and by some other improvement of the interest of the seminary."

The founders reserved to themselves during their lives the authority, jointly, "to make any special rules for the perpetual government of this institution," which were to be equally binding with the rules and conditions above described, provided they should not be subversive of the design expressed in the instrument of trust.

The duties of the clerk and treasurer were defined. The records were to be open for public inspection, and the treasurer was required to give bond, in the obligatory part of which, as well as in the condition, the purposes of the trust were to be expressed; and he was required to give duplicate receipts, countersigned by one of the trustees, for all moneys received by him; one of which receipts was to be lodged with such member of the board as the trustees should direct.

The instrument of trust was acknowledged by John Phillips, Oct. 13, 1791; but Samuel Phillips, dying without having acknowledged the same, his heir and administrator, Samuel Phillips, junior, on the 13th of July, 1793, released to the trustees his interest in the trust estate, and this release, and the original deed of trust, were recorded together.*

At the first meeting of the trustees under the deed, Rev. Jonathan French was chosen clerk, Hon. Samuel Phillips was chosen president and Mr. Nehemiah Abbott was chosen treasurer; the name of "Phillips School" was chosen for the seminary; and the founders appointed Mr. Eliphalet Pearson the first instructor, under the title of "preceptor," who continued in office until 1786, when he was succeeded by Ebenezer Pemberton.

At this meeting, also, the number of scholars was limited to thirty, on account of "the present state of the preceptor's health" (which number was not to be exceeded until enlarged by permission of a committee chosen for the purpose); and two annual vacations, each of three weeks duration, were appointed, to commence, respectively, on the third Wednesday of April and October. On the day following (to which this meeting was adjourned), the preceptor's compensation was fixed at eighty pounds a year, salary, and "the improvement of the two places belonging to the school, situate in Andover:" Mr. Joseph Mottey was chosen assistant preceptor, with an allowance of "twenty dollars per month, for two months"; and votes were passed regulating the admission of pupils, by which preference was to be given to "those who are to be instructed in the learned languages," and if after one month the prescribed number of admissions was not completed, pupils in "reading, writing and arithmetic, etc., only," were to be admitted. In case admitted candidates should neglect to attend for one month, without sufficient cause, in the judgment of the preceptor, their places were to be deemed vacant and to be filled according to the foregoing rules. In all cases the applicants were to be admitted according to the date of their respective applications. Incorrigibly vicious pupils, whose continuance at the school "may be dangerous to the morals of the other scholars, or inconsistent with the good government of the seminary," were to be expelled and never readmitted. The necessity of expulsion was to be determined by a standing committee of the

* Essex Registry of Deeds, for the Southern District, book 156, leaves 192-195, inclusive.

trustees, of which two, at least, were to be present with the preceptor, at the expulsion, which was to be made by the preceptor, "in the schoolhouse, in the presence of the scholars."

It was also voted that no public house should be licensed to keep boarders belonging to the school, and a list of persons was prepared, to whom the trustees granted such licenses, to be in force until the next meeting, and a committee was appointed to license other houses, and to revoke licenses, in the mean time.

The penalty of the treasurer's bond was fixed at £1,000,* and he was empowered to dispose, at his discretion, of the rents accruing from the school lands not in Andover.

A committee was appointed "to make application to the General Court for a number of books belonging to the estates of the absentees, for the use of the school."

On the 24th of June, the committee for enlarging the school, voted to allow the preceptor to increase the number of scholars to thirty-five, forty, or forty-five, at his discretion, and, five months later, the number was increased to sixty.

On the 7th of October, an assessment was laid equally upon all the scholars, for the past and future support of the assistant, "purchasing firewood, and other incidental occasions", and a committee was appointed to apportion the same.

The first visitation of the school was on the 8th of October, 1778. The proceedings of the visitors are thus summed up in the record " * * * heard them [the pupils] construe &c., & examined their writing. — The Revd Mr. Stearnes addressed the School in the name of the Trustees, and closed with prayer."

On that day, also, Mr. Mottey having declined to continue in the office of assistant, longer than until the ensuing vacation, a committee was appointed to engage another assistant, and to agree with him upon the terms of his service until the next general meeting.

At the same meeting a committee was appointed to procure the conveyance of the trust lands the titles to which were defective. The erection of out-buildings was ordered, and a committee was chosen to provide firewood for the school. The following votes were then passed: —

"Voted, — the Hon. William Phillips, Oliver Wendell Esqr. John Lowell Esqr. of Boston, & Mr. Samuel Phillips of Andover, be a committee in the name of the Trustees of Phillips School in said Andover, to make application to the Genl. Court for an act of Incorporation. —

Voted, that the time for making application for said act be left to the discretion of the committee." — *Academy Records, vol.* 1.

The trustees then voted to prepare a list of books proper for the use of the school, to take action with regard to the planting of locust trees and fruit trees, and preparing a place for a garden, and repairing the buildings, and to ascertain more particularly the state of the school funds, and the current yearly income.

Committees were also appointed to purchase and sell lands, and "to procure a bell for the use of the school."

Annual meetings were held April 20, 1779, and April 18, 1780, each of which was continued by adjournment to the day following; and the latter continued through three successive days.

At the first of these meetings the committee appointed to apply to the General Court for an act of incorporation, not having "completed that business," was continued; and it was "voted that the same committee be empowered to change the name of the seminary from *Phillips School* to that of *Phillips Academy;* and the title of the principal instructor from *Preceptor* to *Rector;* provided it may be done without giving offence." It was also "voted, that, if an act of incorporation should be obtained, and there may be liberty for it, that it may be inserted that the number of the trustees shall not exceed thirteen, nor be less than eleven." †

The committee appointed to procure a bell, then reported that they had borrowed one of Mr. Hooper, of Newburyport, to be used until "he should call for it." ‡ The clerk presented the board with a book in which to record the votes and proceedings of the trustees; and a committee was appointed to furnish the clerk, treasurer and school, with proper books for recording accounts, donations, expenditures, etc.

The other business of importance transacted at this meeting was as follows: the treasurer's duplicate receipts were ordered to be lodged with the clerk of the trustees, for the time being; the second visitation was had, at which the trustees examined the writing of the pupils, "heard them construe and parse, and speak several pieces in English, and perform an excellent piece of music;" thanks were voted "to Capt. Wyer for the use of his globes," and a vote for soliciting the loan of books was passed; the salary of Mr. Pearson for the ensuing year was fixed at one-half the expense of his board, and Mr. Foot was "allowed twenty-four pounds per month (lunar months), and his board, when boarding was ten dollars per week §, and either more or less, in proportion to the rise or fall of the price of boarding."

At the next annual meeting, April 17, 1780, the school was again visited, and an assessment was voted to be laid on the pupils for part of the support of the preceptor and assistant, in consequence of the "state of the currency and the enlarged plan of the institution." From this assessment, which it was believed would not exceed the sum of "two dollars and an-half, hard money," for each scholar, per quarter, such scholars were to be exempted as a committee chosen for that purpose, should determine; and notice of

* This was changed April 19, 1780, to £600, sterling.
† This latter vote was repeated at the adjournment of the annual meeting, held on the next day.
‡ This bell was subsequently presented to the school, by Mr. Hooper.
§ In depreciated bills of credit.

the assessment was voted to be given the parents of the scholars, who were to be requested to give speedy notice in case "they do not design their children shall return, that their places may be supplied." It was also voted to require of the parents security for the payment of assessments.

A committee to take measures to enlarge the funds and increase the income of the school, was appointed, and it was voted to have two weeks vacation "to commence on the second Wednesday in July."

The minimum age of admission was fixed at eight years, to which some special exceptions were allowed.

The committees on curing defects of title, and procuring an act of incorporation, reported that they had not completed the business assigned them.

A fine of one shilling, sterling, for every day's absence was to be paid by every scholar absent, without leave, with his parents' knowledge, and who should return without a satisfactory excuse for his absence. In such case no deduction was to be made from the regular school dues. Six weeks' previous notice to the preceptor was required of every scholar intending to leave the school. No scholar boarding in town was to change his boarding-place without first informing the preceptor.

At this meeting, also, it was, "voted that the gentlemen of the trustees living in town, be a committee to act in cases of exigency, in the recess of the trust;" and "that the school shall be visited, by those gentlemen of the trustees who can conveniently attend upon it, on the first Wednesday in July, and second Wednesday in October, at 3 o'clock in the afternoon." The following memorandum was made: "The trustees excuse the clerk from the trouble of notifying the members of their annual meetings."

This was the last recorded meeting of the trustees before the academy was incorporated.

The petition for an act of incorporation has not been found in the state archives. It appears, from the journal of the House, that it was read in that branch, Sept. 29, 1780, and a vote thereon passed, granting the prayer thereof and giving the petitioners leave to bring in a bill for that purpose. Accordingly, the bill of this chapter was read a first time, the next day, and, on the 3d of October, it was read a second and a third time, passed to be engrossed, and sent up, for concurrence, to the Council, where it was read a first time, on the same day, and a conference appointed thereon, consisting of John Pitts and Joseph Dorr, of that board, and Messrs. Lowell and Phillips, of the House, who, on the 4th, reported, in the House, an amendment of the 8th section of the bill, by which the limit of the annual income of the real and personal estate of the trust, respectively, was reduced to the amounts fixed by the act, being one-half the amounts originally reported in the bill. This report was immediately accepted by both branches, and the bill was amended accordingly, and, on the same day, was passed to be enacted, and was signed by twelve of the Council, although the consent of fifteen councillors is recorded.

Several unimportant interlineations and alterations were made in the original draught of the bill, which, however, passed without any substantial change, except as above stated and the further changes made by striking out the words "and visitors," from the name of the corporation, substituting "seven," for "eleven," as the minimum number of trustees, and adding the first clause of the sixth section, respecting a *quorum* and the votes.

The first meeting of the corporation was held at the house of Samuel Phillips, junior, in Andover, Aug. 16, 1781. Rev. Jonathan French was chosen clerk, Hon. Samuel Phillips president, and Mr Nehemiah Abbot, treasurer. At this meeting the first visitation of the school, under the charter, was had, and Mr. Stearns, one of the trustees, resigned his office.

On the next day, the trustees appointed Messrs. Lowell, Wendell and Pearson, a committee, "to devise and procure a seal for the Academy."

In the mean time a temporary seal was adopted by the following vote: —

"Voted, that a cornelian seal, being a man's head, which is in the possession of the treasurer, be considered, & used, as the seal of the Academy untill another be adopted in it's stead." — *Ibid.*, *p.* 45.

At a later date, the seal still used by the Academy was adopted, as appears by the following vote: —

"Voted, that the thanks of the Trustees be given to the Honble Oliver Wendell, & John Lowell, Esqr. for the Donation of a seal for the Academy." — *Ibid.*, *p.* 50.

The device of this seal was a beehive and flowers, about which hovered bees, beneath a beaming sun inscribed, "NON SIBI:" under this device, a scroll, bearing the motto, FINIS ORIGINE PENDET. The whole circumscribed with the legend, SIGIL. PHILLIP. ACAD. ANDOV. MDCCLXXVIII.

Chap. 16. During the recess of the General Court after the first prorogation, the president of the Council received a letter from William Greene, governor of Rhode Island, conveying the information that a letter from Governor Trumbull of Connecticut, proposing a convention of committees from the several New-England states, to be held at Boston, "to confer on very important measures therein proposed," had been laid by him before the general assembly of Rhode Island, "who unanimously concurred with the proposal," and requested him to write to President Powell recommending the concurrence of Massachusetts and to ask Powell "to write to the president and council of New Hampshire, on this necessary measure." The date of Trumbull's letter was July 14th, that of Greene, July 20th, and the time suggested for the convention was July 26th.

Col. Eliphalet Dyer of Connecticut reached Boston, and was admitted to the council chamber, on Saturday, the 22d, when, after a conference and the production of his credentials as a delegate to the proposed convention, he was informed that the Board would take the matter "into consideration, and appoint a committee for the purpose."

On Monday, the 24th, Thomas Cushing, Nathaniel Gorham and John Lowell were appointed a committee to meet and confer with Col. Dyer, "upon the subject-matter of coöperating with the New-England states in order to settle a uniform plan respecting supplies for the army; and Thomas Cushing was directed to draught an order for this purpose, and report."

Accordingly, the following order was forthwith reported, read and accepted: —

"Council Chamber July 24 1780

Ordered that Ths Cushing Nathl Gorham & J. Lowell be & hereby are appointed to meet & Confer with such Commissioners as the States of Connecticut Rhode Island & Providence Plantations & New Hampshire or either of them have or may appoint to Consult & advise on all such Business and affairs as shall be brought under Consideration relative to the war & to promote & forward the most Vigorous Exertions of the present Campaign and to Cultivate a good understanding & procure a generous treatment of the officers and men of our great & generous Ally & make report thereof accordingly." — *Mass. Archives, vol.* 176, *p.* 557.

At the same time, the draught of a letter, to be sent "to the states of Rhode Island and New Hampshire, inviting them to adopt the measures" proposed by the state of Connecticut, was reported by Cushing, in accordance with an order of the Board, and was read and accepted, as follows: —

"Council Chamber July 24th 1780

Sir

Col Dyer of Connecticut arrived here last Week appointed by that State to meet in this Town & confer with such Commissioners as might be appointed by the State of Rhode Island your State & this to consult & advise in all such Business & affairs as shall be brought under Consideration relative to the War & to promote & forward the most vigorous Exertions of the present Campaign & to cultivate a good Understanding & procure a generous Treatment of the Officers & Men of our great & generous Ally & make report thereof accordingly — Col Dyer informs us that in Consequence of this Appointment a Letter was forwarded by the Governor of Connecticut to the Governor of Rhode Island inclosing Letters to your State & to this giving them Information of this Business & inviting us to join in the Measure as the Letter to us is not received he concludes that by some Accident the Dispatches must have failed reaching Rhode Island — the Council of this State have appointed Commissioners for the Purposes aforesaid deeming the Subject to be of great & pressing Necessity & they with Col Dyer have agreed to meet again on Wednesday the Second of August next at four oClock in the afternoon, we earnestly wish your Council of safety or supreme Executive (if your Legislative Body are not convened) would appoint Commissioners to meet at that Time for the same End & that they would endeavour punctually to attend as the Business ought not to be delayed —

In the name & behalf of the Council

Presidt of Council of State of New Hampshire." — *Ibid., vol* 202, *p.* 368.

To meet the delegates from Massachusetts and Connecticut the committee of safety of New Hampshire appointed John Langdon; and the general assembly of Rhode Island, appointed William Bradford, who, however, failed to appear. Before the convention met Governor Trumbull appointed Jesse Root,* in the place of Col. Dyer. The commissions of all the delegates agreed, as to the purpose of the convention, substantially, with the order appointing the Massachusetts delegates.

The convention met on the third of August, and after choosing Thomas Cushing president, and Henry Alline, clerk, it sat from day to day until the 9th, when fourteen resolves were agreed upon, the fifth of which appears in the note to chapter 4, *ante*. Of the rest of these resolves, three were as follows: —

"6. It is Considered to be of great importance that the Old Continental Bills should be Sunk agreable to the Resolution of Congress in order to Support the Public Credit; and that all the States should adopt effectual measures for that purpose —

Therefore Resolved to Recommend to our respective States to Sink the Quota of said Bills Assigned them, by Taxation as far as possible; and in case the whole cannot be Sunk within the time limited, by that means, that the States employ such other effectual measures for the purpose as shall be most agreable to them. —

That each State immediately inform Congress of the measures they have taken: which were adopted in full Confidence and Expectation of the other States complying with the Resolution of Congress which will be rendered extensively beneficial, only by the Cooperation of all, and may be totally defeated by the Failure of any.

7th Resolved, to Recommend to each of these States as a necessary means to Support the credit of the new Bills; immediately to Establish Funds for Sinking annually at least, One Sixth part of the Bills they shall emit pursuant to the Resolution of Congress and that the Tax for raising a Fund for the first year be paid in Silver and Gold or the produce of the Country — The other five years to be paid in Silver & Gold or the Specific Bills, not to be reissued — that the Credit of the paper Bills may rest upon the Funds provided for their redemption, As in our opinion, Every Attempt to Support their credit by forcing them into circulation tends to defeat the purpose, and to depreciate them. —

8th Resolved, to Recommend to the States aforesaid, not to Emit any more Bills on their own particular credit — and in no case to have in circulation, at any one time, of both State & new Continental Bills more than the Quantity Assigned them by the Resolution of Congress." — *Ibid., vol.* 144, *p.* 143.

In accordance with the final resolve, "the proceedings of this convention" were sent to

* July 29, 1780.

the states of Rhode Island and New York,* with a letter from the president, desiring their concurrence in the measures agreed upon, "if they approve thereof."

The Assembly convened in a second session, on the 7th of September, and the Council, in their opening message, submitted to the House the report of the convention, earnestly recommending the subject-matter thereof to their consideration, and expressing the hope that no time would be lost in adopting the measures therein proposed, if approved by the House.

On the 12th, some of the resolutions of the convention relating to Massachusetts soldiers belonging to the army, and to the articles of confederation then pending in Congress, were referred to committees. The matter of the currency, however, had already been taken up on the second day of the session, when a committee, consisting of John Pickering, junior, George Partridge and John Greenough, was appointed, "to consider the necessity and expediency of assessing the remainder of this state's quota of the Continental money." The report of this committee was probably not written, since no trace of such a report has been discovered; but on the same day, presumably in accordance with the recommendation of this committee, another committee, consisting of Ezra Sargeant, Thomas Crane, and Jonathan Brown of Watertown, was appointed, "to bring in a tax act for assessing the remainder of this state's quota of the Continental money."

Before this committee had reported, the following resolves of Congress, passed sixteen days after the date of the report of the delegates to the Boston convention, were transmitted to the president of the Council, together with a circular letter, dated, at Philadelphia, Sept. 2, 1780, by Samuel Huntington, president of Congress: —

"Resolved, That it be earnestly recommended to the several states, to take the most speedy and effectual measures in their power for drawing in their respective quotas of the continental bills of credit, to be destroyed, either by a tax to be collected immediately or by exchanging for them new bills to be emitted pursuant to the act of the 18th of March last, at a rate not less than forty of the former for one of the latter, so that the whole of the said new bills may be issued:

That it be recommended to the several states, to raise by taxes, payable in the bills emitted pursuant to the act aforeaid, or in specie, their respective quotas of three millions of dollars, agreeable to the apportionment of October 7th, 1779, and pay the same into the treasury of the United States as soon as possible, the payment to be fully compleated by the last day of December next, each state to be allowed interest for the same, from the time it is paid, to be hereafter adjusted, according to a resolution of October 6th, 1779:

That major general Greene, late quartermaster general, and Jeremiah Wadsworth, late commissary general of purchases, and the present commissary general of purchases, respectively, render an account to the board of treasury, of the amount of the monies due from them, on certificates or otherwise, on public account, specifying the sum due in each state, in order that warrants may issue in their favour on the treasurers of such states, for payment of the same, out of the monies to be collected for the United States as aforesaid, which warrants being paid, shall be accepted by the treasurer, toward such state's quota of the monies to be raised as aforesaid; and it is further recommended to such states, to provide, that the certificates of the said quartermaster and commissaries, and those who purchased under them, be received in payment of the said taxes, to the amount of such warrants, under proper regulations, for preventing fraud.

And to prevent the possibility of any depreciation in the bills to be emitted agreeably to the act of the 18th of March aforesaid, that it be most earnestly recommended to the several states, not to issue bills of credit for a currency on any consideration whatever, to a greater amount than their respective quotas of the new bills stated in the act aforesaid; and that the bills of credit emitted by any of the states since the first day of January last, and redeemable in specie at par, be considered as part of the proportion of the money reserved by the said act of the 18th of March, to the use of the state." — *Journals of Congress: Aug.* 26, 1780.

The letter was, mainly, a recapitulation of the substance of the accompanying resolves; and both the letter and resolves, with other letters and papers from the same source, were promptly sent down to the House, Sept. 13, 1780.

A joint committee consisting of George Partridge, Moses Little and Samuel Ward, of the House, and Nathan Cushing and Stephen Choate, of the Council, was appointed, to take these papers "into consideration, and report what is proper to be done thereon." On the 16th, this committee reported in Council: —

"That agreeable to a Recommendation of Congress of the 26th August last, a Tax of £138,000 be levied on the Poles & Estates within this State to be paid into the Treasury of this State, on or before the last Day of December next, in the New Bills of the United States emitted pursuant to an Act of Congress of the 18th of March last, or in Specie — And that the Certificates of the Quarter Master General & Commissary General or those who purchase under them be received in payment of said Tax — And that a Bill be brought in for the purposes aforesaid."†

On the 21st, the bill of this chapter was read a first time in the House, and on the 25th it was read a second time, and committed to Dwight Foster, Azor Orne and Jonathan Glover, who, on the next day, reported an amendment, which was agreed to, and the 27th was assigned for the third reading of the bill. The bill was read a third time, on the day appointed, and passed to be engrossed, and was sent up to the Council, for concurrence. In the Council it was read a first time, on the 27th, and a second time, on the 29th, when it was passed, in concurrence, to be engrossed. On the 30th, it was passed to be enacted, by both branches, and was signed by fifteen of the Council.

* The copy sent to George Clinton, governor of New York, was printed in 1867, with an introduction and notes by Franklin B. Hough. The copy reported to the Council of Massachusetts, is in Mass. Archives, vol. 144, pp. 137 to 147, inclusive. † House Journal.

The loss of the original bill, leaves no known record by which it is possible to determine the nature of the amendments above mentioned, or to discover the interlocutory details such as usually attend the passage of all bills, but which, though frequently important, were, according to practice, minuted only upon the bill.

Abatements of the tax laid by this chapter were made in sundry instances, the chief of which are given below.

A particular account of the "address and petition" from the town of Hancock, upon which the resolve of June 21, 1780 was passed abating one-third of the taxes set on that town to that date, since the last valuation, is given in the note to 1779-80, chapter 49, p. 1388, *ante*. Another petition was presented in the second session, by Samuel Hand, in behalf of the inhabitants of that town, expressing their disappointment that the resolve of the previous session did not extend to all taxes laid or to be laid according to the last valuation, and praying the General Assembly "further to explain the design of said resolve, and extend the abatement to all taxes that shall be made upon the town by that valuation." On the day upon which this petition was read in the House, the following resolve * was passed: —

"State of Massa Bay In the House of Representatives Octr 4th 1780

On the petition of Samuel Hand in Behalf of the Inhabitants of the Town of Hancock

Resolved That one third part of all the Taxes that have been or may be levied on said Town according to the last Valuation be abated for Reasons set forth in said Petition and the Treasurer of this State is hereby directed to credit said Town of Hancock accordingly —

Sent up for Concurrence JOHN HANCOCK Spkr

In Council Octr 4.' 1780 Read & Concurred JOHN AVERY D Secy

Consented to" — [Signed by fifteen of the Council]. — *Ibid.*, *vol.* 229, *p.* 385.

The towns in the county of Lincoln had been empowered, by the resolve of May 5, 1780, to abate £15,000 of the sum set upon that county in the tax acts since Sept. 1, 1779, and to apportion this abatement among the towns in such manner as they, by their agents, in convention, should deem equitable. This is shown in the note to 1779-80, chapter 49, p. 1386, *ante*, where also is given the resolve of Sept. 12, 1780, for abating the tax on the plantation of Lewiston, in that county.

In the note to chapter 30 of the same year, p. 1311, *ante*, reference is made to the note to the present chapter, as showing the relief incidentally granted to the inhabitants of Camden, who had contributed to the taxes laid upon the adjoining town of Thomaston. The resolve given below, which was passed in answer to the following petition, made sufficient allowance to the inhabitants of the town of Thomaston, to enable them to satisfactorily ease the burden of their impoverished neighbors: —

"To the Honble the Senate and House of Representatives of the Commonwealth of Massachusetts October 1780

The Petition of the Subscribers Inhabitants of the Town of Thomaston in the County of Lincoln, Humbly sheweth

That your Petitioners loth to complain, loth to ask Relief, have endeavoured with Patience to bear the Burden (and as we apprehend much more than our Proportion all Circumstances considered) of the common Calamity of the War, in hope that through the good Hand of Providence in Time we might obtain Relief; but pressing Necessity now urgeth, and our Duty to your Honors, and ourselves urgeth that we make known the true State of our Circumstances and our Wants: Being one of the most eastern incorporated Towns in the Commonwealth

Our Circumstances are these, to wit, Our Settlements in general new, much younger than those in Camden (who have already had Supplies from the General Court) or the Settlements further east; there being but three Farms in the whole Town that have been settled above eighteen years, and but six others that have been settled above seven years; consequently our Improvements and Cultivations on the Land are but small

We have paid large Sums of Money in hiring men to compleat the Draughts that have been made from us for the Army (which has drain'd us of Money) and these together with those that have voluntarily inlisted themselves, has so drained us of men that we have now not more than one to a Family left (a few Boys excepted)

We are also constantly harrased by the Garrison & Squadron of the Enemy posted at Majorbagaduce, we are obliged to be ever on the watch, often under Arms, and run on every Alarm, which takes up great part of our Time; and our Sea Coasts without any material Protection, are constantly exposed to their Cruisers, who capture many of our small Craft sent out a fishing, and oblige others to fly to the Land for Safety, cuts very short our Supplies from that Quarter. And lastly, to add no more,

We are taxed by the Honble the General Court much more than we are able to pay, and as we humbly apprehend (through the Honble Members not being acquainted with our Circumstances) much higher (if not altogether more) than our Proportion compared with the other Towns in the State, all Circumstances considered.

Our Wants are the Necessaries of Life, and the means of procuring them: Our Dependance for Supplies having been on our Lumber, Wood, Lime &c. which we shipped off, and procured Necessaries from Boston and the other Maritime Towns; the Scarsity and high Price of those Necessaries now being so great, and the Navigation so dangerous, that the Returns we procure, together with all we can possibly raise upon the Land, are scarse sufficient to support our indigent and growing Families; add to this the Losses already sustained in our fishing Craft, and in other Vessels loaded with Lumber &c. having been taken by the Enemy.

And now our Case being thus, we see no Way that we can pay the heavy Taxes laid upon us; and fear, unless we can obtain some Relief, many of us will be obliged to leave

* Printed resolves of the September session, chapter CXLII.

our Habitations (as some have already done) and seek Relief some where else, and this now growing Town, which with a little Indulgance may in time become a considerable Addition to the Commonwealth, will become dissolate, & our Improvements waste.

We also understand that there has been a considerable Sum abated of the Taxes laid on the other Towns in this County, but we had no Advantage therefrom.

Wherefore your Petitioners humbly pray your Honours to take our Case under your wise, just and indulgent Consideration, & grant us an Abatement of the whole or such Part of the Taxes laid upon us as your Honours in your know Wisdom and Justice shall find proper and reasonable. And as in duty bound shall ever pray &c.

JOSEPH COOMBS	OLIVER ROBINS	
HEZEKIAH BACTHELDER	ISAIAH TOLMAN	DAVID WATSON
JAMES ORBETON	NATHLL FALES	WILLIAM THOMSON
JONATHAN ORBETON	JAMES FALES JUNR	OLIVER ROBINS JUNR
JOHN BRIDGES	CONSTANT RANKIN	HUGH KILLSA
RICHD KATING	ISAIAH TOLMAN JUN	OLIVER SMITH
ISRAEL JORDAN	ROBART JAMESON	JOHN RENDELL
ISRAEL LOVEITT	JONATHAN CROKIT	SAMLL BROWN
THOS MC LELLAN	COMFORT BARROWS	JAMES BROWN." — *Ibid.*,

vol. 186, *p.* 332.

The foregoing petition was read in the House, Nov. 2d, 1780, and referred to a committee, upon whose report, five days later, the following resolve * was passed: —

"Common Wealth of Massachusetts

In the House of Representitives Novbr 7 1780 on the Petition of a Number of the Inhabitants of the Town of Thomaston in the County of Lincoln Seting forth their Distressed Situation on account of the Enimy in that Quarter whereby their usual Supplies are in a Manner cut of: which Renders Many of the Inhabitants uterly unable to Pay their Taxis at Present,

Therefore Resolve that the one Moiety or half Part of all the Taxis Set to the Said Town of Thomaston Since the first Day of May Last be abated: and the Treasurer of this Common Wealth be and he hereby is Directed to Suspend the Calling on Said Town for more then the one half of the afore Said Taxis A '*untill the further order of the General Court*'—

Read & accepted Sent up for concurrence — CALEB DAVIS Speaker

In Senate Novr 7th 1780 Read & Concurred with the following amendment at A viz dele the words '*untill the further order of the General Court*'

Sent down for Concurrence — JER: POWELL Presidt

In the House of Representatives Novr 7. 1780

Read & concurred — CALEB DAVIS Speaker

Approv'd — JOHN HANCOCK." —*Ibid.*, *p.* 334.

The resolve given below, for abating the taxes on Fryeburg, and which is referred to in the note to 1779-80, chapter 49, page 1389, *ante*, was passed upon the following petition: —

"Common Welth of Massachutes } To the Honl the Senet and House of Representatives —

The Petition of Simon Frye in behalf and by the Direction of the Inhabitants of the Town of Fryeburge, humbly sheweth — that said Inhabitants were at great expence in looking out by different routs for a road to said Town and Clearing Fifty four Miles through an uninhabited Country in order to move their families that the unseasoable Frosts have cut of their Crops for many years so that they were obliged to transport great part of their provisions from Boston — that they were at great expence on the Roads to Falmoth and Sauco which together with many other expences and Difficulties must have brok up the Settlement had it not been for the Vigorous Exertions of some of them and the assistance of their freinds — by reason of sd Frosts and Freshets which have so frequently proved hurtful to our grain we have scarsely ever been able to raise a sufficency thereof for the Town notwithstanding they have been obliged to part with grain at some seasons: for Salt and other Necessaris it always is wanted in the Town before the year comes about — that the Transportation from Falmoth which is the nearest market Town (by reason of the badness of the road and extraordinary blocking Snows was not less then five shilling pr Hundd wt in lawful silver money before the present war — that said Town is under great disadvantags on acount or keeping sheep which is so Necessary for Clothing in these times: for altho we have much exerted ourselves in that matter we are disapointed and have Sufferd much Loss in them as well as in other young Cretures, by reason of the wild beasts of the wilderness — our Plantation being New and many of the Inhabitants very Indigent when they went theither: have not as yet by far the greatest part of them been able to proure themselves Houses comfortable to live in — that their unavoidable Expencs as a Propriety & a Town are very great: these and many other difficulties incident to new Towns renders us incapable of paying so large a Tax as those Towns that lye better Situate and more improvd said Town by order of the Honorable Court is Assesed — May 15th 1780 in the sum of £8400 0 0

In — Octr 24 1780 in the sum of —	8400	0	0
In a silver mony Tax of the sum of —	108	0	0
and Two Beef Taxes one of 3600wt at 30/ pr pound . . .	5400	0	0
another of 6915Lb wt at 30/ pr pound	10372	10	0
sum Total of said sums is ——	£32680.	10.	0

including the Silver mony Tax in the Value of Silver —

*Printed resolves of the October session, chapter XVIII.

The Charges arising in the Town for hiring Soldiers the year past and other Necessary Charges is 12910 0 0 The abovesaid sums yet remain Due the Town have not been Able to Discharge any of them and think themselves intirely unable to pay the whole thereof in their Circumstances —

Notwithstanding our Indigent Circumstances we feel our selves as willing to Exert our selves for the surport of Gourenment and Carrying on the war as any people in the Commonwelth, (according to our Ability — But we humbly Conceive we have more laid upon us then our due proportion with other Towns Compareing Abilities and Circumstances — wherefore humbly pray the Honorable Court to take our Case into their Consideration and make such abatements of said Taxes as they in their wisdom shall think just and Reasonable — and your Petitioner as in Duty bound shall ever pray

SIMON FRYE

Boston January 18th 1781." — *Ibid*, *vol.* 231, *p.* 247.

By the resolve of Jan. 6, 1780, given on p. 1252, *ante*, the assessors of Fryeburg had been "directed to stay all proceedings upon the last tax act [1779-80, chapter 30.] till a revision of the valuation shall take place." The following resolve* now directed the treasurer of the Commonwealth to stay execution for taxes until the further order of the General Court, upon the condition therein named: —

"Commonwealth of Massachusett In the House of Representatives February 16 1781

On the petition of Simon Fry in the behalf of the Town of Fryburgh Setting forth that Said Town hath been taxed a much larger Sum than their Equal Proportion by Reason of sd Towns beeing Doomed near Double to what Sd Town ought to have Stood in the last Valuation,

Therefore Resolved that the Treasuror of this Common Wealth be & he is hereby Directed to Stay his Executions from the Town of Fryburgh untill the further order Of the General Court provided the Sd Town of Fryburgh Pays the one half of all the Taxes laid on Sd Town Since The Last valuation was taken

Sent up for Concurrence CALEB DAVIS Speaker
In Senate February 16th 1781 — Read & Concurred JER: POWELL Presidt
Approv'd JOHN HANCOCK." — *Ibid*., *p.* 246.

The town of Washington, which had been allowed an abatement of one-third of the taxes laid upon it to June 14, 1780, by the resolve of that date†, again applied to the Legislature, for further abatement; whereupon the subject was committed to Jahleel Woodbridge, of the Senate, and Benjamin Bonney and John‡ Bacon, of the House, to take this overtax into consideration, "and to report what may be proper to be done thereon." The following proceeding ensued: —

"The Committee of Both Houses appointed to Consider the over Tax of the Town of Washington have attended that Service and beg leave to Report the following Resolve —

Commonwealth of Massachusetts In Senate November 23rd 1780

§ Whereas it appears by a Resolve of the General Court of this State of June 14th 1780 That the Town of Washington in the Last Valuation was Doomed a much Larger Sum than was their Just proportion of Said Valuation. and whereas it further appears that by said Resolve the Treasurer of this Commonwealth was Directed to Cridit the said Town of Washington a sum Equal to one Third part of the Taxes Set upon sd Town from the Last Valuation to the said 14th Day of June, and whereas it appears that the same Disproportion Still Continues to opperate

Therefore Resolved that the Treasurer of this Commonwealth be and he is hereby Directed to Cridit the Town of Washington a Sum Equal to the Amount of one Third part of all the Taxes Set upon the said Town of Washington Since the 14th Day of June Last —

Sent down for Concurrence JER: POWELL Presidt
In the House of Representatives Nov. 24: 1780
Read & concurred CALEB DAVIS Spr
Approv'd JOHN HANCOCK." — *Ibid*., *vol.* 230, *p.* 232.

* Printed resolves of the January session, chapter CXIV.
† Printed in the note to 1779-80, chapter 49, p. 1387, *ante*.
‡ It is doubtful whether this was John, of Stockbridge, or Jonathan, of Northbridge.
§ Printed resolves of the October session, chapter LXXVIII.

TABLE

Showing the beginning and end of each year of the reign of George the Third, from the tenth to the sixteenth inclusive.

10th of George the Third, ...	from Oct.	25, 1769,	to Oct.	25, 1770.
11th of George the Third, ...	"	25, 1770,	"	25, 1771.
12th of George the Third, ...	"	25, 1771,	"	25, 1772.
13th of George the Third, ...	"	25, 1772,	"	25, 1773.
14th of George the Third, ...	"	25, 1773,	"	25, 1774.
15th of George the Third, ...	"	25, 1774,	"	25, 1775.
16th of George the Third, ...	"	25, 1775,	"	25, 1776.

INDEX OF NAMES.

INDEX OF NAMES.

A.

PAGE

Abbot, Abijah, ... 992
Abbot, Isaac, ... 836
Abbot, Joshua, ... 831
Abbot, Nehemiah, ... 693, 1419, 1457, 1459
Abbot, Samuel, ... 187, 275, 358
Abington, 11, 97, 210, 224, 281, 311, 358, 359, 366, 400, 427, 519, 572, 711, 717, 748, 786, 857, 863, 867, 890, 943, 1093, 1149, 1213, 1237, 1402, 1425
Abraham, Nathaniel, ... 275, 358
Academy of the *Naturæ Curiosorum*, ... 1370
Accord Pond, ... 224, 273, 274
Acheson, Thomas, ... 1246
Acton, 9, 95, 210, 309, 365, 366, 398, 426, 569, 745, 784, 863, 888, 939, 1087, 1144, 1189, 1208, 1348, 1349, 1351, 1352, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1362, 1363, 1401, 1411, 1423, 1443
Adams, 865, 909, 951, 998, 1035, 1107, 1160, 1170, 1224, 1321, 1322, 1323, 1405, 1429, 1443
Adams, Abner, ... 1177, 1334
Adams, Benjamin, ... 848, 1356
Adams, Benjamin, ... 994
Adams, Caleb, ... 1269
Adams, James, ... 714
Adams, John, 358, 505, 511, 524, 1194, 1315, 1317, 1318, 1369
Adams, John, ... 714
Adams, John, ... 719
Adams, John, ... 1177, 1334
Adams, John, ... 1247
Adams, John, jun., . . . 928, 1023, 1024, 1025, 1436
Adams, Jonathan, ... 368
Adams, Joseph, ... 914, 916
Adams, Joseph, ... 992
Adams, Joseph, ... 1347
Adams, Joseph, jun., ... 992
Adams, Josiah, ... 1329
Adams, Nathan, ... 663
Adams, Peter, ... 776
Adams, Richard, jun., ... 543, 683
Adams, Roger, ... 994
Adams, Samuel (*Secretary of State*), 27, 55, 56, 58, 262, 347, 357, 369, 512, 513, 524, 525, 821, 845, 1008, 1194, 1253, 1266, 1272, 1273, 1283, 1288, 1303, 1310, 1311, 1314, 1320, 1340, 1371, 1376, 1387, 1435, 1439, 1440, 1449, 1452
Adams, Samuel, ... 844
Adams, Samuel, jun., ... 1294
Adams, Smith, ... 994
Agawam River, . 335, 376, 379, 926, 927, 1020, 1021, 1022
Agry, Thomas, ... 1011
Akin, Benjamin, ... 375
Albany, ... 1265, 1297
Albee, Benjamin, ... 1329
Albee, Ebenezer, ... 1329

PAGE

Albee, James, ... 1329
Albee, James, jun., ... 1329
Alcock, Robert, ... 179, 190
Alden, Ichabod, ... 686, 1002
Alden, John, ... 870
Aldrich, Stephen, ... 199
Alexander (The Great), ... 1277
Alexander, John, ... 623, 674, 697
Alexander, Simeon, ... 1115
Alexander, Solomon, ... 1269
Alexander, Thomas, ... 1301, 1343
Alford, 236, 317, 369, 405, 432, 578, 754, 791, 865, 895, 928, 929, 951, 1023, 1024, 1025, 1029, 1032, 1106, 1160, 1224, 1251, 1405, 1428
Alford (Sanford and Lyman), ... 1337
Alford, Benjamin, ... 262
Allen, Edward, ... 179, 190
Allen, Enoch, ... 375
Allen, James, jun., ... 707
Allen, Jesse, ... 841
Allen, John, jun., ... 1044
Allen, Jonathan, ... 141, 149, 382
Allen, Jonathan, ... 1375
Allen, Joseph, ... 1050
Allen, Joseph, ... 1243, 1259, 1263, 1381
Allen, Nathaniel, 149, 150, 151, 276, 348, 357, 359, 366, 370
Allen, Thomas, ... 1275
Allen, William, ... 330
Allen, Zebulon, ... 1269
Alline, Henry, ... 1460
Allis, Ebenezer, jun., ... 1046
Allis, Stephen, ... 1046
Almy, Job, ... 862
Alsworth, Silas, ... 656
Alwick (*see Alcock*).
America, 53, 54, 55, 146, 284, 323, 348, 360, 383, 436, 437, 438, 445, 446, 450, 455, 462, 463, 464, 471, 472, 474, 475, 476, 479, 482, 483, 497, 503, 512, 516, 517, 530, 537, 538, 560, 584, 585, 590, 592, 600, 607, 612, 614, 673, 676, 678, 683, 707, 709, 711, 721, 844, 852, 1004, 1006, 1007, 1013, 1014, 1054, 1064, 1126, 1196, 1264, 1277, 1282, 1317, 1398, 1441, 1451
American or Americans, 417, 443, 542, 543, 560, 590, 607, 665, 852, 1006, 1277, 1362
American Academy of Arts and Sciences, 1195, 1369, 1370
American Antiquarian Society, ... 871, 1313
American Congress (*see Congress*).
American States (*see United States*).
Amesbury, 8, 94, 210, 308, 397, 424, 543, 567, 744, 783, 863, 887, 937, 1084, 1142, 1205, 1460, 1422
Amherst, 10, 96, 210, 310, 395, 399, 411, 412, 426, 542, 569, 746, 785, 863, 889, 940, 1089, 1145, 1209, 1401, 1424
Amherst, Sir Jeffrey, ... 283

PAGE

Ammidown, Caleb, ... 851, 1041, 1439
Amory, John, ... 359, 912, 915
Amsden, Jesse, ... 1039
Amsterdam, ... 1317
Anabaptists (*see Antipedobaptists and Baptists*), 111, 285
Ancaster and Kesteven, Peregrine Bertie, Duke of, 283
Anderson, James, ... 912, 915, 1054
Andover, 8, 94, 210, 308, 344, 345, 383, 397, 424, 543, 566, 596, 663, 686, 744, 783, 863, 865, 887, 936, 994, 1026, 1034, 1042, 1048, 1049, 1083, 1111, 1205, 1240, 1400, 1418, 1419, 1422, 1456, 1457, 1458, 1459
Andrews, Edmund, ... 1357
Andrews, Issachar, ... 1189, 1357, 1358, 1361
Andrews, Jeremiah, ... 1355
Andrews, John, ... 358
Andrews, John, ... 992
Andrews, Joseph, ... 70
Andrews, William, ... 205, 354
Andros, Sir Edmond, ... 140
Androscoggin River, ... 1386
Andruss, Silvanus, ... 716
Angel, Abiathar, ... 1320
Angel, James, ... 1321
Angier, Oakes, ... 652, 999, 1048, 1053, 1054
Angle Tree, ... 224, 273, 274
Ann Street (Boston), 225, 274, 275, 276, 291, 292, 349, 350, 351
Anne, Queen, 40, 127, 163, 165, 203, 259, 333, 387, 904, 997
Annen, William, ... 1280
Anthony, Edward, ... 1023
Antipedobaptists (*see Anabaptists and Baptists*), 111, 112, 113, 143, 392, 393, 411, 732, 1125
Appleton, Joseph, ... 287
Appleton, Nathaniel, 609, 655, 663, 686, 704, 713, **1318**, **1341**, **1440**
Appleton, Nathaniel, D. D., ... **1060**
Appleton, Samuel, ... 274
Apthorp, Thomas, ... 712, 912, 915, 1054
Apthorp, William, ... 912, 915
Archer, John, ... 179
Armstrong, John, jun., ... 1247
Armstrong, Jonathan, ... 833
Arno, Joseph, ... 1038
Arnold, Comfort, ... 1321
Arnold, Isaac, ... 1322
Arthur, Thomas, ... 90, 119, 120, 306, 395
Arundell, 13, 98, 211, 313, 402, 429, 573, 677, 750, 777, 787, 846, 864, 891, 945, 1096, 1152, 1177, 1178, 1216, 1338, 1403, 1426
Ashburnham, 15, 50, 51, 52, 71, 100, 211, 315, 404, 430, 576, 752, 789, 864, 893, 948, 1101, 1156, 1219, 1404, 1427
Ashby, 9, 90, 95, 210, 219, 220, 270, 301, 309, 362, 366, 398, 425, 568, 746, 784, 863, 888, 939, 1087, 1144, 1208, 1401, 1423
Ashfield, 11, 97, 210, 228, 230, 278, 279, 311, 331, 332, 334, 371, 372, 373, 374, 375, 399, 427, 570, 747, 786, 863, 890, 941, 957, 1046, 1047, 1091, 1147, 1211, 1402, **1424**
Ashley, Azariah, ... **718**
Ashley, John, ... 68, 830, 1032, 1236
Ashley, John, jun., . . . 1237, 1238, 1256, 1282, 1322
Ashley, Joseph, jun., ... 914, 916
Ashley, Moses, ... 718
Ashley, Moses, jun., ... 718
Ashman, William, ... 1435
Ashton, Jacob, ... 873
Ashuelot Equivalent, 162, 164, 469, 635, 865, 1092, 1932, 1107, 1160, 1224, 1405, 1429

PAGE

Aspinwall, Thomas, jun., . . . 350, 351, 352, 1005, 1343
Athearn, James, ... 1381
Atherton, "Captain," 177
Atherton, John, ... 1444
Atherton, Jonathan, ... 1051
Atherton, Uriah, ... 876
Athol, 15, 100, 211, 315, 403, 430, 576, 752, 789, 864, 893, 948, 1101, 1156, 1220, **1404**, 1427
Atkins, David, ... 914, 916
Atkins, Gibbs, ... 912, 915
Atkins, Henry, jun., ... 274
Atkins, Joshua, ... 87, 459, 1122
Atkins, Thomas, ... 274
Atkins, Thomas, ... 827
Atkinson, ... 669
Atkinson, John, ... 912, 915
Attleborough, 12, 68, 98, 211, 224, 273, 312, 401, 428, 573, 669, 749, 787, 864, 876, 891, 944, 973, **974**, 975, 1095, 1151, 1215, 1403, 1426
Auchmuty, Robert, 535, 913, 916, 966, 1054, 1055, 1056
Austin, Benjamin, 275, 358, 651, 663, 672, 688, 702, 713, 845, 987, 1005, 1016, 1027, 1243, 1319
Austin, Ebenezer, ... 1239
Austin, John, ... 658, 659
Austin, John, ... 1239
Austin, John, jun., ... 1239
Austin, Jonathan, ... 920, 1010
Austin, Jonathan Loring, 1314, 1315, 1316, 1317, 1318, 1319
Austin, Samuel, 212, 275, 298, 357, 359, 1016, 1071, 1238, 1239, 1272, 1284, 1286, 1325, 1455
Avery, John, 275, 276, 349, 350, 412, 515, 652, 658, **660**, 661, 663, 664, 677, 683, 686, 687, **691**, 693, 694, 695, 696, 704, 705, **711**, **712**, 713, 714, 715, 716, 720, 721, 722, **724**, 725, 808, 811, 813, 814, 815, 816, **820**, 821, 822, 823, 827, 828, 829, 832, 833, 834, 841, 843, 844, 846, 853, 854, **861**, 983, 985, 987, 988, 989, 993, 995, 996, 999, 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1020, 1022, **1024**, 1025, 1026, 1027, 1028, 1029, 1030, 1036, 1037, 1038, 1039, 1040, **1041**, 1042, 1043, 1044, 1045, 1046, **1049**, 1052, 1057, 1063, 1064, **1240**, **1244**, 1247, 1248, 1250, 1252, **1253**, **1255**, 1256, 1258, 1259, 1260, 1261, **1263**, 1264, 1265, 1266, 1267, 1268, **1273**, 1280, 1281, 1283, 1284, 1287, **1288**, 1290, 1291, 1292, 1294, **1296**, **1298**, 1299, 1300, 1301, 1302, **1303**, **1304**, 1305, 1306, 1307, **1308**, **1311**, **1312**, 1315, 1316, 1317, 1318, 1322, **1325**, 1328, 1332, 1336, 1337, 1340, **1345**, 1346, 1358, 1359, 1364, 1365, **1366**, 1367, 1368, 1369, 1372, 1376, **1377**, 1378, 1379, 1381, 1382, 1383, **1384**, 1386, 1387, 1388, 1434, 1436, **1439**, 1442, 1450, 1455, 1462
Ayer, John, ... 692, 977, 978
Ayer, Moses, ... 147
Ayer, William, ... 146
Ayers, John, ... 870

B.

Babbet, Erasmus, ... 68
Babcock, Adam, ... 1239
Babcock, Joseph, ... 1269
Babcock, Peleg, ... 1269
Bacheller, Samuel, ... 141

PAGE

Bachelor, Joseph, ... 663
Back Cove, ... 294
Backos or Backous (*see Backus*).
Backus, Benjamin, ... 717, 827
Backus, Ichabod, ... 827
Backus, Isaac, ... 143, 411
Backus, Joshua, ... 717
Backus, Nathaniel, ... 827
Backus, Seth, ... 717, 826
Bacon, Daniel, ... 1046
Bacon, Ebenezer, ... 1383
Bacon, Edward, 184, 282, 356, 358, 359, 382, 383, 998, 1383
Bacon, George, ... 992
Bacon, Isaac, ... 870
Bacon, Israel, ... 656
Bacon, John, 810, 830, 1021, 1032, 1052, 1194, 1455, 1464
Bacon, Jonathan, . . . 851, 988, 1024, 1354, 1464
Bacon, Sarah, ... 870
Bacon, Stephen, ... 870
Bacon, William, ... 1435, 1436
Bacon, William, ... 1447
Badcock, William, ... 865
Badger, John, ... 358, 359
Badger, Moses, ... 913, 916
Badger, Thomas, ... 274
Badlam, Ezra, ... 1278
Badlam, Samuel, ... 374
Bailey, Barnabas, ... **866**
Bailey, Benjamin, ... **865**
Bailey, Ebenezer, ... 865
Bailey, John, ... 1278, 1285
Bailey, Silas, ... 866
Bailey, Silas, jun., ... 866
Bailey, Stephen, ... 866
Bailey, Timothy, ... 866
Bailey, William, ... 1246, 1247
Baird, Thomas, ... 858
Baird, Thomas, jun., ... 858, 859
Baker, Benjamin, ... 1061
Baker, Benjamin, ... 1321
Baker, Eleazer, ... 350, 351, 352
Baker, Elisha, ... 1029, 1032
Baker, John, ... 274, 847
Baker, John, ... 827
Baker, John, jun., ... 914, 916
Baker, John, jun., ... 989
Baker, Joseph, ... 1261, 1266
Baker, Josiah, ... 1242
Baker, Noah, ... 1048
Baker, Samuel, ... 804, 830, 847, 984, 1047, 1232
Baker, Samuel, ... 975
Baker, Thomas, ... 827
Baker, William, ... 1321
Baker, William, jun., ... 275
Bakerstown, . . . 864, 1103, 1157, 1221, 1404, 1427
Balch, Nathaniel, ... 275
Balch, Nathaniel, ... 844
Balcom, John, ... 1324
Baldwin, Cyrus, ... 358
Baldwin, David, ... 1047
Baldwin, Loammi, 1280, 1283, 1286, 1291, 1341, 1345, 1369, 1373, 1381, 1397, 1439, 1455, 1456
Baldwin, Nathan, ... 1115
Baldwin, William, ... 1170, 1325
Balester, Jeremiah, ... 295, 354
Ball, James, ... 962, 1049
Ball, John, ... 1051
Ball, John, ... 1062
Ball, Jonas, ... 1051

PAGE

Ball, Nathan, ... 826
Ball, Samuel, ... 1049
Ballard's Bridge, ... 1059
Ballord, Samuel, ... 275
Balls, Robert, ... 275, 276, 350, 351, 352
Balston, Nathaniel, ... 275
Baltimore, ... 813, 1033
Bancroft, Daniel, ... 858, 859
Bancroft, David, ... 858, 859
Bancroft, Ebenezer, ... 1042
Bancroft, Ebenezer, ... 1050
Bancroft, Edward, ... 511
Bancroft, John, ... 860
Bancroft, John, ... 1050
Bancroft, John, ... 1267
Bancroft, Jonas, ... 859
Bancroft, Moses, ... 797, 860
Bancroft, Naham, ... 1050
Bancroft, Phebe, ... 858, 859
Bancroft, Samuel, ... 69, 71
Bancroft, William, ... 855, 858
Bangs, Moses, ... 1269
Bangs, Seth, ... 914, 916
Banister, Barzillai, ... 832
Banister, Benoni, ... 377, 379
Bant, William, ... 358
Baptists (*see Anabaptists and Antipedobaptists*), 112, 113, 143, 229, 230, 278, 279, 332, 333, 373, 375, 856, 1050, 1358
Barber, Abigail, ... 992
Barber, John, ... 854, 857
Barber, John, ... 1236
Barber, Joseph, ... 1050
Barber, Nathan, ... 865
Barber, Nathaniel, ... 274, 688, 1027
Barber, Nathaniel, jun., ... 1292
Barbar, Zachariah, ... 1049
Barcar, Ensal (*see Barker, Uzziel*).
Barker, David, ... 469
Barker, David 920, 1009
Barker, James, ... 848, 1032
Barker, John, ... 920, 1010
Barker, John, ... 1246, 1247
Barker, John, jun., ... 920, 1009
Barker, Prince, ... 1023
Barker, Stephen, ... 920
Barker, Uzziel, ... 656, 657
Barlow, Nathan, ... 984
Barlow, Seth, ... 827
Barnard, John, ... 865
Barnard, Jonathan, ... 844
Barnes, Asa, ... 1393, 1436, 1441, 1442
Barnes, Daniel, ... 1039
Barnes, Henry, ... 914, 916, 1056
Barnett, John, ... 353
Barnett, Moses, ... 353
Barney, Joseph, ... 278, 287, 372
Barns, Abraham, ... 1051
Barns, Fortunatus, ... 865
Barns, Giles, ... 998, 1323
Barnstable, 11, 44, 45, 65, 86, 88, 97, 141, 169, 171, 210, 278, 312, 395, 401, 428, 458, 459, 461, 474, 530, 572, 600, 688, 748, 786, 864, 890, 945, 998, 1004, 1121, 1122, 1124, 1150, 1213, 1382, 1383, 1402, 1425
Barnstable, County of, 5, 11, 12, 17, 41, 45, 65, 97, 98, 103, 159, 172, 202, 203, 219, 268, 312, 318, 395, 401, 406, 412, 428, 432, 438, 439, 464, 465, 513, 530, 572, 579, 668, 678, 679, 685, 748, 755, 786,

PAGE

Barnstable, County of —*Concluded.* 787, 791, 851, 861, 864, 865, 899, 891, 895, 904, 914, 943, 944, 952, 1005, 1094, 1108, 1115, 1127, 1135, 1150, 1161, 1213, 1214, 1225, 1234, 1296, 1297, 1298, 1377, 1378, 1381, 1382, 1402, 1405, 1425, 1429

Barré (*see Hutchinson*), 575, 592, 593, 676, 677, 751, 788, 864, 892, 946, 1099, 1154, 1218, 1401, 1427

Barrell, Joseph, . 358, 822, 1011, 1027, 1035, 1048, 1246

Barrett, Augustus, ... 1039

Barrett, Christopher, ... 1357

Barrett, Eleazer, ... 1032

Barrett, James, ... 141

Barrett, James, ... 1358

Barrett, John, ... 187, 274, 357

Barrett, John, ... 1354, 1358

Barrett, Joseph, ... 716

Barrett, Samuel, ... 275, 1130, 1271, 1272

Barrett, Samuel, jun., ... 359, 1239

Barrett, Simeon, ... 1357

Barrick, James, ... 912, 915

Barrington, William Wildman Barrington, Viscount, ... 283

Barron, Oliver, ... 1190, 1362

Barrows, Benjamin, ... 1335

Barrows, Caleb, ... 674

Barrows, Comfort, ... 1463

Barstow, Alpheus, ... 1269

Barstow, Hezekiah, ... 1269

Bartlet, Elihu, ... 989

Bartlet, Enoch, ... 265

Bartlet, Experience, ... 901, 990

Bartlet, Joel, ... 989

Bartlet, Joseph, ... 175, 469, 1123

Bartlet, Moses, ... 901, 990, 1036

Bartlet, Samuel, ... 698

Bartlett, Josiah, ... 669, 811, 1257

Bartlett, Nicholas, ... 295, 354

Bartlett, William, ... 179, 190

Bartlett, William, ... 989

Barton, Asa, ... 1051

Barton, Benjamin, ... 1050

Barton, Caleb, ... 1321

Basset, Elisha, ... 667

Bastow, Daniel, ... 1335

Batchelder, Hezekiah, ... 674, 698, 699, 1463

Batchelder, Josiah, 179, 516, 688, 825, 836, 1023, 1026, 1052, 1268, 1338

Batcheldor, Ephraim, ... 692, 978

Batcheldor, Joseph, ... 520, 834, 859

Batchelor, Samuel (*see Bachellor*).

Bateman, Eleazer, ... 658, 659

Bates, David, ... 859

Battan, John, ... 179

Bay Road (Bridgewater), ... 273

Bay Road (Ware), ... 133

Bayley, Edmund, ... 719

Bayley, Nathaniel, ... 353, 357, 371, 702

Bayley, William, ... 1041

Baylies, Nicholas, ... 199

Bayly, Israel, ... 833

Beacon Island, ... 137

Beal, Benjamin, ... 278

Beal, Joshua, ... 1003

Beal, Lazarus, jun., ... 69, 71

Beal, Lazarus Andrews, ... 992

Beal, Thomas, ... 993, 994

Beal, William, ... 1438

Bealls, Nathan, ... 1242

PAGE

Beaman, Nathaniel, ... 844

Beaman, Thomas, ... 915, 916, 1054, 1056

Beane, Jonathan, ... 977, 978

Beane, Jonathan, jun., ... 978

Beane, Josiah, ... 692, 978

Bearce, Jonathan, ... 1003

Beard, Amos, ... 718

Beard, Thomas, ... 854, 855, 856, 858

Beard, Thomas, ... 1329

Beath, John, ... 688

Beaver Brook, ... 126

Becket, 16, 102, 141, 211, 317, 406, 432, 579, 635, 754, 790, 865, 894, 951, 1032, 1106, 1160, 1223, 1393, 1405, 1423

Beckford, Ebenezer, ... 853

Beckitt, Daniel, ... 660

Beckitt, Silas, ... 669

Bedford, 9, 90, 95, 210, 309, 366, 398, 426, 568, 745, 784, 863, 888, 939, 1087, 1144, 1208, 1353, 1401, 1423

Belcher, Andrew, ... 716

Belcher, Clifford, ... 1445, 1447

Belcher, Edward, ... 1445

Belcher, Jeremiah, ... 1445

Belcher, Jonathan, . 68, 237, 280, 1328, 1444, 1445, 1446

Belchertown, 10, 96, 155, 181, 182, 210, 310, 337, 367, 399, 427, 570, 747, 785, 816, 817, 863, 889, 941, 1091, 1147, 1211, 1306, 1402, 1424

Belfast, 293, 352, 353, 753, 790, 864, 894, 950, 1104, 1158, 1222, 1405, 1423

Belknap, Joseph, ... 275

Bell, Thomas, ... 274

Bell, William, ... 1130, 1271, 1272

Bellcher, David, ... 275

Bellingham, 7, 93, 210, 397, 865, 366, 367, 396, 424, 565, 669, 743, 775, 776, 782, 815, 862, 886, 935, 1082, 1140, 1172, 1204, 1261, 1270, 1328, 1329, 1330, 1331, 1343, 1399, 1422

Bellomont, Richard Coote, Earl of, ... 140

Bellows, Jedediah, ... 1039

Bement, Asa, ... 828, 1029, 1135

Bement, Ebenezer, ... 1435, 1436

Bemus, David, ... 1115

Benedict, Joseph, ... 1236

Benjamin, Judah, ... 1236

Benjamin, Mary, ... 1236

Benjamin, Nathan, ... 1235, 1236, 1237

Benjamin, Peleg, ... 1236

Benjamin, William, ... 826

Bennet, George, ... 717, 826

Bennet, Joseph, ... 469, 848, 998, 1320, 1321

Bennet, Nathan, ... 717, 826

Bennington, ... 842, 848, 984, 985, 1028, 1280

Benson, John, ... 1387

Benson, Robert, ... 1265

Bent, David (*see Butt*).

Bent, David, ... 265

Bent, Peter, ... 707

Benton, John, ... 716

Berkeley, 12, 98, 211, 312, 367, 401, 428, 573, 749, 787, 864, 891, 914, 944, 1096, 1151, 1215, 1403, 1426

Berkshire, County of, 16, 17, 37, 41, 46, 66, 68, 101, 102, 103, 115, 128, 156, 162, 164, 182, 211, 236, 237, 239, 316, 318, 325, 330, 405, 406, 412, 432, 433, 469, 470, 513, 550, 578, 580, 656, 657, 658, 659, 660, 678, 679, 685, 695, 717, 718, 739, 754, 755, 790, 791, 826, 827, 847, 851, 861, 862, 865, 882, 883, 884, 891, 895, 909, 911, 912, 915, 932, 933, 950, 952, 985, 986, 987, 988, 996, 997, 998, 1003, 1010, 1028, 1029, 1030, 1032, 1033, 1041, 1056, 1069, 1070, 1105, 1106, 1109, 1115, 1131, 1135,

PAGE

Berkshire, County of — *Concluded.*
1159, 1160, 1162, 1170, 1223, 1224, 1226, 1232, 1237, 1240, 1241, 1275, 1276, 1284, 1285, 1296, 1297, 1298, 1312, 1320, 1321, 1322, 1323, 1376, 1377, 1381, 1382, 1393, 1405, 1428, 1429, 1435, 1436, 1443

Bernard, Sir Francis, Bart., 52, 56, 62, 69, 139, 165, 267, 410, 839, 912, 915, 966, 1002, 1003, 1054, 1055, 1056

Bernardston, 10, 96, 210, 310, 399, 427, 570, 747, 785, 863, 889, 941, 1091, 1126, 1127, 1147, 1211, 1268, 1269, 1270, 1402, 1424

Berry, Edward, ... 912, 915

Berry, John, ... 179

Berry, Nathaniel, ... 1011

Berry, Samuel, ... 1011

Bertie, Peregrine (*see Ancaster*).

Berwick, 13, 98, 211, 313, 402, 429, 573, 750, 787, 864, 891, 945, 976, 1096, 1152, 1216, 1403, 1426

Bethune, George, ... 275

Beverly, 8, 94, 148, 190, 210, 286, 308, 397, 424, 543, 566, 678, 744, 783, 863, 887, 936, 1052, 1055, 1033, 1141, 1205, 1299, 1400, 1422

Bicker, Martin, ... 358, 359, 362

Biddeford, 13, 45, 87, 99, 206, 211, 265, 313, 402, 429, 458, 574, 726, 750, 787, 864, 891, 945, 1096, 1121, 1152, 1216, 1403, 1426

Bigelow, Abraham, ... 60, 263, 269, 366

Bigelow, Daniel, ... 797, 858

Bigelow, David, ... 1251

Bigelow, Gershom, ... 859

Bigelow, Gershom, jun., ... 859

Bigelow, Joshua, 69, 144, 183, 261, 266, 285, 354, 365, 856, 996, 1356

Bigelow, Mary, ... 797

Bigelow, Nathan, ... 832

Bigelow, Timothy, ... 1039

Bilboa, ... 1316, 1317

Bill, William, ... 718

Billerica, 8, 95, 210, 309, 397, 425, 567, 745, 784, 831, 863, 888, 938, 1085, 1143, 1189, 1207, 1347, 1348, 1349, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1362, 1400, 1411, 1423, 1443

Billing (*see Billings*).

Billings, Elkanah, . 875, 975, 1444, 1445, 1446, 1447

Billings, John, ... 665, 1411, 1412

Billings, John, jun., ... 1449

Billings, Joseph, ... 185

Billings, Richard, ... 275

Billings, Samuel, ... 875, 975, 1445

Billings, Samuel, jun., ... 875, 975

Billings, William, ... 141, 148, 182, 268, 327

Billingsgate Bay, 172, 174, 175, 184, 458, 459, 1120, 1122

Billings's Brook, ... 975

Bird, Samuel, ... 334, 1444, 1445, 1447

Birkes, James, ... 847

Birkes, William, ... 847

Bishop, Squier, ... 147

Bishop, Talmage, ... 550

Black, David, ... 912, 915

Blacke, James, ... 716

Blacke, John, ... 716

Blackman, ——, ... 869

Blackstone, Sir William, Bart., ... 1030

Blackwell, John, jun., ... 914, 916

Blackwell, Micah, ... 1135, 1378

Blain, John, ... 841

Blair, James, ... 265

PAGE

Blair, Robert, ... 912, 915

Blake, Ezra, ... 973, 974

Blake, Increase, ... 275

Blake, James, ... 128

Blake, Joseph, ... 128

Blanchard, Caleb, ... 275

Blanchard, Jeremiah, ... 1246, 1247

Blanchard, Joseph, jun., ... 1239

Blanchard, Josiah, ... 876

Blandford, 10, 96, 210, 237, 310, 399, 426, 570, 747, 785, 863, 889, 941, 1090, 1147, 1211, 1232, 1299, 1300, 1393, 1401, 1424, 1435, 1436

Blaney, Benjamin, ... 860, 1037

Blethen, John, ... 833

Bliss, Daniel, ... 914, 916, 1054

Bliss, John, 367, 513, 540, 653, 659, 665, 810, 830, 861, 995, 999, 1016, 1030, 1341

Bliss, Jonathan, ... 377, 914, 916

Bliss, Luke, ... 38, 1435

Bliss, Moses, ... 377

Bliss, Samuel, ... 914, 916, 1054

Blodget, Josiah, jun., ... 1041, 1042

Blood, David, ... 1362

Blood, John, ... 1190, 1362

Blood, John, ... 1347

Blood, Jonathan, . . 1347, 1348, 1349, 1350, 1351

Blood, Jonathan, jun., ... 1358, 1359

Blood, Josiah, ... 1359, 1411, 1443

Blood, Phinehas, ... 1359

Blood, Robert, ... 1347

Blood, Stephen, ... 1358, 1359

Blood, Stephen, jun., ... 1355, 1357, 1359

Blood, Willard, ... 1190, 1362

Blood, Zechariah, ... 1347

Bloods' Farms, 1347, 1348, 1349, 1350, 1351, 1358, 1359

Blower, Abigail, ... 226

Blowers, Sampson Salter, ... 912, 915, 1005

Blue Hills, ... 334

Blunt, John, ... 147

Boardman, Jacob, ... 808, 982

Boardman, John, ... 656, 1442

Boardman, William, ... 656, 660, 1388, 1442

Boden, Benjamin, ... 295, 354

Bodman, William, ... 1301, 1389

Bodwell, Daniel, jun., ... 920, 1009

Bodwell, Eliphalet, ... 920, 1010

Bodwell, Samuel, ... 920, 1009

Bodwell, Solomon, ... 1042

Bodwell, William, ... 920, 1010

Bogle, John, ... 992

Boies, William, ... 851

Bolton, 14, 52, 100, 211, 314, 403, 430, 576, 751, 789, 803, 864, 865, 893, 947, 1109, 1155, 1219, 1299, 1404, 1427

Bolton, David, ... 1232

Bolton, James, ... 1232

Bond, Aaron, ... 992

Bond, Amos, ... 704

Bond, Phinehas, ... 992

Bonney, Benjamin, ... 1260, 1435, 1464

Boothbay, 16, 101, 211, 316, 329, 370, 405, 431, 577, 688, 753, 790, 864, 894, 928, 949, 1022, 1023, 1103, 1158, 1221, 1307, 1310, 1386, 1405, 1428

Borghardt, Jacob, ... 236

Borghardt, John, ... 284, 285, 986

Borghardt, Peter, ... 236

Borland, John, ... 1056

Borlingham, Christopher, ... 1321

Borman (*see Boardman*).

PAGE

Boscawen, Hugh (*see Falmouth*).

Boston (*see, also, under the following names of streets, etc.: Ann, Bromfield, Federal, Fleet, Governor's Alley, Hancock's Wharf, King, Long Lane, Long Wharf, Middle, Paddy's Alley, Roxbury and State*), 5, 7, 18, 20, 27, 39, 43, 44, 45, 51, 53, 54, 55, 56, 60, 61, 64, 71, 72, 86, 87, 88, 89, 93, 106, 119, 133, 134, 137, 138, 139, 147, 148, 149, 151, 167, 168, 172, 175, 177, 178, 183, 187, 191, 195, 200, 201, 202, 204, 206, 210, 215, 218, 220, 224, 225, 226, 234, 235, 248, 258, 259, 260, 261, 262, 264, 267, 268, 270, 271, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 285, 288, 291, 292, 300, 301, 302, 303, 307, 321, 322, 346, 349, 350, 351, 352, 353, 355, 357, 358, 359, 360, 362, 371, 375, 387, 396, 409, 423, 434, 435, 455, 457, 458, 460, 474, 483, 505, 506, 507, 513, 514, 529, 531, 533, 534, 539, 542, 555, 556, 557, 562, 565, 585, 586, 593, 594, 600, 621, 624, 625, 643, 650, 651, 661, 662, 663, 664, 665, 666, 667, 673, 675, 677, 678, 684, 688, 698, 699, 701, 702, 706, 707, 708, 709, 710, 711, 712, 714, 715, 719, 722, 723, 724, 729, 730, 731, 739, 743, 757, 759, 761, 782, 793, 808, 809, 816, 817, 822, 825, 827, 830, 831, 839, 842, 844, 847, 848, 849, 850, 851, 852, 855, 862, 865, 875, 878, 886, 897, 900, 903, 913, 917, 919, 926, 935, 954, 957, 969, 972, 979, 980, 981, 983, 984, 989, 991, 993, 994, 998, 999, 1002, 1004, 1005, 1006, 1007, 1016, 1017, 1020, 1026, 1027, 1035, 1038, 1039, 1040, 1042, 1043, 1045, 1047, 1052, 1054, 1055, 1056, 1057, 1059, 1060, 1064, 1067, 1071, 1081, 1111, 1114, 1120, 1121, 1123, 1129, 1130, 1139, 1164, 1169, 1182, 1196, 1203, 1231, 1232, 1233, 1235, 1237, 1238, 1239, 1240, 1241, 1243, 1245, 1247, 1248, 1253, 1254, 1256, 1259, 1260, 1261, 1265, 1266, 1267, 1268, 1269, 1271, 1272, 1273, 1274, 1280, 1282, 1283, 1286, 1289, 1290, 1292, 1293, 1298, 1299, 1305, 1308, 1309, 1311, 1312, 1313, 1314, 1315, 1320, 1321, 1322, 1323, 1326, 1331, 1332, 1340, 1342, 1344, 1348, 1353, 1362, 1363, 1366, 1368, 1370, 1372, 1373, 1382, 1384, 1385, 1393, 1399, 1410, 1411, 1418, 1419, 1422, 1434, 1435, 1437, 1439, 1440, 1441, 1444, 1445, 1452, 1454, 1458, 1459, 1461, 1462, 1463, 1464

Boston (The frigate), ... 1246, 1247

Boston Bay, ... 137, 148

Boston Gazette and Country Journal, 215, 218, 220, 270, 651, 653, 954, 1000, 1004, 1035, 1111, 1164

Boston Pier, ... 200, 201, 288, 1238

Boughton, Hezekiah, ... 828

Bound Brook, ... 87, 459, 1122

Bound-Brook Island, ... 89, 461, 1124

Bourn, Edward, ... 914, 916

Bourn, Elisha, ... 914, 916

Bourn, Lemuel, ... 914, 916

Bourn, Melatiah, ... 1445

Bourn, Silvanus, ... 1058

Bourn, William, ... 914, 916

Bourne, John, ... 274

Boutineau, James, ... 288, 966, 1056

Bowditch, Habakkuk, ... 179, 190

Bowditch, John, ... 179, 190

Bowdoin, James, 63, 184, 279, 358, 359, 562, 651, 672, 683, 684, 685, 1194, 1196, 1244, 1270, 1314, 1369, 1370, 1440, 1454

Bowdoin, William, ... 562, 923, 1011

Bowdoinham, 16, 101, 211, 316, 405, 431, 577, 753, 790, 830, 864, 894, 923, 924, 949, 1011, 1103, 1158, 1221, 1405, 1428

Bowen, Edward, ... 295, 354

Bowen, Elijah, ... 1321, 1322

Bowen, Hezekiah, ... 1320, 1321

Bowen, John, ... 915, 916, 1054

PAGE

Bowen, John, ... 1050

Bowen, Nathan, ... 363, 1320, 1321

Bowen, Valentine, ... 1320, 1321

Bowers, Jerathmeel, 60, 71, 354, 356, 359, 366, 372, 411, 513, 522, 667

Bowes, William, ... 912, 915, 1054

Bowker, Joseph, ... 1022

Bowler, John, ... 674, 698, 699

Bowman, Archibald, ... 358, 359

Bowman, Ezra, ... 1384

Bowman, Jonathan, ... 227, 1022

Bowman, Joseph, ... 1249

Bowman, Samuel, ... 1051

Bowman, William, ... 129

Boxford, 8, 53, 57, 90, 94, 210, 286, 308, 397, 424, 543, 567, 660, 744, 783, 863, 865, 887, 937, 1084, 1142, 1206, 1400, 1423

Boyden, Daniel, ... 854, 857, 858, 859

Boyden, Darius, ... 858

Boyden, Elizabeth, ... 858, 859

Boyden, John, ... 858, 859

Boyden, Mary, ... 876

Boyden, Peter, ... 859

Boyden, Seth, ... 68

Boyer, Peter, . . . 274, 735, 741, 1281, 1286, 1292, 1440

Boyles, John, ... 353

Boylston, Nicholas, ... 275

Boylston, Thomas, ... 274

Brackett, Lemuel, ... 867

Brackett, Samuel, ... 867

Bradbury, John, ... 65, 69, 70, 71, 208

Bradbury, Theophilus, ... 978

Bradbury, Thomas, ... 692, 978

Bradbury, William, ... 469

Bradford, 8, 94, 210, 308, 397, 424, 543, 567, 660, 744, 783, 863, 887, 937, 991, 1084, 1142, 1206, 1400, 1423

Bradford, Alden, ... 1020

Bradford, Gamaliel, ... 57, 1058, 1278

Bradford, William, ... 669, 811, 1160

Bradish, Ebenezer, ... 1061

Bradish, James, jun., ... 1239

Bradley, Amos, ... 520

Bradley, Jesse, ... 826, 827, 1029, 1032

Bradley, William, ... 1050

Bradway, Richard (*see Broadway*).

Bragdon, Daniel, ... 510, 518, 520

Bragdon, Joshua, ... 1336, 1337, 1377

Bragdon, Thomas, ... 185, 367

Braintree, 7, 42, 87, 89, 93, 210, 224, 272, 307, 396, 423, 455, 458, 461, 526, 531, 565, 594, 715, 743, 782, 862, 886, 935, 1055, 1081, 1132, 1139, 1203, 1399, 1422, 1445, 1451

Brant Point, ... 388

Brastow, Thomas, ... 876, 974

Brattle, Thomas, ... 912, 915

Brattle, William, 57, 64, 71, 72, 176, 183, 186, 187, 262, 263, 264, 273, 274, 287, 358, 359, 379, 380, 381, 382, 1058, 1352

Brayton, Gideon, ... 658, 659

Breck, Samuel, ... 1239

Brewer, Chauncy, ... 1022

Brewer, Daniel, ... 915, 917

Brewer, Giles, ... 274

Brewer, Joseph, ... 176

Brewer, Josiah, ... 1393, 1435

Brewer, Nathaniel, ... 176

Brewer, Samuel, ... 686, 1039, 1278

Brewster, Jonathan, ... 1267, 1301, 1394

Briant, John (*see Bryant*).

PAGE

Bridge, Edward, ... 176
Bridge, Samuel, ... 716
Bridge, Samuel, ... 1373
Bridges, John, ... 674, 698, 699, 1463
Bridges, Moody, ... 383, 718
Bridgeton, 835, 836, 864, 1103, 1157, 1221, 1404, 1427
Bridgewater, 11, 83, 97, 116, 140, 141, 144, 210, 224, 259, 272, 273, 311, 341, 381, 400, 427, 571, 732, 748, 786, 818, 863, 890, 914, 942, 1045, 1056, 1093, 1125, 1149, 1213, 1402, 1425, 1445
Bridgham, Ebenezer, ... 912, 915, 1054
Bridgham, James, ... 274, 275, 389
Brigden, Thomas, ... 366
Brigden, Timothy, ... 1239
Briggs, Allen, ... 1321
Briggs, Benjamin, ... 1321
Briggs, Enoch, ... 1269
Briggs, Joseph, ... 656
Briggs, Owen, ... 1269
Brigham, Elijah, ... 1303
Brigham, Levi, ... 834
Brigham, Timothy, ... 142
Brighton, ... 1057
Brimfield, 10, 96, 210, 310, 399, 426, 570, 667, 747, 785, 863, 889, 941, 1090, 1146, 1210, 1401, 1424
Brimmer, Andrew, ... 358, 1239
Brimmer, Herman, ... 358, 1239
Brimmer, Martin, ... 712, 1239
Brinley, George, ... 912, 915, 1054
Brinley, Thomas, ... 912, 915, 1055
Brintnall, Abiel, ... 530, 531
Bristol, 16, 101, 211, 293, 294, 316, 405, 431, 577, 688, 753, 790, 864, 894, 945, 1103, 1158, 1222, 1405, 1428
Bristol, County of, 12, 17, 44, 45, 48, 65, 66, 67, 68, 98, 103, 211, 224, 275, 312, 318, 401, 406, 428, 433, 438, 439, 464, 465, 513, 530, 531, 573, 579, 655, 656, 678, 679, 687, 749, 755, 787, 791, 861, 864, 865, 891, 895, 914, 944, 952, 1056, 1095, 1096, 1108, 1115, 1127, 1135, 1151, 1162, 1214, 1225, 1284, 1296, 1297, 1298, 1377, 1380, 1381, 1403, 1405, 1425, 1426, 1429
Britain (*see Great Britain*).
British Army, ... 528, 678, 710, 842, 844, 1006
British Empire, ... 542
British Navy, ... 456, 527, 528, 701, 702
Britons, ... 1008
Broad, Thoder, ... 867
Broad, Thomas, ... 867
Broadbay, ... 211, 293, 316, 354, 495
Broadbay River, ... 294
Broad Cove, ... 294
Broadway, Abel, ... 659, 984
Broadway, Richard, ... 658, 659, 984
Bromfield, Henry, ... 1244
Bromfield's Lane (Boston), ... 226
Brookfield, 14, 52, 72, 99, 211, 314, 403, 429, 495, 575, 751, 788, 864, 892, 915, 946, 1055, 1098, 1154, 1217, 1403, 1426
Brookline, 7, 93, 177, 210, 263, 307, 350, 367, 396, 424, 565, 663, 715, 716, 743, 782, 862, 886, 935, 1055, 1082, 1139, 1203, 1343, 1399, 1422
Brooks, Eleazer, 540, 543, 654, 667, 669, 672, 710, 714, 720, 723, 816, 830, 832, 848, 869, 990, 1005, 1029, 1052
Brooks, Hugh, ... 1347
Brooks, Jonathan, ... 1349

PAGE

Brooks, Nathaniel, ... 1251
Brooks, Thomas, ... 675, 998, 1047, 1247
Broome, Samuel, ... 1259
Broomer, Joshua, ... 914, 916
Brown, Andrew, ... 1292
Brown, Benjamin, ... 1309
Brown, Caleb, ... 1321
Brown, Daniel, ... 832
Brown, Dexter, ... 1321
Brown, Edward, ... 1355, 1357
Brown, Eleazer, ... 1347
Brown, Elijah, ... 658, 659, 984, 988
Brown, Elisha, ... 1003, 1321
Brown, Elisha, jun., ... 696
Brown, James, ... 207, 266
Brown, James, ... 1463
Brown, Jeremiah, ... 1321
Brown, John, ... 65
Brown, John, ... 353
Brown, John, ... 656
Brown, John, ... 664, 665, 673, 711, 720, 814
Brown, John, ... 1003
Brown, Col. John, 1025, 1028, 1033, 1035, 1052, 1115, 1246, 1436
Brown, John, jun., ... 994, 995
Brown, Jonas, ... 865
Brown, Jonathan, ... 274
Brown, Jonathan, 504, 529, 530, 551, 654, 665, 669, 673, 709, 853, 906, 972, 990, 995, 1003, 1064, 1440, 1461
Brown, Joseph, ... 147
Brown, Joseph, ... 1321
Brown, Levi, ... 1321
Brown, Moses, ... 737, 824
Brown, Moses, ... 837
Brown, Nathaniel, ... 272
Brown, Pelatiah, ... 696
Brown, Peleg, ... 1269
Brown, Samuel, ... 698, 699, 1463
Brown, Samuel, ... 867
Brown, Samuel, jun., ... 371, 986
Brown, Samuel, jun., ... 870
Brown, Simon, ... 1321
Brown, Thomas, ... 274
Brown, Thomas, ... 832
Brown, Thomas, ... 1190, 1362
Brown, Timothy, ... 1268
Brown, Rev. Timothy, ... 977
Brown, William, ... 984
Brown, William, jun., 841, 1051, 1054, 1255, 1271, 1299, 1304, 1325, 1327, 1381, 1452
Brown, Woodbridge, 60, 278, 281, 347, 358, 359, 366, 519, 526, 653, 673, 676, 711, 717, 857, 887, 1237
Brown, Wright, ... 147
Browne, John, ... 1239
Browne, William, . . . 913, 916, 966, 1054, 1055, 1056
Brownfield, . . . 864, 1097, 1153, 1216, 1403, 1426
Bruce, Benjamin, ... 865
Bruce, Daniel, ... 865
Bruce, James, ... 912, 915
Bruce, John, ... 865
Bruce, Jonas, ... 1039
Bruce, Timothy, ... 865
Brunswick, 15, 101, 211, 315, 365, 369, 404, 431, 577, 752, 789, 830, 833, 834, 864, 893, 948, 1102, 1156, 1220, 1404, 1427
Brunswick (Germany), ... 842
Bryant, James, ... 1060
Bryant, John, ... 276, 350, 351, 352
Bryant, Joseph, ... 520

PAGE

Bryant, Seth, ... 914, 916
Brymer, Alexander, ... 912, 915
Bubier, Joseph, ... 295, 354
Buck, Jonathan, ... 469
Buck, Joseph, ... 1039
Buck, Rachel, ... 859
Buckingham, Jedediah, ... 832
Buckingham, William, ... 832
Buckland, ... 957, 958, 1047, 1307
Bucklen, Jeremiah, ... 1320
Bucklen, John, ... 1320
Buckminster, Joseph, ... 141, 367, 1355, 1445
Buckminster, Lawson, ... 1038
Bucknam, Isaiah, ... 860
Bull, David, ... 716
Bull, James, ... 1435
Bull, John, ... 1284
Bull, Jonathan, ... 716
Bull, Robert, ... 993, 994
Bullard, Ephraim, ... 867
Bullard, Moses, ... 867
Bullard, Seth, ... 1343
Bullard, Timothy, ... 531
Bullen, Moses, ... 362
Bulling (*see Bullen*).
Bullough, Joseph, ... 992
Bumpus, Thomas, ... 914, 916
Bunker's Hill, ... 505, 1007, 1028
Buntin, John, ... 824
Burbeck, William, ... 1130, 1271, 1272
Burch, William, . . 53, 55, 912, 915, 966, 1054, 1056
Burden, William, ... 914, 916
Burgheart, John (*see Borghardt*).
Burgoyne, John, . . . 841, 843, 844, 845, 985, 1317
Burk, Edward, ... 1040
Burk, Seth, ... 989
Burk, Waight, ... 832
Burke, John, ... 1269
Burkes, James, ... 1337
Burks, William, ... 1337
Burnam, John, ... 295, 354
Burnam, Josiah, ... 536
Burnham, Elisha, ... 1269, 1270
Burnham, Reuben, ... 835
Burnham, Simeon, ... 835
Burns, John, ... 1046
Burns, Joseph, ... 1011
Burridge, Samuel, ... 993, 994
Burrill, John (*Speaker of the House of Representatives*), ... 381
Burrill, Samuel, ... 543
Burroughs, Simon, ... 1242
Burroughs, William, ... 176
Burrows, John, ... 1029
Bursul, Ebenezer, ... 1335
Burt, David, *tertius*, ... 379
Burt, Jonathan, jun., ... 379
Burton, William, ... 912, 915
Bush, David, ... 914, 916, 1054
Bush, Gideon, ... 718
Bushnell, Esebrias, ... 1029, 1032
Bussey, Thomas, ... 848
Butler, Asa, ... 530, 531
Butler, James, ... 274
Butler, James, ... 1046
Butler, Joseph, ... 90, 306
Butler, Joseph, ... 530, 531
Butt, David, ... 370
Butterfield, Joseph, ... 978

PAGE

Butterfield, Levi, ... 1041
Butterfield, Reuben, ... 1041
Buttrick, Nathan, . . . 1190, 1350, 1359, 1360, 1362
Buxton, 206, 313, 402, 429, 574, 750, 787, 864, 891, 945, 1097, 1152, 1216, 1403, 1426
Byles, Mather, jun., ... 912, 915, 1005

C.

Cabot, George, ... 179, 189, 190
Cabot, Marston, ... 1003
Cahoon, Reynolds, ... 656, 658, 659
Caldwell, Charles, ... 716
Caldwell, George, ... 716
Caldwell, James, ... 716
Caldwell, John, ... 410
Caldwell, Joshua, ... 527
Caldwell, William, ... 1445
Calkin, Simon, ... 717, 827
Call, Caleb, ... 1071, 1239
Call, Obadiah, jun., ... 1022
Callahan, Charles, ... 915, 917, 1054, 1056
Callender, Joseph, ... 1370
Cambridge, 8, 34, 44, 45, 50, 52, 55, 64, 75, 94, 121, 138, 139, 144, 148, 155, 170, 181, 195, 210, 259, 308, 348, 397, 425, 440, 457, 467, 507, 514, 531, 567, 656, 663, 707, 715, 719, 720, 745, 783, 855, 857, 863, 887, 901, 902, 914, 937, 971, 990, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1085, 1142, 1184, 1196, 1206, 1293, 1299, 1370, 1400, 1423
Camden, 592, 596, 623, 624, 674, 675, 685, 686, 697, 1310, 1389, 1462
Campbell, Alexander, ... 469
Campbell, Lawrence Robert, ... 701
Campbell, Philip, ... 978
Campbell, Robert, ... 1238
Campbell, William, ... 1236
Camp Lower Salem, ... 1283
Camp North Castle, ... 683
Canada, ... 262, 640, 720, 842
Caner, Henry, ... 912, 915, 1005
Canton, ... 1447
Capawa (*see Martha's Vineyard*).
Cape Ann, ... 137, 148, 149, 1255, 1308, 1369
Cape Breton, ... 977
Cape Cod, ... 174, 457, 458, 1120, 1121, 1255
Cape Elizabeth, 15, 101, 211, 315, 404, 421, 577, 752, 789, 864, 865, 893, 948, 1102, 1156, 1220, 1252, 1342, 1404, 1427
Capen, Ebenezer, ... 1445
Capen, James, ... 1039
Capron, Thomas, ... 274
Cargill, James, ... 1023
Carleton, Samuel, ... 654, 655
Carlisle, 1189, 1190, 1347, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1411, 1443
Carlton, Benjamin, ... 1269
Carlton, Ebenezer, ... 920, 1009
Carnes, Edward, ... 1239
Carpenter, Cephas, ... 1321
Carpenter, Nehemiah, ... 975
Carpenter, Stephen, ... 1321
Carpenter, William, ... 826
Carr, Benjamin, ... 1242
Carr, Caleb, ... 656
Carr, Edward, ... 658, 659, 984, 985
Carr, Peleg, ... 658, 659, 984
Carr, Richmond, ... 658, 659, 984
Carr, Robert, ... 658, 659, 984

PAGE

Carroll, Patrick, ... 272
Carter, Asa, ... 1046
Carter, Benjamin, ... 856, 859
Carter, Benjamin, jun., ... 859
Carter, Elias, ... 1046
Carter, Elisha, ... 1046
Carter, James, ... 1273
Carter, John, ... 1239
Carter, Jonathan, ... 1170, 1171, 1325
Carter, Joshua, ... 860
Carter, Nehemiah, ... 1266
Carter, Samuel, ... 1046
Carter, Timothy, ... 859
Carver, Caleb, ... 914, 916
Carver, Melzar, ... 914, 916
Cary, Eleazer, ... 1045
Cary, Jonathan, ... 274
Cary, Reuben, ... 826
Casco Bay, ... 600, 688
Case, Aaron, ... 1321
Case, Amos, ... 860
Casey, Adam, ... 658, 659
Castle Island, ... 1246, 1306
Castle William, . . . 29, 108, 140, 246, 348, 349, 652, 1247
Caswell, Samuel, ... 68
Cator, John, ... 185
Cazneau, Andrew, ... 912, 915
Cedar-Swamp Brook, ... 975
Chace, Ammi, ... 914, 916
Chace, Levi, ... 914, 916, 1054
Chadbourn, Benjamin, . . . 507, 519, 778, 1381, 1456
Chadbourn, Paul, ... 1337
Chadbourn, Simon, ... 1337
Chadwick, Barnabas, ... 716
Chadwick, John, ... 238, 1434
Chaffee, Joseph, ... 1029
Chamberlain, Stephen, ... 177
Chambers, John, ... 1357
Champlin, Robert, ... 1439
Champney, Nathan, ... 1039
Chandler, Abraham, ... 1445
Chandler, Gardner, ... 859, 915, 916
Chandler, James, ... 1348, 1349, 1350
Chandler, John, ... 147
Chandler, John, 237, 297, 355, 856, 914, 916, 1054, 1069, 1231, 1234
Chandler, John, jun., ... 147
Chandler, Joseph, ... 147
Chandler, Judah, ... 833
Chandler, Nathaniel, ... 915, 916
Chandler, Rufus, ... 914, 916
Chandler, William, ... 914, 916
Chapell, Joseph, ... 718
Chapell, William, ... 718
Chapin, Adams, ... 1332, 1387, 1442
Chapin, Benjamin, ... 797, 858
Chapin, Eli, ... 797
Chapin, Gershom, ... 199
Chapin, Moses, ... 1387, 1442
Chapin, Oliver, ... 338
Chapman, Ebenezer, ... 660
Chapman, Eliphaz, ... 1010
Chapman, Hains, ... 660
Chapman, Samuel, ... 716
Chapmon (*see Chapman*).
Chappaquiddic, ... 342, 381, 382, 383, 732, 1125
Charlemont, 10, 96, 210, 311, 399, 427, 530, 570, 747, 785, 863, 889, 941, 957, 958, 1046, 1047, 1048, 1091, 1147, 1211, 1251, 1342, 1402, 1424

PAGE

Charles River, 216, 461, 775, 776, 805, 845, 905, 971, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1124
Charleston, ... 1012
Charlestown (*see, also, under lanes Medford and Middle*), 8, 44, 45, 67, 87, 94, 147, 168, 210, 308, 322, 397, 425, 434, 435, 454, 455, 458, 513, 514, 526, 529, 567, 664, 667, 707, 715, 719, 745, 783, 830, 863, 887, 914, 937, 1005, 1058, 1059, 1060, 1062, 1071, 1085, 1121, 1142, 1184, 1206, 1231, 1239, 1240, 1243, 1249, 1256, 1270, 1286, 1400, 1423
Charlestown Neck, ... 664
Charlton, 14, 99, 211, 314, 403, 429, 575, 751, 788, 864, 892, 946, 1098, 1154, 1218, 1238, 1403, 1426
Chase, Amos, ... 264, 265
Chase, Bradstreet, ... 185
Chase, Caleb, ... 654
Chase, Follansbee, ... 1334
Chase, John, ... 185
Chase, John, ... 1321
Chase, Shadrach, ... 914, 916
Chase, Thomas, ... 185, 1292, 1293
Chase, William, ... 844
Chatham, 12, 97, 203, 210, 263, 312, 395, 401, 428, 572, 749, 787, 864, 891, 943, 1094, 1150, 1214, 1383, 1384, 1402, 1425
Chauncy, Charles, ... 510, 520, 1337
Chauncy, Charles, D. D., ... 1194
Chauncy, Josiah, ... 411, 1002
Chebacco, ... 478, 536, 537
Cheever, Aaron, ... 272
Cheever, David, ... 513, 518, 519, 638, 688, 693, 834
Cheever, Ezekiel, ... 1057, 1435
Chelmsford, 9, 95, 210, 309, 397, 425, 568, 745, 784, 818, 831, 863, 888, 938, 1086, 1143, 1189, 1207, 1347, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1400, 1411, 1423, 1443
Chelsea, 7, 90, 93, 142, 210, 307, 396, 424, 515, 566, 715, 743, 783, 863, 887, 936, 1082, 1140, 1204, 1299, 1306, 1342, 1399, 1422
Chenery, Ephraim, ... 1343
Cheney, Daniel, ... 992
Cheney, Ebenezer, ... 1050
Cheney, John, ... 920, 1010
Cheney, Levi, ... 1050
Cheney, Moses, ... 1051
Cheney, Tristram, ... 52
Cheney, William, jun., ... 992
Cherry Valley, ... 1002
Cheshire, ... 1003, 1320, 1323
Chester, ... 1231
Chesterfield, 10, 96, 125, 210, 297, 311, 356, 400, 427, 571, 747, 786, 831, 832, 833, 863, 890, 942, 989, 1091, 1148, 1212, 1402, 1425
Chesterfield Gore, 831, 832, 833, 1148, 1212, 1242, 1299, 1402, 1425
Chestnut-Plain Road, ... 123
Chicabee (*see Chicopee*).
Chicopee Parish, ... 376
Chicopee River, ... 336, 337, 338, 339, 379
Child, Edward, ... 176
Child, John, ... 176, 177, 367
Child, John, jun., ... 273
Child, Lemuel, ... 176
Child, Samuel, ... 992
Child, Thomas, ... 688, 1135
Childs, Abraham, ... 1039
Childs, John, ... 1442

PAGE

Chilmark, 13, 88, 89, 99, 211, 313, 402, 429, 461 574, 668, 669, 750, 788, 864, 892, 945, 1097, 1124, 1153, 1217, 1403, 1426
Chilson, Elihu, ... 989
Chilson, Joseph, ... 989
Choate, Francis, ... 536
Choate, John, ... 287, 536, 537, 996
Choate, Joseph, ... 824
Choate, Stephen, 152, 287, 543, 675, 821, 830, 990, 1025, 1048, 1135, 1249, 1263, 1264, 1291, 1309, 1338, 1339, 1341, 1439, 1449, 1461
Choate's Mills, ... 31, 287
Christians, ... 520, 529
Church, Benjamin, ... 362
Church, Benjamin, jun., ... 511, 912, 915
Church, Daniel, ... 717, 826
Church, Moses 1435
Church of England, . 230, 231, 253, 254, 279, 284, 1024
Churchill, Stephen, ... 1319
Claflin, Abner, ... 989
Clam-Cove Neck, ... 674, 697
Clap, Daniel, . . 273, 836, 848, 851, 985, 999, 1053
Clap, Ebenezer, ... 350, 351, 352
Clap, Supply, ... 669
Clap, Thomas, ... 716, 1352, 1355
Clapp, Elijah, ... 716
Clark, Alexander, ... 353
Clark, Benjamin, ... 834
Clark, Caleb, ... 817
Clark, Charles E., M. D., ... 1348, 1350, 1351
Clark, Ebenezer, *tertius*, ... 989
Clark, Elisha, ... 854
Clark, George, ... 1269
Clark, Gideon, ... 984
Clark, James, ... 1232, 1233
Clark, John, ... 656
Clark, John, ... 1337
Clark, John, jun., ... 1337
Clark, John, M. D., ... 912, 915
Clark, Jonathan, ... 989
Clark, Joseph, ... 797, 858
Clark, Martin, ... 989
Clark, Nathan, ... 989
Clark, Nathan, ... 1445
Clark, Nathan, jun., ... 875, 975
Clark, Robert, ... 1046
Clark, Thomas, ... 185
Clark, Thomas (Plymouth), ... 175, 460, 1123
Clark, Timothy, ... 1022
Clark, William, ... 975
Clark, William, ... 1003, 1242, 1321
Clarke, Benjamin, ... 1321
Clarke, Isaac, ... 912, 915
Clarke, John, ... 995
Clarke, John, D. D., ... 1194
Clarke, Jonathan, ... 912, 915, 1054
Clarke, Jonathan, ... 999
Clarke, Nathaniel, ... 975
Clarke, Richard, . . . 912, 915, 1005, 1054, 1056
Clarke, Thomas, ... 262
Clarke, Thomas (*Deputy Secretary of the province*), 536, 1355
Claverack, ... 1376, 1377
Cleaveland, John, . . . 478, 533, 534, 535, 536, 537
Cleaves, Joshua, ... 847
Clement, Benjamin, ... 145
Cleveland, Stephen, ... 179
Clinton, George, ... 1265, 1461

PAGE

Clother, Ambrose, ... 656
Clother, Jesse, ... 659
Clother, John, ... 656, 659
Cluff, Samuel, ... 1337
Coats, David, ... 737, 824
Cobb, David, ... 1194
Cobb, David, ... 1291
Cobb, Josiah, ... 1050
Cobb, Nicholas, ... 914, 916
Cobbeseconte Great Pond, ... 129, 132, 147
Cobbeseconte Stream, ... 129, 923
Coburn, John, ... 176, 275
Cochran, John, ... 353
Cochran, Thomas, ... 1268
Cock, William, ... 1038
Codding, George, ... 654, 713, 860, 1038
Codman, John, ... 1059
Codner, William, ... 274, 912, 915
Coffin, Isaac, ... 1335
Coffin, John, ... 912, 915, 1054, 1056
Coffin, Nathaniel, ... 912, 915, 1005, 1054
Coffin, Peter, . 151, 711, 816, 821, 829, 835, 845, 871, 982, 995, 999, 1053, 1310, 1450
Coffin, Simeon, ... 847, 1335
Coffin, William, jun., . . . 226, 277, 912, 915, 1005
Cogswell, Jonathan, jun., . . . 478, 536, 537, 696
Cogswell, Samuel, ... 1236
Cohasset, 49, 50, 89, 93, 210, 307, 396, 424, 566, 743, 782, 862, 886, 935, 1045, 1081, 1139, 1293, 1399, 1422
Colburn, Benjamin, ... 1011
Colburn, Oliver, ... 1011
Colburn, Reuben, ... 1011
Cole, Daniel, ... 1348, 1350
Cole, John, ... 1003
Cole, Nathaniel, ... 1011
Cole, Simeon, ... 1320
Cole, Timothy, ... 716
Coles, William, ... 295, 354
Collins, Benoni, ... 1321
Collins, Thomas, ... 848
Collyer, Hezekiah, jun., ... 716
Collyer, John, ... 295, 354
Collyer, Thomas, ... 295, 354
Colony Line, ... 272, 273, 975
Colrain, 10, 96, 210, 310, 399, 427, 570, 747, 785, 863, 889, 941, 1091, 1126, 1127, 1147, 1211, 1268, 1269, 1270, 1402, 1424
Colson, Ebenezer, ... 1242
Colton Aaron, ... 879
Comee, John, ... 975
Comee, Joseph, ... 975
Comings (*see Cummings*).
Conant, Asa, ... 1049
Conant, Benjamin, ... 1050
Conant, Daniel, ... 190
Conant, Ezra, ... 962, 1050
Conant, Ezra, jun., ... 1050, 1051
Conant, Nathaniel, ... 847, 1337
Conant, Samuel, ... 1239
Concord, 8, 45, 68, 94, 139, 195, 210, 308, 397, 425, 454, 455, 507, 521, 526, 567, 701, 745, 783, 863, 887, 914, 938, 1085, 1117, 1143, 1170, 1189, 1190, 1207, 1254, 1255, 1256, 1261, 1268, 1325, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1400, 1411, 1423, 1439, 1443, 1452
Concord River, 1189, 1347, 1348, 1349, 1350, 1351, 1352, 1355, 1357, 1358

PAGE

Conduit, Silas, ... 1264
Condy, Jeremiah, ... 275
Coney, Nathaniel, ... 1445
Congregationals, ... 697
Congress, American or Continental, 410, 437, 445, 451, 463, 467, 468, 470, 472, 473, 477, 479, 485, 503, 505, 506, 515, 516, 521, 522, 523, 524, 525, 527, 528, 529, 530, 532, 537, 543, 544, 548, 549, 558, 561, 583, 591, 600, 601, 608, 612, 625, 628, 639, 640, 651, 652, 653, 668, 669, 670, 678, 679, 680, 681, 682, 683, 684, 687, 688, 690, 693, 694, 702, 703, 705, 706, 721, 722, 725, 729, 730, 770, 772, 777, 809, 811, 813, 814, 818, 820, 821, 837, 844, 845, 846, 850, 851, 854, 923, 931, 933, 988, 995, 1009, 1012, 1013, 1015, 1016, 1017, 1018, 1019, 1025, 1026, 1033, 1034, 1035, 1036, 1043, 1053, 1077, 1080, 1133, 1134, 1137, 1174, 1178, 1179, 1180, 1181, 1202, 1231, 1242, 1243, 1248, 1249, 1253, 1254, 1257, 1258, 1259, 1262, 1263, 1265, 1266, 1275, 1276, 1277, 1278, 1279, 1281, 1282, 1283, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1297, 1298, 1308, 1311, 1312, 1313, 1332, 1333, 1339, 1340, 1341, 1369, 1370, 1371, 1376, 1379, 1380, 1395, 1397, 1398, 1412, 1413, 1417, 1421, 1433, 1439, 1440, 1452, 1453, 1455, 1460, 1461
Conkay, Israel, ... 915, 916
Connecticut, 25, 34, 35, 38, 62, 81, 186, 370, 377, 521, 530, 533, 537, 669, 670, 671, 673, 678, 683, 685, 686, 716, 723, 809, 810, 811, 813, 850, 851, 1012, 1013, 1014, 1015, 1017, 1018, 1070, 1232, 1249, 1256, 1257, 1258, 1259, 1262, 1264, 1266, 1295, 1297, 1338, 1339, 1379, 1384, 1439, 1453, 1459, 1460
Connecticut River, 123, 147, 148, 335, 336, 337, 339, 375, 376, 377, 379, 380, 927, 1189
Connor, Samuel, ... 847
Continental Army, 447, 521, 531, 582, 595, 596, 597, 599, 612, 614, 627, 651, 663, 673, 679, 680, 682, 683, 684, 686, 687, 694, 700, 703, 714, 719, 757, 776, 778, 793, 800, 811, 812, 813, 829, 833, 837, 879, 897, 955, 964, 965, 1002, 1012, 1018, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1076, 1112, 1133, 1134, 1135, 1165, 1183, 1184, 1198, 1199, 1200, 1201, 1229, 1246, 1247, 1248, 1251, 1259, 1260, 1261, 1279, 1281, 1282, 1283, 1284, 1287, 1289, 1290, 1291, 1294, 1296, 1297, 1298, 1299, 1300, 1301, 1303, 1304, 1305, 1307, 1314, 1363, 1365, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1382, 1384, 1387, 1398, 1408, 1432, 1435
Continental Journal and Weekly Advertiser, 820, 954, 1035, 1111, 1164, 1228, 1364, 1368, 1407, 1431
Continental Navy, ... 612, 1246, 1261
Conuers, Daniel, ... 841
Conway, 5, 11, 53, 90, 97, 123, 125, 141, 142, 210, 310, 399, 426, 542, 570, 747, 785, 853, 854, 863, 889, 914, 940, 1042, 1043, 1048, 1089, 1146, 1210, 1303, 1401, 1424
Cook, Andrew, ... 1242
Cook, Asaph, ... 998
Cook, Daniel, ... 1049, 1051
Cook, Jacob, ... 975
Cook, Samuel, ... 998
Cook, Stephen, ... 975
Cooke, Abel, ... 1046

PAGE

Cooke, Josiah, ... 1046
Cooke, Josiah, jun., ... 1046
Cooke, Nathan, ... 1046
Cooke, Nicholas, . . 669, 683, 723, 724, 809, 1004
Cooke, Oliver, ... 1046
Cooke, Thomas, ... 366, 665
Cookson, John, ... 274
Cookson, John, ... 692, 978
Cookson, Reuben 978
Coolidge, Daniel, ... 1269
Coolidge, Isaac, ... 1349
Coolidge, Isaiah, ... 866
Coolidge, Joseph, ... 1239
Coombs, Anthony, ... 831
Coombs, Joseph, ... 674, 699, 1163
Coombs, William, ... 824, 825
Cooper, Samuel, D.D., ... 1194, 1369, 1379
Cooper, William, 518, 538, 609, 653, 661, 662, 663, 668, 672, 673, 695, 702, 709, 711, 726, 1064
Copeland, Ephraim, ... 1139, 1271, 1272
Copeland, Moses, ... 592, 674, 675, 1343
Copeland, Thomas, ... 374
Copeland's Creek, ... 674
Copelin, Moses (*see Copeland*) . . . . . .
Corah, Reuben, ... 658, 659
Corbin, Ezekiel, ... 832
Corbitt, Joseph, ... 1329
Cornwallis, Charles, Lord, ... 1318
Cory, Isaac, ... 992
Cottle, Shubael, ... 667
Cotton, John, 64, 69, 147, 265, 284, 354, 357, 359, 380, 859, 1237
Cotton, Roland, ... 1355
Cottrell, Stephen, ... 283
Cougton, William, ... 1040
Coulson, Thomas, ... 915, 917
Counce, Samuel, ... 674
Courtney, Thomas, ... 912, 915
Cousens, Joseph, ... 847
Cow Hill, ... 334, 875, 975
Cow-house River (*see Waters's River*).
Cox, Edward, ... 912, 915
Coxhall, 777, 778, 846, 864, 1097, 1152, 1177, 1178, 1216, 1334, 1335, 1336, 1337, 1338, 1403, 1426
Coy's Hill, ... 133
Craddock, Mary, ... 1055
Craft, Eleazer, ... 536, 1044
Craft, Jonathan, ... 995
Craft, Joseph, ... 993, 994
Craft, Moses, ... 994
Craft, Samuel, ... 992
Craft, Thomas, ... 715
Craig, James, ... 915, 916
Craige, James, ... 147
Craige, Joseph, ... 716
Craige, Thomas, ... 841, 842, 843
Cram, Daniel, ... 692, 977, 978
Cram, Daniel, jun., ... 978
Cranch, Joseph, ... 358
Cranch, Nathaniel, ... 358
Cranch, Richard, 995, 1020, 1025, 1034, 1048, 1049, 1130, 1134, 1135, 1192, 1243, 1271, 1272, 1280, 1344, 1397, 1456
Crane, Elijah, ... 718
Crane, John, ... 1038, 1040, 1279
Crane, Silas, ... 1444, 1445, 1446
Crane, Thomas, 513, 519, 667, 720, 814, 830, 847, 983, 998, 999, 1016, 1025, 1026, 1027, 1030, 1034, 1052, 1053, 1054, 1231, 1238, 1363, 1364, 1450, 1451, 1461

PAGE

Crane, William, ... 1444, 1445
Crane River, ... 270
Crane River Bridge, ... 222, 272
Cranston, Elisha, ... 681
Cresey, Job, ... 1337
Crocker, John, ... 287
Crocker, Lemuel, ... 827
Crocker, Noah, ... 826
Crocker, Timothy, ... 977
Crockett, Robinson, ... 834
Crockit, Jonathan, ... 674, 698, 699, 1463
Crockit, Nathaniel, ... 699
Croft, Samuel, ... 716
Crombey, William, ... 275
Crooker, Francis, ... 282
Crosby, Benjamin, ... 1357
Crosby, Nathan, ... 1357
Crosby, Nathan, jun., ... 1357
Cross, Jonathan, ... 920, 1009
Cross, Joseph, ... 920, 1010
Cross, Samuel, ... 920, 1010
Cross, Simeon, ... 920, 1009
Cross, Stephen, . 709, 845, 1005, 1049, 1246, 1336, 1337
Cross, William, ... 920, 1009
Cross, William, jun., ... 920, 1009
Cross River, ... 329, 370
Crossman, George, ... 1448
Croton River, ... 1285, 1286
Crowl, Andrew, ... 859
Crowl, John, jun., ... 859
Crowinshield, George, ... 179, 189, 190
Crowinshield, Jacob, ... 179, 190
Crown Point, ... 1235
Culver, Samuel, ... 141
Cumberland (Rhode Island), ... 1261
Cumberland, County of, 15, 17, 44, 46, 65, 101, 103, 196, 211, 218, 304, 305, 315, 318, 329, 362, 363, 366, 404, 406, 431, 433, 439, 456, 465, 469, 470, 513, 515, 523, 553, 554, 559, 577, 580, 603, 678, 685, 691, 692, 752, 755, 789, 791, 833, 834, 835, 836, 861, 864, 865, 877, 881, 893, 895, 915, 948, 952, 978, 980, 982, 983, 1007, 1102, 1109, 1115, 1135, 1156, 1162, 1220, 1226, 1284, 1296, 1297, 1298, 1307, 1308, 1342, 1377, 1381, 1384, 1404, 1405, 1427, 1429
Cummings, Daniel, ... 859
Cummings, Daniel, ... 984
Cummings, Isaac, ... 1445
Cummings, John, ... 68, 1240
Cummings, Joseph, ... 983
Cummings, Lemuel, ... 1386
Cummings, Nathaniel, ... 1412, 1449
Cummings, Samuel, ... 1412, 1445, 1449
Cummington (*see Number Five*), 1003, 1072, 1073, 1148, 1212, 1241, 1321, 1402, 1424
Cunningham, Archibald, ... 912, 915, 1005, 1054
Cunningham, Elijah, ... 658, 659, 984, 988
Cunningham, John, ... 357
Cunningham, John, ... 658, 659, 984
Cunningham, Nathaniel, ... 1058
Cunningham, Robert, ... 867
Cunningham, William, ... 357
Curtis, Charles, ... 914, 916, 1054
Curtis, Edward, ... 1242
Curtis, Ephraim, ... 854, 857
Curtis, John, ... 928, 1024
Curtis, Joseph, ... 185
Curtis, Joseph, ... 1324, 1325
Curtis, Obadiah, ... 357

PAGE

Curtis, Oliver, ... 858, 859
Curtis, Samuel, . . . 716, 797, 858, 1040, 1270, 1296, 1449
Curtis, Zachariah, ... 989
Curtiss, Abigail, ... 677
Curtiss, Jacob, ... 677
Curtiss, John, ... 677
Cushing, Ann, ... 121, 145, 146
Cushing, Caleb, 263, 266, 268, 273, 274, 278, 359, 371, 372, 538, 657, 708, 848, 1263
Cushing, Charles, . . . 278, 665, 667, 696, 709, 1381
Cushing, Ezekiel, ... 977
Cushing, James, ... 145
Cushing, John, ... 381
Cushing, John, ... 833
Cushing, John, ... 1041, 1295
Cushing, John, ... 1059
Cushing, Jonathan, ... 275, 350
Cushing, Joseph, . . . 411, 509, 510, 519, 698, 721
Cushing, Nathan, 541, 711, 726, 1026, 1048, 1052, 1054, 1062, 1194, 1245, 1248, 1273, 1461
Cushing, Richard, ... 1023
Cushing, Seth, ... 512, 513, 538, 662, 1052
Cushing, Theophilus, ... 70
Cushing, Thomas (*Speaker of the House of Representatives*), 61, 64, 69, 147, 148, 265, 279, 353, 357, 359, 373, 380, 383, 525, 530, 537, 538, 651, 660, 661, 668, 669, 672, 681, 682, 685, 688, 711, 712, 723, 809, 810, 811, 812, 838, 839, 858, 987, 1005, 1012, 1013, 1015, 1016, 1026, 1035, 1053, 1057, 1194, 1237, 1242, 1245, 1248, 1256, 1257, 1258, 1262, 1263, 1264, 1273, 1283, 1314, 1315, 1317, 1318, 1319, 1338, 1340, 1356, 1369, 1370, 1435, 1439, 1452, 1454, 1455, 1460
Cushing, William, . . 130, 133, 136, 137, 1194, 1276
Cushman, Caleb, ... 832
Cutler, Ebenezer, ... 914, 916
Cutler, Jonathan, ... 859
Cutler, Robert, ... 51, 71, 72
Cutler, Rev. Robert, ... 51, 72
Cutler, Thomas, ... 914, 916, 1035
Cutter, Edward, ... 185
Cutter, John, ... 185
Cutter, Jonathan, ... 857
Cutting, Francis, ... 858
Cutts, Edward, 370, 510, 662, 989, 990, 1010, 1273, 1291, 1337, 1338, 1343
Cutts, Joseph, ... 185
Cutts, Richard, ... 185
Cutts, Robert, ... 185
Cutts, Thomas, ... 185
Cutts, Thomas, jun., ... 185

D.

Daggett, Henry, ... 1013
Daggett, John, ... 141
Daggett, Samuel, ... 713
Daggett, Samuel, ... 867
Dakin, Jonathan, ... 274
Dakin, Joseph, ... 1347
Dale, Archelaus, ... 268
Dale, Ebenezer, ... 272
Daleney, Charles, ... 358
Dalton, James, ... 1239
Dalton, Tristram, 654, 660, 669, 682, 706, 722, 1028, 1034, 1194
Dalva (*see Delva*).
Dana, Benjamin, ... 1057
Dana, Caleb, ... 1058
Dana, Daniel, ... 1050

PAGE

Dana, Francis, 538, 540, 651, 663, 668, 672, 685, 693, 702, 711, 726, 838, 871, 1009, 1053, 1054, 1055, 1194, 1245, 1315, 1317
Dana, Joseph, ... 1050
Dana, Mary, ... 992
Dana, Richard, ... 275, 276
Dana, Stephen, ... 860, 1010
Dana, William, ... 837, 838
Dandely, William, ... 1046
Danforth, Joseph, ... 368
Danforth, Samuel, ... 64, 848, 849
Danforth, Thomas, ... 914, 916, 1005
Daniel, Joseph, ... 870
Daniels, Francis, ... 975, 976
Daniels, Samuel, ... 867
Danielson, Timothy, 379, 662, 672, 681, 698, 847, 850, 1029, 1053, 1234, 1245, 1264, 1273, 1311, 1338, 1340, 1360, 1371, 1373, 1435, 1439, 1454, 1455
Danvers, 7, 57, 90, 93, 210, 213, 214, 221, 222, 223, 268, 270, 271, 272, 285, 307, 396, 424, 461, 543, 566, 744, 783, 863, 887, 936, 1083, 1124, 1141, 1205, 1430, 1422
Danvers Neck, ... 223, 272
Darby (*see Derby*).
Dark Swamp, ... 973, 974
Darrow, James, ... 656, 660
Darrow, Nathaniel, ... 656
Dart, Nathan, ... 660
Dartmouth, 12, 98, 130, 171, 211, 312, 345, 383, 401, 428, 474, 573, 600, 678, 687, 688, 749, 787, 862, 864, 891, 904, 914, 944, 1043, 1045, 1095, 1151, 1215, 1297, 1378, 1403, 1425
Dartmouth, William Legge, Earl of, 260, 283, 284, 410, 506
Dashwood, Samuel, ... 358
Davenport, Joseph, ... 147
Davidson, John, ... 353
Davies, William, ... 358
Davis, Aaron, ... 151, 665, 710
Davis, Aaron, jun., ... 350, 351, 352
Davis, Amasa, ... 357
Davis, Benjamin, ... 913, 915, 1054
Davis, Caleb, 654, 809, 829, 983, 1004, 1012, 1029, 1049, 1053, 1054, 1055, 1056, 1245, 1257, 1282, 1283, 1311, 1313, 1314, 1315, 1318, 1319, 1332, 1340, 1341, 1363, 1364, 1373, 1383, 1439, 1443, 1452, 1463, 1464
Davis, Daniel, 141, 278, 507, 513, 520, 529, 675, 709, 868, 1012, 1281
Davis, Edward, 798, 812, 829, 830, 839, 850, 860, 1048, 1299, 1313, 1339, 1345, 1384, 1441
Davis, Edward, ... 1358
Davis, Capt. Edward, ... 1027
Davis, Elias, ... 834
Davis, Ezra, ... 176
Davis, Ezra, jun., ... 176
Davis, Gideon, ... 834
Davis, Hope, ... 717, 826
Davis, Isaac, ... 717, 826
Davis, Isaac, jun., ... 717, 826
Davis, Jacob, . 176, 681, 720, 814, 860, 982, 1053, 1238
Davis, James, ... 841
Davis, John, ... 187
Davis, John, ... 826, 827
Davis, John, ... 834
Davis, John, jun., ... 1354
Davis, Rev. John, ... 143

PAGE

Davis, Jonathan, ... 1023
Davis, Moses, ... 1385
Davis, Nathan, ... 716
Davis, Robert, ... 1039
Davis, Samuel, ... 1354, 1355, 1357, 1359, 1360
Davis, Stephen, ... 1032
Davis, William, ... 274, 1239
Davis, William, ... 665, 673, 814, 989, 990
Dawes, Thomas, 995, 1020, 1134, 1192, 1238, 1243, 1246, 1247, 1249, 1251, 1256, 1343, 1345, 1360, 1397, 1439, 1452, 1454, 1455
Dawes, William, ... 274
Day, Benjamin, ... 148, 278, 370, 996
Day, Benjamin, ... 976
Day, Jeremiah, ... 776, 972
Day, John, ... 1321
Day, Jonathan, ... 866, 868
Day, Josiah, ... 834
Day, Othniel, ... 1051
Day, Robert, ... 832
Day, Samuel, ... 1242
Deake, George, ... 1252
Dean, Joseph, ... 713
Dean, Joshua, ... 1050
Dean, Mary, ... 1171
Deane, John, ... 692, 978, 982
Deane, Samuel, ... 1194
Dearing, William, ... 185
Dearon, John, ... 1039
Deblois, Gilbert, ... 358, 912, 915
Deblois, Gilbert, jun., ... 1239
Deblois, Lewis, ... 913, 915
Decker, John, ... 978
Decrow, Thomas, ... 914, 916
Dedham, 7, 93, 144, 210, 276, 307, 396, 396, 424, 455, 456, 526, 565, 594, 669, 677, 713, 715, 718, 743, 782, 842, 862, 871, 886, 935, 1047, 1081, 1130, 1203, 1343, 1358, 1394, 1399, 1411, 1412, 1422, 1437, 1444, 1446, 1449, 1451
Dedham Rock, ... 875, 974, 975
Deerfield, 5, 10, 53, 90, 96, 123, 141, 142, 210, 310, 399, 426, 542, 569, 746, 785, 863, 889, 914, 940, 1056, 1089, 1146, 1210, 1240, 1401, 1424
Deerfield River, ... 957, 1046, 1047
De Grey, William, ... 54
Delano, Seth, ... 147
Delaware, 850, 1012, 1013, 1015, 1017, 1019, 1249, 1253, 1264, 1295, 1297, 1379
Delva, Peter, ... 1051
Deming, Eleazer, ... 656
Deming, John, ... 1281, 1286, 1292
Deming, Jonathan, ... 866, 867, 869
Deming, Samuel, ... 275
Dench, Gilbert, ... 1387, 1435
Deni, John, ... 1011
Dennie, James, ... 1239
Dennie, John, ... 1060
Dennie, Thomas, ... 1239
Denning, William, ... 1013
Denny, Samuel, ... 541, 843
Denny, Thomas, 187, 228, 261, 266, 278, 332, 347, 366, 372, 373, 410, 411, 718, 842, 857
Densmore, William, ... 373, 374
Derby, Elias Hasket, ... 508
Derby, John, ... 179, 190
Derby, Richard, jun., 61, 141, 149, 150, 151, 183, 276, 282, 348, 369, 375, 651, 661, 662, 672
Derrow, Seth, ... 239, 281
Descombe, Thomas, ... 867

PAGE

Deshon, Moses, ... 362
D'Estaing, Charles Hector, Count, ... 1376
De Valnais, Joseph, ... 1026
Deverix, William, ... 1447
Devens, Richard, ... 513, 514, 1239
Dewey, Benedict, ... 1436
Dewey, David, ... 1269
Dewing, Henry, ... 868, 870
Dewing, Josiah, ... 870
Dewing, Martha, ... 867
Dewing, Nathaniel, ... 867
Dexter, Andrew, ... 357
Dexter, Samuel, 177, 264, 269, 274, 277, 279, 281, 282, 285, 358, 359, 369, 372, 512, 857, 867
Dibble, Daniel, ... 1236
Dibble, John, ... 1236, 1238
Dibble, Samuel, ... 1236
Dickerman, William, ... 1042
Dickinson, David, ... 1357, 1361, 1363
Dickinson, Moses, ... 123, 507
Dickinson, Nathaniel, ... 914, 916, 1054, 1056
Dickinson, Obadiah, ... 332, 333, 371, 372, 375
Dickinson, Roger, ... 914, 916
Didion, Benjamin, ... 1041
Dighton, 12, 98, 211, 312, 401, 428, 573, 749, 787, 851, 864, 891, 944, 1095, 1151, 1215, 1403, 1426
Diman, Rev. James, ... 32, 175, 461, 1124
Dimmick, David, ... 826
Dimuck, Joseph, ... 1382
Dingley, Joseph, ... 834
Dinsmore, Joseph, ... 1051
Dix, Jonas, 186, 187, 513, 653, 665, 667, 673, 679, 696, 830, 836, 848, 855, 859, 987
Doane, Joseph, ... 184, 520, 530
Doctor Gardiner's Mill Brook, ... 227
Dodge, Asahel, ... 717, 826
Dodge, Caleb, ... 847
Dodge, Elijah, ... 717
Dodge, George, jun., ... 190
Dodge, Isaac, ... 257, 637, 696
Dodge, James, ... 351, 352
Dodge, Larkin, ... 179, 190
Dodge, Rufus, ... 1329
Dolbeare, Benjamin, ... 187
Doliber, Richard, ... 295, 354
Dolly, Job, ... 656, 658
Donly, John, ... 1046
Doolittle, Amzi, ... 1050
Doolittle, Ephraim, . . 261, 269, 348, 358, 359, 366, 857
Door (*see Dorr*).
Dorchester, 7, 93, 177, 210, 307, 334, 350, 351, 396, 423, 514, 565, 715, 743, 782, 830, 862, 875, 876, 886, 913, 935, 973, 974, 975, 1055, 1056, 1081, 1139, 1203, 1399, 1422
Dorchester-Canada, ... 52
Dorchester Neck, ... 652
Dorman, Samuel, ... 847, 1337
Dorr, Beniah, ... 1011
Dorr, Ebenezer, ... 809
Dorr, Harbottle, ... 358, 1016
Dorr, John, ... 1011
Dorr, Joseph, ... 530, 682, 1064, 1173, 1459
Dorr, Rev. Joseph, ... 1328
Douglas, 15, 52, 100, 190, 211, 314, 403, 430, 576, 752, 789, 816, 864, 893, 947, 1100, 1155, 1219, 1401, 1427
Douglass, Asa, 469, 551, 656, 657, 658, 659, 660, 850, 984, 985, 986, 987, 1022, 1388
Douglass, Jonathan, ... 656
Douglass, Nathaniel, ... 656

PAGE

Douglass, Wheeler, ... 656
Douglass, William, ... 656, 658, 659, 1029
Douty, George, ... 984
Douty, James, ... 984
Dow, Jabez, ... 978
Downe, Samuel, ... 275
Downs, Reuben, ... 1337
Dracut, 9, 90, 95, 210, 309, 365, 367, 398, 425, 568, 715, 784, 863, 888, 939, 1039, 1087, 1144, 1208, 1401, 1423
Drake, Josiah, ... 1046
Draper, David, ... 199, 200
Draper, David, jun., ... 199
Draper, Richard, . 118, 119, 264, 268, 269, 279, 281, 363
Draper, Thomas, ... 656, 659, 984
Draper & Folsom, ... 1262
Drew, William, ... 673, 1441
Driver, Michael, ... 179
Drown, Aaron, ... 1337
Drown, Nathaniel, ... 844
Drury, Joseph, ... 870
Drury, Thomas, ... 858, 859
Drury, Thomas, jun., ... 858
Dua, Josiah, ... 656
Duck-puddle Brook, ... 294
Dudley, 14, 52, 90, 100, 211, 314, 365, 366, 403, 430, 576, 751, 788, 864, 892, 947, 1100, 1155, 1219, 1358, 1404, 1427
Dudley, Joseph, ... 140, 381
Dudley, Joseph, ... 1350
Dudley, William, ... 1445, 1446
Duff, Richard, ... 694
Dukes County, 13, 17, 44, 46, 86, 88, 99, 103, 175, 211, 313, 318, 342, 402, 406, 429, 433, 438, 459, 460, 461, 464, 465, 574, 580, 668, 678, 691, 750, 755, 788, 791, 864, 865, 892, 895, 945, 952, 1097, 1108, 1123, 1124, 1127, 1158, 1162, 1217, 1225, 1377, 1381, 1403, 1405, 1426, 1429
Dumarsque, Philip, ... 913, 915
Dun, Arthur, ... 147
Dunbar, Asa, ... 1242
Dunbar, Daniel, ... 914, 916
Dunbar, Elijah, 334, 1255, 1263, 1295, 1313, 1449, 1450
Dunbar, Samuel, ... 1446
Duncan, Samuel, ... 1051
Duncomb, Richard, ... 275
Dunmore, William, ... 375
Dunn, Samuel, jun., ... 1239
Dunnell, Zaccheus, ... 1040
Dunning, John, ... 54
Dunsmore, William, . . 715, 844, 850, 851, 859, 1035, 1381
Dunstable, 9, 90, 95, 210, 309, 365, 367, 368, 398, 426, 569, 746, 759, 784, 837, 863, 888, 959, 1041, 1042, 1087, 1144, 1208, 1401, 1423
Dunton, Levi, ... 1259
Dunton, Thomas, ... 1242
Durant, Cornelius, ... 1097
Durant, Mary, ... 993, 994
Durell, Peter, ... 991, 992
Durfee, Thomas, ... 814, 1036, 1280, 1281
Durham, ... 833
Durham, John, ... 353
Durham, John, jun., ... 353
Durham, Tolford, ... 353
Dutch, ... 262
Dutch, Samuel, ... 272
Duxbury, 11, 97, 210, 311, 366, 368, 400, 428, 571, 748, 786 863, 890, 942, 1093, 1149, 1213, 1492, 1425
Dwelle, Samuel, ... 1445

PAGE

Dwight, Elijah, ... 1435, 1436
Dwight, John, ... 1435
Dwight, Nathaniel, ... 817, 996
Dwight, Simeon, ... 513, 709, 710, 996
Dwight, Timothy, ... 411, 996, 1058, 1059, 1388
Dwinel, Amos, ... 844
Dyer, David, ... 833
Dyer, Eliphalet, ... 669, 1257, 1459, 1460
Dyer, Micah, ... 834

E.

Eager, James, ... 914, 916
Eager, John, ... 915, 916
Eames, Robert, ... 1171, 1325, 1326
Earl, Robert, ... 841, 842, 843
Eastern-Harbor Meadows, ... 86, 458, 1121
Eastham, 12, 97, 172, 174, 175, 202, 203, 210, 263, 312, 365, 367, 395, 401, 428, 458, 459, 572, 748, 786, 837, 864, 899, 943, 1037, 1038, 1094, 1095, 1120, 1122, 1150, 1214, 1378, 1402, 1425
Eastham Beach, ... 174
East Hoosuck, 211, 317, 406, 412, 432, 579, 754, 791, 847, 895, 909, 915, 996, 997, 998, 1321
Eastman, Daniel, ... 1335
Eastman, Jeremiah, ... 847, 1335
East Mountain, ... 75, 909
Easton, 12, 63, 90, 98, 211, 312, 365, 401, 428, 573, 749, 787, 816, 864, 891, 944, 1095, 1151, 1215, 1403, 1426, 1436
Easton, James, . . . 1275, 1387, 1393, 1435, 1436, 1442
East Sudbury, ... 1170, 1171, 1327, 1328
Eaton, Jacob, ... 294
Eaton, John, ... 1321
Eaton, Josiah, ... 866, 868
Eayrs, Joseph, ... 1435
Eccleston, John, ... 656, 658
Eddy, Abel, ... 1049
Eddy, Levi, ... 859
Eddy, Samuel, ... 859
Eden, Thomas, ... 189
Edes, Benjamin (and Sons, Benjamin and Peter), 654, 1130, 1262, 1271, 1272, 1273
Edes, John, ... 867
Edes, Sarah, ... 867
Edes & Gill, . . . 118, 119, 264, 268, 269, 279, 281, 363
Edgartown, 13, 46, 99, 211, 313, 342, 365, 366, 367, 402, 429, 574, 750, 788, 864, 892, 945, 1097, 1153, 1217, 1403, 1426
Edgecomb, 329, 370, 578, 753, 790, 864, 894, 950, 1104, 1158, 1222, 1405, 1428
Edmunds, Andrew, ... 1321
Edmunds, Andrew, jun., ... 1321
Edmunds, Edward, ... 1321
Edson, Jesse, ... 1046
Edson, Josiah, . 140, 278, 381, 914, 916, 966, 1054, 1056
Edson, Nathaniel, ... 1045
Edwards, Joseph, ... 1269
Edwards, Justin, ... 989
Edwards, Noah, ... 989
Edwards, Samuel, jun., ... 989
Edwards, Thomas, ... 1371, 1372
Edwards, Timothy, 883, 884, 986, 1032, 1053, 1245, 1273, 1311, 1369
Eel River Bridge, ... 412
Eels, Robert Lenthal, ... 836
Egremont, 16, 101, 102, 141, 211, 236, 316, 405, 432, 578, 754, 799, 865, 894, 951, 1032, 1105, 1159, 1223, 1237, 1405, 1428, 1436
Eight-rod Road, . . . 1172, 1329, 1330, 1331
Elder, James, ... 855, 856, 858

PAGE

Elder, John, ... 797, 855, 856, 858
Elder, William, ... 797, 858
Eldred, Gardner, ... 658
Eldridge, Joshua, ... 915, 917
Eleven Thousand Acres, ... 237
Eliot, Samuel, ... 358, 359
Elkins, John, ... 179, 199
Ellery, William, ... 159
Ellery, William, ... 851, 1264
Ellinwood, Ebenezer, ... 199
Elliot, Andrew, ... 860
Elliot, Joseph, ... 1269
Elliot, Joseph, jun., ... 844
Elliot, Simon, ... 274
Ellis, Abner, 278, 348, 366, 541, 653, 654, 663, 718, 816, 1343, 1381, 1437
Ellis, Barzillar, ... 1046
Ellis, Ephraim, jun., ... 914, 916
Ellis, John, ... 185
Ellis, John, ... 531
Ellis, Moses, ... 1042
Ellis, Nathan, ... 713
Ellis, Oliver, ... 1343
Ellis, William, ... 713
Elsworth, Oliver, ... 1257, 1264
Elwell, Moses, ... 832
Elwell, Thomas, ... 989
Ely, Benjamin, ... 520, 710, 1231, 1249
Ely, Justin, ... 832, 837, 987, 992, 1016, 1115
Ely, Nathaniel, jun., ... 379
Ely, Reuben, ... 1032
Emerson, Asa, ... 1041
Emerson, Mark, ... 145
Emerson, William, ... 835
Emery, G. Alexander, ... 147
Emery, Japhet, ... 185
Emery, John, ... 1355, 1357
Emery, Jonathan, ... 147
Emery, Zachariah, ... 1355
Emmons, Jacob, ... 351, 352
Emmons, John, ... 847, 1337
Emmons, Samuel, ... 847, 1337
Emmons, Thomas, . . . 275, 276, 350, 351, 352
Emry, Nathaniel, ... 147
Endicott Farm, ... 271
Endicott, James, ... 1450, 1451
Endicott, John, ... 270
Enfield, 10, 96, 210, 311, 400, 427, 571, 747, 786, 863, 890, 942, 1002, 1148, 1211, 1402, 1424
England, 56, 139, 143, 190, 230, 231, 251, 284, 346, 360, 361, 383, 669, 702, 839, 842, 966, 1006, 1316
Epes, Daniel, jun., ... 267
Episcopalians, ... 186
Epping, ... 1419
Erving, George, . . . 913, 915, 966, 1005, 1054, 1056
Erving, John, ... 149, 150, 151, 348
Erving, John, jun., . 275, 913, 915, 966, 1005, 1054, 1056
Ervingshire, ... 863
Essex, County of, 7, 8, 17, 31, 32, 44, 45, 66, 93, 94, 103, 121, 134, 145, 174, 175, 179, 191, 210, 221, 246, 256, 270, 286, 287, 295, 307, 308, 318, 345, 354, 396, 406, 424, 425, 432, 439, 457, 459, 465, 487, 490, 513, 517, 539, 540, 542, 543, 566, 579, 621, 623, 669, 678, 679, 685, 696, 737, 744, 755, 765, 783, 791, 861, 863, 865, 887, 895, 913, 920, 936, 952, 1055, 1056, 1064, 1083, 1084, 1108, 1115, 1120, 1122, 1135, 1141, 1142, 1161, 1190, 1191, 1205, 1206,

PAGE

Essex, County of —*Concluded.*
1225, 1284, 1296, 1297, 1298, 1342, 1376, 1377, 1380, 1381, 1382, 1400, 1405, 1419, 1422, 1423, 1429, 1457
Estaing, De (*see D'Estaing*).
Estey, Benjamin, ... 1445
Estey, Benjamin, jun., ... 1445
Estey, Ebenezer, ... 1445
Estey, Jacob, ... 1445
Estey, Samuel, ... 1444, 1445
Europe, 348, 361, 586, 649, 672, 673, 839, 840, 1013, 1035, 1167, 1168, 1179, 1314, 1315, 1316, 1317, 1318, 1339, 1379, 1453
Eustis, William, ... 1294, 1295
Evans, William, ... 358
Everett, Aaron, ... 1331
Everett, Asa, ... 1449
Everett, Ebenezer, ... 1449
Everett, John, ... 776, 876, 976, 1302, 1346
Everett, Joseph, ... 975, 976, 1445
Ewer, Thomas, ... 717, 827
Exeter, ... 533, 1373, 1419
Exeter (Franklin), ... 845
Ezen, John, ... 1269
Ezen, Richard, ... 1269

F.

Fabyan, Joshua, ... 513, 667
Fairbank, Nathan, ... 844
Fairbanks, Benjamin, ... 147
Fairbanks, Benjamin, ... 875
Fairbanks, Ephraim, ... 1064
Fairfield, ... 678, 685
Fairfield, Samuel, ... 125
Fales, David, ... 674
Fales, James, ... 674
Fales, James, jun., ... 1463
Fales, Nathaniel, ... 674, 699, 1463
Fales, Samuel, ... 655
Fallass, William, ... 362
Falmouth (Barnstable County), 12, 88, 98, 159, 160, 211, 312, 395, 401, 428, 461, 572, 749, 787, 864, 891, 904, 944, 1094, 1124, 1150, 1214, 1378, 1382, 1383, 1402, 1425
Falmouth (Cumberland County), 15, 44, 46, 101, 196, 211, 315, 363, 404, 431, 456, 457, 465, 474, 514, 515, 516, 527, 529, 553, 554, 577, 600, 603, 667, 688, 691, 752, 789, 830, 864, 878, 893, 915, 948, 977, 978, 979, 981, 998, 1007, 1022, 1102, 1156, 1220, 1249, 1296, 1404, 1427, 1463
Falmouth, Hugh Boscawen, Viscount, ... 283
Faneuil, Benjamin, jun., ... 913, 915, 1054, 1056
Faneuil Hall, ... 1254, 1368
Farley, Michael, 53, 261, 262, 264, 276, 277, 279, 702, 845, 855, 1042, 1062, 1242, 1321, 1331, 1355, 1356, 1381, 1388, 1450
Farley, Nathaniel, ... 847
Farley's Mills, or Milldam, . . . 31, 32, 257, 286, 287
Farnum, David, ... 520
Farnum, Jonathan, ... 520
Farnum, Moses, ... 520
Farrar, Samuel, ... 714
Farrington, Nathaniel, ... 531
Farrington, Thomas, ... 1062
Farrow, John, ... 1039
Farwell, Eleazer, ... 1041
Fay, Joseph, ... 1039
Fay, Nathan, ... 1242
Fears, Humphrey, ... 1041

PAGE

Federal Street (Boston), ... 999
Fellows, Ezra, ... 1029
Fellows, John, ... 469, 1434, 1435, 1436
Fellows, William, ... 1236
Felton, Francis, ... 1305
Felton, Malachi, ... 267
Felton, Nathaniel, ... 350, 351, 352
Felton, Skelton, ... 989
Feltt, Moses, ... 867
Fenner, Thomas, ... 1321
Fennimore, Thomas, ... 1264
Ferguson, Timothy, ... 185
Fernald, Dennis, ... 185
Fernald, Eleazer, ... 185
Fernald, Joel, ... 185
Fernald, Timothy, ... 185
Fernald, Tobias, ... 185, 1278, 1286
Fernald, Tobias, jun., ... 185
Fernald, William, ... 185
Fessenden, John, ... 265, 851, 1040, 1294, 1433
Fessenden, Peter, ... 676
Fettyplace, Edward, ... 295, 354
Fettyplace, Edward, jun., ... 295 354
Field, David, ... 148, 280, 958
Field, Jonathan, ... 369, 370
Field, Seth, ... 355
Fife, James, ... 866
Fife, Robert, ... 865
Finney, David, ... 660
Finney (*see Phinney*).
First Church (Ipswich), ... 533, 534
Fish, David, ... 1321
Fish, James, ... 1269
Fish, Joseph, ... 1269
Fisher, Aaron, ... 989
Fisher, David, ... 776
Fisher, Jabez, 184, 261, 268, 354, 357, 366, 375, 410, 411, 672, 718, 776, 972, 974, 985, 1016, 1281, 1341, 1343
Fisher, John, ... 868
Fisher, Jonathan, ... 989
Fisher, Nathaniel, 866, 868, 870, 871, 1343, 1437, 1450
Fisher, Ralph, ... 358
Fisher, Samuel, ... 976
Fisher, Simon, ... 1343
Fisher, Wilfred, ... 913, 915
Fishkill, ... 1043
Fisk, Daniel, ... 832
Fisk, John, ... 179
Fisk, Jonathan, ... 797
Fisk, Phinehas, ... 826
Fisk, Richard, ... 1038
Fisk, Samuel, ... 713
Fitch, Ephraim, ... 1024, 1436
Fitch, Samuel, ... 913, 915, 966, 1005, 1054, 1055
Fitchburg, 14, 109, 211, 234, 279, 314, 403, 430, 575, 751, 788, 816, 864, 892, 947, 1099, 1155, 1218, 1404, 1427
Fitts, Abraham, ... 859
Fitts, Samuel, ... 185
Fitzherbert, William, ... 53, 54, 55, 62
Fitzroy, Augustus Henry (*see Grafton*).
Flagg, Richard, ... 841
Fleet, John, ... 118
Fleet, Thomas, ... 118
Fleet Street (Boston), ... 232
Fleming, John, ... 913, 916, 1005
Flemming, Abraham, ... 1232
Fletcher, Benjamin, ... 1360

PAGE

Fletcher, Henry, ... 1357
Fletcher, John, ... 824
Fletcher, Margaret, ... 275, 276, 351, 352
Fletcher, Samuel, ... 275
Fletcher, Sarah, ... 1190
Fletcher, Thomas, ... 274
Fletcher, William, ... 349, 350
Fling, Henry, ... 699
Flint, James, ... 835
Flint, Samuel, ... 267
Flint's Corner, ... 973, 974
Florance, Henry, ... 295, 354
Floyd, William, ... 1257
Flucker, Thomas, 148, 212, 213, 279, 373, 697, 858, 859, 913, 915, 966, 1001, 1054, 1056, 1356
Flynt, Elijah, ... 844
Fobes, Perez, ... 1194
Fogg, Edmund, ... 692, 978
Folsom, Nathaniel, ... 669, 1264
Foot, Daniel, ... 37, 38, 718
Foot, David, ... 1458
Foot, Jonathan, ... 717, 827
Foot, Jonathan, jun., ... 717, 827
Ford, Francis, ... 1022
Ford, Levi, ... 239, 282
Fordice, John, ... 658, 659
Fordway (Needham), ... 804
Forrest, James, ... 913, 915
Forrest, Samuel, ... 975
Forster (*see Foster*).
Fort Hill (Boston), ... 262, 652
Fort Meadow (Hadley), ... 147
Fosgate, Ezekiel, ... 865
Fosgate, Joel, ... 866
Fosgate, Robert, ... 865
Fosgitt, Ebenezer (*see Foskett*).
Foskett, Ebenezer, ... 1051
Foster, Asahel, ... 835
Foster, Dwight, ... 1436, 1461
Foster, Ebenezer, jun., ... 716
Foster, Edward, ... 274, 913, 915, 1054, 1056
Foster, Edward, jun., ... 913, 915
Foster, Ezekiel, ... 1269
Foster, Henry 1357
Foster, Isaac, ... 984, 1293, 1294, 1358, 1359
Foster, James, ... 358
Foster, Jedediah, 53, 72, 141, 228, 278, 332, 356, 373, 410, 411, 519, 530, 858, 1276
Foster, John, ... 176
Foster, John, ... 841, 842, 843
Foster, Rev. John, ... 1057
Foster, Jonathan, ... 1057
Foster, Joseph, ... 1023
Foster, Joseph, ... 1310
Foster, Parker, ... 185
Foster, Thomas, ... 381, 1352
Foster William, ... 1239
Fourth Church (Ipswich), ... 536
Fountain, Barnabas, ... 239, 282
Fowl Meadow (Stoughton), ... 1448
Fowle, ——, ... 268
Fowle, Jacob, ... 57
Fowler, Abner, ... 1267
Fowler, David, ... 1266
Fowler, David, jun., ... 1266
Fowler, Michael, ... 65
Fowler, Samuel, ... 1021
Fowler, Silas, ... 1267
Fox, Frederick, ... 1265

PAGE

Fox, Jabez, ... 977
Foxborough, 863, 875, 876, 899, 956, 976, 1082, 1140, 1204, 1250, 1299, 1302, 1342, 1343, 1346, 1399, 1422
Framingham, 9, 89, 95, 141, 210, 306, 309, 367, 397, 425, 567, 745, 784, 863, 888, 953, 1038, 1039, 1051, 1085, 1143, 1171, 1207, 1255, 1271, 1299, 1304, 1325, 1327, 1400, 1423, 1452
France, 347, 485, 819, 918, 1006, 1025, 1026, 1035, 1040, 1168, 1197, 1282, 1309, 1314, 1316, 1317, 1319, 1370, 1371, 1379
Francia (*see France*).
Francis, Ebenezer, ... 686
Frankfort, ... 293, 352
Franklin, 775, 776, 782, 846, 863, 886, 936, 1082, 1140, 1204, 1261, 1343, 1399, 1422
Franklin, Benjamin, ... 1317, 1319
Franklin, Ebenezer, ... 659, 984
Franklin, John, ... 658, 659, 984, 988
Franklin, Samuel, ... 358
Franklin, Simeon, ... 984, 988
Franks, David, ... 703
Frazier, Moses, ... 845, 861, 1037, 1246, 1249
Frazier, Nathan, ... 357
Fredericksburg, ... 1012
Freeman, Barnabas, 184, 367, 837, 999, 1005, 1378, 1381, 1388
Freeman, Benjamin, ... 184
Freeman, Elisha, ... 717, 826, 827
Freeman, Enoch, ... 881, 977
Freeman, George, ... 469, 692, 977, 978
Freeman, Nathaniel, 508, 509, 520, 537, 538, 543, 704, 709, 710, 711, 1009, 1029, 1053, 1056, 1261, 1282, 1286, 1314, 1343, 1371, 1381, 1441, 1455, 1456
Freeman, Philip, ... 275, 358
Freeman, Philip, jun., ... 358
Freeman, Reuben, ... 977
Freeman, Samuel, 515, 524, 525, 527, 653, 662, 663, 683, 688, 691, 692, 693, 714, 721, 822, 827, 846, 850, 853, 861, 978, 988, 989, 998, 1023, 1037, 1364, 1381
Freeman, Seth, ... 1378
Freeman, Solomon, ... 867, 1037, 1038, 1378
Freetown, 12, 98, 171, 211, 312, 329, 370, 401, 428, 573, 749, 787, 804, 891, 914, 944, 1056, 1095, 1151, 1215, 1403, 1426
French, ... 56, 262
French, Abiathar, ... 989
French, Abiathar, jun., ... 989
French, Ebenezer, ... 1041
French, Eli, ... 989
French, Jonathan, ... 1419, 1457, 1459
French, Samson, ... 1266
French, Samson, jun., ... 1266
Friend, Henry, ... 737, 824
Friend, John, ... 847
Friend, Samuel, ... 847, 1337
Friend, William, ... 737, 823, 824
Frink, John, ... 842
Frost, Ebenezer, ... 265
Frost, John, ... 837, 847, 1310, 1381
Frost, Jonathan, ... 989
Frost, Phinehas, ... 469
Frost, Samuel, ... 147
Frost-fish Brook Bridge, ... 222, 272
Frost-fish Brook River, ... 222, 272
Frothingham, Nathaniel, ... 1239
Frothingham, Thomas, ... 1259

PAGE

Fry (*see Frye*).
Frye, James, ... 512
Frye, John, ... 1438
Frye, Joseph, ... 57, 563, 666, 667
Frye, Simon, ... 469, 836, 1463, 1464
Frye, Thomas, ... 179, 190
Fryeburg, 563, 750, 787, 835, 836, 864, 891, 945, 1097, 1152, 1216, 1252, 1342, 1389, 1403, 1426, 1463, 1464
Fulham, Francis, ... 205, 234, 264
Fuller, Aaron, ... 713
Fuller, Abraham, 273, 287, 348, 359, 383, 411, 504, 508, 513, 527, 531, 551, 653, 654, 665, 667, 669, 701, 808, 859, 869, 991, 993, 1016, 1273
Fuller, Amariah, ... 993, 994
Fuller, Amos, ... 868
Fuller, Anna, ... 992
Fuller, Daniel, ... 905, 992
Fuller, David, ... 992
Fuller, David, ... 1321
Fuller, Edward, ... 993, 994
Fuller, Eli, ... 1046
Fuller, Jeremiah, ... 1445, 1446
Fuller, John, ... 867
Fuller, John, ... 992
Fuller, John, jun., ... 867
Fuller, Jonathan, ... 1023
Fuller, Joshua, ... 992
Fuller, Josiah, ... 992
Fuller, Josiah, jun., ... 992
Fuller, Nathan, ... 992, 993, 994
Fuller, Richard, ... 992
Fuller, Robert, ... 870
Fuller, William, ... 867, 870
Fuller, Zebulon, ... 1232
Fulton, Robert, ... 1269

G.

Gage, Thomas, 284, 353, 364, 409, 410, 411, 505, 506, 592, 676, 707, 710, 839, 867, 969, 985, 1003, 1007, 1060, 1237, 1320
Gageborough (*see Number Four*), 162, 211, 317, 406, 432, 579, 754, 791, 847, 895, 911, 912, 1002, 1003, 1029, 1241, 1320, 1321
Gale, Daniel, ... 1050
Gale, David, ... 1050
Gale, Henry, ... 858
Gale, Jonathan, ... 1050
Gallison, John, ... 149
Galway, William, ... 914, 916
Gambling End, ... 293, 357
Gannett, Caleb, ... 1194, 1369, 1370
Gardiner, Gideon, ... 1011
Gardiner, Silvester, . . . 227, 913, 915, 1005, 1054, 1056
Gardinerstown, 211, 316, 367, 405, 431, 578, 753, 790, 894, 923, 924, 950, 1011
Gardner, Benjamin, . . . 658, 659, 984, 985, 988
Gardner, Caleb, ... 656, 658, 659, 984
Gardner, Caleb, jun., ... 656
Gardner, Clark, ... 984
Gardner, Daniel, ... 656, 658, 659
Gardner, Elisha, ... 350, 351, 352
Gardner, George, ... 658, 984
Gardner, Gideon, ... 367
Gardner Henry, 141, 270, 358, 359, 370, 381, 383, 411, 507, 518, 520, 531, 681, 682, 689, 690, 711, 717, 822, 823, 830, 851, 990, 1043, 1194, 1247, 1273, 1327, 1355, 1370
Gardner, Joanna, . . . 972, 1061, 1062, 1063, 1064

PAGE

Gardner, John, ... 658, 659, 984, 988
Gardner, John, ... 972, 1061, 1062, 1063, 1064
Gardner, John, *tertius*, ... 853
Gardner, Jonathan, jun., . . 179, 189, 190, 191, 543, 681
Gardner, Joseph, ... 349, 350
Gardner, Nathaniel, ... 656, 658, 659, 1442
Gardner, Palmer, ... 656, 658
Gardner, Samuel, ... 656
Gardner, Thomas, ... 278, 348
Gare, James, ... 1335
Garfield, Benjamin, ... 724
Garfield, Joshua, ... 1050
Garfield, Moses, ... 870
Garlies, John Stewart, Viscount, ... 283
Garrish, Charles, ... 833
Garrish, Nathaniel, ... 834
Gascoyne, Bamber, ... 283
Gatchell, Hugh, ... 833
Gatchell, John, ... 833
Gatchell, Robert, ... 833
Gates, Andrew, ... 125
Gates, Hezekiah, ... 1011
Gates, Horatio, . . . 681, 694, 842, 999, 1247, 1293, 1371
Gates, John, ... 344
Gates, Stephen, ... 835
Gay, Asa, ... 870
Gay, Daniel, ... 1343
Gay, Ebenezer, ... 870
Gay, Hezekiah, ... 278, 975
Gay, Isabelle, ... 870
Gay, Jonathan, ... 870
Gay, Martin, ... 275, 913, 915, 1054
Gay, Oliver, ... 870
Gay Head, ... 382
Gebbart (*see Gibaut*).
Gedney, George Broughton, 275, 276, 292, 349, 350, 351, 352, 1239
Gee, Ebenezer, ... 989
Gendell, Joseph, ... 274
George I., ... 43, 64, 85, 137, 260, 347, 512
George II., 28, 29, 39, 40, 42, 85, 86, 89, 107, 114, 167, 174, 210, 221, 231, 232, 258, 299, 339, 340, 391, 411, 457, 461
George III., 283, 330, 331, 347, 409, 484, 518, 530, 771, 839, 996, 1320
George, Fort, ... 186
Georgetown, 16, 90, 101, 142, 211, 316, 405, 431, 530, 577, 753, 790, 864, 894, 949, 1103, 1157, 1221, 1404, 1428
Georgia, ... 850, 1012, 1249, 1295, 1297
Gérard, Conrad Alexander, ... 1025, 1026
Germany, ... 842
Gerrish, Cabot, ... 179, 190
Gerrish, Charles, ... 833
Gerrish, Jacob, . . 841, 1048, 1247, 1249, 1279, 1327, 1454
Gerrish, Joseph, 57, 69, 71, 148, 261, 263, 264, 279, 287, 411
Gerrish, William, ... 833
Gerry, Elbridge, 354, 516, 518, 522, 525, 1263, 1264, 1295
Gerry, John, ... 688
Geyer, Frederick William, . . 358, 359, 913, 915, 1056
Gibaut, Edward, ... 179, 190
Gibbs, Henry, ... 1355
Gibbs, Seth, ... 827
Giddinge, Andrew, ... 824
Giddings, Daniel, ... 533
Gifford, Cornelius, ... 826
Gifford, Jesse, ... 826
Gifford, Thomas, ... 826
Gilbert, Bradford, ... 914, 916, 1054

PAGE

Gilbert, Elias, ... 828
Gilbert, Joseph, ... 876
Gilbert, Joseph, ... 1029
Gilbert, Perez, ... 914, 916
Gilbert, Samuel, ... 914, 916, 1054
Gilbert, Thaddeus, ... 1003
Gilbert, Thomas, 184, 262, 274, 278, 284, 285, 348, 358, 359, 366, 367, 371, 914, 916, 1054, 1056
Gilbert, Thomas, jun., ... 914, 916, 1054
Gile, Daniel, ... 1335
Gile, Ezekiel, ... 145
Giles, Edmund, ... 179, 190
Giles, Paul, ... 1337
Gill, Benjamin, ... 1343, 1437, 1450
Gill, John, ... 848, 1228, 1262, 1407, 1431
Gill, Moses, 275, 507, 519, 520, 526, 651, 663, 688, 699, 700, 703, 711, 822, 829, 1004, 1053, 1063, 1245, 1247, 1256, 1257, 1261, 1371, 1452
Gillmore, Turil, ... 975
Gilman, David, ... 353
Gilman, John, ... 353
Gilmore, David, ... 1232
Gilmore, James, ... 353
Gilmore, John, ... 1232
Gilpin, Joseph, ... 1264
Glassworks Grant, 239, 281, 469, 636, 716, 717, 718, 739, 740, 826, 827
Gleason, David, ... 275
Gleason, David, ... 859
Gleason, John, ... 1038
Gleason, Joseph, ... 859
Gleason, Moses, ... 1003
Gleason, Thomas, ... 859
Gleeson, Samuel, ... 1038
Glezen, Jacob, ... 656
Glezen, Jason, ... 841
Glezen, Phinehas, ... 1323
Glimor, David, ... 353
Gloucester, 8, 94, 148, 149, 152, 210, 286, 308, 357, 397, 424, 514, 543, 566, 630, 667, 678, 688, 744, 783, 830, 863, 887, 937, 1084, 1141, 1205, 1250, 1307, 1308, 1309, 1330, 1342, 1400 1422
Glover, John, 1277, 1278, 1280, 1283, 1285, 1289, 1367
Glover, Jonathan, 151, 295, 354, 543, 1244, 1246, 1306, 1461
Goddard, David, ... 1051
Goddard, Ebenezer, ... 1051
Goddard, Elisha, ... 857, 860
Goddard, James, ... 866
Goddard, John, ... 682
Goddard, Moses, ... 866
Goddard, Nathan, ... 1051
Goddard, Nathan, jun., ... 1051
Goddard, Thomas, ... 1058
Godfrey, George, . . . 187, 263, 264, 284, 694, 1338
Godsoe, John, ... 185
Goldsborough, ... 600, 688
Goldsbury, James, ... 1050
Goldsbury, John, ... 1050
Goldsbury, Samuel, ... 913, 916
Goldthwait, Ezekiel, ... 275
Goldthwait, Ezekiel, ... 1177, 1334
Goldthwait, Joseph, . . . 913, 915, 1005, 1054, 1056
Goldthwait, Stephen, ... 1177, 1334
Goldthwait, Thomas, ... 293, 1054
Gooch, John, ... 1293
Gooch, William, ... 358
Goodell, Joseph, ... 1050
Goodenough (*see Goodenow*).
Goodenow, Daniel, ... 1171, 1325

PAGE

Goodin, Andrew, ... 1011
Goodman, Noah, 513, 520, 723, 810, 812, 820, 832, 837, 838, 844, 845, 851, 860, 990, 1003, 1005, 1008, 1011, 1016, 1022, 1042, 1232, 1267, 1273, 1306, 1322, 1323, 1341, 1434, 1435, 1452
Goodrich, Charles, ... 740, 986
Goodrich, Daniel, ... 987
Goodrich, Elijah, ... 659, 660
Goodrich, Elijah, jun., ... 659, 660
Goodrich, Jeremiah, ... 660
Goodrich, Jesse, ... 660
Goodrich, John, ... 659, 660
Goodrich, Selah, ... 469
Goodrich, William, ... 987, 1436
Goodrich, Zenas, ... 827
Goodricke, Sir John, Bart., ... 283
Goodridge, Allen, ... 847
Goodridge, Benjamin, ... 847
Goodridge, John, ... 1337
Goodridge, John, jun., ... 847
Goodspeed, Timothy, ... 827
Goodwin, Benjamin, ... 1239
Goodwin, David, ... 1239
Goodwin, Edward, ... 1239
Goodwin, Ichabod, . . . 469, 513, 665, 667, 673, 830
Goodwin, Jonathan, ... 1337
Goodwin, Nathaniel, ... 1381
Goodwin, Samuel, jun., ... 1023
Goodwin, Thomas, ... 1239
Goold, Ebenezer, ... 1360
Goold, Nathaniel, ... 847
Goose River, ... 294
Gordon, Alexander, ... 716
Gordon, George, ... 295, 354
Gore, John, ... 187, 913, 915, 1005
Gore, The (*see Chesterfield Gore*).
Gore, The (Bernardston), ... 1268, 1270
Gore, The (Hampshire County), ... 328
Gore, The (Worcester County), . . . 854, 855, 857
Gorham, 15, 90, 101, 206, 211, 265, 315, 404, 431, 577, 752, 789, 812, 864, 893, 948, 976, 1008, 1102, 1156, 1220, 1404, 1427
Gorham, Nathaniel, 266, 270, 282, 347, 348, 359, 366, 367, 379, 383, 411, 990, 995, 1010, 1021, 1056, 1231, 1238, 1243, 1246, 1248, 1256, 1257, 1258, 1262, 1270, 1286, 1306, 1314, 1315, 1319, 1376, 1384, 1387, 1452, 1456, 1460
Gorham, Stephen, 1242, 1255, 1286, 1292, 1295, 1308, 1313
Gorham, Sturgis, ... 1383
Gould, Daniel, ... 867
Gould, John, ... 273
Gould, Jonathan, ... 860
Gould, Robert, ... 274, 362
Gould, Thomas, ... 1051
Governor's Alley (Boston), ... 226, 277
Gowen, James, ... 356, 363
Gowen, John, ... 185
Gower, Granville Leveson, Earl (*Lord President of the Council*), ... 283
Gowing, Nathaniel, ... 837
Graffum, Caleb, ... 362, 363
Grafton, 15, 100, 199, 211, 314, 365, 366, 368, 403, 430, 576, 752, 789, 816, 864, 893, 947, 1101, 1155, 1219, 1404, 1427
Grafton, Augustus Henry Fitzroy, Duke of (*Lord Privy Seal*), ... 283
Gragg, Joseph, ... 353
Gragg, Samuel, ... 675, 696, 697, 700

PAGE

Graham, John, ... 656
Granby, 90, 97, 210, 310, 338, 399, 426, 542, 569, 746, 785, 863, 889, 940, 1089, 1145, 1209, 1401, 1424
Grandy, Amos, ... 295, 354
Grant, Alexander, ... 1337
Grant, Elisha, ... 717, 826
Grant, Samuel, ... 179, 190, 357, 358, 359, 362
Grant, Silas, ... 1337
Granville, 10, 75, 96, 210, 237, 310, 399, 427, 579, 747, 785, 863, 889, 941, 1090, 1147, 1211, 1401, 1424
Gravel Hill, ... 1348
Graves, John, ... 915, 917
Gray, . . 864, 881, 919, 1103, 1157, 1221, 1404, 1427
Gray, Ellis, 702, 809, 819, 829, 830, 836, 858, 984, 988, 999, 1005, 1010, 1011, 1012, 1048, 1049, 1053, 1063, 1232, 1246, 1429
Gray, Harrison, 63, 186, 187, 212, 213, 232, 507, 711, 913, 915, 966, 1054, 1055, 1056
Gray, Harrison, jun., ... 913, 915
Gray, John, ... 366, 367
Gray, Lewis, ... 913, 915, 1054
Gray, Nehemiah, ... 1337
Gray, Samuel, ... 274
Gray, Thomas, ... 212, 213, 275
Gray, William, ... 275, 358
Great Barrington, 16, 46, 66, 68, 101, 128, 156, 182, 211, 236, 237, 239, 253, 254, 280, 281, 284, 285, 316, 348, 405, 411, 432, 541, 578, 635, 716, 717, 718, 739, 740, 754, 793, 826, 827, 865, 882, 883, 894, 915, 928, 929, 933, 959, 984, 985, 986, 1010, 1023, 1024, 1025, 1029, 1032, 1041, 1056, 1105, 1159, 1223, 1236, 1251, 1272, 1275, 1276, 1342, 1388, 1405, 1428, 1435, 1436
Great Barrington Town Lots, ... 236
Great Brewster, ... 137
Great Britain, 21, 25, 34, 55, 63, 77, 81, 283, 347, 348, 359, 360, 362, 364, 382, 456, 462, 472, 479, 480, 481, 483, 484, 485, 503, 506, 542, 543, 544, 612, 626, 652, 653, 655, 658, 689, 695, 702, 703, 769, 770, 771, 772, 826, 829, 838, 839, 844, 847, 852, 917, 966, 968, 983, 986, 1000, 1001, 1096, 1056, 1167, 1169, 1243, 1245, 1275, 1277, 1282, 1305, 1315, 1320, 1385
Great Field (Springfield), ... 375, 376, 379
Great Hollow (south of Williamstown), . . . 655
Greaton, John, ... 686, 704, 1039, 1278
Greaton, John, jun., ... 850, 851, 852
Greaves, Thomas, ... 1445
Green, Asa, ... 1357, 1361, 1363
Green, Benjamin, ... 1329
Green, Edward, ... 929, 959, 1035, 1193
Green, Elizabeth, ... 1357
Green, Enoch, ... 1339
Green, Francis, ... 358, 359, 913, 915
Green, Jeremiah, ... 659, 954
Green, John, ... 1329
Green, John, . 1357, 1358, 1359, 1360, 1361, 1363, 1443
Green, John, jun., ... 1329
Green, Jonathan, ... 515, 1306
Green, Joseph, ... 913, 915, 1005
Green, Joseph, ... 1269
Green, Nathan, ... 1357
Green, Paul, ... 1269
Green, Richard, ... 1239
Green, Russell, ... 984
Green, Samuel, ... 295, 354
Green, Samuel, ... 1042
Green, Samuel, ... 1329
Green, Samuel, ... 1355, 1357

PAGE

Green, Thomas, ... 72
Green, Thomas (*or Timothy*), ... 854, 957
Green, William, ... 817
Green, William, ... 841
Green, Zaccheus, ... 1357
Green & Cleverly, ... 358
Green and Walker's Grant, ... 1047, 1048, 1233
Green Dragon Tavern (Boston), ... 1274
Green River, ... 1126, 1268, 1269, 1270
Greene, David, ... 913, 916
Greene, James, ... 1321
Greene, Jeremiah, ... 658
Greene, Jeremiah F., ... 998
Greene, Nathaniel, ... 1461
Greene, William, ... 1297, 1439, 1459
Greenfield, 10, 96, 172, 173, 184, 210, 310, 399, 426, 542, 569, 746, 785, 863, 889, 914, 940, 1089, 1146, 1210, 1401, 1424
Greenlaw, John, ... 913, 916
Greenleaf, Benjamin, 141, 270, 379, 383, 507, 511, 513, 659, 660, 663, 664, 672, 711, 1012, 1261
Greenleaf, Jonathan, 184, 272, 273, 274, 348, 357, 513, 809, 812, 814, 825, 839, 867, 869, 994, 1245, 1261, 1286, 1325, 1340, 1356, 1371
Greenleaf, Joseph, ... 848, 849
Greenleaf, Stephen, ... 652
Greenleaf, William, ... 187, 212, 362
Greenleaf, William, ... 844
Greenman, Adley, ... 658, 659
Greenman, Edward, ... 658, 659
Greenman, John, ... 659
Greenock, ... 716
Greenough, John, ... 274
Greenough, John, 810, 816, 818, 830, 982, 988, 995, 1012, 1018, 1049, 1461
Greenough, Nathaniel, ... 992, 993, 994
Greenough, Thomas, ... 275, 1016
Greenway, Thomas, ... 1246, 1247
Greenwich, 10, 51, 71, 72, 96, 155, 181, 182, 210, 310, 399, 426, 570, 747, 785, 863, 889, 941, 1090, 1147, 1210, 1387, 1401, 1424
Greenwood, Daniel, ... 857, 860
Greenwood, Nathaniel, jun., ... 274
Greenwood, Samuel, ... 867
Green Woods, ... 1393, 1434, 1435, 1436
Grele, Joseph, ... 147
Grele, Moses, ... 147
Grele, William, ... 984
Greville, George Greville, Lord, ... 55, 62, 283
Gridley, Benjamin, ... 913, 915, 1005
Gridley, Richard, ... 1292, 1293, 1294
Gridley, Scarboro', ... 1292
Griffith's Island, ... 89, 461, 1124
Griggs, John, ... 1061
Griggs, Moses, ... 972, 1061, 1062, 1063, 1064
Griggs, Samuel, ... 1061
Grimes, Abraham, ... 1236
Grimes, Joseph, ... 215, 269
Grimes, Samuel, ... 832
Grippin, Samuel, ... 656
Grosvenor, Leicester, ... 1003
Groton, 9, 95, 210, 309, 398, 425, 455, 563, 745, 784, 863, 888, 901, 902, 939, 990, 1086, 1141, 1208, 1401, 1423
Groton Road, ... 1348, 1355, 1357, 1358
Grout, Jonathan, ... 522, 523, 676, 1319
Grover, Abraham, ... 660

PAGE

Grover, John, ... 984
Grover, Matthew, ... 185
Grow, Edward, ... 843, 1048, 1345, 1377
Grush, John, ... 295, 354
Guild, Benjamin, ... 659, 876, 1016, 1194
Guild, Samuel, ... 1269
Gunn, John, ... 1435
Gunn, Moses, ... 654
Gunnison, Elihu, ... 185
Gunnison, John, ... 185
Gutteridge, Benjamin, ... 657
Gutteridge, Charles, ... 636
Gyles, Edward, ... 274

H.

Hack, William, ... 296
Hadley, 10, 96, 134, 147, 148, 210, 310, 399, 426, 542, 569, 667, 746, 785, 863, 889, 940, 1089, 1145, 1209, 1401, 1424
Hadsall, Joseph, ... 658
Hadsall, William, ... 656
Hagar, David, ... 992
Hale, Barnard, ... 998, 1221
Hale, Enoch, ... 1335
Hale, Jonathan, ... 1022
Hale, Jonathan, jun., ... 379
Hale, Moses, ... 737, 824
Hale, Moses, ... 1232
Half-way Creek Ponds, ... 293, 352
Halifax (Nova Scotia), . . 1006, 1025, 1026, 1052
Halifax (Plymouth County), 11, 97, 140, 141, 210, 252, 284, 311, 400, 428, 572, 748, 786, 863, 890, 904, 914, 943, 1093, 1149, 1213, 1402, 1425
Halifax, Fort, ... 136
Hall, Adam, *tertius*, ... 914, 916
Hall, Andrew, ... 1058
Hall, Anne, ... 776
Hall, Daniel, ... 776
Hall, Elnathan, ... 1236
Hall, Hugh, ... 1027, 1028
Hall, James, ... 913, 916
Hall, John, ... 977, 978
Hall, Luke, ... 914, 916
Hall, Nathaniel, ... 274
Hall, Reuben, ... 675, 699
Hall, Stephen, ... 57, 61, 151, 184
Hall, Stephen, *tertius*, ... 654
Hall, William, ... 978
Hall, Willis, ... 992
Hallet, Enoch, ... 704
Hallowell, 129, 132, 135, 211, 316, 405, 431, 577, 753, 790, 864, 894, 923, 950, 1011, 1104, 1158, 1222, 1405, 1428
Hallowell, Benjamin, ... 55
Hallowell, Benjamin, jun., 275, 913, 915, 966, 1005, 1054, 1056
Hallowell, Robert, ... 913, 915, 1005, 1054
Haly, Robert, ... 185
Ham, Thomas, ... 674, 698, 699
Hamblen, Micah, ... 1383
Hambleton, John, ... 469
Hamlin, Job, ... 827
Hamlin, John, ... 289
Hammet, Benjamin, ... 63
Hammon, John, ... 656
Hammond, Amos, ... 660
Hammond, Benjamin, ... 993, 994
Hammond, Calvin, ... 659, 660
Hammond, Christopher, ... 185

PAGE

Hammond, Hezekiah, ... 656, 660
Hammond, Samuel, ... 185
Hammons, Edmund, ... 185
Hamon, Hezekiah, ... 656
Hamon, John, ... 1039
Hampshire, County of, 9, 10, 17, 38, 44, 45, 51, 53, 65, 67, 71, 75, 96, 103, 116, 122, 125, 133, 134, 144, 147, 148, 155, 210, 217, 218, 223, 236, 297, 310, 318, 327, 328, 331, 355, 356, 371, 372, 373, 375, 378, 399, 400, 406, 426, 427, 432, 469, 470, 513, 530, 569, 570, 579, 660, 678, 679, 635, 695, 746, 755, 785, 786, 791, 810, 831, 832, 851, 853, 861, 862, 863, 865, 882, 883, 884, 889, 890, 895, 900, 914, 933, 940, 942, 952, 957, 958, 935, 987, 988, 989, 1003, 1020, 1022, 1036, 1042, 1046, 1056, 1069, 1072, 1088, 1090, 1092, 1108, 1115, 1116, 1126, 1135, 1145, 1146, 1148, 1161, 1209, 1210, 1212, 1225, 1232, 1233, 1234, 1240, 1241, 1266, 1268, 1269, 1284, 1285, 1296, 1297, 1298, 1301, 1372, 1375, 1376, 1377, 1380, 1381, 1393, 1401, 1402, 1405, 1424, 1425, 1429, 1435, 1436
Hancock, 550, 564, 579, 657, 658, 659, 660, 754, 791, 850, 865, 895, 951, 984, 985, 987, 988, 1029, 1032, 1106, 1160, 1223, 1306, 1307, 1388, 1405, 1428, 1441, 1442, 1443, 1462
Hancock (Pittston), ... 1011
Hancock, Ebenezer, ... 275, 358, 1293
Hancock, John (*Speaker of the House of Representatives*), 58, 59, 60, 61, 64, 149, 176, 183, 186, 261, 274, 275, 348, 349, 350, 356, 361, 383, 507, 525, 651, 680, 681, 694, 705, 722, 808, 813, 823, 828, 833, 838, 839, 843, 844, 845, 847, 871, 996, 1004, 1005, 1007, 1008, 1009, 1016, 1033, 1036, 1038, 1041, 1042, 1043, 1044, 1045, 1052, 1053, 1054, 1056, 1057, 1064, 1194, 1247, 1248, 1250, 1252, 1253, 1255, 1258, 1259, 1260, 1261, 1263, 1264, 1265, 1266, 1267, 1268, 1274, 1280, 1281, 1283, 1284, 1287, 1288, 1291, 1292, 1294, 1296, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1310, 1311, 1312, 1315, 1316, 1317, 1318, 1319, 1322, 1325, 1328, 1332, 1337, 1341, 1346, 1358, 1359, 1368, 1369, 1370, 1372, 1373, 1377, 1378, 1379, 1381, 1382, 1383, 1384, 1386, 1387, 1388, 1435, 1436, 1439, 1442, 1443, 1449, 1450, 1455, 1462, 1463, 1464
Hancock, Lieut. John, ... 973, 974
Hancock's Wharf (Boston), ... 262
Hand, Joseph, ... 658, 659
Hand, Samuel, 656, 658, 659, 1306, 1307, 1388, 1442, 1462
Handay (*see Handy*).
Handscom, Benjamin, ... 870
Handy, Joseph, ... 717
Hannibal, ... 1277
Hanover, 11, 97, 210, 311, 365, 366, 400, 427, 571, 748, 786, 863, 890, 943, 1093, 1149, 1213, 1402, 1425
Hanscom, Moses, ... 185
Hardwick, 15, 52, 100, 211, 314, 365, 367, 403, 430, 576, 752, 789, 864, 893, 912, 915, 947, 1056, 1100, 1155, 1219, 1340, 1404, 1427
Hardy, Ebenezer, ... 1357
Hardy, Peter, ... 859
Harkness, William, ... 144
Harlem Heights, ... 701
Harlow, Jesse, ... 1319
Harmon, Benjamin, ... 1335
Harmon, Daniel, ... 978

PAGE

Harmon, Edward, ... 1335
Harmon, Naphtali, ... 1335
Harnden, Ebenezer, ... 346
Harnden, Richard, ... 1023
Harpswell, 15, 101, 211, 315, 365, 369, 404, 431, 514, 577, 752, 789, 830, 831, 864, 893, 949, 1102, 1157, 1220, 1404, 1427
Harriman, Stephen, ... 145, 146
Harrington, Ezekiel, ... 1322
Harrington, Robert, ... 1038, 1234, 1238
Harris, Amariah, ... 116, 144
Harris, Benjamin, ... 1269
Harris, Daniel, ... 176, 177
Harris, James, ... 851, 1029
Harris, John, ... 177
Harris, John, ... 1239
Harris, John, jun., ... 1239
Harris, Leach, ... 274
Harris, Thomas, ... 1269
Harrison, Robert Hanson, ... 1374
Hart, Charles, ... 858, 859
Hart, James, ... 854, 855, 856, 858
Hart, James, jun., ... 858
Hart, John, ... 859
Hartford, 38, 685, 716, 983, 1018, 1256, 1257, 1258, 1259, 1261, 1262, 1263, 1264, 1439, 1452, 1453
Hartshorn, Jeremiah, ... 975
Hartwell, Edward, ... 71, 149, 270
Hartwell, James, ... 1335
Hartwell John, 1347, 1348, 1350, 1352, 1354, 1358, 1362
Hartwell, Joseph, ... 1412, 1449
Hartwell, Josiah, ... 369
Hartwood, 37, 164, 165, 211, 317, 406, 432, 579, 685, 717, 718, 826, 827
Harvard, 14, 52, 100, 211, 314, 403, 430, 575, 751, 788, 816, 864, 892, 947, 1100, 1155, 1219, 1404, 1427
Harvard College, 18, 104, 138, 157, 212, 267, 319, 407, 433, 445, 481, 529, 581, 596, 666, 673, 686, 757, 793, 799, 800, 839, 840, 897, 954, 1111, 1164, 1184, 1228, 1296, 1340, 1369, 1407, 1431
Harwich, 12, 88, 97, 184, 202, 203, 211, 263, 312, 395, 401, 428, 460, 572, 654, 749, 787, 816, 864, 867, 891, 914, 943, 1037, 1038, 1094, 1095, 1123, 1150, 1214, 1378, 1402, 1425
Harwood, Ebenezer, ... 1003
Harwood, John, ... 857, 859
Harwood, Nathan, ... 1003
Harwood, Peter, ... 1003, 1240
Hascall, Joseph, ... 1003, 1320
Haskell, Andrew, ... 844
Haskell, Francis, ... 674, 698, 699
Haskell, Jeremiah, jun., ... 844
Haskins, Barnett, ... 1310
Haskins, William, ... 1274
Hastings, Aaron, ... 992
Hastings, Edward, ... 1061
Hastings, John, 848, 854, 1022, 1052, 1259, 1323, 1375, 1388, 1441
Hastings, John, ... 992
Hastings, Jonathan, ... 513, 1047
Hastings, Jonathan, ... 1039
Hastings, Jonathan, jun., ... 693, 773, 1022
Hastings, Nathan, ... 1050
Hastings, Nathaniel, ... 866
Hastings, Stephen, ... 992
Hasty, Daniel, ... 978
Hasty, James, ... 978
Haszard, Henry, ... 658, 659
Haszard, Jonathan, ... 658, 659
Hatch, Asa, ... 1240
Hatch, Christopher, ... 913, 916
Hatch, Davis, ... 1023, 1027
Hatch, Hawes, ... 913, 916, 1054
Hatch, Jabez, ... 1306
Hatch, Melatiah, ... 659
Hatch, Melatiah, ... 717
Hatch, Nathaniel, 351, 913, 916, 966, 1005, 1054, 1055, 1056
Hatch, Samuel, ... 717
Hatch, Samuel, ... 823
Hatch, Wait, ... 826
Hatfield, 10, 64, 96, 122, 123, 124, 125, 126, 127, 146, 182, 210, 228, 310, 332, 371, 377, 399, 412, 426, 569, 746, 785, 863, 889, 914, 940, 1002, 1089, 1145, 1209, 1240, 1401, 1424
Hatfield Equivalent, . . . 1073, 1240, 1241, 1242
Hathaway, Calvin, ... 914, 916
Hathaway, Ebenezer, jun., ... 914, 916
Hathaway, Isaac, jun., ... 998
Hathaway, Luther, ... 914, 916
Hathaway, Shadrach, ... 914, 916
Hathorn, John, ... 1023
Hathorn, William, ... 1023
Hathorne, Daniel, ... 179, 190
Hattstatt, George Zachariah, ... 842
Haven, Gideon, ... 1038
Havenar's Point, ... 294
Havens, Abraham, ... 984
Haverhill, 8, 94, 121, 145, 146, 210, 308, 397, 424, 543, 566, 669, 744, 783, 863, 887, 913, 937, 1009, 1084, 1141, 1205, 1400, 1422
Hawes, Joseph, ... 776, 845, 1040
Hawley, Gideon, ... 668, 669
Hawley, Joseph, 60, 64, 141, 144, 147, 148, 176, 182, 186, 187, 282, 297, 356, 370, 410, 509, 511, 512, 513, 514, 522, 525, 538, 540, 543, 544, 652, 660, 662, 679, 681, 682, 707, 708, 1052, 1194
Haws, Jeremiah, ... 867
Haws, Joseph, ... 867
Hawse, Eleazer, ... 1445
Hawse, Obadiah, ... 1445
Haxton, Andrew, ... 1236, 1238
Hay, John, ... 1071, 1239
Hayden, Clement, ... 984
Hayden, Moses, ... 1048
Hayden, Richard, ... 984
Haynes, Aaron, ... 1039
Hayward, Caleb, ... 350, 351, 352
Hayward, Caleb, ... 1444
Hayward, Jonathan, ... 1329
Hayward, Lemuel, ... 716
Hayward, Noah, ... 989
Hayward, William, ... 1329
Haywood, John, ... 1329
Haywood, Jonathan, ... 1329
Hazen, Moses, ... 1290
Heald, Israel, ... 1357
Heald, John, ... 1359
Heald, John, jun., ... 1357
Heald, Josiah, ... 1357
Heald, Samuel, ... 1357, 1361
Heald, Samuel, jun., ... 1357, 1363
Healey, Ebenezer, ... 775, 776, 845
Healey, Joseph, ... 1011
Heaney, Daniel, ... 984
Heard, Daniel, ... 847
Heard, Richard, ... 1323, 1324
Heard, William, ... 674, 698, 699

PAGE

Heath, William, 60, 141, 183, 270, 276, 347, 348, 349, 359, 365, 366, 374, 411, 705, 715, 1055, 1265, 1282, 1285, 1286, 1434
Heaton, John, ... 1046
Hebbard (*see Hubbard*).
Hellon, Ratcliff, ... 63
Hemenway, Benoni, ... 1050
Hemenway, Jacob, ... 870
Hemenway, Joshua, ... 866, 1038
Heminway, Rufus, ... 1039
Heminway, Silas, ... 1039
Hemphill, David, ... 353
Henderson, James, ... 358, 913, 916
Henderson, Joseph, ... 275, 693, 1440
Henderson, Samuel, ... 847
Henley, David, ... 1039, 1247, 1279
Henley, Samuel, ... 1239
Henry, Jane, ... 1357
Henry, John, ... 1264
Henry, John, ... 1357
Henry, John, jun., ... 1357
Henry, Robert, ... 276, 350, 351, 352
Henry, Robert, ... 857
Henry, William, ... 716
Henry, William (Pennsylvania), ... 1264
Henshaw, Andrew, ... 1275, 1276, 1456
Henshaw, Samuel, . . . 1238, 1381, 1397, 1441, 1456
Henshaw, William, ... 843
Herrick, Henry, ... 261
Herrick, John, ... 1386
Hersey, Joshua, ... 70, 185, 278, 1447
Hersey, Peleg, ... 1246, 1247
Hervey, John, ... 1039
Hewens, Israel, ... 369
Hewes, Joseph, ... 975
Hewes, Robert, ... 275
Hewes, William, ... 973, 974, 975, 976
Hewins, Ebenezer, ... 1445
Hewins, Elijah, ... 1448, 1449
Hewins, Joseph, . . . 334, 1444, 1445, 1447, 1448
Hewins, Joseph, jun., ... 1445, 1446
Heywood, Amos, ... 1438
Heywood, Daniel, ... 1438
Heywood, Jonas, ... 1358
Heywood, Phinehas, ... 368, 411
Hibbard, Daniel, ... 920, 1009
Hibbard, Ebenezer, ... 920, 1009
Hibbard, Ebenezer, jun., ... 920, 1010
Hibbard, James, ... 920, 1010
Hibbard, John, ... 920, 1010
Hibbard, John, jun., ... 920, 1010
Hibbard, Jonathan, ... 920, 1010
Hibbard, Nathaniel, ... 920, 1010
Hibbard, William, ... 920, 1009
Hiberniæ, ... 347
Hichborn, Thomas, ... 274
Hichborn, Thomas, jun., ... 274
Hickling, William, . . . 1130, 1271, 1272, 1274
Hicks, John, ... 913, 916, 1005
Hide (*see Hyde*).
Higginson, Henry, ... 179
Highlanders, ... 702
Highlands, The (New York), ... 683, 1282
Hill, Aaron, ... 1038
Hill, Alexander, ... 274
Hill, Asa, ... 718
Hill, Charles, ... 833
Hill, Daniel, ... 659
Hill, Daniel, ... 1242

PAGE

Hill, David, ... 1373
Hill, Gardner, ... 659
Hill, Henry, 212, 605, 654, 665, 692, 723, 726, 983, 1071, 1239, 1364
Hill, Hugh, ... 295, 354
Hill, Jeremiah, ... 206, 265
Hill, Joel, ... 1242
Hill, John, ... 275, 276, 349, 350
Hill, Joseph, ... 1358
Hill, Thomas, ... 1239
Hill, Wills (*see Hillsborough*).
Hills, Ithamar, ... 974
Hills, Joshua, ... 824
Hillsborough, Wills Hill, Earl of, 53, 54, 55, 58, 59, 61, 138, 181, 184, 190
Hinchinbrook, John Montagu, Viscount, . . 283
Hinckley, Richard, ... 295, 354
Hind, Richard, ... 978
Hinds, Ebenezer, ... 993
Hingham, 7, 49, 50, 69, 70, 71, 89, 93, 210, 224, 273, 307, 396, 423, 565, 715, 743, 782, 862, 886, 935, 1045, 1081, 1139, 1203, 1299, 1305, 1378, 1379, 1399, 1422
Hinkley, Seth, ... 692, 978
Hinman, Reuben, ... 1322
Hinsdale, Samuel, ... 184
Hinston, John, ... 913, 916
Hiscock, Asa, ... 988
Hispaniola, ... 1027
Hixon, John, ... 1444, 1445
Hobart, Israel, ... 519, 519, 553, 654
Hobart, John Sloss, ... 811, 1257
Hobbs, Humphrey, ... 976
Hobbs, Isaac, ... 837
Hobbs, Jeremiah, ... 984
Hobbs, Jeremiah, jun., ... 984
Hobbs, Matthew, ... 1445
Hobby, Rachel, ... 351, 352
Hobson, Humphrey, . . 187, 261, 279, 285, 356, 366, 857
Hobson, John (*Speaker of the House of Representatives*), ... 1329
Hodge, Michael, ... 688, 737, 823, 824, 825
Hodge, Nathan, ... 676
Hodges, Benjamin, ... 876
Hodges, Eliphalet, ... 876
Hodges, Josiah, ... 876, 975
Hodges, Samuel, ... 913, 916, 1005
Hodges, Spencer, ... 975
Hodgson, John, ... 850
Hogg Island, ... 159, 160
Holbrook, John, ... 128, 1329
Holbrook, John, jun., ... 128
Holbrook, Lydia, ... 128
Holbrook, Micah, ... 128
Holbrook, Silvanus, ... 128
Holburt, Joseph, ... 1321, 1322
Holden, 15, 100, 211, 273, 314, 366, 367, 368, 403, 430, 576, 752, 789, 816, 841, 864, 893, 947, 1100, 1155, 1219, 1404, 1427
Holden, Benjamin, ... 1043
Holden, Charles, ... 1257
Holden, Jabez, ... 1029
Holden, Joseph, ... 279
Holden, Nathaniel, ... 1041
Holland, . . . 1035, 1168, 1313, 1314, 1316, 1319
Holland, Josiah Gilbert, ... 716, 1003
Holland, Richard, ... 914, 916, 1054
Holland, Stephen, ... 1445
Hollis, Ebenezer, ... 1246, 1247

PAGE

Hollister, Ephraim, ... 717, 826
Holliston, 9, 90, 95, 210, 309, 365, 367, 398, 426, 568, 669, 745, 784, 863, 888, 939, 1037, 1144, 1172, 1208, 1261, 1323, 1329, 1331, 1401, 1423
Holman, Abel, ... 797, 860
Holman, Daniel, ... 860
Holman, David, ... 860
Holman, Jonathan, ... 860
Holman, Samuel, ... 859
Holman, Stephen, ... 797, 860
Holman, Thomas, ... 860
Holman, Thomas, jun., ... 860
Holmes, Benjamin Mulbury, ... 913, 916
Holmes, John, ... 185
Holmes, Nathaniel, ... 275
Holt, Joshua, ... 675
Holt, Justus, ... 998
Holten, Samuel, 185, 261, 274, 280, 353, 362, 370, 379, 411, 522, 653, 661, 662, 688, 696, 845, 975, 1261, 1295
Holyoke, Edward, ... 212, 213
Holyoke, Edward Augustus, ... 1194
Homan, Joseph, ... 295, 354
Homer, Benjamin, ... 275
Homer, Titus, ... 669
Homes, William, ... 275
Hoogs, William, ... 992
Hooker, Nathaniel, ... 716, 717
Hooper, John, ... 295, 354
Hooper, Joshua, ... 1239
Hooper, Robert, ... 286, 287
Hooper, Samuel, ... 295, 354
Hooper, Stephen, ... 1458
Hoosuck (*see, also, East Hoosuck*), . . . 996, 1035
Hopkins, Daniel, 503, 519, 522, 526, 651, 654, 664, 686, 702, 827, 828, 871, 975, 1004, 1005, 1012, 1018, 1029
Hopkins, Ehud, ... 928, 1024
Hopkins, J. B., ... 1239
Hopkins, John, ... 1293
Hopkins, Mark, . . . 358, 359, 369, 1024, 1025, 1235, 1236
Hopkins, Moses, ... 1115, 1435, 1436
Hopkins, Stephen, ... 669, 811, 1257, 1259
Hopkins, William, ... 1239
Hopkinton, 9, 95, 210, 309, 398, 425, 568, 745, 784, 863, 888, 938, 1086, 1087, 1143, 1172, 1207, 1328, 1329, 1331, 1387, 1400, 1423
Hoplands, ... 717, 739, 740, 826, 827
Horse Mountain, ... 125
Horseneck, ... 679
Horton, Jotham, ... 1040
Hoskins, William, ... 1130, 1271, 1272
Hosmer, Joseph, 653, 660, 720, 812, 816, 817, 820, 830, 837, 1016, 1034, 1054, 1259, 1281, 1309, 1325, 1343, 1381
Hosmer, Titus, ... 811
Houck, Richard, ... 239, 281, 826
Houdlette, Loues, ... 1023
Hough, David, ... 998
Hough, Franklin B., ... 1461
Houghton, Elijah, ... 994
Houke (*see Houck*).
Housatonic River, ... 115, 239, 635, 716, 718
House, Joseph, ... 914, 916
Houston, Samuel, ... 353
Houston, Samuel, jun., ... 353
Hovey, Ivory, ... 516
Hovey, John, ... 707
Hovey, William, ... 1329

PAGE

How, Adonijah, ... 1043
How, Benjamin, ... 1050
How, David, ... 1330
How, Ezekiel, ... 1323, 1326
How, Ichabod, ... 147
How, Joseph, ... 866
How, Phinehas, ... 866
How, Samuel, ... 1050
Howard, Caleb (*see Hayward*).
Howard, Daniel, ... 381, 855
Howard, Eliakim, ... 1286
Howard, Henry (*see Suffolk*).
Howard, James, . . . 129, 130, 133, 135, 136, 137, 923
Howe, John, ... 913, 916, 1005
Howe, Josiah, ... 261
Howe, Robert, ... 1286
Howe, Samuel, ... 60, 370
Howe, Sir William, ... 701, 702, 710, 1004
Howes, Edmund, ... 1381
Howthorne (*see Hathorne*).
Hubbard, Daniel, ... 359
Hubbard, Daniel, ... 847
Hubbard, Ephraim, ... 716
Hubbard, Israel, ... 673, 832
Hubbard, Israel, ... 1335
Hubbard, John, ... 377, 379
Hubbard, Joseph, ... 1350
Hubbard, Joshua, ... 185
Hubbard, Thomas (*Speaker of the House of Representatives*), ... 183, 212, 213, 536, 1355
Hubbardston, 14, 100, 117, 118, 211, 215, 268, 269, 314, 389, 403, 410, 430, 575, 751, 788, 864, 892, 946, 1099, 1154, 1218, 1404, 1427
Hubbart, Tuthill, ... 1239
Hubbell, Lewis, ... 915, 917
Huddleston, Richard, ... 988
Hudson, Charles, ... 1046
Hudson, James, ... 737, 824, 825
Hudson, Samuel, jun., ... 1039
Hudson River, . 986, 988, 1043, 1282, 1306, 1376, 1435
Hughes, Peter, ... 358
Hughes, Samuel, ... 275
Hull, 7, 93, 210, 306, 307, 396, 424, 514, 565, 715, 743, 782, 863, 886, 936, 1045, 1082, 1140, 1204, 1250, 1399, 1422
Hull, James, ... 199
Hull, William, ... 1286
Hulton, Henry, 53, 55, 913, 916, 966, 1005, 1054, 1055, 1056
Humphrey, James, . 140, 263, 280, 356, 374, 380, 1356
Humphrey, James, ... 983
Humphrey, Richard, ... 147
Hunt, Ebenezer, ... 1194
Hunt, Elijah, 989, 990, 1022, 1047, 1249, 1334, 1340, 1373, 1381, 1387, 1434, 1435, 1453
Hunt, Elisha, ... 1301
Hunt, Ephraim, ... 374
Hunt, Ezra, ... 1337
Hunt, Isaac, jun., ... 1326
Hunt, John, *tertius*, ... 358
Hunt, Samuel, ... 1326
Hunt, William, ... 362, 1260
Hunter, Edward, ... 837, 1053
Hunter, Isaac, ... 181
Hunter, William, ... 358, 359
Hunting, Daniel, ... 867
Hunting, Samuel, ... 867
Hunting, Stephen, ... 867
Huntington, ... 1231
Huntington, Benjamin, ... 1013, 1257

PAGE

Huntington, Samuel, . 811, 1262, 1370, 1371, 1440, 1461
Hunt's Hill, ... 1348, 1350
Hurd, Jedediah, ... 998
Hurd, Nathaniel, ... 720
Hurlbert, John, ... 280
Hussey, Benjamin, ... 932
Hussey, Stephen, ... 278, 410, 1381
Husson, John, ... 866
Hutchins, Benjamin, ... 185
Hutchins, James, ... 185
Hutchinson (Barré), . . 389, 430, 592, 593, 676, 677
Hutchinson, Elisha, ... 913, 916, 1005, 1054
Hutchinson, Foster, 275, 276, 913, 916, 966, 1005, 1027, 1028, 1054, 1056
Hutchinson, Israel, 272, 720, 825, 836, 1035, 1038, 1049, 1242, 1259, 1262, 1334, 1344, 1452
Hutchinson, Nathaniel, ... 1355, 1357
Hutchinson, Thomas, 34, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 68, 69, 71, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 151, 155, 181, 182, 183, 184, 186, 187, 189, 190, 191, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 272, 274, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 337, 346, 347, 348, 349, 352, 354, 355, 356, 357, 358, 359, 362, 363, 364, 369, 370, 371, 375, 378, 380, 381, 383, 409, 410, 411, 506, 592, 593, 656, 676, 677, 707, 710, 717, 718, 839, 846, 855, 856, 857, 912, 945, 966, 974, 1054, 1055, 1056, 1058, 1059, 1235
Hutchinson, Thomas, jun., . . 913, 915, 1005, 1054
Hyannis Harbor, ... 1382
Hyde, Amos, ... 992
Hyde, Caleb, . . . 847, 1029, 1053, 1322, 1371
Hyde, Joseph, jun., ... 992
Hyde, Moses, ... 992
Hyde, Philip, ... 992
Hyde, Samuel, ... 1353

I.

Idell, Nathaniel, ... 832
Ilsley, Enoch, ... 515
Inches, Henderson, . . . 261, 275, 693, 1071, 1239
Independent Chronicle and the Universal Advertiser, 820, 1000, 1240, 1262, 1346, 1364, 1365, 1366, 1367, 1368, 1374
Indies, ... 1277
Ingalls, James, ... 673, 828, 1021
Ingersoll, Aaron, ... 717, 826
Ingersoll, David, ... 297, 355
Ingersoll, David, jun., 60, 182, 237, 254, 261, 266, 278, 279, 281, 348, 371, 372, 374, 375, 411, 915, 917, 996, 1054, 1056, 1235, 1236, 1237
Ingersoll, John, ... 148, 1021, 1267
Ingersoll, Moses, ... 717, 826
Ingersoll, Thomas, ... 1435
Ingersoll, William, ... 717, 718, 826, 1032
Ingraham, Duncan, jun., ... 357
Ingraham, Edward, ... 185
Ingraham, Joseph, ... 1445
Ipswich, 7, 44, 45, 57, 66, 90, 93, 148, 175, 210, 270, 286, 287, 307, 396, 424, 430, 459, 465, 474, 478, 517, 533, 536, 537, 542, 543, 566, 637, 688, 696, 744, 783, 863, 887, 936, 1033, 1122, 1141, 1191, 1295, 1299, 1400, 1422

PAGE

Ipswich Bay, ... 107, 148, 174, 457, 1120
Ipswich Bridge, ... 271
Ipswich River, 31, 57, 90, 256, 257, 285, 286, 287, 462, 637, 1124
Ipswich Road, ... 222, 272
Ireland, ... 359, 362, 485, 844
Isaacson, William, ... 1039
Ivers, Thomas, ... 693
Ives, Amasa, ... 998
Ives, David, ... 998
Ives, Robert Hale, ... 179
Ives, Stephen, ... 998

J.

Jackson, Daniel, ... 992
Jackson, Edward, ... 992
Jackson, Edward, ... 1061
Jackson, Henry, ... 1039, 1286, 1371
Jackson, Jahleel, ... 1032
Jackson, James, ... 275
Jackson, Jonathan, 543, 652, 653, 667, 829, 1053, 1194, 1214
Jackson, Joseph, 212, 261, 274, 275, 276, 350, 351, 352, 1071
Jackson, Joseph, ... 992
Jackson, Joshua, ... 992
Jackson, Joshua, jun., ... 992
Jackson, Mary, ... 992
Jackson, Michael, ... 1278, 1279, 1374
Jackson, Richard, 52, 55, 62, 139, 140, 181, 191, 249, 250, 251, 260, 282, 283, 284, 346, 351, 362, 410, 411
Jackson, Samuel, ... 992
Jackson, Thomas, ... 185
Jackson, William, ... 913, 916
Jacobs, David, ... 1381
Jacobs, John, ... 860
Jacobs, John, ... 1297
Jaffrey, ... 1456
Jamaica, ... 1309
Jamaica Pond, ... 298, 357
Jameson, Robert, ... 1463
Jarvis, Charles, ... 1194
Jarvis, Robert, ... 913, 916
Jay, Frederick, ... 1265
Jay, John, ... 1026, 1035, 1248, 1249, 1257
Jeffries, David, 605, 638, 654, 655, 669, 692, 850, 885, 934
Jeffries, John, ... 913, 916, 1054
Jencks, George, ... 1321
Jencks, John, ... 1321
Jenison, Peter, ... 867
Jenkins, Dennis, ... 1011
Jenkins, Robert, ... 357
Jenkins, Robert, ... 824
Jenkins, Thomas, ... 830, 982
Jenkins, William, ... 1320, 1321
Jenks, Samuel, ... 992
Jennison, Peter, ... 859
Jennison, William, ... 857
Jenyns, Soame, ... 54, 55, 62, 283
Jepson, Benjamin, ... 274
Jepson, William, ... 350, 716
Jeremy Squam Island, ... 329, 370
Jericho, . 211, 317, 406, 432, 469, 550, 657, 658, 659, 660
Jersey, East and West, ... 25, 81, 678, 685
Jersey, Island, ... 282
Jesus Christ, ... 370
Jewett, Dummer, ... 510, 514, 693, 1320
Jinks, John, ... 984
Johns, Edward, ... 1302
Johnson, Benjamin, ... 1444, 1445
Johnson, Edward, ... 866

PAGE

Johnson, Eleazer, ... 275
Johnson, Eleazer, ... 866
Johnson, Eleazer, jun., ... 824
Johnson, George, jun., ... 382
Johnson, Henry, ... 1006
Johnson, James, ... 737, 824
Johnson, John, ... 1023, 1320
Johnson, Jonathan, ... 1335
Johnson, Jonathan, jun., ... 1335
Johnson, Joshua, ... 866
Johnson, Joshua, ... 1445
Johnson, Joshua, jun., ... 865
Johnson, Josiah, ... 277
Johnson, Josiah, ... 1046
Johnson, Nathan, ... 865
Johnson, Nicholas, ... 737, 824
Johnson, Samuel, ... 982, 1025
Johnson, Samuel, jun., ... 185
Johnson, William Peirce, ... 737, 824
Johonnot, Francis, ... 1005
Johonnot, Francis, jun., ... 1005, 1006, 1007
Johonnot, Peter, ... 913, 916
Joice, Jonathan, ... 1321, 1322
Jones, Abraham, ... 1442
Jones, Anthony, ... 1046
Jones, Benjamin, ... 847
Jones, Edward, ... 999
Jones, Elisha, . . . 165, 718, 915, 917, 996, 997, 1005
Jones, Ephraim, ... 692, 977, 978
Jones, Ephraim, ... 915, 917
Jones, Ephraim, jun., ... 691
Jones, Ezekiel, ... 834
Jones, Jedediah, ... 1046
Jones, John, ... 1328, 1329
Jones, John, ... 1343
Jones, John, ... 1373
Jones, John, ... 1445
Jones, Jonas, ... 915, 917
Jones, Jonathan, ... 1331
Jones, Nathan, ... 996, 997
Jones, Peter Faneuil, ... 295, 354
Jones, Samuel, ... 866
Jones, Samuel, jun., ... 866
Jones, Thomas, ... 737, 823, 824
Jones, Thomas, ... 1236
Jones, Timothy, ... 866
Jones, William, ... 358
Jones, William, ... 469, 692
Jones, William, ... 1046
Jones's Neck, ... 294
Jordan, Clement, ... 1252
Jordan, Dominicus, ... 834
Jordan, Elijah, ... 984
Jordan, Israel, ... 674, 699, 1463
Jordan, James, ... 834
Jordan, Jeremiah, ... 834
Jordan, Roger, ... 834
Jordan, Samuel, ... 834
Jordan, Tristram, ... 564, 688
Joy, Asa, ... 1242
Joy, Caleb, ... 1242
Joy, Isaac, ... 1242
Joy, Isaac, jun., ... 1242
Joy, John, ... 357, 913, 916
Joyce, Isaac, ... 914, 916
Joyce, Rachel, ... 235, 282
Judd, Jonathan, jun., ... 990, 1022
Judd, Silvester, ... 989

PAGE

Judson, Samuel, ... 1236
Julius Cæsar (The ship), ... 672

K.

Kating, Richard, ... 674, 698, 699, 1463
Keating, Richard, ... 185
Kebbe, Eldad, ... 717
Keech, William, ... 658, 659
Keeler, Jonah, ... 1236
Keen, Isaac, ... 185
Keen, Jacob, ... 698, 699
Keen, Simon, ... 185
Keith, John, ... 716
Kellog, Russell, ... 125
Kellog, Phinehas, ... 123
Kellogg, David, ... 717, 826
Kellogg, Samuel, ... 1266
Kellogg, Seth, ... 1266
Kemp, Jason, ... 1357
Kempton, Thomas, ... 862
Kendall, Temple, ... 1041
Kendrick, (*see Kindrick*).
Kennan, John, ... 1047
Kennebeck Purchase, ... 562, 923
Kennebeck River, 129, 132, 135, 136, 147, 227, 277, 278, 354, 923, 924, 928, 1011, 1022, 1023, 1027
Kennedy, Thomas, ... 1232
Kennedy, William, ... 1232
Kent, Dudley, ... 716
Kesteven (*see Ancaster*).
Kettell, Andrew, ... 1239
Kettell, Joseph, ... 1239
Keyes, Ephraim, ... 1352, 1353, 1354
Keyes, Stephen, ... 1042, 1046
Keys, John, ... 176
Kibbe, Aaron, ... 656
Kibbe, Isaac, ... 1046, 1047
Kibby, Samuel, ... 1190, 1362
Kidder, Amos, ... 1355, 1358
Kidder, Thomas, ... 1353
Kilborn, Benjamin, ... 718
Kilburn, John, ... 1329
Kilby, David, ... 844
Kilby, Jeremiah, ... 1330
Killim, John, ... 1337
Killsa, Hugh, ... 698, 699, 1463
Kilton, James, ... 1050
Kilton, Nathan, ... 1050
Kilton, Samuel, ... 867
Kilton, Thomas, ... 1050
Kimball, Caleb, ... 847, 1337
Kimball, George, ... 698, 713, 868, 975, 987
Kimball, Heber, ... 1337
Kimball, Jonathan, ... 146
Kimball, Nathaniel, ... 847
Kimball, Robert or Richard, ... 847
Kimball, Thomas, ... 847, 1337
Kimpton, John, ... 128
Kinakem (*see Kennan*).
Kindrick, Bartholomew, ... 1051
Kindrick, Elijah, ... 1051
Kindrick, John, ... 1051
Kindrick, Oliver, ... 1050, 1051
King, Ezra, ... 1042
King, Henry, ... 261
King, John, ... 1070, 1236, 1237, 1238
King, William, ... 717, 836, 847, 992
King Street (Boston), ... 262, 263, 651

PAGE

Kingman, Isaac, ... 832
Kingsberry, James, ... 1449
Kingsberry, Jeremiah, ... 1449
Kingsbury, Benjamin, ... 707
Kingsbury, Caleb, ... 867
Kingsbury, Eleazer, ... 867, 1270, 1343
Kingsbury, Eliphalet, ... 867
Kingsbury, Jesse, ... 867
Kingsbury, Nathaniel, ... 1343
Kingsley, Joseph, ... 989
Kingsley, Nathaniel, ... 827, 1434
Kingsley, Samuel, ... 989
Kingston, 11, 97, 210, 311, 365, 367, 400, 427, 571, 748, 786, 863, 890, 943, 1093, 1149, 1212, 1402, 1425
Kinne, or Kinney, Daniel, . 1029, 1032, 1275, 1276
Kinyon, Christopher, ... 658, 659
Kirkland (*see Kirtland*).
Kirkwood, James, ... 151, 152
Kirtland, John, ... 355, 356, 1233, 1309
Kittel, William, ... 658, 659
Kittery, 13, 98, 173, 184, 185, 186, 211, 313, 402, 429, 461, 533, 534, 573, 750, 787, 864, 891, 945, 1096, 1152, 1215, 1403, 1426
Knap, Anthony, ... 824
Knap, Josiah, ... 992
Kneeland, Bartholomew, ... 275, 357
Kneeland, John, ... 358
Knight, Nathan, ... 984
Knight, Nathaniel, ... 179, 190
Knight, Thomas, ... 913, 916
Knowlton, Ezekiel, ... 1438
Knowlton, Joshua, ... 1217
Knox, Henry, ... 358
Knox, Joseph, ... 38
Knox, William, ... 716
Knutton, John, ... 913, 916, 1005
Kollock, Lemuel, 657, 776, 972, 989, 990, 1050, 1053, 1055, 1280, 1340, 1341, 1342, 1343, 1435, 1436
Kollock, Royall, ... 1443, 1449
Kramer, Conrad, ... 1246, 1247

L.

Ladd, John, ... 1321
Lakin, William, ... 264
Lamb, Daniel, ... 1435
Lamb, James, jun., ... 1239
Lamb, Reuben, ... 1384
Lamb, Robert, ... 1293
Lambard, Joseph, ... 1023
Lambart, Gideon, ... 147
Lambert, Jonathan, jun., ... 179
Lambert, Joseph, ... 179, 189, 190
Lamson, Asa, ... 1050
Lancaster, 14, 52, 99, 211, 314, 403, 429, 495, 575, 751, 788, 803, 844, 864, 892, 914, 946, 1056, 1098, 1154, 1217, 1231, 1299, 1403, 1426
Landais, Peter, ... 972
Lander, Peter, ... 190
Lane, Benjamin, ... 68
Lancsborough, 16, 90, 102, 141, 162, 211, 317, 405, 432, 550, 578, 656, 657, 658, 659, 754, 790, 847, 851, 865, 894, 915, 951, 1029, 1032, 1105, 1159, 1223, 1312, 1321, 1388, 1405, 1428, 1441, 1443
Lang, William, ... 1373
Langdon, John, ... 357, 1039
Langdon, John, ... 1460
Langdon, John, jun., ... 1023
Langdon, Nathaniel, ... 357

PAGE

Langdon, Samuel, D. D., ... 1194, 1370
Langdon, Timothy, ... 1023
Lanmon, Thomas, ... 844
Larrabee, John, ... 115
Larrabee, Richard, ... 826
Larrabee, Samuel, ... 855
Larrabee, Tyler, ... 1266
Lassell, Matthew, ... 1337
Latimer, George, ... 1264
Laughton, Henry, ... 913, 916
Laurens, Henry, ... 1015, 1017
Law, Richard, ... 669
Lawrence, William, ... 1349, 1350, 1352, 1447
Leach, Ebenezer, ... 185
Leach, James, ... 673
Leach, Nathaniel, ... 185
Learned, Abijah, ... 1060, 1061
Learned, Ebenezer, ... 1384
Learned, Samuel, ... 857, 859
Leary, Daniel, ... 847
Leavenworth, Lemuel, ... 998
Leavitt, Dudley, ... 174
Leavitt, Jonathan, ... 1047
Lebanon, 13, 99, 211, 313, 402, 429, 574, 750, 787, 864, 891, 945, 1097, 1152, 1216, 1403, 1426
Lebanon (Connecticut), ... 1264
Lechmere, Richard, 913, 916, 966, 1005, 1054, 1055, 1056
Leddle, Henry, ... 913, 916, 1005
Lee, 719, 739, 740, 828, 829, 865, 1024, 1029, 1032, 1041, 1107, 1161, 1224, 1251, 1405, 1429
Lee, Aaron, ... 1044
Lee, Ann, ... 1441
Lee, Charles, ... 683, 684, 685
Lee, David, ... 295, 354
Lee, "Deacon," 1275, 1276
Lee, Jeremiah, ... 149
Lee, John, ... 295, 354, 543
Lee, John, ... 658, 659
Lee, Joseph, ... 179, 212, 213
Lee, Philemon, ... 658, 659, 984
Lee, Samuel, ... 716
Lee, Samuel, ... 1279
Lee & Jones, ... 358
Leech, Nathaniel, ... 295, 354
Leicester, 14, 52, 65, 100, 207, 211, 266, 314, 403, 429, 575, 751, 788, 796, 797, 798, 816, 843, 844, 851, 854, 855, 856, 857, 858, 859, 860, 864, 892, 899, 946, 955, 1099, 1154, 1218, 1404, 1426
Leighton (The ship), ... 1027
Leighton, Samuel, ... 185
Leighton, Tobias, ... 185
Leighton, William, ... 185
Lenox, 16, 90, 102, 115, 141, 143, 144, 211, 316, 365, 371, 405, 432, 578, 635, 636, 740, 754, 790, 865, 894, 951, 986, 1029, 1032, 1105, 1159, 1223, 1405, 1428, 1436
Leominster, 15, 52, 100, 211, 314, 365, 367, 368, 403, 430, 576, 752, 789, 816, 864, 893, 915, 947, 1100, 1155, 1219, 1404, 1427
Leonard, Daniel, 64, 367, 374, 381, 411, 914, 916, 966, 1054, 1055, 1056
Leonard, Ephraim, ... 49
Leonard, Francis, ... 1050
Leonard, George, ... 913, 916, 1054
Leonard, George, jun, 267, 269, 373, 374, 867, 1277, 1278, 1456
Leonard, Jacob, ... 975
Leonard, John, ... 1051
Leonard, Jonas, ... 1049
Leonard, Moses, ... 335, 379

PAGE

Leonard, Moses, ... 1049, 1051
Leonard, Moses, jun., ... 1049
Leonard, Nathaniel, ... 681, 861, 1012, 1023
Leonard, Noah, ... 1049
Leonard, Zephaniah, ... 655, 656
Lesuer, Isaiah, ... 1321
Lesure, Gideon, ... 844
Lethbridge, Samuel, ... 776, 845, 973, 974
Leverett, 327, 328, 370, 380, 390, 427, 514, 570, 737, 785, 851, 863, 889, 941, 1090, 1147, 1211, 1491, 1424
Leverett, John, ... 187, 275, 358
Leverett, John (*Governor of the colony*), . . . 262
Leveson, Granville (*see Gower*).
Lewes, John Stephen, ... 1040
Lewis, Arnold, ... 1032
Lewis, Eldad, ... 1275, 1276
Lewis, Ezekiel, ... 773, 983, 999, 1364, 1365
Lewis, John, ... 665, 723, 981, 1024, 1381
Lewis, John, ... 992
Lewis, John, jun., ... 718
Lewis, Morgan, ... 847, 1335
Lewis, Sims, ... 718
Lewis, Thomas, ... 185
Lewis, Thomas, ... 718
Lewis, Thomas Hutchins, ... 185
Lewis, William, ... 185
Lewiston, ... 1386, 1462
Lexington, 9, 95, 210, 309, 397, 425, 505, 521, 567, 745, 784, 863, 888, 938, 1028, 1085, 1143, 1207, 1293, 1400, 1423
L'Hommedieu, Ezra, ... 1257
Libby, Daniel, ... 984
Lillie, Theophilus, ... 274
Lilly, William, ... 179, 189
Limerick, ... 804, 1097, 1152, 1216, 1403, 1426
Lincoln, 9, 90, 95, 210, 309, 365, 367, 398, 426, 569, 714, 746, 784, 863, 888, 914, 939, 1087, 1144, 1170, 1171, 1208, 1325, 1361, 1401, 1423
Lincoln, Benjamin, ... 50, 71, 72, 280, 1058, 1059
Lincoln, Benjamin, jun., 70, 151, 359, 366, 381, 411, 507, 539, 661, 662, 867
Lincoln, County of, 16, 17, 44, 46, 101, 103, 129, 130, 132, 133, 135, 136, 137, 211, 285, 293, 316, 318, 329, 370, 405, 406, 451, 433, 439, 465, 469, 470, 513, 516, 530, 559, 562, 577, 578, 580, 591, 596, 623, 667, 674, 675, 678, 685, 686, 688, 697, 698, 701, 753, 755, 790, 791, 830, 861, 864, 865, 894, 895, 915, 923, 924, 928, 949, 950, 952, 1001, 1011, 1022, 1023, 1056, 1103, 1104, 1109, 1115, 1135, 1157, 1158, 1162, 1221, 1222, 1226, 1284, 1296, 1297, 1298, 1307, 1377, 1381, 1384, 1385, 1386, 1389, 1404, 1405, 1428, 1429, 1462, 1463
Lincoln, Enoch, ... 661
Lincoln, Isaac, jun., ... 69
Lincoln, Levi, ... 1194
Lincoln, Loring, ... 1381
Lincoln, Silvester, ... 1321
Lincolnshire Company, ... 623, 674, 697
Lindsey, Asahel, ... 1046
Lindsey, Levi, ... 1367
Ling, Henry, ... 842
Lippitt, John, jun., ... 1321
Lisburn Propriety, ... 116, 117, 144
Lisburne, Wilmot Vaughan, Viscount, . . . 53, 54

PAGE

Lithgow, William, ... 675, 726
Little, Alexander, ... 353
Little, Daniel, ... 1194
Little, Ephraim, ... 282
Little, Isaac, ... 1445
Little, Lemuel, ... 281, 282
Little, Moses, ... 833, 841, 847, 1345, 1452, 1461
Little Falls, . . . 864, 1097, 1153, 1216, 1403, 1426
Little Pond, ... 294
Little River, ... 293, 352
Littlefield, Daniel, ... 833
Littlefield, Elisha, ... 847, 1337
Littlefield, Nathaniel, ... 116, 144
Littleton, 9, 90, 95, 210, 309, 365, 367, 369, 393, 425, 568, 746, 784, 818, 863, 888, 914, 939, 1087, 1144, 1208, 1401, 1423
Livermore, Elisha, ... 798, 850
Livermore, Samuel, ... 1349
Livingston, Robert, ... 1235
Lloyd, Henry, ... 913, 916, 1005, 1054
Lloyd, James, ... 848, 849
Lobdell, James, ... 660
Lobdell, Joshua, ... 660
Lobden, Jacob, ... 656
Locke, James, ... 1034
Locke, James, jun., ... 270, 362
Locke, John (*see Locke, James*).
Logan, Walter, ... 176
Loire River, ... 1317
London, ... 347, 1006
London Bridge, ... 380
Londonderry, ... 669
Long Lane (Boston), ... 999
Long Meadow (Springfield), ... 378, 379
Long-Pond Mountain, ... 928, 1024
Long Wharf (Boston), . 200, 201, 288, 1071, 1238, 1240
Longfellow, Samuel, ... 915, 917, 1007, 1008
Longfellow, Stephen, ... 1007
Longfellow, Stephen, jun., ... 1008
Longley, Edmund, ... 1302
Longley, Nathaniel, ... 829, 865
Loomis, Andrew, ... 1236
Loomis, Noah, ... 1267
Loomis, Reuben, ... 832
Lord President (*see Gower*).
Lord Privy Seal (*see Grafton*).
Lord Steward (*see Talbot*).
Loring, Joshua, 176, 913, 916, 966, 1005, 1054, 1055, 1056
Loring, Joshua, jun., ... 913, 916, 1054, 1056
Loring, Nathan, ... 1323
Lothrop, Elijah, ... 1194
Lothrop, Isaac, ... 269, 281, 284, 382, 704
Loudon (*see Tyringham Equivalent*), 237, 405, 432, 578, 754, 791, 865, 895, 951, 1029, 1032, 1106, 1160, 1224, 1405, 1428
Louisbourg, ... 976
Lovcitt, Israel, ... 674, 698, 699, 1463
Lovell, Benjamin, ... 1445
Lovell, Daniel, ... 1329
Lovell, James, ... 1295, 1440
Lovell, Samuel, ... 1445
Lovell, Solomon, 261, 264, 715, 837, 1016, 1020, 1242, 1377
Lovett, Benjamin, jun., ... 543
Lovejoy, Abiel, ... 830
Low, David, ... 536
Low, Ephraim, ... 1335
Low, George, ... 1039
Low, John, ... 150, 543, 707, 1042
Low, John, ... 1337

PAGE

Low, Samuel, ... 535
Low, Samuel, ... 1320, 1321, 1322
Low, Thomas, ... 1337
Lowder, John, ... 176
Lowder, John, jun., ... 176
Lowder, Jonathan, ... 688
Lowell, John, 540, 541, 543, 660, 685, 998, 999, 1009, 1018, 1029, 1049, 1194, 1246, 1268, 1273, 1341, 1370, 1419, 1440, 1441, 1453, 1455, 1456, 1458, 1459, 1460
Lowell, Rev. John, ... 39, 259, 903
Lowell, Jonathan, ... 978
Lowell, Moses, ... 692, 977, 978
Ludlow, 337, 338, 369, 381, 400, 427, 571, 747, 786, 863, 890, 942, 1092, 1148, 1212, 1402, 1424
Luke (The schooner), ... 1439
Lumbart, John, ... 87, 459, 1122
Lunenburg, 14, 52, 100, 211, 234, 279, 314, 403, 430, 575, 701, 751, 788, 864, 892, 947, 1039, 1099, 1155, 1217, 1242, 1255, 1286, 1295, 1308, 1313, 1404, 1426
Lusk, George, ... 848, 849
Luzerne, de la, Anne César, ... 1369
Lyde, Edward, ... 913, 916, 1005
Lyde, George, ... 915, 917
Lyman (Maine), ... 846
Lyman, Azariah, ... 989
Lyman, Phinehas, ... 835, 1048, 1050
Lyman, Rufus, ... 989
Lyman, Stephen, ... 1232, 1233
Lyman, Timothy, ... 832
Lynde, Benjamin, ... 267, 280, 1349, 1351, 1445
Lynn, 8, 94, 210, 308, 397, 424, 543, 566, 744, 783, 863, 887, 936, 1083, 1141, 1205, 1400, 1422
Lynn Bridge, ... 271
Lyon, Eli, ... 988
Lyon, Lemuel, ... 832
Lyon, Preserved, ... 1445

M.

Maccarty, Thomas, ... 275
Macgregore, James, jun., ... 353
Machias, ... 516, 600, 688, 1311
Mackay, Mungo, ... 1239
Mackenzie, James Stuart, ... 283
Mackintier, Hannah, ... 867
Mackintier, Samuel, ... 867
Macomber, Jonathan, ... 1269
Macomber, Thomas, jun., ... 239, 282
Macomber, William, ... 239, 282
Maddepayset River (*see Mattapoisett River*).
Magnæ Britannæ (*see Great Britain*).
Maine, ... 833, 846, 976, 1377, 1378
Mains, Nicholas, ... 983
Majorbagaduce, ... 1462
Malden, 9, 95, 210, 309, 346, 397, 425, 568, 661, 673, 715, 745, 784, 863, 888, 938, 1086, 1143, 1207, 1400, 1423
Malery, Uriah, ... 656
Mallett, Isaac, ... 1071
Manchester, 8, 94, 148, 210, 286, 308, 309, 366, 397, 425, 543, 567, 667, 678, 744, 783, 830, 863, 887, 937, 1042, 1043, 1044, 1045, 1084, 1142, 1206 1400, 1423
Mandel, Paul, ... 367
Mann, Josiah, ... 976
Mann, Thomas, ... 776, 875, 876, 974, 976
Mann, Thomas, ... 841
Mann, "Widow," 776

PAGE

Mann, William, ... 775, 776, 845
Mann, William, ... 1232
Mansfield, 48, 98, 211, 224, 312, 401, 428, 531, 573, 669, 749, 787, 816, 864, 876, 891, 944, 976, 1095, 1151, 1215, 1403, 1426
Mansfield, Amos, ... 179, 190
Mansfield, David Murray, Viscount, ... 283
Mansfield, Theophilus, ... 717, 826
Mansfield, Theophilus, jun., ... 826
Manson, Joseph, ... 185
Manson, Samuel, ... 185
Manson, Samuel, jun., ... 185
Marble, Malachi, ... 724
Marblehead, 8, 40, 94, 148, 149, 210, 259, 270, 271, 272, 286, 295, 296, 305, 308, 354, 363, 397, 424, 514, 543, 566, 600, 667, 678, 688, 744, 783, 830, 863, 887, 904, 913, 936, 1083, 1141, 1205, 1254, 1305, 1306, 1342, 1400, 1422
March, Samuel, ... 366
Marcy, Smith, ... 1029
Marean, William, ... 268, 269
Marine Society (Boston), ... 149, 187
Marine Society (Marblehead), ... 295, 354
Marine Society (Newburyport), . 737, 738, 823, 824
Marine Society (Salem), . . . 179, 180, 188, 190, 191
Mariner, Moses, ... 834
Marlborough, 8, 95, 210, 309, 397, 425, 567, 745, 784, 804, 844, 845, 863, 888, 914, 938, 1056, 1085, 1143, 1170, 1207, 1302, 1303, 1325, 1400, 1423
Marr, John, ... 185
Marrett, Edward, ... 663, 1061
Mars (The ship), ... 1316, 1317, 1318, 1319
Marsh, Elisha, ... 144
Marsh, Isaac, ... 987
Marsh, Perez, ... 164
Marsh, Samuel, ... 353
Marsh, Thomas, ... 1061
Marshall, Francis, ... 995
Marshall, Samuel, ... 998
Marshall, Thomas, . . . 349, 350, 686, 687, 1247, 1278
Marshfield, 11, 97, 210, 239, 240, 281, 282, 311, 400, 427, 571, 748, 786, 863, 890, 914, 942, 1056, 1093, 1149, 1213, 1402, 1425
Marston, Benjamin, ... 149, 913, 916
Martha's Vineyard, . . . 175, 381, 382, 460, 1123
Martin, Gideon, ... 660
Martin, John, ... 1005
Martin, Lewis, ... 847, 1337
Martin, Michael, ... 915, 916
Martin, Samuel, ... 1337
Martin, Simeon, ... 660
Martin, William, ... 913, 916, 1005
Martindale, Edward, ... 986
Martindale, Elisha, ... 826, 986, 987
Mary, Queen, 64, 174, 180, 198, 230, 260, 275, 282, 436, 457, 462, 486, 761, 838, 910, 966, 984, 998, 1067, 1120, 1128, 1175, 1416, 1417
Maryland, 850, 1012, 1019, 1249, 1258, 1264, 1280, 1295, 1297, 1379
Mascarene, John, ... 773, 964, 1052, 1078
Mashpee, ... 88, 460, 668, 669, 1123
Mason, John, ... 676
Mason, Jonathan, ... 179, 212, 261, 1239
Mason, Nathan, ... 1321, 1322
Mason, Nathaniel, ... 1321
Mason, Nathaniel, jun., ... 1321
Mason, Philip, ... 1321, 1323
Mason, Thaddeus, ... 990

PAGE

Mason, Timothy, ... 1321
Massabesec, . . 864, 1097, 1152, 1216, 1403, 1426
Massachusetts, or Massachusetts Bay, 21, 29, 34, 53, 54, 55, 62, 69, 76, 107, 145, 147, 148, 151, 178, 179, 184, 185, 186, 187, 189, 191, 224, 249, 265, 272, 276, 283, 284, 285, 286, 288, 295, 299, 330, 346, 350, 352, 353, 354, 356, 357, 358, 362, 370, 375, 378, 381, 390, 391, 410, 411, 412, 416, 417, 419, 420, 421, 442, 443, 445, 479, 484, 485, 497, 498, 500, 504, 506, 508, 512, 513, 514, 515, 524, 526, 528, 529, 531, 536, 542, 547, 549, 551, 560, 588, 590, 593, 604, 607, 609, 610, 611, 622, 638, 651, 652, 653, 656, 657, 658, 659, 663, 664, 668, 669, 670, 671, 672, 674, 675, 676, 677, 679, 680, 683, 684, 685, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 705, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 734, 735, 737, 741, 771, 773, 778, 808, 809, 811, 812, 813, 814, 815, 816, 817, 818, 820, 821, 822, 825, 826, 827, 828, 829, 831, 832, 833, 834, 835, 837, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 853, 854, 855, 856, 857, 858, 860, 861, 862, 865, 867, 869, 870, 871, 884, 913, 922, 929, 959, 961, 964, 966, 968, 974, 978, 980, 981, 982, 983, 984, 986, 987, 988, 989, 991, 992, 993, 994, 995, 996, 998, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1049, 1050, 1051, 1052, 1057, 1059, 1060, 1061, 1063, 1064, 1074, 1078, 1132, 1133, 1134, 1169, 1176, 1178, 1180, 1185, 1191, 1193, 1200, 1232, 1233, 1235, 1237, 1238, 1239, 1240, 1241, 1242, 1244, 1246, 1247, 1249, 1250, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1286, 1287, 1289, 1290, 1291, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1324, 1326, 1327, 1328, 1331, 1332, 1334, 1335, 1336, 1337, 1338, 1341, 1342, 1343, 1344, 1346, 1347, 1348, 1349, 1350, 1351, 1354, 1356, 1358, 1360, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1399, 1418, 1419, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1459, 1460, 1461, 1462, 1463, 1464
Massachusetts Bay, ... 137, 148
Massachusetts Charitable Society, 1129, 1130, 1271, 1272, 1273, 1274
Massachusetts Gazette and Boston Weekly News-Letter, ... 215, 218, 229, 270, 284
Massapoag River, or Brook, ... 1444
Masury, David, ... 179, 199
Mather, Samuel, D. D., ... 1194, 1370
Mathews, Jabez, ... 983
Mathews, John, ... 674, 698, 699
Mathewson, Charles, ... 1046
Mathewson, Philip, ... 1046
Mattapoisett River, ... 84, 259, 904
Matthews, Gideon, ... 1232, 1233
Mattoon, Ebenezer, jun., ... 1041, 1441
Maveny, David, ... 656
May, Benjamin, ... 298, 357
May, Ebenezer, ... 298, 357
May, Elisha, ... 1034, 1344
May, Ephraim, ... 1046
May, Lemuel, ... 298, 357
Mayhew, Joseph, ... 662, 713, 1009
Mayhew, Matthew, ... 88, 461, 1124, 1237
Mayhew, Thomas, ... 688
Mayhew, William, ... 382
Mayhew, Zachariah, ... 668, 669
Maynard, Adam, ... 842
Maynard, Barnabas, ... 865
Maynard, Hezekiah, ... 513
Maynard, Holton, ... 265
Maynard, John, ... 1323
Maynard, Jotham, ... 866
Maynard, Jotham, jun., ... 865
Maynard, Moses, ... 1171, 1325
Maynard, Stephen, ... 261, 1355
Mayo, Benjamin, ... 1051
Mayo, Caleb, ... 1050
Mayo, Joseph, ... 962, 1050
Mayo, Simeon, ... 1239
McAlpine, William, ... 358, 913, 916
McAulay, Daniel, ... 716
McBride, Alexander, ... 866
McBride, George, ... 844
McBride, James, ... 866
McBride, Thomas, ... 866
McCarter, John, ... 674
McCaslen, Andrew, ... 1011
McCausland, Henry, ... 1011
McCobb, James, ... 142, 269, 353, 354, 1023
McCobb, Samuel, ... 1022
McComber (*see Macomber*).
McConoughey, David, jun., ... 1299
McDaniel, Daniel, ... 847
McDunnel, James, ... 1335
McGill, John, ... 692, 973
McGlechlan, William, ... 353
McIntosh, Royal, ... 870
McIntosh, William, ... 868, 870
McIntosh, William, ... 992
McIntyer, Alexander, ... 1242
McIntyer, Thomas, ... 1242
McKean, Thomas, ... 1264
McKesson, John, ... 1265
McKnight, James, ... 718
McKnight, James, jun., ... 718
McKnight, John, ... 718
McLean, Hugh, ... 675, 696, 698, 700
McLean, Niel, ... 716
McLelan, James, ... 236
McLellan, Hugh, ... 1269
McLellan, Thomas, ... 1463
McLukes, Andrew, ... 1269
McNeal, Archibald, ... 226, 913, 916, 1054
McNeal, John, ... 1041
McNitt, David, ... 1046
Meachom, Ebenezer, ... 1232
Mead, Benjamin, ... 841
Mead, Daniel, ... 1236
Mears, James, ... 350, 351, 352
Measam, George, ... 1304
Mecany, Jemima, ... 776
Medfield, 7, 93, 210, 307, 396, 424, 565, 669, 743, 775, 776, 782, 815, 862, 886, 995, 1081, 1139, 1293, 1261, 1313, 1343, 1399, 1422, 1449, 1450

PAGE

Medford, 9, 95, 210, 309, 398, 425, 568, 715, 745, 784, 863, 888, 914, 938, 1039, 1059, 1086, 1143, 1207, 1299, 1302, 1400, 1423
Medford Lane (Charlestown), ... 1059
Medumcook, 211, 316, 405, 431, 577, 753, 790, 865, 894, 950, 1104, 1158, 1222, 1405, 1428
Medway, 7, 93, 210, 307, 366, 368, 396, 424, 565, 669, 743, 782, 862, 886, 935, 1082, 1140, 1204, 1261, 1342, 1399, 1422
Meekins, John, ... 125
Mellen, James, ... 1278
Mellen, Joseph, ... 141, 348
Mellen, Samuel, ... 1050
Mellerd, John, ... 1050
Mendon, 14, 52, 99, 128, 129, 199, 211, 314, 403, 429, 530, 575, 751, 788, 816, 864, 892, 946, 1098, 1154, 1172, 1173, 1217, 1261, 1299, 1328, 1329, 1330, 1331, 1332, 1386, 1387, 1403, 1426, 1442, 1443, **1452**
Mendon, **John,** 1435
Meredith, Richard, ... 1246, 1247
Meriam, Amos, ... 804, 866
Meriam, John, ... 1323
Meriam, Jonathan, ... 866
Meriam, Levi, ... 866
Meriam, Samuel, ... 1347
Merricks, Michael, ... 295, 354
Merrill, Abel, ... 920, 1010
Merrill, David, ... 543
Merrill, Enoch, ... 920, 1009
Merrill, Gyles, ... 121, 145, 146
Merrill, Isaac, ... 1355
Merrill, Joseph, ... 920, 1009
Merrill, Mark, ... 984
Merrill, Nathan, ... 984
Merrill, Nathaniel, ... 836
Merrill, Richard, ... 984
Merrill, Richard, jun, ... 983
Merrimack River, 66, 88, 250, 344, 345, 383, 460, 461, 462, 732, 1123, 1124, 1125
Merry, Edward, ... 716
Merryfield (*see Myrifield*).
Meservy, Clement, jun., ... 977
Meservy, John, ... 977
Messenger, ——, ... 1388
Messenger, Gideon, ... 718
Metcalf, John, ... 1343
Metcalf, John, jun., ... 776
Metcalf, John G., M.D., ... 1328, 1331
Metcalf, Jonathan, 805, 835, 871, 1047, 1260, 1335, 1343, 1358
Metcalf, Michael, ... 868, 870, 871, 1343
Metcalf, Seth, ... 207, 265, 266
Metcalf, Stephen, ... 871, 982, 1053, 1270, 1343
Methuen, 5, 8, 90, 94, 210, 308, 365, 366, 397, 425, 543, 567, 669, 744, 783, 863, 887, 920, 937, 1009, 1010, 1084, 1142, 1206, 1400, 1423
Middle Lane (Charlestown), ... 1059
Middle-Lane Hill, ... 1059
Middle Street (Boston), 225, 274, 275, 276, 291, 292, 349, 350, 351
Middleborough, 11, 87, 97, 140, 141, 175, 210, 306, 311, 364, 381, 400, 427, 459, 460, 571, 748, 786, 816, 863, 890, 914, 942, 1056, 1093, 1121, 1123, 1149, 1213, 1402, 1425
Middlesex, County of, 8, 17, 31, 44, 45, 67, 68, 90, 94, 103, 168, 195, 210, 219, 220, 246, 256, 301, 308, 318, **322,** 343, 346, 369, 397, 398, 406, 425, 426, 432,

PAGE

Middlesex, County of — *Concluded.*
439, 454, 455, 465, 488, 490, 513, 517, 526, 531, 567, 568, 579, 663, 678, 679, 685, 714, 715, 745, 746, 755, 759, 765, 783, 784, 791, 831, 861, 863, 865, 887, 888, 895, 901, 902, 905, 914, 937, 938, **952, 971, 989, 990, 991, 994, 1005,** 1038, 1041, 1055, 1056, 1063, 1085, 1086, 1088, 1108, 1115, 1135, 1142, 1144, 1161, 1170, 1189, 1206, 1208, 1225, 1284, 1296, 1297, 1298, 1327, 1348, 1354, 1360, 1376, 1377, 1380, 1381, 1382, 1400, 1401, 1405, 1423, 1429
Middleton, 8, 57, 90, **94,** 210, 308, 365, 367, **397,** 424, 567, 744, 783, 863, 887, 937, 1084, 1142, 1206, 1400, **1419,** 1423
Middleton Pond, ... 285
Mighill, Jeremiah, ... 543
Milford, . . . 1172, 1173, 1386, 1387, 1426, 1442, 1443
Milford (The frigate), ... 664
Milknear, Johannes, ... 369
Mill River, ... 1328, 1329
Mill, Thomas, ... 1023
Millar (*see Miller*).
Miller, Aaron John, ... 1042
Miller, Alexander, ... 1393
Miller, Charles, ... 358, 1266, 1318
Miller, James, ... 353
Miller, James, ... 1058, 1059
Miller, John, ... 125
Miller, John, ... 1058
Miller, Joseph, ... 829, 1449
Miller, Mary, ... 992
Miller, Samuel, ... 1321
Miller, Thomas, ... 182
Miller, William, ... 1232, 1233
Miller & Tracy, ... 1260, 1261
Millikin, William, ... 718
Mills, Amos, ... 867
Mills, Benjamin, . . 654, 657, 694, 832, 833, 982, 1073
Mills, Isaac, ... 867
Mills, James, ... 1050
Mills, Jonas, ... 867
Mills, Nathaniel, ... 913, 916, 1005
Mills, Thomas, ... 867
Milton, 7, 93, 210, 261, 307, 396, 423, 565, 665, 675, 696, 698, 700, **707, 715,** 743, 782, 862, 886, 935, 1055, 1081, 1139, 1203, 1303, 1304, 1399, 1422
Minister's Grant, ... 143
Minot, "Captain," 701
Minot, Christopher, ... 913, 916
Minot, George, ... 1358
Minot, James, ... 469, 701, 1447
Minot, James, ... 855
Minot, Jonathan, ... 1358
Minot, Samuel, ... 275
Minot, Stephen, ... 964, 1052, 1078
Mirick, Benjamin, ... 1239
Mitchel, John, ... 353
Mitchell, Abiel, ... 1251
Mitchell, Dominicus, ... 978
Mitchell, Edward, ... 508, 810, 830, 848
Mitchell, Nathan, ... 1056
Mitchell, Samuel, ... 185
Mitchell, Thomas, ... 913, 916
Mittineague Falls, ... 927
Mix, Ebenezer, ... 716
Mix, Josiah, ... 998
MKnight (*see McKnight*).
M'Neill (*see McNeal*).
Moffatt, Enoch, ... 1011

PAGE

Moffatt, Jonathan, ... 998
Momphord, (*see Mumford*).
Monatiquot River, . . . 42, 87, 89, 458, 461, 1132
Monson, 10, 96, 210, 310, 328, 399, 426, 570, 747, 785, 816, 863, 889, 941, 1090, 1146, 1210, 1401, 1424
Montagu, John (*see Hinchinbrook*).
Montague, 10, 96, 210, 310, 365, 377, 399, 426, 570, 747, 785, 863, 889, 940, 1090, 1146, 1210, 1401, 1424
Montague, Peter, ... 989
Monument Ponds, ... 175, 460, 1123
Moody, James, ... 692, 977, 978
Moody, Samuel, ... 1104
Moore, Edmund, ... 1039
Moore, Ezekiel, ... 844
Moore, Isaac, ... 865
Moore, Jacob, ... 865
Moore, John, ... 353
Moore, Jonathan, ... 1049
Moore, Kirby, ... 1039
Moore, Mark, ... 1051
Moore, Phinehas, ... 842
Moore, William, ... 836
Moore, William (Pennsylvania), ... 1264
Moors, Uriah, ... 866
Moose Hill, ... 355
Morey, John, ... 176
Morey, Thomas, ... 1002
Morgan, Abner, ... 518, 520, 667, 1233
Morgan, William, ... 179, 190
Morrill, Benjamin, ... 1386
Morris, David, ... 1268
Morris, Gouverneur, ... 1020
Morrison, Evander, ... 716
Morrison, Joseph, ... 353
Morrison, Normond, ... 716
Morrison, Samuel, ... 353
Morristown, ... 1374
Morse, Adam, ... 975
Morse, Amos, ... 975
Morse, Asa, ... 975
Morse, Asa, 2d, ... 975
Morse, Daniel, ... 698, 699
Morse, Daniel, ... 876
Morse, Elisha, ... 876
Morse, Jedediah, ... 975, 976
Morse, Jedediah, jun., ... 975
Morse, John, ... 984
Morse, Joseph, ... 1039
Morse, Josiah, ... 975
Morse, Moses, ... 975, 1237
Morse, Moses, ... 1232
Morse, Nathan, ... 984
Morse, Nathan, ... 992
Morse, Payne, ... 920, 1010
Morse, Samuel, ... 876
Morse, Samuel, ... 1328
Morse, Simon, ... 975
Morse, Solomon, ... 876, 975
Morse, Solomon, jun., ... 975
Morton, Bryant, ... 518
Morton, Nathaniel, . . . 832, 1260, 1270, 1322, 1345
Morton, Perez, . . . 509, 513, 516, 517, 662, 709, 710, 1239
Moseley, John, . . . 269, 363, 380, 667, 827, 1267
Moses, Samuel, ... 1050
Most Christian King, The, . . . 1197, 1370, 1371, 1379
Mottey, Joseph, ... 1457, 1458
Moulton, Aaron, ... 870
Moulton, Daniel, ... 1115
Moulton, Peter, ... 692, 977, 978, 980

PAGE

Moulton, Peter, jun., ... 978
Mountsweeg Bay, ... 329, 370
Mountsweeg River, ... 227
Mount Washington, . . 1069, 1070, 1234, 1237, 1238, 1307
Mousam River, . . . 777, 778, 846, 1177, 1178, 1338
Mowatt, Henry, ... 514, 515
Mudge, Joseph, ... 867
Mug, James, ... 656
Mugridge, Benjamin, ... 185
Mullens, Thomas, ... 915, 916
Mumford, Andrew, ... 38, 716, 718
Mumford, Paul, ... 811
Munroe, Aaron, ... 1357
Munroe, Benjamin, ... 1357
Munroe, Jonas, ... 1357
Munroe, Joseph, ... 1357
Munroe, Joseph, jun., ... 1357
Munroe, Joshua, ... 1357
Munroe, Nathan, ... 1357, 1361, 1363
Murray, David (*see Mansfield*).
Murray, Daniel, ... 915, 916
Murray, Gilbert, ... 1236
Murray, James, ... 353, 913, 916, 1054, 1056
Murray, James, ... 1236
Murray, John, 38, 60, 72, 357, 366, 380, 913, 915, 916, 966, 996, 997, 1054, 1055, 1056, 1069, 1231, 1234
Murray, Rev. John, 538, 665, 679, 682, 685, 686, 696, 697, 700, 702, 871
Murray, Samuel, ... 915, 916
Murrayfield, 210, 297, 298, 310, 355, 356, 399, 427, 570, 747, 785, 863, 889, 941, 1043, 1044, 1069, 1091, 1147, 1211, 1231, 1232, 1233, 1234, 1371, 1372, 1402, 1424
Muscle-Ridge Bay, ... 623, 674, 697
Mussey, Benjamin, ... 978
Mystic River, ... 216, 461, 1124
Myrifield (Rowe), 863, 1047, 1048, 1092, 1148, 1212, 1252, 1300, 1301, 1402, 1424

N.

Nantasket, ... 652
Nantes, ... 1317, 1318, 1319
Nantucket (*see Sherburne*), 174, 388, 395, 458, 600, 688, 1121
Nantucket, County of, 13, 17, 46, 90, 99, 103, 119, 211, 306, 313, 318, 402, 406, 410, 429, 433, 438, 439, 464, 465, 574, 580, 678, 750, 755, 788, 791, 864, 865, 892, 895, 946, 952, 1098, 1109, 1127, 1153, 1162, 1217, 1225, 1377, 1381, 1403, 1405, 1426, 1429
Narragansett No. One (Buxton), 13, 99, 206, 211, 264, 265, 976
Narragansett No. Two (Westminster), . 279, 280
Nash, Daniel, ... 1435
Nash, John, ... 125, 469, 984
Nash, Jonathan, . . . 1032, 1041, 1275, 1276, 1373
Nash, Noah, ... 162, 182, 1002, 1003
Nash, Samuel, ... 983, 984
Nashoba Brook, ... 1348
Nassau, William Henry (*see Rochford*).
Natick, 9, 95, 210, 309, 398, 425, 568, 669, 746, 784, 863, 866, 868, 869, 888, 939, 1088, 1145, 1171, 1209, 1401, 1423
Nauset Meadow, ... 174, 458, 1121
Neall, James, ... 185
Neck, The (Falmouth), ... 514

PAGE

Neck, The (Mendon), ... 1331
Needham, 7, 93, 210, 307, 366, 368, 396, 424, 565, 743, 782, 804, 862, 866, 867, 868, 869, 870, 871, 886, 935, 1082, 1140, 1204, 1304, 1343, 1399, 1422
Needham, Edmund, ... 179, 190
Needham, Stephen, ... 543
Nelson, Gershom, ... 1331
Nelson, Nehemiah, ... 1330
Nelson, Seth, ... 1331
Nennemesset Island, ... 86, 461, 1124, 1127
Neponset River, ... 1412, 1444, 1449
Nesmith, Benjamin, ... 353
Ness, John, ... 867
New Ashford, 469, 659, 865, 1029, 1032, 1107, 1160, 1224, 1405, 1429, 1443
New Boston (Gray), 211, 315, 330, 366, 404, 431, 577, 753, 789, 834, 881, 893, 985
New Braintree, 14, 100, 211, 314, 403, 430, 575, 751, 788, 864, 892, 947, 1099, 1154, 1218, 1299, 1404, 1427
Newbury, 7, 39, 66, 93, 134, 148, 210, 259, 271, 307, 396, 419, 420, 424, 461, 511, 543, 566, 669, 719, 744, 783, 863, 887, 903, 936, 1083, 1124, 1141, 1205, 1400, 1422, 1452
Newburyport, 8, 40, 41, 45, 63, 66, 93, 148, 175, 210, 221, 308, 396, 419, 420, 424, 460, 461, 474, 511, 543, 566, 600, 653, 669, 678, 688, 702, 737, 738, 744, 783, 823, 824, 863, 887, 936, 1083, 1124, 1141, 1205, 1308, 1400, 1422, 1453
Newcastle, 16, 101, 211, 316, 329, 370, 405, 431, 577, 753, 790, 864, 894, 949, 1103, 1157, 1221, 1404, 1428
Newcomb, Daniel, ... 1260
Newell, Ebenezer, ... 868
Newell, Eliphalet, ... 1071, 1239
Newell, Josiah, ... 866, 870
Newell, Thomas, ... 274
Newell, Timothy, ... 275, 349, 350, 1071, 1239
Newell, Timothy, ... 866, 868
Newell, Zebulon, ... 1040
New England, 21, 34, 62, 69, 76, 148, 178, 179, 184, 187, 188, 190, 191, 201, 272, 276, 288, 295, 353, 354, 370, 419, 420, 421, 445, 479, 484, 485, 497, 498, 500, 503, 583, 588, 622, 643, 656, 670, 678, 683, 692, 717, 737, 778, 813, 823, 858, 865, 974, 1002, 1038, 1059, 1132, 1176, 1241, 1272, 1273, 1315, 1320, 1324, 1348, 1350, 1351, 1354, 1356, 1360, 1384, 1438, 1444, 1445, 1446
New-Field Hill, ... 335, 379
New Framingham, ... 1002
New Gloucester, 211, 315, 329, 330, 366, 367, 370, 404, 431, 577, 752, 789, 864, 881, 893, 949, 1102, 1157, 1220, 1404, 1427
Newhall, Michael, ... 844
Newhall, Samuel, ... 737, 823, 824
New Hampshire, 25, 34, 35, 55, 62, 81, 145, 355, 521, 524, 664, 669, 670, 681, 686, 701, 723, 769, 810, 811, 813, 816, 850, 1002, 1012, 1013, 1014, 1015, 1017, 1025, 1249, 1256, 1257, 1258, 1259, 1264, 1295, 1297, 1373, 1374, 1379, 1395, 1419, 1438, 1453, 1456, 1459, 1460
New Haven, . 679, 1012, 1013, 1015, 1017, 1018, 1019
New Hingham, ... 72
New Jersey, 214, 268, 680, 850, 1012, 1013, 1014, 1015, 1017, 1018, 1019, 1249, 1258, 1261, 1262, 1264, 1295, 1297, 1379

PAGE

Newman, Joseph, ... 737, 824
Newman, Margaret, ... 276, 351, 352
New Marlborough, 16, 101, 211, 316, 405, 432, 578, 754, 790, 865, 894, 951, 1029, 1032, 1105, 1159, 1223, 1388, 1405, 1428
New Plymouth, ... 224, 273
Newport, ... 851, 1026, 1439
New Providence, 469, 847, 848, 865, 1003, 1032, 1107, 1161, 1170, 1224, 1311, 1312, 1320, 1321, 1322, 1323, 1429, 1443
New Salem, 10, 96, 116, 144, 210, 310, 399, 427, 570, 747, 785, 863, 889, 941, 1091, 1147, 1211, 1401, 1424
New Salem (New Hampshire), ... 669
Newton, 8, 94, 186, 210, 309, 397, 425, 567, 715, 745, 784, 863, 888, 905, 938, 990, 991, 992, 993, 994, 995, 1085, 1143, 1207, 1299, 1400, 1423
Newton, Asahel, ... 1050
Newton, Jonah, ... 842
Newton, Paul, ... 1041, 1303
Newton, Seth, ... 1039, 1040
New York, 25, 81, 176, 186, 214, 236, 268, 355, 381, 550, 655, 656, 657, 658, 659, 678, 679, 680, 681, 682, 683, 685, 686, 700, 810, 811, 814, 816, 850, 1002, 1007, 1008, 1012, 1013, 1014, 1015, 1017, 1018, 1019, 1026, 1034, 1049, 1235, 1238, 1249, 1256, 1257, 1258, 1259, 1262, 1264, 1265, 1280, 1283, 1295, 1297, 1379, 1388, 1435, 1441, 1461
New York, City and Island of, ... 678
Nicholas, James, ... 1357
Nicholas, John, ... 1357
Nicholas, Joseph, ... 1357
Nicholl, James, ... 824
Nicholls, John, ... 692
Nichols, Alexander, ... 294
Nichols, Alexander, ... 858, 859
Nichols, Israel, 368, 808, 812, 814, 820, 839, 845, 859, 868, 1047, 1237, 1242, 1247, 1279, 1340
Nichols, James, ... 858, 859
Nichols, John, ... 658, 659, 984
Nichols, Jonas, ... 858
Nichols, Joseph, ... 1038
Nichols, Thomas, ... 1247
Nichols, Thomas, ... 1320, 1321, 1322
Nichols, William, ... 688
Nichols, William, ... 737, 824
Nicholson, Thomas, ... 861
Nickles, John, jun., ... 1358
Nickles, Joseph, jun., ... 826
Nickly, William, ... 353
Niles, Samuel, 669, 808, 828, 850, 868, 1008, 1029, 1032, 1035, 1053, 1255, 1273, 1279, 1280, 1291, 1449, 1450
Nixon, John, ... 1277, 1278, 1285
Nixon, Joseph, ... 1357
Nixon, Thomas, ... 1278
Noble, Asa, ... 1021
Noble, Benjamin, ... 915, 917
Noble, Christopher, ... 978
Noble, David, ... 374
Noble Francis, ... 915, 917
Noble, James, ... 1032, 1275
Noble, Reuben, ... 983
Noble, Zenas, ... 718
Nobscusset Meadow, ... 39, 40, 167
Norcross, Philip, ... 1011
Norcross, Samuel, ... 1011
Norcross, Samuel, jun., ... 1011

PAGE

North, Frederick North, Lord, ... 283, 383
North, Joseph, ... 367, 1011, 1023
North America, 53, 364, 521, 522, 703, 770, 969, 1197, 1379
North Bridge (Concord), . . . 1190, 1349, 1351, 1361
North Bridge (Salem), ... 271
North Carolina, . . . 850, 1012, 1249, 1286, 1295, 1297
North Fields (Salem), ... 271
North Meadow and Farms (Whately), ... 122
North River (Concord), ... 1347
North River (New York), . . . 683, 850, 1038, 1045
North River (Salem), ... 271
North River (Scituate), ... 175, 459, 1122
North Yarmouth, 15, 90, 101, 211, 315, 330, 365, 404, 431, 439, 516, 577, 752, 789, 864, 881, 893, 948, 1102, 1156, 1220, 1404, 1427
Northampton, 9, 44, 45, 67, 96, 125, 126, 147, 148, 210, 310, 399, 411, 426, 569, 585, 661, 695, 746, 785, 863, 882, 883, 889, 900, 901, 933, 940, 984, 985, 987, 988, 989, 990, 1036, 1037, 1088, 1145, 1209, 1232, 1372, 1374, 1375, 1376, 1401, 1424, 1434
Northborough, 14, 100, 211, 314, 403, 430, 575, 751, 788, 864, 892, 914, 947, 1099, 1155, 1218, 1299, 1303, 1404, 1427
Northbridge, 198, 199, 200, 395, 404, 412, 430, 576, 752, 789, 816, 864, 893, 948, 1101, 1156, 1177, 1220, 1334, 1404, 1427, 1464
Northey, Joseph, ... 295, 354
Northfield, 10, 90, 96, 210, 296, 310, 354, 355, 365, 399, 426, 570, 747, 785, 863, 889, 941, 1090, 1146, 1210, 1301, 1401, 1424
Northtown, ... 205, 206, 263, 264, 279
Norton, 12, 48, 68, 69, 98, 211, 312, 401, 428, 573, 749, 787, 816, 864, 875, 876, 891, 944, 1095, 1151, 1215, 1403, 1425, 1446, 1447
Norton, Jedediah, ... 716
Norton, Zebulon, ... 1394
Norwich, 297, 298, 571, 747, 786, 863, 890, 942, 989, 1069, 1092, 1148, 1212, 1232, 1233, 1234, 1300, 1402, 1424
No-town, ... 957, 1045, 1046, 1047
Nova Scotia, ... 25, 81, 214, 268, 640, 720
Nowell, Jonathan, ... 1335
Nowell, Nathaniel, ... 737, 824
Nowells, Joseph, ... 844
Noyes, Amos, ... 1269
Noyes, Belcher, ... 276, 349, 350
Noyes, Daniel, ... 287, 543, 1115
Noyes, John, ... 284
Noyes, John, ... 1445, 1447
Noyes, Joseph, 653, 659, 667, 673, 830, 833, 836, 851, 978, 988, 1053
Noyes, Joseph, ... 737, 824
Noyes, Nathaniel, ... 1273, 1274
Noyes, Oliver, ... 262
Noyes, William, ... 737, 824
Number One, ... 147, 716, 718, 976
Number Two (Partridgefield), . . . 162, 164, 182
Number Four (Gageborough), 162, 165, 182, 716, 718, 1002
Number Five (Windsor and Cummington), 162, 164, 165, 211, 317, 406, 432, 579, 661, 754, 791, 863, 895, 911, 912, 951, 1003, 1072, 1092, 1148, 1212, 1232, 1233, 1240, 1241, 1242, 1402, 1424
Number Six, ... 162
Number Seven, 211, 317, 406, 432, 579, 754, 791, 865, 895, 951, 957, 1046, 1047, 1107, 1160, 1224, 1405, 1429
Number Nine (Murrayfield), ... 1232
Nutting, John, ... 817
Nutting, John, ... 914, 916

PAGE

Nutting, Jonathan, ... 674
Nye, John, ... 717, 826
Nye, Joseph, ... 654, 682, 707, 1271
Nye, Joseph, jun., ... 704, 713
Nye, Levi, ... 717, 826
Nye, Samuel, ... 543
Nye, Silvanus, ... 1378
Nye, Stephen, ... 60, 367

O.

Oak Island, ... 777, 846, 1178, 1338
Oakham, 14, 100, 211, 314, 389, 403, 410, 430, 575, 751, 788, 816, 841, 864, 892, 915, 946, 1099, 1154, 1218, 1300, 1404, 1427
Oakman, Samuel, ... 1011, 1345
Obear, Israel, ... 179
O'Brien, William, ... 841, 842, 843
Ogunquit Harbor, ... 87, 459, 1122
Old Rainbow, ... 147
Old South Meeting-house (Boston), ... 534
Olds, Samuel, ... 892
Oliver, Andrew, ... 1194
Oliver, Andrew (*Secretary of the province*), 69, 147, 288, 362, 1003, 1355
Oliver, Daniel, ... 141, 914, 916
Oliver, James, ... 914, 916
Oliver, Peter, . . . 914, 916, 966, 1054, 1055, 1056
Oliver, Peter, jun., ... 914, 916
Oliver, Thomas, ... 912, 915, 966, 1054, 1056
Olney, Joseph, ... 1239
Onthank, William, jun., ... 1039
Orbeton, James, ... 674, 698, 699, 1463
Orbeton, Jonathan, ... 698, 699, 1463
Orcutt, Bela, ... 1051
Orms, Oliver, ... 1046
Ormsbee, John, ... 1050
Orne, Azor, 149, 354, 362, 367, 512, 520, 522, 528, 530, 537, 543, 544, 660, 664, 669, 681, 682, 685, 688, 701, 809, 810, 812, 868, 1053, 1245, 1254, 1435, 1441, 1461
Orne, David, ... 984
Orne, Joseph, ... 1194
Orne, Joshua, ... 809, 825
Orne, Josiah, ... 179
Orr, Hugh, ... 1056
Orthodox, ... 278, 279
Osborn, Benjamin, ... 1236
Osborn, Daniel, ... 658, 659
Osborn, Hezekiah, ... 1441, 1442
Osborn, Jonas, ... 1236
Osgood, Josiah, ... 920, 1009
Osgood, Samuel, 541, 665, 1246, 1249, 1263, 1264, 1281, 1282, 1286, 1296, 1338, 1340, 1369, 1375, 1397, 1441, 1453, 1454, 1456
Ossipee River, Great, ... 666
Otis, James, 64, 184, 263, 264, 266, 269, 273, 274, 279, 281, 282, 285, 358, 359, 372, 373, 522, 524, 539, 701, 1233
Otis, James, jun., ... 184, 186, 261
Otis, Joseph, ... 688, 1383
Otis, Samuel Allyne, 654, 655, 659, 663, 665, 673, 842, 871, 978, 979, 1244, 1245, 1246
Otisfield, ... 834
Owen, William, ... 515
Owl's Head Bay, ... 623, 674, 697
Oxford, 14, 52, 99, 211, 314, 403, 429, 575, 751, 788, 796, 797, 798, 812, 830, 855, 856, 857, 858, 859, 860, 864, 892, 899, 946, 955, 1048, 1098, 1154, 1217, 1299, 1313, 1377, 1384, 1403, 1426

PAGE

Oxnard, Edward, ... 915, 917
Oxnard, Thomas, ... 915, 917

P.

Paca, William, ... 1264
Packard, Joshua, ... 832
Packard, Micah, ... 674
Packer, Charles, ... 1269
Paddock, Adino, ... 348, 913, 916, 1005
Paddy's Alley (Boston), 225, 274, 275, 276, 292, 349, 350, 351, 352
Pagan, Robert, ... 915, 917
Page, Joseph, 837, 843, 1048, 1231, 1255, 1282, 1294, 1299, 1325, 1373, 1452
Page, William, ... 681, 1340
Paine, ——, ... 383
Paine, Benjamin, ... 716
Paine, Brinton, ... 1265
Paine, David, ... 975
Paine, Edward, ... 975
Paine, Jacob, ... 975
Paine, James, ... 975
Paine, John, ... 975
Paine, Joseph, ... 975
Paine, Lemuel, ... 975
Paine, Robert Treat, 356, 367, 381, 720, 722, 809, 810, 811, 815, 816, 817, 818, 827, 830, 839, 1008, 1012, 1013, 1033, 1035, 1036, 1195, 1240, 1242, 1245, 1340, 1370, 1434, 1439, 1454
Paine, Stephen, ... 1446
Paine, Timothy, . 65, 1069, 1231, 1232, 1233, 1234
Paine, William, ... 914, 916, 999
Paine, William, ... 974
Palfrey, Warwick, ... 654, 655, 688
Palmer, 10, 96, 210, 310, 399, 427, 570, 747, 785, 865, 889, 941, 1090, 1147, 1211, 1401, 1424
Palmer, James, ... 920, 1009
Palmer, John, ... 920, 1009
Palmer, Joseph, 505, 507, 509, 518, 519, 652, 660, 672, 673, 681, 683, 685, 702, 720, 726, 809, 850, 859, 868, 983, 987, 1009, 1016, 1241, 1363
Palmer, Michael, ... 1236
Palmer, Samuel, ... 920, 1009
Palmer, William, ... 592, 675
Palmer, William, ... 1236
Pamit Harbor, ... 87, 459, 1122
Pamit River, ... 87, 459, 1122
Parce, Daniel, ... 656
Parce, Joseph, ... 1003
Parchus, Abraham, ... 1301
Park, John, ... 694
Park, William, ... 994
Parker, Ambrose, ... 998
Parker, Andrew, ... 676, 1381
Parker, Andrew, ... 998
Parker, Benjamin, ... 185
Parker, Benjamin, ... 992, 993, 994
Parker, Benjamin, ... 1373
Parker, Benjamin, jun., ... 185
Parker, Bina, ... 992
Parker, Daniel, ... 275, 1239
Parker, David, jun., ... 1357
Parker, Dydimus, ... 848, 998
Parker, Enos, ... 998
Parker, Jacob, ... 867
Parker, James, ... 1039, 1303

PAGE

Parker, Jeremiah, ... 298, 357
Parker, John, ... 265, 266
Parker, John, ... 834
Parker, John, ... 992
Parker, John, jun., ... 992
Parker, Jordan, ... 1023
Parker, Joseph, ... 665, 667
Parker, Nathaniel, ... 998
Parker, Nathaniel, ... 1357
Parker, Noah, ... 185
Parker, Peter, ... 1038
Parker, Thomas, ... 1010, 1063
Parker, Thomas, jun., ... 357
Parker, Timothy, ... 513
Parker, William, ... 859
Parker River, ... 134, 148, 461, 1021, 1124
Parkhurst, Joel, ... 1041
Parkman, Ebenezer, ... 1299
Parkman, Nathaniel, ... 274
Parkman, Samuel, ... 358
Parkman, Thomas, ... 1299
Parks, Warham, 854, 998, 1021, 1025, 1345, 1394, 1438
Parlin, Amos, ... 1358
Parlin, David, ... 1347
Parlin, John, ... 1347
Parlin, Joseph, ... 1348
Parlin, Josiah, ... 1358
Parlin, Oliver, ... 1357
Parmenter, Isaiah, ... 841
Parsons, David, ... 989
Parsons, Ebenezer, ... 832
Parsons, Isaac, ... 469
Parsons, John, jun., ... 989
Parsons, Jonathan, jun., ... 737, 824
Parsons, Rev. Jonathan, ... 175, 460
Parsons, Theophilus, ... 1369, 1371
Parsons, Noah, ... 989
Parsons, Theodore, ... 1195
Parsons, Timothy, ... 1023
Parsons, William, ... 1337
Partridge, George, 368, 522, 540, 543, 653, 654, 673, 675, 681, 698, 711, 812, 830, 861, 995, 1017, 1025, 1032, 1034, 1048, 1049, 1052, 1055, 1057, 1195, 1231, 1440, 1461
Partridge, John, ... 977
Partridge, Josiah, ... 1321
Partridge, Nathaniel, ... 1343
Partridge, Oliver, ... 165, 996, 1002
Partridge, Samuel, ... 187, 275, 358
Partridge, William, ... 975
Partridgefield (Peru) (*see Number Two*), 164, 165, 211, 317, 366, 367, 406, 432, 579, 718, 754, 790, 865, 894, 912, 950, 1003, 1029, 1032, 1105, 1159, 1223, 1241, 1405, 1428
Passageeswokey Harbor, ... 293, 352
Passage Point (*see Jones's Neck*).
Patch, Nathan, ... 859
Patten, David, ... 876
Patten, Mary, ... 876
Patterson, Andrew, ... 1236
Patterson, Charles, ... 1236, 1238
Patterson, David, ... 181
Patterson, James, ... 353
Patterson, John, ... 704, 1277, 1278
Patterson, Nathaniel, ... 353
Patterson, Robert, ... 353
Patterson, William, ... 353
Patterson, William, jun., ... 353

PAGE

Paul, Josiah, ... 185
Paxton, 14, 100, 207, 211, 265, 266, 314, 403, 430, 530, 575, 751, 788, 841, 842, 864, 892, 946, 1099, 1154, 1218, 1404, 1427
Paxton, Charles, 53, 55, 913, 916, 966, 1005, 1054, 1056
Payne, Edward, ... 275, 1239
Payson, Ephraim, ... 1445
Payson, Ephraim, jun., ... 1445, 1447
Payson, Jonathan, ... 176
Payson, Phillips, D. D., ... 1195, 1370
Payson, Swift, ... 975, 976
Peabody, ... 267, 270
Peabody, Nathaniel, ... 811, 1013, 1264
Peabody, Oliver, ... 1456
Peabody, Seth, ... 847
Peak, John, ... 1259
Pearce, James, ... 1059
Pearson, Eliphalet, . . . 1419, 1457, 1458, 1459
Pearson, Jeremiah, jun., ... 824
Pearson, John, ... 696
Pearson, Moses, ... 976
Pearsontown, 15, 101, , 21 , 265, 315, 366, 404, 431, 577, 03, 69 , 692, 753, 789, 864, 877, 878, 893, 949, 976, 977, 978, 979, 980, 981, 982, 1102, 1157, 1221, 1404, 1427
Peary, Josiah, ... 975
Peas, John 381
Peck, Abraham, ... 1268
Peck, Seth, ... 1050
Peck, Shubael, . . . 810, 975, 1016, 1242, 1321, 1381
Peeke, Abijah, ... 716
Peekskill, ... 988, 1289
Peele, Jonathan, jun., ... 853
Peirce, Abijah, ... 714
Peirce, Benjamin, ... 833
Peirce, Daniel, ... 988
Peirce, Ebenezer, ... 857, 1032
Peirce, Isaac, ... 1293
Peirce, Joseph, ... 358
Peirce, William, ... 1360
Peirce & Smith, ... 374
Pelham, 10, 96, 116, 114, 155, 181, 182, 210, 310, 399, 426, 570, 747, 785, 863, 889, 941, 1090, 1146, 1210, 1401, 1424
Pelham's Farm, ... 1324
Pell, John, ... 988
Pemberton, Benjamin, . . . 186, 298, 356, 357
Pemberton, Ebenezer, ... 1457
Pemberton, Samuel, ... 261, 349, 350
Pembroke, 11, 97, 121, 122, 210, 296, 311, 400, 427, 461, 571, 748, 786, 863, 890, 943, 1093, 1124, 1149, 1213, 1402, 1425
Pembroke Farm, ... 296
Penniman, Peter, ... 1331, 1387, 1442
Pennsylvania, 25, 81, 685, 850, 1012, 1013, 1014, 1015, 1017, 1018, 1019, 1249, 1258, 1264, 1295, 1297, 1313, 1379
Penobscot, 609, 688, 1040, 1191, 1192, 1299, 1305, 1307, 1311, 1377, 1378, 1385
Penobscot Bay, ... 293, 352, 353
Penobscot River, ... 353, 516
Penoyer, James, ... 827, 829
Pepper, Samuel, ... 275
Pepperell, 9, 95, 210, 309, 398, 425, 568, 745, 784, 816, 817, 863, 888, 939, 1087, 1144, 1208, 1401, 1423
Pepperrell, William, ... 176
Pepperrell, Sir William, Bart., 383, 913, 916, 966, 1005, 1054, 1055, 1056

PAGE

Pepperrellborough, 13, 99, 211, 313, 402, 429, 574, 600, 688, 750, 787, 864, 891, 945, 1096, 1097, 1152, 1216, 1403, 1426
Perham, Jonathan, ... 1433
Perkins, George, ... 841, 842, 843
Perkins, James, ... 275
Perkins, John, jun., ... 275, 1271
Perkins, Nathaniel, ... 913, 916, 1005
Perkins, Robert, ... 696
Perkins, Walter, ... 272
Perkins, William, ... 1040
Perkins, William Lee, ... 913, 916
Perkins' Mills, or Mill-dam, ... 83, 381
Perley, Asa, ... 543
Perley, Enoch, ... 835
Perrego, James, ... 975, 976
Perry, Abner, ... 540
Perry, Benjamin, ... 1445
Perry, Benjamin, jun., ... 1445
Perry, Daniel, 713, 814, 1010, 1017, 1048, 1238, 1242, 1299, 1303, 1327, 1331, 1383, 1436, 1449, 1456
Perry, David, ... 1050
Perry, Eliakim, ... 1445
Perry, Isaac, ... 656
Perry, James, ... 848, 1356
Perry, James, ... 1023
Perry, John, ... 841
Perry, Josiah, ... 1445
Perry, Samuel, ... 914, 916
Perry, Samuel, ... 998
Perry, Seth, ... 914, 916
Perry, Silas, ... 827
Perry, Silas, ... 914, 916
Perry, Stephen, ... 914, 916
Perry, Thomas, ... 914, 916
Perry, William, ... 827
Petegrow, Joseph, ... 185
Petersham, 15, 53, 100, 211, 315, 365, 366, 403, 430, 576, 752, 789, 864, 893, 915, 947, 1056, 1101, 1155, 1219, 1404, 1427
Pettee, Benjamin, ... 975, 976
Pettee, Samuel, ... 973, 974, 976
Pettee, Stephen, ... 975, 976
Pettee, Thomas, ... 975
Pettee, William, ... 975, 976
Petterson, William, ... 353
Pettingale, Benjamin, ... 1011
Pettingill, Dudley, ... 920, 1010
Pettingill, Nathaniel, ... 920, 1009
Pettingill, Nathaniel, jun., ... 920, 1010
Pettingill, Phinehas, ... 920, 1010
Pettis, Ezekiel, ... 469
Petit, Jonathan, ... 1236
Phelps, John, ... 718
Phelps, John, ... 1267
Phelps, Oliver, ... 1034, 1267
Phelps, Timothy, ... 989
Philadelphia, 410, 505, 506, 524, 525, 630, 652, 653, 680, 706, 814, 1007, 1019, 1026, 1253, 1254, 1257, 1258, 1259, 1262, 1263, 1264, 1295, 1313, 1371, 1452, 1453, 1461
Philbrick, Jonathan, . . . 691, 692, 977, 978, 982
Philbrick, Michael, ... 692, 977, 978, 980
Philbrook, Thomas, ... 1011
Philip, King, ... 1347
Philipsburg, Camp at, ... 683, 684
Phillips Academy, 1418, 1419, 1420, 1457, 1458, 1459
Phillips, Ebenezer, ... 914, 916
Phillips, Israel, ... 857, 859

PAGE

Phillips, John, ... 1419, 1457
Phillips, Jonathan, ... 859
Phillips, Joseph, ... 857, 859
Phillips, Joseph, ... 914, 916
Phillips, Samuel, 57, 60, 72, 141, 144, 187, 261, 287, 357, 372, 543, 1023, 1314, 1315, 1419, 1420, 1457
Phillips, Samuel, jun., 519, 663, 668, 685, 723, 816, 817, 818, 871, 994, 1020, 1026, 1034, 1042, 1048, 1049, 1195, 1249, 1286, 1369, 1371, 1419, 1457, 1458, 1459
Phillips, William, 184, 187, 264, 275, 276, 279, 356, 538, 543, 651, 664, 672, 713, 822, 848, 998, 1035, 1054, 1419, 1458
Phillips, Zephaniah, ... 1321
Phillipstown (Sanford), ... 1334
Phinney, David, ... 914, 916
Phinney, Edmund, ... 982
Phips, David, ... 914, 916, 1054, 1056
Phips, Spencer, ... 536, 1059, 1355
Phips, William, ... 859
Phips, Sir William, ... 140
Piccle, Reuben, ... 826
Pickering, John, jun., (*Speaker of the House of Representatives*), 141, 151, 261, 263, 264, 281, 356, 358, 359, 367, 375, 411, 515, 538, 543, 654, 655, 660, 661, 665, 668, 672, 673, 675, 685, 692, 817, 822 825, 826, 830, 836, 839, 854, 869, 871, 989, 995, 999, 1000, 1001, 1092, 1004, 1007, 1012, 1020, 1022, 1024, 1025, 1027, 1030, 1036, 1037, 1039, 1040, 1043, 1046, 1063, 1195, 1231, 1240, 1242, 1248, 1262, 1298, 1313, 1336, 1340, 1365, 1366, 1367, 1388, 1439, 1452, 1453, 1455, 1461
Pickering, Theophilus, ... 533, 534, 535
Pickering, Timothy, ... 189
Pickernell, James, ... 185
Pickernell, Samuel, ... 185
Pickernell, William, ... 185
Pickman, Benjamin, ... 287, 913, 916, 1447
Pickman, William, ... 853
Pierce, John, ... 692, 977, 978
Pierce, John, jun., ... 977, 978
Pierce, Joseph, ... 1029
Pierce, Josiah, ... 363, 1355
Pierce, Samuel, ... 975
Pierpont, Robert, ... 27, 55, 825
Pierson, Benjamin, ... 1029
Pigeon, John, ... 991
Pigeon Swamp, ... 1394, 1412, 1437, 1449
Pigwacket, ... 666
Pike, Timothy, ... 1038
Piscataqua River, ... 173, 185, 461
Pitts, James, ... 184, 357, 358, 359
Pitts, John, 358, 519, 538, 653, 654, 662, 664, 672, 673, 695, 696, 699, 700, 709, 711, 713, 715, 716, 808, 809, 814, 815, 820, 821, 832, 834, 839, 983, 987, 988, 1024, 1027, 1047, 1064, 1237, 1255, 1256, 1270, 1273, 1319, 1369, 1459
Pitts, William, ... 358
Pittsfield, 16, 46, 66, 101, 128, 156, 182, 211, 316, 372, 405, 432, 550, 578, 635, 657, 658, 659, 716, 718, 754, 790, 829, 865, 894, 915, 951, 1028, 1029, 1030, 1032, 1033, 1035, 1052, 1105, 1159, 1223, 1275, 1393, 1405, 1428, 1436

PAGE

Pittston, 865, 923, 924, 1105, 1159, 1222, 1405, 1428
Pixley, David, ... 828
Place, John, ... 185
Plaisted, Ichabod, ... 688
Plaistow, ... 121, 145, 146, 669
Pleasant Point (Chelsea), ... 1342
Plumb Island, ... 174, 457, 1120
Plummer, Samuel, ... 150
Plymouth, 11, 39, 41, 45, 88, 97, 148, 175, 210, 259, 311, 381, 395, 400, 412, 427, 438, 460, 461, 464, 474, 571, 600, 667, 678, 688, 748, 786, 830, 863, 890, 903, 914, 942, 1005, 1056, 1092, 1123, 1124, 1149, 1212, 1252, 1319, 1344, 1345, 1402, 1425
Plymouth Beach, ... 30, 259, 903
Plymouth, County of, 11, 17, 44, 45, 97, 103, 122, 210, 224, 250, 252, 272, 273, 284, 311, 318, 341, 368, 400, 406, 427, 428, 432, 438, 439, 462, 464, 465, 513, 571, 572, 579, 678, 679, 748, 755, 786, 791, 861, 863, 865, 890, 895, 904, 914, 942, 952, 1056, 1092, 1108, 1115, 1124, 1127, 1135, 1149, 1161, 1212, 1225, 1284, 1296, 1297, 1298, 1345, 1377, 1380, 1381, 1402, 1405, 1425, 1429
Plymouth Purchase, ... 147
Plympton, 11, 97, 210, 311, 365, 366, 400, 427, 571, 748, 786, 816, 863, 890, 943, 1093, 1149, 1213, 1402, 1425
Plympton, James, ... 975
Plympton, Thomas, ... 509, 510, 668, 1324, 1326
Poatnamicut, ... 202, 203, 263
Poatnamicut Harbor, ... 203
Pogeshole, ... 1036, 1037
Point Alderton, ... 652
Pollard, John, ... 866
Pollard, Thomas, ... 866
Polly (The sloop), ... 1027
Pomeroy, Caleb, ... 901, 990
Pomeroy, Elijah, ... 991, 990
Pomeroy, Josiah, ... 1050
Pomeroy, Medad, ... 962, 1049
Pomroy, John, ... 1040
Pomroy, Josiah, ... 914, 916, 1005
Pond, Oliver, ... 976
Pondtown, ... 132, 147
Pool, Fitch, ... 274
Pope, Edward, 688, 848, 976, 995, 999, 1005, 1009, 1295, 1343, 1381
Pope, Ichabod, ... 928, 1024
Pope, Ralph, ... 1445
Popkin, John, ... 1286, 1291
Porridge, Simon, ... 382
Porter, Amos, ... 826, 829
Porter, Benjamin, ... 272
Porter, Daniel, ... 1238
Porter, Eleazer, ... 1058
Porter, Elisha, 147, 148, 347, 514, 522, 667, 704, 810, 838, 839, 848, 985, 1012, 1245, 1372
Porter, James, ... 1309
Porter, Nehemiah, ... 536
Porter, Nicholas, ... 239, 282
Porter, Samuel, ... 913, 916, 1005
Porter, Tyler, ... 543
Porter's Corner, ... 221, 271, 272
Porterfield, Patrick, ... 698, 699
Portsmouth, ... 55, 664, 1006
Post, Oliver, ... 989
Post Road, ... 133
Pote, Jeremiah, ... 915, 917, 1054
Pote, Samuel, ... 295, 354
Potter, David, ... 1266

PAGE

Powers, Edward E., ... 1366
Powell, Jeremiah, 65, 277, 357, 538, 669, 668, 672, 682, 685, 687, 810, 829, 839, 868, 869, 1016, 1018, 1053, 1248, 1257, 1264, 1265, 1273, 1307, 1318, 1319, 1341, 1373, 1374, 1383, 1443, 1453, 1459, 1463, 1464
Powell, John, ... 226, 913, 916, 1005
Powell, William, ... 274, 1239
Powers, Battery, ... 1239
Powers, Henry, ... 866
Powers, Walter, ... 1335
Pownalborough, 16, 46, 101, 130, 133, 135, 137, 211, 227, 277, 278, 316, 329, 405, 431, 474, 562, 577, 665, 688, 696, 700, 753, 790, 864, 894, 915, 923, 949, 1011, 1056, 1103, 1157, 1221, 1404, 1428
Pownall, Fort, . . . 108, 170, 183, 208, 300, 391
Pownall, John, . 52, 54, 139, 191, 284, 354, 362, 383, 411
Pratt, Abijah, ... 866
Pratt, Isaac, ... 859
Pratt, Isaac, ... 876
Pratt, Joseph, ... 797, 869
Pratt, Joseph, ... 876
Pratt, Josiah, ... 1343
Pratt, Lemuel, ... 867
Pratt, Samuel, ... 867
Pratt, Thomas, ... 142, 515, 1342
Prebble, Abraham, ... 562
Preble, Ebenezer, ... 1023
Preble, Jedidiah, 182, 186, 357, 515, 654, 659, 660, 683, 685, 691, 692, 810, 839, 867, 978, 1008, 1025, 1245
Premer, Adam, ... 842
Prentice, Benjamin, ... 992
Prentice, Thomas, ... 1184
Prentice, William Henry, ... 720
Prentiss, Joshua, ... 1243
Prescott, Benjamin, ... 223
Prescott, James, 263, 264, 277, 411, 507, 509, 510, 518, 519, 520, 718, 1025, 1054, 1056, 1240, 1244, 1246, 1345, 1381
Prescott, Oliver, 810, 990, 1016, 1017, 1035, 1052, 1195, 1336, 1337
Prescott, William, ... 817
Preston, Amaziah, ... 199
Preston, Amos, ... 1093
Preston, John, ... 1016
Preston, Wilson, ... 1003
Price, Ezekiel, ... 735, 741, 961
Priest, Joseph, ... 866
Prime, Joseph, ... 1337, 1377
Prince, James, ... 267
Prince, Job, ... 202, 275, 358, 1027
Prince, Samuel, ... 913, 916
Princeton, 124, 125, 211, 238, 239, 281, 315, 404, 430, 576, 752, 789, 864, 893, 915, 948, 1043, 1101, 1156, 1219, 1404, 1427
Princetown, ... 15, 100, 124, 125
Prindall, Jonathan, ... 915, 917
Procter, Benjamin, ... 274
Procter, Peter, ... 1051
Proctor, John, ... 267
Prospect Hill, ... 714, 844
Prosser, Ichabod, ... 1321, 1322
Protector (The ship), . . . 1311, 1314, 1315, 1316
Protestants, ... 1456
Providence (Adams), ... 1321

PAGE

Providence (Rhode Island), 583, 669, 670, 672, 683, 723, 724, 809, 813, 818, 837, 988, 1045, 1261, 1297
Providence (The frigate), . . . 1006, 1246, 1247
Providence Plantations, 670, 671, 850, 1009, 1012, 1013, 1014, 1015, 1297, 1460
Provincetown, . . . 174, 457, 458, 864, 1120, 1121
Puffer, Eleazer, ... 1445
Puffer, Jonathan, ... 1352, 1353, 1354
Puffer, Matthias, ... 1330, 1445
Pullen, James, ... 147
Pullen, Stephen, ... 147
Purinton, James, ... 1022
Putnam, Archelaus, ... 268
Putnam, Edward, ... 707
Putnam, Isaac, ... 859
Putnam, James, ... 914, 916, 1054
Putnam, Micah, ... 844
Putnam, Nathaniel, ... 272
Putnam, Rufus, . . . 1039, 1278, 1280, 1373, 1374
Pynchon, George, ... 377
Pynchon, Henry, ... 1304
Pynchon, Joseph, ... 1058
Pynchon, Walter, ... 1435, 1436
Pynchon, William, jun., 518, 661, 713, 811, 815, 987, 1047, 1115, 1237, 1267, 1320, 1435, 1438, 1446

Q.

Quakers, 87, 88, 111, 112, 113, 159, 285, 392, 393, 411, 445, 451, 460, 483, 520, 529, 595, 686, 687, 719, 732, 772, 801, 1122, 1123, 1125, 1185, 1296, 1378, 1382
Quebec, ... 683
Quincy, Edmund, . . . 275, 276, 349, 350, 1448
Quincy, Samuel, . . . 913, 916, 966, 1005, 1054, 1055
Quivet Harbor, ... 40, 88, 259, 460, 904, 1123

R.

Race, William, ... 1235
Rainsford's Island, ... 87, 458, 1121
Ralph's Brook, ... 1348, 1350
Ramsdell, John, ... 1050
Rand, Isaac, ... 715, 716, 848, 849
Rand, Nathaniel, ... 1239
Rand, Robert, ... 275
Rand's Grant, ... 237
Randall, Jonathan, ... 272, 273, 274
Randall, Thomas, ... 1445
Randell (*see Rendall*).
Randolph (Pittston), ... 1011
Rankin, Constant, ... 699, 1463
Ranks, Christopher, ... 274
Rappall, George, ... 295, 354
Rathborn, Valentine, ... 659, 1029, 1032
Rawson, Edward, 141, 142, 199, 261, 278, 366, 371, 374, 411, 510, 516, 520, 523, 527, 540, 701, 707, 709, 711, 837, 851, 975, 982, 1036, 1064, 1242, 1270, 1344, 1452
Rawson, Josiah, ... 1050
Rawson, Josiah, jun., ... 1050
Rawson, Randell, ... 860
Rawson, Samuel, ... 1329
Raymond, Daniel, ... 1237, 1343
Raymond, Daniel, ... 1354
Raymondtown, 834, 864, 881, 1103, 1157, 1221, 1404, 1427
Raynham, 12, 98, 211, 312, 367, 401, 428, 573, 749, 787, 864, 891, 944, 1095, 1151, 1215, 1403, 1426
Raynolds (*see Reynolds*).
Rays (*see Royce*).

PAGE

Read, Benjamin, ... 1387, 1442
Read, Daniel, ... 1321
Read, David, ... 1003
Read, Joseph, ... 142, 368
Read, Thomas, ... 1353, 1445
Read, William, ... 280
Reading, 8, 57, 90, 95, 210, 286, 309, 397, 425, 567, 701, 745, 784, 863, 888, 938, 1035, 1143, 1207, 1309, 1400, 1423
Reed, Benjamin, ... 1242
Reed, Joel, ... 1022
Reed, John, ... 1003
Reed, Jonathan, ... 1023
Reed, Joseph, ... 412, 850, 1041, 1294
Reed, Richard, ... 149, 150
Reed, Robert, ... 1023
Rehoboth, 12, 98, 211, 312, 401, 428, 573, 749, 787, 864, 891, 944, 1042, 1095, 1151, 1214, 1243, 1403, 1425
Reinwater, William, ... 1247
Remick, Nathaniel, ... 185
Remmington, John, ... 141, 183
Rendell, John, ... 674, 699, 1463
Rennalds (*see Reynolds*).
Revere, John, ... 274
Revere, Paul, ... 518, 665, 1246, 1247, 1377
Reynolds, James, ... 656, 658, 659, 984
Reynolds, Nathaniel, ... 720
Rhoads, Eleazer, ... 1419
Rhode Island, 25, 34, 35, 62, 81, 284, 521, 583, 669, 670, 671, 679, 683, 685, 686, 720, 723, 724, 809, 810, 811, 813, 814, 837, 850, 984, 988, 1004, 1008, 1009, 1012, 1013, 1014, 1015, 1017, 1025, 1041, 1045, 1249, 1256, 1257, 1258, 1259, 1261, 1264, 1295, 1296, 1297, 1379, 1382, 1439, 1459, 1460, 1461
Rhodes, Hezekiah, ... 1320
Rhodes, Joseph, ... 975
Rhodes, Joseph, jun., ... 975
Rice, Comfort, ... 858, 859
Rice, David, ... 866
Rice, Edmond, ... 1051
Rice, Eliakim, ... 1170, 1325
Rice, George, ... 53, 54, 55, 283
Rice, Gershom, ... 856, 858
Rice, Gershom, jun., ... 858, 859
Rice, John, ... 1292
Rice, Jonathan, ... 1324, 1326, 1327
Rice, Matthias, ... 854, 857
Rice, Nathaniel, ... 1170, 1325
Rice, Phinehas, ... 859
Rice, Samuel, ... 866
Rice, Simeon, ... 1051
Rice, Stephen, ... 708, 709
Rice, Thomas, 278, 329, 513, 520, 527, 563, 665, 666, 1135
Rice, William, jun., ... 1326
Rich, Caleb, ... 1050
Rich, Jacob, ... 1050
Rich, Luther, ... 1323
Rich, Nathaniel, ... 1050
Rich, Thomas, ... 1050
Richards, Abiathar, ... 713
Richards, Daniel, ... 1444, 1445, 1447, 1448
Richards, David, ... 859
Richards, Josiah, ... 1045
Richards, Owen, ... 913, 916, 1054
Richards, William, ... 1445, 1446, 1447
Richardson, Benjamin, ... 274

PAGE

Richardson, Charles, ... 856, 858, 859
Richardson, Charles, jun., ... 859
Richardson, David, ... 603, 604, 691, 692, 978
Richardson, Ebenezer, ... 1321
Richardson, James, ... 1260
Richardson, John, ... 975
Richardson, Jonathan, ... 1321
Richardson, Jonathan, jun., ... 1321, 1322
Richardson, Moses, ... 692, 978
Richardson, Parker, ... 920, 1010
Richardson, Ralph, ... 860
Richardson, Thomas, ... 854
Richardson, Thomas, ... 975
Richmond (*see Richmont*).
Richmond, Silvester, ... 655, 656
Richmont, 16, 90, 102, 141, 211, 316, 330, 331, 365, 370, 371, 405, 432, 550, 578, 657, 659, 754, 791, 865, 895, 951, 1029, 1032, 1106, 1160, 1223, 1388, 1405, 1428
Ricker, Dodiford, ... 847
Ricker, Joshua, ... 1337
Ricker, Phinehas, ... 1337
Ricker, Solomon, ... 1337
Riddel, Robert, ... 1268
Ridgway, Ebenezer, ... 274
Ridgway, Samuel, ... 274
Ridgway, Samuel, jun., ... 274
Rigby, Richard, ... 283
Ripley, Jonathan, ... 1003
Ripley, Peter, ... 1050
Robards, Ebenezer, ... 833
Robards, Vinsen, ... 834
Robbins, Eleazer, ... 48, 876, 974, 976
Robbins, Eliphalet, ... 663, 1060, 1061
Robbins, Herman, ... 1011
Robbins, Josiah, ... 975
Robbins, Oliver, ... 674, 699, 1463
Robbins, Oliver, jun, ... 674, 698, 699, 1463
Robbins, William, ... 1242
Roberts, Benjamin, ... 1320, 1321, 1322
Roberts, Ebenezer, ... 1335
Roberts, Jeremiah, ... 1337
Roberts, John, ... 55
Roberts, Joseph, ... 861
Roberts, Love, ... 1337
Roberts, Peter, ... 824
Roberts, Samuel, ... 1335
Roberts & Lee, ... 358
Robey, Zaccheus, ... 1046
Robins, Ephraim, ... 1337
Robins, John, ... 1352, 1354, 1355, 1357, 1363
Robins, Jonas, ... 1353, 1357
Robins, Jonathan, ... 1357
Robins, Mary, ... 1357
Robinson, Daniel, ... 975
Robinson, George, ... 1236
Robinson, James, ... 662, 673
Robinson, James, ... 1236
Robinson, Lemuel, ... 654
Robinson, Philip, ... 65
Robinson, Seth, ... 975
Robinson, Thomas, ... 53
Robinson, Timothy, ... 829
Roby, Thomas, ... 913, 916
Rochester, 11, 84, 97, 210, 250, 251, 259, 284, 311, 400, 427, 462, 571, 748, 786, 863, 890, 904, 943, 1093, 1124, 1149, 1213, 1297, 1402, 1425
Rochford, William Henry Nassau, Earl of, . . 283
Rockingham, County of, ... 1419

PAGE

Rockwood, Joseph, ... 1329
Rocky Swamp, ... 298, 357
Roe, Pelar, ... 656
Rogers, Benjamin, ... 823, 824
Rogers, Clark, ... 656, 660, 984
Rogers, Daniel, ... 286
Rogers, Eleazer, ... 203
Rogers, Eliphalet, ... 975
Rogers, Jeremiah Dummer, ... 914, 916
Rogers, Jesse, ... 203
Rogers, John, ... 274
Rogers, John, jun., ... 185
Rogers, Nathaniel, ... 274
Rogers, Richard, ... 185
Rogers, Samuel, ... 659, 984
Rogers, Samuel, ... 913, 916
Rogers, Thomas, ... 185
Rogers, Thomas, ... 659, 984, 988
Rogers, William, ... 185
Rolfe, Jesse, ... 1041
Rolfe, Nathaniel, ... 145
Root, Azariah, ... 827, 1237, 1320
Root, Eli, ... 1275, 1394
Root, Enoch, ... 1029
Root, Jesse, ... 1460
Root, Joseph, ... 377
Root, Moses, ... 1266
Roper, Daniel, ... 859
Ropes, John, ... 179
Ropes, Nathaniel, ... 65
Rose, Israel, ... 1232
Ross, Alexander, ... 295, 354
Ross Edward, ... 274
Ross, Thomas, ... 915, 917
Rossiter, David, ... 371, 657, 1032
Rovandie, Ferdinando, ... 1038
Rowe, ... 1390
Rowe, Caleb, ... 692, 978
Rowe, Ephraim, ... 978
Rowe, John, ... 275, 276, 1239, 1453, 1456
Rowe, Joseph, ... 824
Rowley, 8, 94, 210, 308, 397, 424, 543, 566, 744, 783, 863, 887, 937, 1083, 1141, 1205, 1400, 1422
Roxbury, 7, 93, 176, 177, 186, 187, 210, 298, 307, 350, 351, 356, 357, 396, 423, 513, 514, 565, 664, 697, 707, 715, 745, 782, 796, 803, 830, 862, 886, 913, 935, 990, 1016, 1017, 1055, 1056, 1081, 1139, 1203, 1260, 1261, 1294, 1356, 1399, 1422, 1450
Roxbury Street (Boston), ... 557
Roy, Samuel, ... 834
Royal, Isaac, ... 875, 914, 916, 975
Royall, William, ... 1446
Royalsborough, 830, 833, 834, 864, 1102, 1157, 1221, 1404, 1427
Royalston, 15, 100, 211, 315, 367, 403, 430, 576, 752, 789, 864, 893, 948, 1101, 1155, 1219, 1395, 1404, 1427, 1438
Royalston Leg, ... 1395, 1438
Royce, Jesse, ... 1238
Ruddock, John, ... 183, 275
Ruff, Philip, ... 1236
Ruggles, John, ... 915, 916
Ruggles, Joseph, ... 915, 916
Ruggles, Nathaniel, ... 350, 351, 352, 915, 916
Ruggles, Nathaniel (Roxbury), ... 1260, 1261
Ruggles, Richard, ... 914, 916
Ruggles, Robert, ... 358
Ruggles, Samuel, ... 358, 1251, 1273, 1280
Ruggles, Timothy, 60, 64, 183, 912, 915, 966, 1054, 1056, 1058

PAGE

Russell, Benjamin, jun., ... 862
Russell, Charles, ... 914, 916
Russell, Edward, ... 977
Russell, James, ... 280, 358, 359, 1239, 1240
Russell, James, ... 983
Russell, John, ... 295, 354
Russell, Joseph, ... 362, 1239
Russell, Joseph, jun., ... 1239
Russell, Peter, ... 543
Russell, Thomas, ... 1239
Russia, ... 1006
Rutland, 14, 52, 100, 207, 211, 265, 266, 273, 314, 389, 403, 410, 430, 575, 676, 751, 788, 816, 840, 841, 842, 844, 864, 892, 915, 946, 1056, 1099, 1154, 1218, 1371, 1372, 1404, 1427
Rutland District (*see Hutchinson and Barré*), 14, 100, 211, 314, 389, 403, 410, 593, 676, 677

S.

Saco, ... 1463
Saco River, 206, 264, 265, 603, 666, 691, 777, 846, 1178, 1338
Sadler, Abiel, ... 368
Sage, Allen, ... 1236
Sage, Allen, jun., ... 1236
Sage, Selah, ... 1236
Sainsbury, W. Noel, ... 380
St. Croix, ... 1007, 1008
St. Domingo, ... 1025
St. Eustatia, ... 1317
St Georges, 211, 316, 405, 431, 578, 591, 592, 623, 674, 675, 696, 699, 700, 701, 753, 790, 865, 894, 950, 1104, 1158, 1222, 1385, 1405, 1428
St. George's River, . 592, 623, 674, 675, 696, 697, 698
St. James's, ... 283
Salem, 7, 32, 39, 40, 44, 45, 66, 93, 139, 148, 174, 175, 179, 180, 188, 190, 191, 210, 259, 267, 268, 270, 271, 272, 307, 324, 325, 369, 387, 396, 409, 424, 461, 474, 506, 507, 514, 543, 566, 600, 651, 661, 676, 678, 688, 710, 744, 783, 825, 852, 853, 863, 887, 903, 904, 913, 936, 1056, 1060, 1083, 1124, 1141, 1191, 1205, 1296, 1344, 1400, 1422
Salem Village (Danvers), ... 267
Salisbury, 8, 66, 94, 210, 308, 397, 424, 543, 566, 669, 744, 783, 863, 887, 937, 1083, 1141, 1205, 1400, 1422, 1452
Salisbury, James, ... 358
Salisbury, Samuel, ... 1321
Salter, Richard, ... 358
Saltonstall, Richard, ... 913, 916
Salvages, The, ... 149
Samson, Simeon, ... 1317, 1318
Samson, Stephen, ... 1319
Sanborn, Daniel, ... 692, 977, 978
Sanborn, David, ... 692, 977, 978
Sanborn, David, jun., ... 692, 978
Sanborn, Jeremiah, ... 692
Sanborn, John, ... 691, 978
Sanborn, Jonathan, ... 692, 977, 978
Sanborn, Peter, ... 978
Sanborn, Stephen, ... 978
Sanders, Thomas, ... 144, 150
Sandisfield, 16, 102, 211, 237, 317, 365, 405, 432, 579, 754, 790, 865, 894, 951, 1029, 1032, 1106, 1160, 1223, 1268, 1405, 1428
Sands, James, ... 1337
Sandwich, 11, 39, 88, 97, 160, 210, 259, 312, 395, 401, 428, 461, 572, 713, 748, 786, 864, 890, 904, 914, 943, 1005, 1094, 1124, 1150, 1213, 1378, 1379, 1402, 1425
Sandy Hill (Sudbury), ... 1171, 1325

PAGE

Sandy-Neck Meadow, ... 86, 458, 1121
Sanford, 13, 99, 211, 313, 402, 429, 574, 750, 787, 864, 891, 945, 1097, 1152, 1177, 1178, 1216, 1334, 1335, 1336, 1337, 1338, 1403, 1426
Sanford, Ezra, ... 656, 657
Sanford, Joseph, ... 660
Sanger, Zedekiah, ... 1195
Saratoga, ... 841, 842, 843, 844, 845
Sargeant, Christopher, ... 1009, 1010
Sargeant, Ezra, . . . 661, 673, 693, 871, 1383, 1440, 1461
Sargeant, Nathan, ... 857
Sargeant, Nathaniel Peasley, 655, 663, 679, 682, 1009, 1195, 1276
Sargent, Charles, ... 1335
Sargent, Daniel, ... 1373
Sargent, John, ... 913, 916, 1005
Sargent, Joseph, ... 1043
Sargent, Winthrop, ... 543
Sartell, Josiah, 665, 675, 681, 709, 711, 715, 720, 847, 1053, 1064
Sartine, Antoine Raymond Jean Gualbert Gabriel, 1317
Savage, Abraham, ... 716, 913, 916
Savage, Arthur, ... 915, 917, 1005
Savage, Ebenezer, ... 660
Savage, Habijah, . . . 274, 1130, 1239, 1271, 1272
Savage, Isaac, ... 358, 716
Savage, John, ... 274
Savage, Samuel Phillips, . . . 846, 1244, 1246, 1311
Savell, Benjamin, ... 1445
Savory, John, ... 797, 869
Sawmill-Brook Bridge, ... 177
Sawtell, Obadiah, ... 1345
Sawyer, Benjamin, ... 272
Sawyer, Benjamin, ... 834
Sawyer, Ebenezer (*see Sayer*).
Sawyer, George, ... 866
Sawyer, John, ... 978
Sawyer, Macajah, ... 1195
Sayer, Ebenezer, ... 509, 522, 527
Scarlett's Wharf (*see Hancock's Wharf*), . . . 262
Scarborough, 15, 90, 101, 206, 211, 218, 219, 265, 315, 365, 366, 404, 431, 577, 753, 789, 864, 893, 949, 1102, 1157, 1220, 1404, 1427
Scarborough, Samuel, ... 176
Scituate (*see Third Cliff*), 11, 97, 175, 210, 311, 400, 427, 459, 541, 571, 748, 786, 863, 890, 914, 942, 1092, 1122, 1149, 1212, 1402, 1425
Scollay, John, 275, 349, 350, 735, 741, 885, 929, 959, 961, 1016, 1052, 1193, 1239
Scott, David, ... 1232
Scott, Ebenezer, ... 176
Scott, Joseph, ... 913, 916, 1005, 1054
Scott, Nathaniel, ... 857, 859
Scott, Thomas, ... 859
Scott, William, ... 276, 351, 358
Scott, William, ... 718
Scott, William, ... 818
Scott, Capt. William, ... 1039
Scudder, Nathaniel, ... 1020
Seamens, Aaron, ... 1321
Searl, Isaac, ... 264, 279
Sears, Richard, ... 1383, 1384, 1435
Seaverns, Elisha, ... 992
Sebago Pond, ... 834, 976
Second Church (Ipswich), ... 533, 534
Second Church (Kittery), ... 533
Sedgwick, Theodore, 1032, 1195, 1382, 1393, 1435, 1436, 1440, 1454, 1455
Seger, Ebenezer, ... 992

PAGE

Seger, Henry, ... 992
Seger, John, ... 994
Seger, Josiah, ... 992
Seger, Nathaniel, ... 992
Seger, Samuel, ... 995
Selfuidge, Edward, ... 716
Selkrig, James, ... 913, 916
Selkrig, Thomas, ... 913, 916
Semple, John, ... 358, 913, 916
Semple, Robert, ... 913, 916
Separatist Church (Boston), ... 533
Service, also Servill Robert, ... 358, 913, 916
Sesuit Harbor, ... 40, 259, 904
Sever, William, 64, 278, 280, 359, 370, 371, 380, 513, 528, 537, 672, 681, 685, 694, 711, 726, 835, 839, 845, 857, 935, 1053, 1195, 1273, 1319, 1356
Sewall, David, 655, 659, 662, 682, 809, 871, 1195, 1245, 1276, 1336
Sewall, Dummer, ... 520, 1115
Sewall, Jonathan, . . . 913, 916, 966, 1054, 1056
Sewall, Joseph, ... 1135
Sewall, Samuel, . . . 147, 275, 276, 913, 916, 1005
Sewall, Samuel, ... 381
Sewall, Stephen, 810, 814, 821, 836, 860, 868, 1053, 1058, 1059, 1195, 1350, 1370
Sewall's Point, . . . 663, 664, 714, 715, 716
Seward, James, ... 274
Sexton, David, . . . 835, 847, 854, 1010, 1022, 1034, 1381
Sexton, James, ... 716
Seymour, Timothy, ... 716
Shakspeare, William, ... 361
Shapleigh, John, ... 185
Shapley, John, ... 660
Sharman (*see Sherman*).
Sharon, ... 1447, 1448
Sharp, Gibbins, ... 274
Sharp, Peter, ... 236
Shattuck, Reuben, ... 1269
Shaw, Ebenezer, ... 692, 977, 978
Shaw, Ebenezer, jun., ... 691, 978
Shaw, Joshua, ... 1242
Shaw, Josiah, ... 692, 977, 978, 980
Shaw, Nehemiah, ... 1242
Shaw, Obed, ... 1242
Shaw, Sargent, ... 692, 977, 978
Shearman (*see Sherman*).
Shearlock, John, ... 1321
Shed, John, ... 817
Shed, William, ... 1352, 1353, 1354
Sheepscut River, ... 227, 277, 329, 370, 562
Sheffield, 16, 101, 211, 236, 316, 405, 432, 469, 578, 754, 790, 865, 894, 950, 988, 1029, 1032, 1070, 1105, 1159, 1223, 1235, 1237, 1238, 1252, 1307, 1405, 1428
Sheffield, William, ... 1330
Sheffield's Mill, ... 1328, 1330
Shelburne, 10, 90, 96, 141, 210, 217, 218, 269, 270, 310, 399, 426, 542, 570, 746, 785, 863, 889, 940, 957, 1046, 1047, 1089, 1146, 1210, 1401, 1424
Sheldon, Elisha, ... 1236
Sheldon, Isaac, ... 716, 717
Shelley, Samuel, ... 1266
Shepard, Alexander, ... 991
Shepard, Alexander, jun., ... 992, 993, 994
Shepard, David, ... 1044, 1232, 1234
Shepard, Isaac, ... 68
Shepard, Jacob, ... 975
Shepard, John, ... 976, 1445

PAGE

Shepard, John, ... 994
Shepard, John, ... 1267
Shepard, Jonathan, ... 992
Shepard, Joseph, jun., ... 975
Shepard, Levi, ... 999
Shepard, William, ... 1039, 1278, 1279, 1280
Sheple, John, ... 205, 234
Sherborn, 9, 90, 95, 142, 210, 309, 397, 425, 568, 669, 745, 784, 851, 863, 888, 938, 995, 1086, 1143, 1207, 1260, 1261, 1400, 1423
Sherburne (Nantucket), 13, 46, 90, 99, 119, 120, 211, 306, 313, 388, 395, 402, 410, 429, 574, 750, 788, 864, 892, 946, 1098, 1153, 1217, 1403, 1426
Sherburne, Henry, ... 1290
Sherburne, Joseph, ... 350, 351, 352
Sherburne, Thomas, ... 275
Sherman, Abner, ... 1050
Sherman, Caleb, ... 656
Sherman, Ebenezer, ... 1439
Sherman, Gershom, ... 658, 659
Sherman, John, ... 368
Sherman, Nathaniel, ... 853
Sherman, Robert, ... 239, 282
Sherman, Roger, ... 811, 1013, 1264
Sherman, Samuel, ... 656
Sherman, Samuel, ... 1049
Sherman, Valentine, ... 239, 282
Sherman, William, ... 1445
Sherwin, Jacob, ... 228, 229, 230, 333, 373
Sherwin, Richard, ... 913, 916
Shewamet, 12, 98, 372, 401, 428, 573, 749, 1095, 1151, 1215, 1403, 1425
Shibles, John, ... 674, 698, 699, 700
Shilwell (*see Stillwell*).
Shippe, Nathan, ... 1046
Shippe, Peter, ... 1046
Shirley, 9, 95, 210, 309, 398, 425, 568, 745, 784, 863, 888, 939, 1087, 1144, 1208, 1299, 1302, 1345, 1401, 1423
Shirley, William, 149, 506, 854, 1328, 1329, 1349, 1350, 1351, 1354
Shiverick, David, ... 159, 160
Shiverick, Nathaniel, ... 663, 713, 1052
Short, John, ... 358
Shrewsbury, 14, 52, 100, 211, 314, 403, 430, 575, 751, 788, 864, 892, 914, 947, 1099, 1155, 1218, 1404, 1427
Shutesbury, 10, 96, 116, 144, 210, 311, 400, 427, 571, 747, 786, 863, 890, 941, 1091, 1147, 1211, 1402, 1424
Sibley, John, ... 1393, 1425, 1436
Sigourney, Charles, ... 357, 1239
Silsby, Daniel, ... 913, 916, 1005
Silver Greys, ... 847, 848
Simmes, John Cleves, ... 1013
Simons, Benjamin, ... 1050
Simons, Benjamin, jun., ... 1050
Simons, Joshua, ... 656
Simonton, Jonathan, ... 894
Simpkins, John, ... 357, 849, 1130, 1271, 1272
Simpkins, William, ... 275, 351, 352
Simpson, Jonathan, ... 913, 916, 1005
Simpson, Joseph, 810, 830, 984, 1032, 1062, 1273, 1279, 1336
Simpson, William, ... 913, 916
Sinclair, William, ... 295, 354
Singelar (*see Sinclair*).
Singletary, Amos, 519, 660, 810, 844, 845, 848, 861, 975, 1016, 1047, 1053, 1054, 1238, 1294, 1299, 1322, 1340, 1341, 1442, 1452

PAGE

Sipperwisset Beach, Great and Little, . 159, 182, 904
Skeket Harbor, ... 88, 460, 1123
Skelton's Neck, ... 270
Skilling, Joseph, ... 295, 354
Skinner, Francis, ... 913, 916
Skull Meadow, ... 875
Slack, Benjamin, ... 718
Slack, Benjamin, ... 870
Slack, Elizabeth, ... 870
Slack, John, ... 868, 870
Slack, Sarah, ... 870
Slack, William, ... 718
Slade, John, ... 870
Slayton, Reuben, ... 1039
Sleuman, William, ... 179
Sloan, George, ... 716, 718, 1029
Sloan, George, jun., ... 718, 719
Sloan, Normand, ... 718
Sloan, Robert, ... 716
Sloan, Thomas, ... 716
Sloan, William, ... 718
Slocomb, Simon, ... 973, 974
Small, Samuel, ... 1310
Smally, David, ... 674, 699
Smally, Joseph, ... 674, 698, 699
Smally, Taler, ... 674, 698, 699
Smead, David, ... 1045
Smith, Aaron, ... 827
Smith, Aaron, ... 867
Smith, Aaron, jun., ... 870
Smith, Abner, ... 1050
Smith, Abraham, ... 842
Smith, Amos, ... 1320, 1321
Smith, Archibald, ... 1335
Smith, Blodget, ... 928, 1024
Smith, Braddyll, ... 530, 549
Smith, Charles, ... 696
Smith, Chileab, ... 373
Smith, Daniel, ... 817
Smith, David, ... 867
Smith, Edward, ... 1302
Smith, Elias, ... 1419
Smith, Elisha, ... 147
Smith, Elisha, ... 847, 1337
Smith, Elisha, jun., ... 1337
Smith, Ephraim, ... 1212
Smith, Gideon, ... 986
Smith, Henry, ... 913, 916, 1005
Smith, Henry, ... 1011
Smith, Henry, ... 1335
Smith, Isaac, ... 275, 287, 359, 362, 1016, 1239
Smith, Israel, ... 272
Smith, Israel, ... 1023
Smith, James, ... 844, 845
Smith, Jared, ... 1241
Smith, J. E. A., ... 1275
Smith, Jeremiah, ... 1321
Smith, John, ... 358
Smith, John, ... 832
Smith, John, ... 1232, 1233
Smith, John, ... 1445
Smith, Jonathan, ... 513, 657, 1029, 1032
Smith, Jonathan, ... 674, 698, 699
Smith, Jonathan, ... 837
Smith, Jonathan, jun., ... 867
Smith, Joseph, ... 1050, 1388, 1441
Smith, Joshua, ... 914, 916, 1005
Smith, Joshua, ... 1039, 1040, 1303
Smith, Josiah, ... 1259, 1435, 1436

PAGE

Smith, Nathan, ... 975
Smith, Nathan, ... 1295
Smith, Nathaniel, ... 1447
Smith, Oliver, ... 358
Smith, Oliver, ... 674, 1463
Smith, Paschal N., ... 1239
Smith, Richard, ... 359, 913, 916
Smith, Robert, ... 868
Smith, Robert, ... 1251
Smith, Samuel, ... 833
Smith, Silvanus, ... 1039
Smith, Simon, ... 1320, 1321
Smith, Solomon, ... 914, 916
Smith, Stephen, ... 688
Smith, Stephen, ... 1242
Smith, William, ... 1003
Smith, William, ... 1038
Smith, William, ... 1447
Smith & Atkinson, ... 358
Snell, Ebenezer, ... 1240
Snell, Samuel, ... 832
Snelling, Jonathan, ... 913, 916, 1005
Snippatuit Pond, ... 84
Snow, Elisha, . . 674, 676, 696, 697, 698, 699, 700
Snow, Isaac, ... 145, 830, 1011
Snow, Joshua, ... 1355
Sohier, Edward, ... 1239
Somers, 10, 96, 210, 311, 370, 400, 427, 571, 747, 786, 863, 890, 942, 1092, 1148, 1211, 1402, 1424
Sommer, William, ... 842
South Brimfield, 10, 96, 210, 310, 399, 426, 570, 747, 785, 863, 889, 941, 1090, 1146, 1210, 1401, 1424
South Carolina, . . . 683, 850, 1012, 1249, 1295, 1297
South Hadley, 10, 90, 96, 210, 310, 399, 426, 542, 569, 746, 785, 863, 889, 940, 1042, 1089, 1145, 1209, 1401, 1424
South Kingston, ... 724
South Pond, ... 592, 675
South Shore, ... 585
Southampton, 10, 96, 210, 310, 399, 426, 569, 746, 785, 863, 889, 901, 940, 989, 990, 1036, 1037, 1088, 1145, 1209, 1401, 1424
Southard, George, ... 179
Southborough, 14, 90, 100, 142, 211, 311, 365, 403, 430, 575, 751, 788, 864, 892, 947, 1039, 1040, 1099, 1154, 1218, 1303, 1404, 1427
Southerly Pond, ... 294
Southern, Joseph, ... 71
Southgate, John, ... 843
Southtown, ... 234, 279
Southwick, 75, 76, 140, 210 311, 400, 427, 530, 571, 747, 786, 851, 863, 890, 942, 1043, 1091, 1116, 1147, 1211, 1266, 1267, 1402, 1424
Southworth, Jedediah, ... 1343
Spafford, Daniel, ... 543
Spain, ... 347, 1035, 1282, 1316, 1317
Sparhawk, John, ... 39, 259, 903
Sparhawk, Nathan, ... 676, 1048, 1371
Sparhawk, Nathaniel, ... 1060
Sparhawk, Samuel, . . . 972, 1061, 1062, 1063, 1064
Sparhawk, Thomas, ... 1058, 1059
Spaulding, Asa, jun., ... 1357, 1358
Spaulding, Enoch, ... 1041
Spaulding, Jesse, ... 1357
Spaulding, Job, ... 1357
Spaulding, Jonas, ... 1359, 1360
Spaulding, Jonathan, ... 1357, 1358
Spaulding, Simeon, ... 529, 857, 981
Spaulding, Thomas, ... 817

PAGE

Spaulding, Thomas, ... 1357
Spaulding, Zebulon, ... 831, 1357, 1361
Speaker, Mr. (*see Burrill, Cushing, Hancock, Hobson, Hubbard, Pickering, Warren and White*).
Spear, Jonathan, ... 674, 698
Spencer, 14, 100, 211, 314, 403, 429, 575, 751, 788, 818, 864, 892, 946, 1099, 1154, 1218, 1404, 1426
Spencer, Charles, ... 1321
Spencer, Eliphory, ... 718
Spencer, Joseph, ... 1004
Spencer, Robert Spencer, Lord, ... 293
Spencer, Rufus. 1321
Spencer, Thomas, ... 1320
Sperry, Aaron, ... 928, 1024
Sperry, Nathaniel, ... 928, 1024
Spink, Ishmael, ... 659
Spink, Shebna, ... 658, 659
Spinney, Ebenezer, ... 185
Spinney, John, ... 185
Spinney, John, *tertius*, ... 185
Spooner, Alden, ... 832
Spooner, George, ... 913, 916
Spooner, John, ... 275
Spooner, Joshua, ... 1055
Spooner, Walter, 184, 270, 273, 277, 280, 356, 357, 371, 382, 528, 655, 660, 662, 672, 675, 677, 681, 682, 723, 808, 810, 838, 975, 983, 1012, 1032, 1033, 1052, 1053, 1054, 1055, 1063, 1363, 1452
Sprague, Bunker, ... 346
Sprague, David, ... 656
Sprague, Ebenezer, ... 1046
Sprague, John, ... 844
Sprague, John, ... 1330
Sprague, Dr. John, ... 842, 1195
Sprague, Jonathan, ... 1046
Sprague, Joshua, ... 1321
Sprague, Nehemiah, ... 1046
Sprague, Samuel, . . . 140, 269, 278, 372, 515, 1303
Sprague, Thomas, ... 832
Sprague, William, ... 1320
Sprague, William, jun., ... 1320
Spring, John, ... 261
Springfield (*see, also, Long Meadow*), 9, 38, 44, 45, 75, 96, 133, 147, 148, 210, 310, 335, 336, 337, 338, 339, 375, 376, 377, 378, 379, 389, 399, 411, 426, 569, 746, 785, 810, 811, 812, 814, 815, 816, 818, 829, 863, 888, 889, 914, 940, 988, 1010, 1012, 1088, 1145, 1209, 1297, 1298, 1304, 1305, 1401, 1424
Sprout, Ebenezer, ... 140
Spruce Creek, ... 173, 185, 461
Spurr, Robert, ... 1058
Squire, Daniel, ... 656
Squire, Ezekiel, ... 338
Squire, Jesse, ... 656
Squire, Reuben, ... 656
Squire, Richard, ... 915, 917
Stacey, Caleb, ... 1038
Stacey, Richard, ... 295, 354
Stackpole, James, ... 674, 698, 699
Stackpole, James, ... 1011
Stafford, ... 530
Stafford, Joab, 847, 848, 909, 998, 1003, 1032, 1320, 1321
Stafford, Jonathan, ... 851
Stafford, Samuel, ... 1321
Stanbridge, Henry, ... 274
Standish, ... 976
Stanley, John, jun., ... 185
Stanley, Samuel, ... 826

PAGE

Stanton, Amos, ... 717, 826
Stanton, John, ... 658, 659
Stanwood, Joseph, ... 737, 824
Stanyan, John, ... 1335
Staple, Peter, ... 834
Staple, Samuel, ... 185
Stark, John, ... 842, 1297
Starkweather, Ephraim, 998, 1243, 1280, 1308, 1313, 1345, 1388
Starrow, Joseph, ... 215, 269
State House (Philadelphia), ... 1264
State House, Old (Boston), . . 651, 808, 1256, 1298
State Street (Boston), ... 263, 651
Staten Island, ... 683
Station Tree, ... 224
Stearns, Ebenezer, ... 1051
Stearns, Eleazer, ... 989
Stearns, Josiah, ... 1419, 1456, 1458, 1459
Stearns, Nathaniel, ... 1050
Stearns, Simon, ... 1446
Stearns, Stephen, ... 1058
Stearns, William, ... 1251
Stebbins, Jonathan, ... 379
Stedman, Ebenezer, ... 1061, 1062
Stedman, John, ... 357
Steel, James, ... 1438
Steel, Samuel, ... 1438
Stel, John, ... 353
Stephens, Benjamin, ... 847, 1337
Stephens, Timothy, ... 976
Stephenson, John, ... 832
Stephenson, John, ... 844
Stephenson, John, jun., ... 69
Stevens, Abraham, ... 1051
Stevens, Amos, ... 147
Stevens, Asa, ... 1003
Stevens, David, ... 1003
Stevens, David, ... 1335
Stevens, Ebenezer, ... 1279
Stevens, Ephraim, ... 867
Stevens, Israel, ... 858
Stevens, Jacob, ... 858
Stevens, Joel, ... 984
Stevens, John, ... 295, 354
Stevens, Jonas, ... 983
Stevens, Joseph, ... 147, 984
Stevens, Martin, ... 1050
Stevens, Moses, ... 1335
Stevens, Nathaniel, ... 1051
Stevens, Nathaniel Gove, ... 1049
Stevens, Samuel, ... 147
Stevens, Thomas, ... 222, 272
Stevens, Thomas, ... 674, 698, 699
Stevens, Timothy, ... 975
Stevens, Valentine, ... 1335
Stevens, Wilder, ... 1049
Stevenson, Isaac, ... 181, 182
Steward, Daniel, ... 842
Stewart, James, ... 1045, 1270
Stewart, John (*see Garlies*).
Stewart, William, ... 1268
Stickney, Daniel, ... 1358
Stickney, William, . . 261, 277, 663, 710, 1048, 1190
Stickney, William, ... 737, 824
Stiles, Enoch, ... 835
Stiles, Noah, ... 835
Stillwater, ... 842
Stillwell, Thomas, ... 656
Stillwill, Dan, ... 928, 1024

PAGE

Stimpson, Daniel, ... 64
Stimpson, Jeremy, ... 1435
Stimpson, William, ... 1239
Stimson, Ephraim, ... 353
Stimson, Richard, ... 353
Stimson, Stephen, ... 847, 1337
Stockbridge, 16, 101, 115, 211, 236, 237, 238, 316, 325, 326, 369, 371, 389, 390, 405, 411, 432, 514, 578, 740, 754, 790, 826, 828, 829, 865, 894, 951, 986, 987, 996, 1021, 1029, 1032, 1052, 1105, 1159, 1223, 1235, 1252, 1275, 1276, 1388, 1405, 1428, 1464
Stockbridge, David, ... 281, 366
Stockbridge Indians, ... 238, 1235
Stockwell, Benaiah, ... 1050, 1051
Stockwell, Eleazer, ... 1236
Stockwell, Ichabod, ... 1236
Stockwell, Jabez, ... 797, 860
Stockwell, James, ... 1050
Stoddard, Anthony, ... 1445
Stoddard, Asa, ... 276, 350, 351, 352
Stoddard, Stephen, ... 1381
Stoddard, Thomas, ... 358
Stodder, Asa (*see Stoddard*).
Stone, Artemas, ... 832
Stone, Benjamin, ... 1347
Stone, David, ... 859
Stone, Gideon, ... 1337
Stone, Isaac, 810, 841, 848, 850, 1016, 1017, 1053, 1055, 1245, 1300, 1341
Stone, Israel, ... 859
Stone, Jesse, ... 859
Stone, Jonathan, . . . 854, 855, 856, 858, 859
Stone, Jonathan, ... 859
Stone, Josiah, 520, 528, 707, 710, 711, 726, 990, 1010, 1038, 1047, 1051, 1171, 1262, 1286, 1325
Stone, Levi, ... 797, 860
Stone, Moses, ... 1171, 1325, 1326
Stone, Ruth, ... 859
Stone, Uriah, jun., ... 798
Stoneham, 9, 95, 210, 309, 398, 425, 568, 746, 784, 863, 888, 939, 1088, 1145, 1209, 1401, 1423
Stony Gutter, ... 75
Stony Hill, ... 203, 337, 338, 377, 379, 380
Stony River, ... 177
Storer, Ebenezer, ... 261, 357, 1195, 1369
Storer, Joseph, ... 663, 672, 673
Story, William, 509, 518, 523, 538, 652, 653, 654, 660, 662, 663, 672, 688, 699, 700, 709, 723, 1052
Stoughton, 7, 48, 68, 69, 93, 116, 144, 210, 224, 307, 334, 335, 375, 396, 424, 565, 596, 669, 686, 743, 782, 862, 869, 875, 876, 886, 899, 935, 956, 972, 974, 975, 976, 1082, 1140, 1204, 1250, 1343, 1346, 1394, 1399, 1411, 1412, 1422, 1437, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451
Stoughton, Samuel, ... 1275, 1276
Stoughtonham, 7, 69, 93, 210, 307, 334, 335, 375, 396, 424, 565, 669, 743, 782, 818, 862, 875, 886, 899, 935, 956, 972, 973, 974, 976, 1082, 1140, 1204, 1250, 1343, 1346, 1399, 1411, 1412, 1422, 1437, 1444, 1447, 1448, 1449, 1450, 1451
Stow, 9, 95, 141, 210, 270, 309, 343, 344, 358, 359, 370, 383, 398, 411, 425, 568, 718, 745, 784, 818, 863, 888, 938, 1086, 1143, 1170, 1207, 1325, 1400, 1423
Stow, Simeon, ... 1050, 1051, 1135
Stowe, Edward, ... 913, 916, 1054
Strait Pond, ... 49, 69, 70
Strange, Lot, *tertius*, ... 914, 916

PAGE

Stratton, Isaac, ... **667, 1237,** 1275, 1276
Stratton, Richard, ... 975
Streeter, John, ... 1242
Streeter, Samuel, ... 1242
Strong, Caleb, ... **687, 900,** 1195, 1257
Strong, John, ... 989
Strong, John, ... 1275
Strong, Noah, ... 989
Strong, Ozias, ... 717, 826
Strout, George, ... 1252
Strout, John, ... **978**
Strout, Joshua, ... **834**
Sturbridge, 15, 52, 100, 211, 314, 365, 366, 403, 430, 495, 576, 751, 789, 864, 893, 947, 1100, 1155, 1219, 1404, 1427
Sturdivant, Josiah, ... 284
Sturdivant, Moses, ... 284
Sudbury, 9, 95, 210, 309, **397, 425,** 568, 745, 784, 863, 888, 938, **1086, 1143, 1170,** 1171, 1207, 1260, 1323, **1324, 1325,** 1326, 1327, 1328, 1400, 1423
Suffield, 10, 75, 96, 210, 311, 400, 427, 571, 747, 786, 863, 890, **942, 1092, 1148,** 1211, 1266, 1402, 1424
Suffolk, County of, 7, 17, 44, 45, 65, 93, 103, 116, 177, 210, 224, 225, 246, 262, 272, 273, 275, 282, 302, 307, 318, 350, 351, 396, 406, 423, 424, 432, 439, 455, 456, 465, 487, 490, **511,** 513, 515, 517, 526, 531, 555, 565, **566,** 579, 588, 593, 594, 598, 651, 652, **663,** 664, 675, 677, 678, 679, 685, 712, **715,** 722, 723, 724, 743, 755, 765, 775, **782, 783,** 791, 804, 848, 861, 862, 865, **870,** 871, 875, 886, 887, 895, 913, 935, **936,** 952, 956, 1005, 1007, 1027, **1028, 1055,** 1056, 1081, 1082, 1198, **1115, 1135,** 1139, 1140, 1161, 1203, **1204, 1225,** 1241, 1249, 1261, 1284, **1296, 1297,** 1298, 1342, 1343, 1344, **1345, 1376,** 1377, 1380, 1381, 1382, **1399, 1405,** 1411, 1419, 1422, 1429
Suffolk, Henry Howard, Earl of, ... **283**
Sullivan, James, 514, **527,** 530, 538, 543, 544, 652, 665, **672, 682, 694,** 695, 707, 708, 709, 710, 726, 822, 871, 1009, 1011, 1025, 1026, **1032, 1033, 1048,** 1052, 1054, 1195, 1276
Sumner, Ebenezer, ... 674, **1394, 1437**
Sumner, George, ... 1394, **1437**
Sumner, Increase, 723, **809,** 814, 815, 817, 838, 847, 999, 1012, 1016, 1020, 1026, 1032, 1034, 1047, 1048, 1053, 1054, 1246
Sumner, John, ... 975
Sumner, Nathaniel, ... 1394, **1437,** 1448, 1449
Sumner, Samuel, ... **350, 351, 352**
Sumner, Seth, ... 1303, 1304
Sunderland, 10, 96, 210, 310, 327, 328, 365, 369, 370, 399, 426, 514, 570, 747, 785, 863, 889, 914, 940, **1089, 1146,** 1210, 1401, 1424
Sutton, 14, 52, **89, 99, 199,** 211, 314, 403, 429, 575, 751, 788, 796, 797, 798, 816, 837, 838, 844, 845, 854, 855, 856, 857, 858, 859, 860, 864, 892, 899, 946, 955, 1098, 1154, 1177, 1218, 1334, 1403, 1426, 1452
Swainson, Robert, ... 1337
Swallow, Jonathan, ... 1355
Swan, James, ... 1027
Swan, Jonathan, ... 543, 1010
Swan, Samuel, ... 1071
Swan Island, ... 227
Swan Pond, ... 777, 846, 1178, 1338
Swanzey, 5, 12, 53, 89, 98, 171, 211, 306, 312, 395, 401, 428, 530, 573, 749, 787, 864, 891, 944, 1095, 1151, **1215, 1403, 1425**

PAGE

Sweat, Moses, ... **847,** 1337
Sweet, David, ... 656
Sweet, Francis, ... 656, 658, 659, 984
Sweet, Henry, ... 658, 659
Sweet, Peleg, ... 658, 659
Sweet, Robert, ... 658, 659, 984
Sweeting, Lewis, ... 667
Sweetzer, Henry Phillips, ... 1239
Sweetzer, John, jun., ... 1071, 1239
Swett, John Bernard, ... 1195
Swift, Ebenezer, ... 717, 827
Swift, Job, ... 1445, 1447
Swift, Moses, ... 370
Swift River, ... 155, 181, 182
Sylvester, William, ... 831
Sylvestertown, . . 864, 1103, 1157, 1221, 1404, 1427
Symmes, William, ... 1419
Symonds, David, ... 358, 359
Symonds, John. 841

T.

Taconic (or Tauconnuck) Mountain, 1069, 1070, 1235, 1236, 1237, 1238
Taggard (*see Taggart*).
Taggart, Nathaniel, ... 1393
Tailer, William (*see Taylor*).
Talbot, George, ... 1445, 1446
Talbot, Peter, ... 1437, 1448
Talbot, William Talbot, Earl (*Lord Steward of the Household*), ... 283
Tarboll, Cornelius, ... 267
Tarbox, Eleazer, ... 1011
Tarpaulin-Cove Island, . . 86, 461, 1124, 1127, 1270
Tarrytown, ... 986
Tatman, Jabez, ... 854, 857
Tatman, John, ... 857
Taunton, 12, 44, 45, 63, 65, 66, 67, 98, 140, 211, 296, 306, 312, 364, 381, 401, 423, 573, 687, 749, 787, 816, 864, 891, 914, 944, 1056, 1095, 1151, 1214, 1403, 1425
Taunton Great River, ... 140, 381
Taylor, Benjamin, ... 1029
Taylor, Eldad, ... 76, 658
Taylor, Enos, ... 1046
Taylor, Ezra, ... 1385
Taylor, John, 184, 261, 279, 370, 518, 592, 662, 663, 675, 687, 698, 701, 707, 721, 723, 810, 812, 850, 868, 869
Taylor, John, ... 274
Taylor, John, ... 1242
Taylor, Joseph, ... 847
Taylor, Joseph, ... 913, 916
Taylor, Lemuel, ... 1046
Taylor, Nathaniel, ... 913, 916
Taylor, Nathaniel, jun., ... 1357
Taylor, Othniel, ... 1046
Taylor, Samuel, ... 759, 760, 837
Taylor, Samuel, ... 1046, 1047
Taylor, William, . . . 205, 234, 263, 264, 279, 381
Taylor, William, ... 913, 916
Taylor, William, ... 1115
Tebets, Moses, ... 1335
Temple, Benjamin, ... 1351
Temple, Hananiah, ... 1049
Temple, John, ... 55
Temple, Richard, ... 1351
Templeton, 15, 100, 211, 315, 403, 430, 576, 752, 789, 864, 893, 948, 1101, 1155, 1219, 1404, 1427
Teney, Samuel, ... 834

PAGE

Tennent, Joshua, ... 674
Tenney, Thomas, ... 1328
Ten Thousand Acres, The, ... 1047, 1048
Terree, Zebedee, ... 914, 916
Tewksbury, 9, 90, 95, 210, 309, 365, 366, 398, 426, 560, 746, 784, 863, 888, 939, 989, 1087, 1144, 1208, 1353, 1401, 1423
Thames River, ... 380
Thatcher, David, ... 836, 1037, 1378
Thatcher, Samuel, 654, 667, 707, 843, 844, 1062, 1270, 1284, 1381
Thatcher's Island, . . 137, 149, 150, 151, 152, 170
Thatcher's Island Ledge, ... 149
Thaxter, Joseph, ... 70
Thaxter, Joseph, jun., ... 1025, 1299
Thaxter, Samuel, . . 205, 234, 264, 273, 279, 348, 354
Thayer, Arodi, ... 913, 916, 1005
Thayer, Asa, ... 989
Thayer, Asahel, ... 1047
Thayer, Cornelius, ... 275
Thayer, Ebenezer, jun.. 183, 276, 280, 366, 509, 675, 975, 1447
Thayer, Elias, ... 989
Thayer, Ichabod, jun., ... 1331, 1387
Thayer, Jonathan, ... 273, 274
Thayer, Micah, ... 1177, 1334
Thayer, Reuben, ... 844
Thayer, Timothy, ... 989
Thayer, William, ... 1387
Thepault, William, ... 1038
Third Church (Ipswich), ... 533
Third Cliff (Scituate), ... 175, 459, 1122
Thomas, Benjamin, ... 1016, 1345
Thomas, Eben, ... 1011
Thomas, Elias, ... 274
Thomas, Ezekiel, ... 832
Thomas, Israel, ... 658, 659
Thomas, John, ... 716, 1319, 1320
Thomas, Nathaniel Ray, . . 914, 916, 966, 1054, 1056
Thomas, Nehemiah, ... 720, 1016
Thomas, Richard, ... 1011
Thomas, Thomas, ... 824
Thomas, Waterman, ... 592, 624, 697
Thomaston, 623, 624, 676, 753, 790, 830, 865, 894, 950, 1001, 1104, 1158, 1221, 1310, 1311, 1389, 1405, 1427, 1443, 1462, 1463
Thompson, James, ... 275
Thompson, James, ... 1324, 1326
Thompson, John, ... 1335
Thompson, Joseph, ... 1335
Thompson, Phinehas, ... 1335
Thompson, Samuel, 509, 510, 518, 519, 522, 530, 704, 1011
Thompson, Thomas, ... 692, 978
Thompson, William, ... 694, 699, 1463
Thomson, Charles, ... 1025
Thomson, Ichabod, ... 1046
Thomson, Jacob, ... 273
Thomson, Samuel, ... 983
Thomson, William, ... 281
Thorn, Bartholomew, ... 977, 978
Thorne, Israel, ... 977, 978
Three Miles Additional Grant, . . 123, 125, 146
Thurston, Daniel, 261, 264, 411, 1024, 1034, 1035, 1048, 1331, 1379
Thurston, Paul, ... 798
Thwing, John, ... 832
Thwing, John, ... 1329
Thwing, John, jun., ... 832
Thwing, Nathaniel, ... 1022, 1023, 1331
Ticonderoga, . . . 680, 681, 686, 700, 705, 1028

PAGE

Tiffany, Humphrey, ... 1321
Tilden, Israel, . . . 239, 282, 914, 916, 1054, 1056
Tilden, John, jun., ... 239, 282
Tileston, John, ... 1271
Tiley, William, ... 716
Tippets, John, jun., ... 920, 1010
Tirrell, Gideon, ... 374
Tisbury, 13, 46, 88, 89, 99, 211, 313, 402, 429, 461, 574, 691, 750, 788, 864, 892, 945, 1097, 1124, 1153, 1217, 1403, 1426
Tisdale, Henry, ... 914, 916
Titcomb, Benjamin, 515, 603, 604, 691, 692, 979, 980, 982
Titcomb, Jonathan, . . 1024, 1034, 1042, 1238, 1286, 1381
Tittle, John, ... 295, 354
Titus, Simeon, ... 832
Tobe, Nathaniel, ... 827
Tobey, Samuel, ... 1011, 1306, 1335, 1381
Todd, Eliel, ... 412, 996
Todd, Robert, ... 843
Todd, Samuel, ... 998
Tolman, Isaiah, ... 674, 698, 699, 1463
Tolman, Isaiah, jun., ... 674, 698, 1463
Tolman, John, . . . 1411, 1412, 1448, 1449, 1450, 1451
Tolman, Timothy, ... 1415
Tomlinson, Abijah, ... 827
Tompson, John, ... 977, 978, 979, 980, 981
Topham, "Captain," 683
Topliff, Samuel, ... 350, 351, 352
Toppan, Amos, ... 824
Topsfield, 8, 94, 210, 271, 285, 286, 308, 397, 424, 566, 744, 783, 863, 887, 937, 1084, 1141, 1205, 1400, 1422
Topsham, 16, 101, 211, 316, 405, 431, 514, 577, 753, 790, 864, 894, 949, 1103, 1157, 1221, 1404, 1428
Torrey, Stephen, ... 1387
Totherly, John, ... 185
Town, Ephraim, ... 1051
Town, John, ... 1384
Town, Samuel, ... 1051
Town, Silas, ... 1050
Town, William, ... 272
Town Mills (Bridgewater), ... 83
Towner, William, ... 1321
Townley, John, ... 716, 717
Townsend (Boothbay), ... 600, 683
Townsend, Amasa, ... 656, 658, 659
Townsend, Amasa, jun., ... 659, 984, 988
Townsend, Gregory, ... 913, 916, 1005
Townsend, Martin, ... 656
Townsend, Martin, jun., ... 984, 988
Townsend, Penn, ... 381
Townsend, Shippee, ... 274
Townsend, William Blair, ... 212, 358
Townshend, 9, 90, 95, 205, 210, 264, 309, 366, 398, 425, 563, 745, 784, 863, 888, 914, 939, 1087, 1144, 1208, 1401, 1423
Tracey, Patrick, ... 149
Tracy, Nathaniel, ... 1195
Trap-hole Brook, ... 1437
Trask, Samuel, ... 797, 860
Trask, Samuel, jun., ... 860
Treat, Richard, ... 656
Tree's Grant, ... 988
Tremain, Simeon, ... 1021
Trescott, Samuel, ... 1237
Trevet, Richard, ... 688
Trippe, Benjamin, ... 847, 1337
Trout Brook, ... 1444
Troutbeck, John, ... 298, 357, 913, 916, 1005

PAGE

Trowbridge, Edmund, ... 1061
Trull, David, ... 867
Trumbull, Jonathan, 685, 1018, 1264, 1265, 1338, 1439, 1453, 1459, 1460
Trumbull, Obedience, ... 716
Trumbull, Richard, ... 1239
Truro, 12, 86, 87, 98, 211, 312, 367, 395, 401, 428, 458, 459, 572, 749, 787, 864, 891, 943, 1094, 1120, 1122, 1150, 1214, 1402, 1425
Trusdill, Jonathan, ... 1003
Tryon, William, ... 186
Tucker, Samuel, ... 1247
Tuckerman, John, ... 1246, 1247
Tudor, John, ... 275, 276, 349, 350
Tudor, John, ... 1061
Tudor, William, 871, 1231, 1239, 1247, 1264, 1286, 1332, 1338, 1340, 1369, 1439
Tuel, Benjamin, ... 1049, 1051
Tufft, John, ... 353
Tufft, John, jun., ... 353
Tufts, Cotton, ... 1195
Tufts, Simon, ... 144, 184, 272, 273, 366
Tufts, Simon, ... 913, 916
Tullar, John, ... 1236
Tupper, Benjamin, ... 1247, 1278, 1375
Tupper, Eldad, ... 914, 916
Tupper, Mayhew, ... 1445
Tupper, Thomas, ... 1445
Tupper, William, ... 532
Turkey Hills, ... 205, 234, 279
Turner, Abiel, ... 994
Turner, Charles, ... 1341
Turner, Hezekiah, ... 716
Turner, Israel, ... 1059
Turner, John, 513, 667, 696, 709, 726, 816, 829, 1135, 1322, 1343, 1345
Turner, John, ... 1239
Turner, Mercy, ... 1231
Turner, Philip, ... 1231
Turner, Stephen, ... 716
Turtle Pond, ... 335, 379
Tweed (The ship), ... 139
Twitchel, Joseph, ... 142
Tyler, Andrew, ... 275
Tyler, Andrew, ... 276
Tyler, Elijah, ... 989
Tyler, James, ... 986
Tyler, Jesse, ... 920, 1010
Tyler, John, ... 1331, 1387, 1442
Tyler, Joseph, ... 274
Tyler, Miriam, ... 276, 349, 350, 351, 352
Tyler, Nathan, ... 982, 1010, 1052, 1310
Tyler, Nathan, ... 989
Tyler, Nathan, ... 1329
Tyler, Nathaniel, ... 920, 1010
Tyler, Royall, ... 57, 277, 844
Tyler, Royall, ... 181
Tyler, Royall, ... 218, 219
Tyler, Stephen, ... 989
Tyler, William Clark, ... 181
Tyng, Eleazer, ... 837
Tyng, John, ... 368, 1041
Tyng, William, ... 366, 915, 917
Tyption, John, ... 832
Tyringham, 16, 102, 211, 316, 405, 432, 578, 635, 740, 754, 790, 865, 894, 951, 1032, 1106, 1159, 1223, 1388, 1405, 1428, 1435
Tyringham Equivalent (Loudon), . . 211, 267, 316

U.

PAGE

United American States (*see United States*).
United Colonies, or United American Colonies, 436, 437, 445, 446, 450, 452, 463, 464, 472, 473, 474, 476, 477, 479, 480, 482, 483, 484, 495, 497, 503, 504, 516, 520, 521, 523, 524, 525, 527, 528, 530, 531, 532, 537, 543, 544, 548, 612, 630, 651, 652, 694, 695, 702, 703, 708, 710, 722, 770, 1009, 1412, 1413
United States, or United States of America, 558, 561, 583, 588, 589, 591, 596, 598, 600, 601, 608, 612, 613, 614, 615, 622, 624, 626, 627, 628, 630, 631, 634, 636, 639, 640, 644, 647, 648, 649, 650, 652, 655, 664, 669, 678, 679, 682, 683, 684, 686, 693, **695, 705, 706, 711, 712,** 721, 722, 725, 726, 732, 734, 736, 739, 758, 769, 770, 771, 772, 794, 806, 807, 809, 810, 814, 818, 825, 836, 839, 840, 842, 843, 844, 848, 849, 850, 877, 898, 912, 915, 917, 918, 919, 923, 931, 960, 967, 968, 969, 970, 971, 983, 984, 987, 995, 1000, 1004, 1006, 1007, 1008, 1009, 1015, 1016, 1026, 1028, 1033, 1034, 1035, 1053, 1054, 1073, 1074, 1075, 1077, 1110, 1112, 1113, 1114, 1163, 1165, 1166, 1173, 1174, 1178, 1180, 1183, 1197, 1200, 1227, 1229, 1230, 1237, 1243, 1246, 1248, 1249, 1254, 1255, 1256, 1261, 1262, 1263, 1264, 1265, 1266, 1273, 1277, 1278, 1280, 1281, 1282, 1289, 1294, 1295, 1297, 1305, 1307, 1311, 1312, 1313, 1315, 1316, 1317, 1324, 1332, 1333, 1338, 1339, 1341, 1343, 1370, 1371, 1372, 1374, 1375, 1376, 1379, 1380, 1395, 1396, 1398, 1406, 1408, 1409, 1413, 1415, 1430, 1432, 1433, 1440, 1441, 1452, 1455, 1461
Upham, Abijah, ... 334
Upham, Joshua, ... 913, 916, 1005
Upham, Josiah, ... 867
Upham, William, jun., ... 992
Upper Housatonic, ... 411
Upper Sheffield (Great Barrington), . . . 280
Upper Wharf (Springfield), ... 335, 379
Upton, 14, 90, 100, 142, 199, 211, 314, 367, 368, 403, 430, 576, 751, 789, 864, 893, 947, 1100, 1155, 1172, 1219, 1329, 1330, 1331, 1404, 1427
Usher, William, ... 1011
Uxbridge, 14, 52, 89, 100, 128, 129, 198, 199, 200, 211, 261, 262, 314, 395, 403, 412, 430, 520, 575, 751, 788, 816, 844, 864, 892, 947, 1100, 1155, 1219, 1404, 1427

V.

Van Deusen, Matthew, ... 717, 826
Vandusen (*see Van Deusen*).
Van Dyke, Nicholas, ... 1264
Van Rensselaer, Henry J., ... 1435
Van Rensselaer, Robert, ... 1435
Vane, Melatiah, ... 975
Varney, Francis 1337
Vassalborough, 135, 136, 211, 316, 405, 431, 530, 577, 753, 790, 864, 894, 949, 1104, 1158, 1222, 1405, 1428
Vassall, John, ... 913, 916, 1054, 1056
Vassall, William, ... 913, 916
Vaughan, David, ... 656, 984
Vaughan, Joseph, ... 988
Vaughan, Wilmot (*see Lisburne*).
Vergennes, Charles Gravier, Count, ... 1317
Vermont, ... 1232
Vernon, Fortesque, ... 275
Vernon, William, ... 1260
Vernor, James, ... 1259

PAGE

Verry, John, ... 222, 272
Verstille, Peter, ... 353
Vinal, Josiah, ... 975
Vining, Benjamin, ... 834
Virginia, 679, 681, 850, 1008, 1012, 1019, 1249, 1258, 1264, 1295, 1297, 1379
Vornornum, Luke, ... 656
Vose, Daniel, ... 508, 1035
Vose, Joseph, ... 1039
Vose, Seth, ... 674
Vose, Spencer, ... 1246, 1247

W.

Wade, Nathaniel, ... 1297
Wadsworth, Benjamin, ... 140
Wadsworth, Christopher, ... 334
Wadsworth, James, ... 1257
Wadsworth, Jeremiah, ... 1461
Wadsworth, Peleg, ... 1016, 1377
Waine, William, ... 358
Wainwright Farm, ... 536
Wait, Elijah, ... 125
Wait, John, ... 125
Wait, William, ... 656
Waite, John, ... 515, 1115
Walch, David, ... 674, 699
Waldo, Benjamin, ... 1239, 1240
Waldo, Daniel, ... 187, 275, 353
Waldo, Francis, ... 915, 917, 1001
Waldo, John, ... 995
Waldo, Samuel, ... 352, 353, 699, 1001
Waldo, Thomas, ... 275
Waldoborough, 293, 294, 431, 530, 577, 592, 675, 753, 790, 864, 894, 950, 1104, 1158, 1222, 1404, 1423
Waldron, Thomas, ... 88, 461, 1124
Wales, Ebenezer, 720, 983, 988, 1010, 1011, 1016, 1048, 1238, 1243, 1247, 1261, 1271, 1279, 1282, 1291, 1306, 1308, 1311, 1332, 1368, 1369, 1383, 1397, 1436, 1456
Wales, Jonathan, ... 989
Wales, Nathaniel, ... 669
Walker, Adam, ... 914, 916
Walker, Benjamin, ... 914, 916
Walker, Charles, ... 1321
Walker, Elnathan, . . . 261, 262, 268, 272, 273, 370, 375
Walker, Gideon, ... 914, 916
Walker, John, ... 38, 716, 717, 914, 916, 1054
Walker, Micah, ... 362, 363
Walker, Solomon, ... 1023, 1286
Walker, Stephen, ... 1242
Walker, Thomas, ... 1246
Walker, Timothy, ... 658, 659
Walker, William, ... 987, 1029, 1032, 1436
Walker, Zera, ... 914, 916
Walley, Thomas, 1231, 1247, 1249, 1255, 1281, 1296, 1314, 1315, 1332, 1341, 1369, 1381, 1439, 1440
Wallis, James, ... 854, 855, 856
Wallis, John, ... 1269
Walnut Hill, ... 1047
Walpole, 7, 93, 210, 307, 396, 424, 565, 669, 742, 782, 863, 875, 886, 899, 936, 956, 972, 973, 974, 976, 1082, 1140, 1204, 1250, 1343, 1346, 1399, 1411, 1422, 1444, 1445, 1447
Walpole Corner, ... 875, 973, 974
Walter, William, ... 913, 916, 1005
Waltham, 9, 95, 210, 309, 398, 425, 568, 715, 745, 784, 863, 888, 938, 1086, 1143, 1207, 1400, 1423
Walworth, Amos, ... 1269

PAGE

Walworth, James, ... 1269
Walworth, Joshua, ... 1269
Walworth, William, ... 1269
Ward, 796, 797, 798, 799, 860, 864, 899, 955, 956, 1040, 1101, 1156, 1220, 1250, 1251, 1404, 1427
Ward, Artemas, 65, 140, 261, 264, 266, 273, 274, 278, 279, 281, 356, 374, 381, 411, 512, 513, 651, 668, 685, 723, 810, 838, 839, 855, 858, 859, 987, 1016, 1047, 1053, 1054, 1055, 1273, 1337, 1340, 1369, 1439
Ward, Benjamin, ... 870
Ward, Ebenezer, jun., ... 179, 190
Ward, Edward, ... 1051
Ward, Ezra, ... 1039
Ward, Gershom, ... 1046
Ward, Henry, ... 669
Ward, Ichabod, ... 71
Ward, Jabez, ... 1029
Ward, Jonathan, ... 1046, 1047
Ward, Joseph, ... 993, 994
Ward, Josiah, ... 1046
Ward, Mehellel, ... 870
Ward, Nahum, ... 1046
Ward, Samuel, 861, 1010, 1026, 1240, 1295, 1381, 1461
Ward, Samuel, ... 870
Ward, William, ... 1003, 1241
Wardborough, ... 860
Warden, James, ... 275
Warden, William, ... 913, 916
Ware, 10, 96, 133, 134, 210, 310, 399, 427, 530, 570, 747, 785, 863, 889, 941, 1091, 1147, 1211, 1402, 1424
Ware, Ephraim, ... 870
Ware, Josiah, ... 867
Ware, Melatiah, ... 976
Ware, Samuel, ... 870
Ware, Samuel, jun., ... 870
Ware River, ... 133, 134, 148
Wareham, 11, 88, 97, 210, 311, 366, 368, 400, 428, 461, 572, 748, 786, 863, 890, 943, 1093, 1124, 1149, 1213, 1297, 1402, 1425
Warland, Owen, ... 1061
Warner, Caleb, ... 287
Warner, Downing, ... 125
Warner, Jonathan, ... 125, 847
Warner, Joshua, ... 125
Warner, Zachariah, ... 338
Warner, Zachariah, jun., ... 338
Warner's Mills, or Mill-dam, . . 31, 32, 257, 286, 287
Warren, 578, 591, 592, 623, 676, 697, 698, 699, 700, 701, 753, 790, 864, 894, 950, 1104, 1158, 1222, 1405, 1423
Warren, Benjamin, ... 179
Warren, Ephraim, ... 1302
Warren, Ephraim, jun., ... 1302
Warren, James (*Speaker of the House of Representatives*), 356, 365, 412, 509, 513, 517, 522, 537, 541, 652, 660, 661, 663, 664, 665, 668, 677, 678, 679, 681, 682, 685, 687, 691, 693, 694, 704, 707, 710, 711, 712, 714, 715, 720, 721, 724, 725, 726, 813, 814, 816, 821, 828, 829, 839, 985, 993, 1004, 1008, 1195, 1244, 1247, 1248, 1311, 1314, 1319, 1320, 1323, 1344, 1370, 1371, 1434, 1439, 1455
Warren, John, ... 715, 716, 1294
Warren, John, ... 1321
Warren, Mather, ... 125, 126
Warren, Stephen, ... 1320

PAGE

Warren, Thomas, ... 125, 126
Warren, "Widow," 125, 126
Warren, William, ... 125, 126
Warwick, 10, 96, 210, 310, 399, 427, 570, 747, 785, 863, 889, 941, 962, 963, 1049, 1050, 1051, 1091, 1147, 1211, 1402, 1424
Washburn, Abraham, ... 1381
Washburn Ebenezer, ... 661, 839, 1012, 1045
Washburn, Joseph, ... 1046
Washburn, Seth, 681, 830, 1005, 1030, 1045, 1053, 1054, 1063, 1135, 1246, 1280, 1319, 1332, 1343, 1345, 1375, 1387
Washington, 635, 636, 739, 740, 754, 791, 826, 865, 895, 951, 1029, 1032, 1106, 1160, 1224, 1387, 1392, 1405, 1428, 1443, 1464
Washington (Stoughtonham), ... 1448
Washington, Fort, ... 683, 684, 791
Washington, George, 651, 652, 678, 681, 686, 701, 702, 703, 704, 1247, 1265, 1279, 1284, 1285, 1304, 1374, 1377, 1448
Wason, David (*see Watson, David*).
Wasson, Stephen, ... 834
Waterhouse, Benjamin, ... 1370
Waterhouse, Samuel, ... 913, 916, 1056
Waters, Abraham, ... 860
Waters, Ebenezer, ... 1381
Waters, Josiah, ... 275
Waters, Josiah, jun., ... 1239
Waters, Richard, ... 860
Waters, Stephen, ... 860
Waters's Bridge, ... 221, 272
Waters's River, ... 221, 222, 271, 272
Watertown, 8, 94, 151, 167, 168, 183, 210, 308, 397, 415, 423, 425, 440, 442, 463, 467, 471, 505, 507, 512, 516, 518, 524, 530, 531, 536, 547, 558, 567, 651, 657, 659, 665, 669, 673, 675, 676, 696, 704, 706, 707, 715, 720, 745, 783, 826, 853, 863, 887, 905, 937, 978, 991, 995, 1058, 1060, 1085, 1142, 1206, 1260, 1400, 1423, 1440, 1461
Watkins, John, ... 1046
Watkins, Nathaniel, ... 1039
Watson, Abraham, 508, 540, 541, 660, 663, 681, 707, 1061, 1062
Watson, David, ... 674, 699, 1463
Watson, John, ... 716
Watson, Johnson, ... 797, 857, 860
Watson, Samuel, ... 716
Watson, William, ... 1115, 1320
Watson's Point, ... 592, 675
Watts, Nicholas, ... 1050
Watts, Samuel, ... 1057, 1349, 1350, 1352, 1446
Waugh, Robert, ... 147
Weare, Meshech, ... 816, 1373, 1374, 1453
Webb, Barnabas, ... 1271
Webb, John, ... 274
Webb, Jonathan, ... 179, 190
Webb, Nehemiah, ... 914, 916, 1005
Webb, Samuel, ... 179, 190
Webb, W., ... 274
Webb, William, ... 1445
Webber, Benjamin, ... 920, 1010
Webber, Ebenezer, ... 1232
Webber, Elisha, ... 920, 1010
Webber, Ezekiel, ... 1337
Webber, John, ... 1232
Webber, Jonathan Hart, ... 1232
Webber, Nathaniel, ... 920, 1010

PAGE

Webber, Samuel, ... 920, 1010
Webber, William, ... 920, 1009
Webster, Jonathan, . 383, 411, 509, 510, 830, 1280, 1381
Webster, William, ... 983
Weed, James, ... 674, 699
Weeks, John, ... 185
Weeks, Joseph, ... 984
Weeks, Nicholas, jun., ... 185
Weeks, Richard, ... 1050
Weeks, Samuel, ... 185
Weeks, Samuel, ... 1050
Weilds, Jacob, ... 836
Weld, Ebenezer, ... 176
Weld, Eleazer, ... 176, 187
Weld, Joseph, ... 176
Weld, Nathaniel, ... 176
Weld, Thomas, ... 176
Welden, Peter, ... 1321
Welles, Arnold, ... 275, 288, 349, 350
Welles, Samuel, ... 275, 276, 870
Wellesley, ... 866
Wellfleet, 12, 89, 98, 171, 172, 184, 210, 312, 365, 367, 395, 401, 428, 461, 514, 572, 667, 749, 787, 851, 864, 891, 943, 1094, 1095, 1124, 1150, 1214, 1383, 1402, 1425
Wells, 13, 87, 98, 211, 313, 402, 429, 459, 573, 750, 777, 787, 846, 864, 891, 945, 1096, 1122, 1152, 1177, 1216, 1338, 1403, 1426
Wells Harbor, ... 87, 459, 1122
Wells, David, ... 469
Wells, John, ... 269, 270
Wells, Joshua, ... 1269
Wells, Ner, ... 1269
Wells, Samuel, ... 854
Welsh, Elizabeth, ... 1027
Welsh John, ... 1259
Welsh, Michael, ... 994
Welsh, Thomas, ... 1239
Wendell, Oliver, 538, 660, 661, 662, 663, 664, 665, 669, 720, 723, 812, 814, 815, 830, 860, 983, 1071, 1245, 1364, 1367, 1419, 1458, 1459
Wenham, 5, 8, 90, 94, 175, 210, 271, 308, 365, 367, 397, 424, 459, 543, 567, 744, 783, 863, 887, 937, 1084, 1122, 1142, 1206, 1400, 1423
Wentworth, Charles, ... 1445
Wentworth, Joshua, ... 1257
Wentworth, William, ... 1005
Wesson, James, ... 1039, 1278
West, Abner, ... 717
West, Benjamin, ... 179
West, Daniel, ... 717, 826
West, Eleazer, ... 717, 826
West, Elijah, ... 717, 826
West, Elisha, ... 239, 717, 826
West, John, ... 1040
West, Jonathan, ... 239, 717, 827
West, Oliver, ... 717, 826
West, Pelatiah, ... 239, 469, 717, 826
West, Prince, ... 826, 829
West, Samuel, ... 869, 1195
West, Thomas, ... 543
West-Brook Bridge, ... 123
West India Islands (English), ... 21, 77
West Indies, 284, 584, 585, 643, 649, 839, 840, 1007, 1008, 1027
West Point, ... 1283, 1284, 1285, 1304
West Pond, ... 592, 675
West River (Uxbridge), ... 199

PAGE

West Springfield, 335, 336, 337, 380, 400, 411, 427, 571, 746, 785, 863, 889, 940, 1021, 1022, 1088, 1145, 1209, 1401, 1424

West Stockbridge, 325, 326, 369, 389, 390, 432, 514, 578, 754, 791, 865, 895, 951, 1032, 1106, 1160, 1224, 1405, 1428

Westborough, 14, 52, 100, 211, 314, 403, 430, 575, 751, 788, 816, 864, 892, 947, 1099, 1155, 1218, 1260, 1261, 1404, 1427

Westcott, James, ... 1321, 1322

Westcott, Oliver, ... 1321

Western, 15, 100, 133, 211, 314, 365, 367, 403, 430 576, 752, 789, 864, 893, 947, 1100, 1155, 1219, 1404, 1427

Westfield, 10, 75, 76, 96, 210, 310, 399, 426, 569, 746, 785, 863, 889, 940, 1020, 1021, 1022, 1089, 1116, 1146, 1210, 1232, 1266, 1267, 1491, 1424, 1435, 1436

Westfield River, 926, 927, 1020, 1069, 1232, 1233, 1234, 1241, 1242

Westford, 9, 90, 95, 142, 210, 309, 366, 368, 398, 425, 568, 745, 784, 863, 888, 938, 1086, 1145, 1207, 1352, 1353, 1400, 1423

Westhampton, 863, 900, 989, 1036, 1037, 1092, 1148, 1212, 1232, 1402, 1424

Westminster, 15, 50, 90, 100, 118, 119, 144, 211, 235, 280, 315, 365, 366, 403, 430, 576, 752, 789, 816, 864, 893, 948, 1101, 1155, 1219, 1404, 1427

Weston, 9, 69, 90, 95, 210, 263, 269, 309, 398, 425, 568, 745, 784, 863, 888, 938, 1005, 1086, 1143, 1171, 1207, 1400, 1423

Weston, James, ... 1039

Weston, Paul, ... 1337

Wetmore, William, . . . 810, 814, 815, 825, 1012, 1016

Weymouth, 7, 40, 42, 93, 210, 224, 259, 307, 396, 423, 565, 715, 743, 782, 862, 886, 904, 935, 1081, 1139, 1203, 1399, 1422

Whalen, John, ... 656

Whately, 122, 123, 124, 210, 310, 399, 412, 426, 569, 746, 785, 863, 889, 942, 1089, 1145, 1209, 1401, 1424

Whately, Thomas, ... 62

Whatley, John, ... 275

Wheat, Hannah, ... 992

Wheat, Samuel, ... 1269

Wheaten, Noah, ... 659

Wheaten, William, ... 660

Wheaton, Caleb, ... 914, 916

Wheaton, George, ... 284

Wheaton, Mason, . . 674, 696, 697, 698, 699, 700, 701

Wheaton, Nathaniel, ... 176

Wheeler, Adam, ... 268, 269

Wheeler, Caleb, ... 1171, 1326, 1327

Wheeler, Deliverance, ... 805

Wheeler, Elisha, ... 1170, 1325

Wheeler, Gideon, ... 1382

Wheeler, Joseph, ... 509, 511, 518, 520, 541

Wheeler, Nehemiah, ... 1359

Wheeler, Oliver, ... 1357

Wheeler, Samson, ... 1355, 1357

Wheeler, Timothy, jun., ... 1350

Wheeler, Trueman, ... 1394

Wheeler, Willard, (or William Willard,) . . 259

Wheeler, William, ... 1448

Wheelock, Ebenezer, ... 1329

Wheelock, Eleazer, ... 1051

Wheelock, Obadiah, ... 1329

Wheelock, Simeon, ... 844

Whelpley, Samuel, ... 115

Whetcomb, John, 532, 668, 681, 683, 685, 704, 717, 859, 867, 868, 992, 993, 1244

Whipple, Abraham, ... 1006, 1247

Whipple, Ebenezer, ... 915, 916

PAGE

Whipple, William, ... 1020

Whiston, Obadiah, ... 913, 916

Whitcomb, Asa, . . 263, 270, 273, 357, 366, 372, 410

Whitcomb, John, ... 280, 411, 688

White, Abraham, ... 1042, 1231, 1320, 1438

White, Asaph, ... 1047, 1048

White, Benjamin, 141, 263, 366, 367, 509, 510, 513, 659, 663, 675, 717, 994, 1016, 1231, 1291, 1334

White, Caleb, ... 1242

White, Cornelius, ... 914, 916, 1056

White, Cornelius, *tertius*, ... 914, 916

White, Daniel, ... 1329

White, Daniel, jun., ... 914, 916

White, Ebenezer, ... 368

White, Farnum, ... 832

White, Gideon, jun., ... 914, 916

White, Jacob, ... 1051

White, John, ... 847, 1337

White, John, ... 913, 916

White, John, ... 1051

White, John, ... 1329

White, Mark, ... 723, 1237

White, Nicholas, ... 68

White, Peregrine, ... 273

White, Philip, ... 1023

White, Robert, ... 1023

White, Samuel (*Speaker of the House of Representatives*), . . 64, 277, 1003, 1058, 1059, 1350, 1355

White, Samuel, ... 176

White, Stephen, ... 993, 994

White, Thomas, ... 374

White, Thomas, ... 841

White, Thomas, ... 983

White, Thomas, ... 1329

White, William, ... 187, 1002

White & Adams, ... 1262

Whitefield, George, ... 533

Whitehall, ... 284

Whitford, Ezekiel, ... 658, 659, 984, 985

Whitford, Nathan, ... 658, 659

Whiting, Asa, ... 775, 776, 845, 973, 974

Whiting, Jonathan, ... 854

Whiting, Joseph, jun., ... 845

Whiting, Stephen, ... 275

Whiting, William, . 507, 541, 665, 986, 1029, 1237, 1435

Whitman, Thomas, ... 984

Whitman's Mills, ... 83

Whitmarsh, David, ... 1242

Whitmore, Stephen, ... 1023

Whitney, Abner, ... 1051

Whitney, Daniel, 713, 835, 837, 851, 981, 995, 1010, 1064 1438

Whitney, Daniel, ... 1049, 1051

Whitney, Elijah, ... 176

Whitney, Elijah, ... 1049

Whitney, Ezra, ... 1263

Whitney, John, ... 1049, 1051

Whitney, Jonathan, ... 1042, 1303

Whitney, Joseph, ... 1050

Whitney, Josiah, ... 1299

Whitney, Samuel, ... 274

Whitney, Timothy, ... 982

Whittaker, David, ... 1351

Whittaker, William, ... 1321

Whittemore, Benjamin, ... 205, 234

Whittemore, Joshua, ... 1445

Whittemore, Nathaniel, ... 1350

Whittemore, Pelatiah, ... 1445

Whittemore, Samuel, ... 151, 660, 688

PAGE

Whittemore, Samuel, ... 1061
Whitten, Humphrey, ... 847, 1337
Whittier, David, ... 920, 1010
Whittier, Ebenezer, ... 1023
Whittington, Elizabeth, ... 1007
Whittington, William, ... 1007
Whitwell, Samuel, ... 187
Whitwell, William, ... 187, 275
Wickham, Samuel, ... 1439
Wickwire, John, ... 656
Wigglesworth, Edward, . . . 654, 823, 824, 1039
Wigglesworth, Edward, D. D., . . . 1195, 1370
Wigglesworth, Samuel, ... 533, 534
Wightman, John, ... 658, 659
Wightman, Thomas, ... 658, 659
Wilbore, Joshua, ... 914, 916
Wilbraham, 10, 96, 210, 310, 328, 338, 370, 376, 399, 426, 569, 746, 785, 863, 889, 940, 1088, 1145, 1209, 1401, 1424
Wilbur, Uriah, ... 1269
Wilcocks, Elnathan, ... 928, 1024
Wilder, Abel, ... 64, 1433
Wilder, Gardner, ... 1046
Wilder, Joseph, ... 844
Wilder, Joseph, ... 1047
Wilder, Joseph, ... 1446
Wilder, Josiah, ... 844
Wilder, Samuel, ... 71, 844
Wilder, Thomas, ... 63
Wildridge, James, ... 915, 917
Wilkes (Barré), ... 676
Wilkie, John, ... 375
Wilkins, Isaac, ... 1357
Wilkins, Timothy, ... 1353, 1357, 1361, 1363
Wilkinson, Ebenezer, ... 870
Willard, Abel, ... 914, 916
Willard, Abijah, 914, 916, 966, 1054, 1055, 1056, 1069, 1231, 1234
Willard, Elias, ... 143
Willard, Joseph, ... 1195, 1370
Willard, Josiah, ... 381, 1329
Willard, Samuel, ... 1335
Willard, Simon, ... 1347
Willcoks, Peter, ... 717, 826, 827
William III., 46, 64, 85, 174, 180, 198, 230, 260, 275, 282, 436, 457, 462, 486, 761, 838, 910, 966, 984, 998, 1067, 1120, 1128, 1175, 1416, 1417
William Henry, Fort, ... 666
Williams, Abraham, ... 1195
Williams, Benjamin, ... 69
Williams, Daniel, ... 374, 375
Williams, Ebenezer, ... 992
Williams, Elijah, ... 914, 916
Williams, Ephraim, ... 717
Williams, George, 654, 664, 848, 982, 1246, 1296, 1344, 1365
Williams, Henry, ... 176
Williams, Isaac, ... 176
Williams, Israel, . . . 64, 71, 371, 656, 1447
Williams, Jacob, ... 1239
Williams, James, ... 1056, 1115, 1135
Williams, John, ... 298, 357, 411
Williams, John Chester, ... 665
Williams, Jonathan, ... 275, 276, 298, 357, 1016
Williams, Jonathan, ... 992
Williams, Jonathan, ... 1319
Williams, Jonathan, jun., ... 995
Williams, Joseph, . . . 351, 1039, 1294, 1343, 1356, 1450
Williams, Nehemiah, ... 1195

PAGE

Williams, Samuel, ... 179, 189, 190
Williams, Samuel, ... 379
Williams, Samuel, ... 962, 1049, 1051
Williams, Rev. Samuel, ... 991, 1195, 1370
Williams, Seth, jun., ... 914, 916
Williams, Thomas, ... 411, 996
Williams, Thomas, ... 1335
Williams, William, 124, 127, 166, 176, 228, 332, 372, 377, 1002, 1029, 1231, 1257, 1275, 1322, 1345
Williams's Grant, ... 739, 740, 826, 827
Williamsburg, 125, 126, 182, 210, 310, 399, 412, 426, 569, 746, 785, 863, 889, 940, 989, 1089, 1146, 1210, 1301, 1389, 1401, 1424
Williamson, Jonathan, ... 277, 278
Williamstown, 16, 102, 141, 211, 317, 405, 432, 550, 579, 656, 657, 658, 754, 790, 865, 894, 950, 988, 1029, 1032, 1105, 1159, 1223, 1388, 1405, 1428
Willis, ——, ... 978
Willis, David, ... 913, 916
Willis, Job, ... 975
Willis, Nathaniel, ... 1262, 1366
Williston, Thomas, ... 1381
Willmarth, Asa, ... 1321
Willmarth, John, ... 1320, 1322
Willmarth, John, jun., ... 1320, 1321
Willmarth, Shubael, ... 1320, 1321
Willson, Edmund, ... 185
Willson, "Widow," 776
Wilmington, 9, 90, 95, 210, 285, 309, 365, 367, 398, 426, 569, 746, 784, 863, 888, 939, 1087, 1144, 1208, 1353, 1401, 1423
Wilson, Alexander, ... 353
Wilson, Archibald, ... 913, 916
Wilson, Ezekiel, ... 1320, 1321
Wilson, John, ... 920, 1009
Wilson, Nathaniel, ... 657
Wilson, Samuel, ... 1357
Winchell, Azariah, ... 1236
Winchell, Joseph, ... 1236
Winchell, Samuel, ... 1236
Winchendon, 15, 42, 43, 63, 64, 100, 211, 315, 404, 430, 576, 752, 789, 864, 893, 948, 1101, 1156, 1219, 1395, 1404, 1427, 1438
Winchester, Elkanan, ... 716
Winchester, Jacob B., ... 1039
Windham, 15, 101, 211, 304, 305, 315, 362, 363, 404, 431, 577, 752, 789, 834, 864, 881, 893, 949, 1102, 1157, 1220, 1404, 1427
Windsor, 182, 865, 911, 912, 951, 1003, 1032, 1106, 1160, 1223, 1323, 1322, 1405, 1428
Windsor (Connecticut), ... 377
Winegar, Hans, ... 827
Winegar, John, ... 717, 826
Wingate, Daniel, ... 1039
Wingfield, William, ... 275, 357
Winnissimmet Ferry, ... 664
Winslow, 136, 211, 316, 405, 431, 578, 753, 790, 864, 894, 950, 1104, 1158, 1222, 1405, 1428
Winslow, Edward, jun., ... 914, 916
Winslow, Isaac, ... 913, 916
Winslow, James, ... 129
Winslow, John, jun., ... 913, 916
Winslow, Joshua, ... 275, 276
Winslow, Pelham, ... 914, 916, 1056
Winter-Harbor Beach, ... 87, 458, 1121
Winthrop, 132, 211, 316, 366, 367, 405, 431, 578, 753, 790, 864, 894, 949, 1104, 1159, 1222, 1386, 1405, 1428

PAGE

Winthrop, James, ... 1195, 1370
Winthrop, John, 212, 213, 538, 651, 660, 683, 685, 838, 1009
Wiscasset Point, ... 1384
Wise, John, ... 275
Wiswall, Jeremiah, ... 993
Wiswall, John, ... 915, 917
Witbeck, Thomas L., ... 1435, 1436
Witham, Amos, ... 185
Withington, John, ... 1444
Witt, Charles, ... 1337
Witt, Oliver, ... 265, 266, 855
Woburn, 8, 94, 210, 308, 397, 425, 567, 745, 783, 863, 887, 938, 1085, 1143, 1206, 1400, 1423
Woddoms, John, ... 656
Wolcott, Edward Kitchen, ... 716
Wood, Aaron, 53, 514, 654, 665, 667, 672, 673, 679, 713, 810, 839, 850, 860, 868, 987, 988, 999, 1012, 1025, 1053, 1062, 1234, 1246, 1286, 1344, 1345, 1358, 1359, 1363, 1447
Wood, Charles, ... 1051
Wood, David, ... 1239
Wood, David, jun., ... 1239
Wood, Dexter, ... 199
Wood, Eli, ... 975
Wood, Ephraim, jun., ... 1360
Wood, John, ... 692, 977, 978, 1023
Wood, Joseph, ... 543
Wood, Joshua, ... 199
Wood, Levi, ... 975
Wood, Solomon, ... 200
Wood, William, ... 1445
Wood, Zephaniah, ... 975
Woodbridge, Jahleel, 326, 883, 884, 986, 1382, 1393, 1436, 1441, 1464
Woodbridge, Timothy, 184, 186, 278, 371, 372, 374, 1235
Woodbridge, William, ... 716
Woodbury, Peter, ... 833, 1011
Woodcock, Israel, ... 699
Woodin, Abner, ... 1236
Woodin, John, ... 1236
Woodin, Peter, ... 1236, 1238
Woods, Charles, ... 1051
Woods, Charles, jun., ... 1050
Woods, Francis, ... 1051
Woods, George, ... 176
Woods, Henry, ... 816
Woods, John, ... 215
Woods, Joseph, ... 835
Woodstock, 14, 99, 211, 315, 404, 430, 576, 752, 789, 864, 893, 948, 1101, 1156, 1220, 1404, 1427
Woodward, Amos, ... 1051
Woodward, John, ... 993, 994
Woodward, Jonas, ... 854, 857
Woodward, Philemon, ... 992
Woodward, Samuel, ... 905, 992
Woodward, Samuel (*Secretary of the province*), 381
Woolcut, Erastus, ... 377
Woolwich, 16, 101, 211, 227, 316, 405, 431, 577, 753, 790, 864, 894, 928, 949, 1103, 1157, 1221, 1404, 1428
Wooster, Ebenezer, ... 865
Worcester, 14, 44, 46, 52, 60, 65, 66, 99, 144, 183, 211, 261, 266, 285, 314, 365, 403, 429, 531, 575, 651, 707, 729, 751, 788, 796, 797, 798, 816, 837, 838, 842, 854, 855, 856, 857, 858, 859, 860, 861, 864, 892, 899, 914, 946, 955, 983, 996, 999, 1000, 1040, 1098, 1154, 1217, 1233, 1234, 1247, 1250, 1251, 1253, 1268, 1312, 1342, 1382, 1403, 1426

PAGE

Worcester, County of, 14, 17, 43, 44, 46, 50, 51, 52, 64, 65, 66, 99, 100, 103, 118, 119, 125, 128, 133, 144, 195, 198, 207, 211, 215, 235, 238, 266, 269, 281, 314, 318, 389, 403, 404, 406, 410, 429, 430, 433, 495, 496, 497, 513, 530, 541, 575, 576, 589, 592, 593, 676, 677, 678, 679, 685, 696, 751, 752, 755, 788, 789, 791, 796, 798, 803, 837, 840, 841, 842, 855, 857, 860, 861, 864, 865, 892, 893, 895, 912, 914, 915, 946, 948, 952, 955, 1000, 1039, 1043, 1055, 1056, 1064, 1098, 1100, 1109, 1115, 1135, 1154, 1156, 1162, 1172, 1217, 1218, 1220, 1226, 1233, 1251, 1261, 1284, 1296, 1297, 1298, 1300, 1331, 1332, 1372, 1376, 1377, 1380, 1381, 1384, 1387, 1395, 1403, 1404, 1045, 1426, 1427, 1429, 1438
Worcester Spy, or American Oracle of Liberty, 651, 653
Work, Jacob, ... 857, 859
Workman, John, ... 1268
Wormer, Aaron, ... 826
Wormer, Jeremiah, ... 717, 826
Worthington, 164, 210, 311, 399, 427, 571, 747, 786, 863, 890, 941, 1072, 1091, 1147, 1211, 1232, 1240, 1301, 1302, 1393, 1402, 1424
Worthington, John, 63, 141, 147, 148, 277, 338, 354, 367
Wrentham, 7, 93, 210, 224, 273, 307, 396, 424, 565, 669, 743, 775, 776, 782, 845, 862, 875, 876, 886, 899, 913, 935, 956, 972, 973, 974, 975, 976, 1081, 1139, 1203, 1250, 1261, 1342, 1343, 1346, 1399, 1422, 1444, 1446, 1447
Wright, Caleb, ... 1029
Wright, Ephraim, ... 654, 1376, 1434
Wright, Ephraim, jun., ... 989
Wright, Francis, ... 994
Wright, John, ... 915, 917
Wright, John, ... 1236
Wright, Josiah, ... 1032
Wright, Reuben, ... 989
Wright, Samuel, ... 717, 1358
Wyer, John, ... 1239
Wyer, Thomas, ... 915, 917
Wyer, William, ... 737, 823, 824, 1458
Wyllys, Hezekiah, ... 1259
Wyman, Daniel, ... 832
Wyman, Jonas, ... 844
Wyman, Joshua, ... 265
Wyman, Ross, ... 1046, 1047
Wyman, William, ... 1022

Y.

Yale, Josiah, ... 826
Yale, Justus, ... 826
Yarmouth, 11, 39, 40, 97, 167, 171, 210, 259, 312, 395, 401, 428, 572, 748, 786, 864, 890, 904, 943, 1094, 1150, 1214, 1378, 1383, 1402, 1425
Yeaton, Richard, ... 1337
Yeaw, Andrew, ... 1321
Yeaw, David, ... 1321
Yokum (or Yokun) Town and Mount Ephraim, 330, 371
York (*see New York*).
York, 13, 44, 45, 98, 132, 147, 211, 313, 402, 429, 573, 600, 688, 750, 787, 864, 891, 945, 1005, 1096, 1152, 1215, 1403, 1426
York, Abraham, ... 978

PAGE

York, County of, 13, 17, 44, 45, 65, 98, 103, 131, 173, 184, 185, 206, 211, 264, 265, 313, 318, 402, 406, 429, 433, 439, 465, 469, 470, 513, 539, 540, 559, 563, 573, 574, 579, 666, 677, 678, 685, 750, 755, 777, 787, 791, 835, 836, 846, 861, 864, 365, 891, 895, 945, 952, 1005, 1096, 1108, 1115, 1135, **1152,** 1162, 1177, 1215, 1216, 1225, **1284,** 1296, 1297, 1298, 1334, 1335, **1338,** 1377, 1378, 1381, 1382, 1389, **1403,** 1405, 1426, 1429

York, John, ... 692, 977, 978
York, Lydia, ... 978
York River, ... 131
York, Samuel, ... 834
Young, Abraham, ... 984
Young, Nathaniel, ... 984
Young, William, ... 859
Younglove, Jonathan, ... 1276
Younglove, Timothy, ... 986
Younge, William, ... **1038**

List of the Acts and Resolves

CONTAINED IN THIS VOLUME.

LIST OF THE PUBLIC ACTS.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1769-70. — First Session.	1769.		
5	Chapter 1. An act for apportioning and assessing a tax of thirty thousand pounds; and also for apportioning and assessing a tax of three thousand eight hundred and twenty-nine pounds fourteen shillings paid the representatives for their travel, service and attendance in the general court, in the years one thousand seven hundred and sixty-seven and sixty-eight, also for assessing the town of Swanzey fifty pounds, being part of the sum of three hundred pounds lent said town in the year one thousand seven hundred and sixty-four; and also for assessing the town of Methuen the sum of fifty-eight pounds eleven shillings and one penny, being taxes arising by means of a defective constable who absconded in the year one thousand seven hundred and sixty-six, and the execution returned *non est inventus;* also the town of Wenham the sum of one hundred and thirty-one pounds ten shillings and tenpence being so much [which] said town was taxed in the year one thousand seven hundred and sixty-five, for which they have made no return to whom it was committed, and no part thereof paid into the treasury; and the further sum of thirty-one pounds eleven shillings and fourpence, being for interest thereon; also for apportioning and assessing the county of Barnstable the sum of twenty-two pounds seven shillings and ninepence, for paying a committee appointed by the court to view the said county; also, for assessing the district of Conway the sum of twelve pounds thirteen shillings and fivepence one halfpenny, being their proportion of the province tax laid on the town of Deerfield in the year one thousand seven hundred and sixty-seven [1768, chap. 14, § 5],	July 15,	–	Mar. 30, 1770.
21	Chapter 2. An act for granting unto his majesty several rates and duties of impost and t[o] [a]nnage of shipping, . . .	July 15,	–	Nov. 20, 1770.
27	Chapter 3. An act to enable Robert Pierpo[i]nt to collect the taxes uncollected by Samuel Adams, late collector of taxes for the town of Boston, ...	July 15,	–	– –
28	Chapter 4. An act for reviving and continuing sundry laws that are expired and near expiring [1761-62, chap. 16; 1764-65, chap. 30; 1764-65, chap. 26; 1767-68, chap. 10; 1766-67, chap. 17], ...	July 15,	–	June 12, 1770.
28	Chapter 5. An act for supplying the treasury with the sum of eighty-eight thousand one hundred and fifty-eight pounds, to be thence issued for discharging the public debts, and drawing the same into the treasury again [1749-50, chap. 19; 1761-62, chap. 23], ...	July 15,	–	– –
31	Chapter 6. An act to prevent the destruction of alewives and other fish in Ipswich River, and to encourage the encrease of the same [1764-65, chap. 34; 1765-66, chap. 33], ...	July 15,	–	April 15, 1773.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1769-70.—FIRST SESSION—*Con.*	1769.		
32	Chapter 7. An act to impower the east precinct in Salem, where the Rev.[d] Mr. James Diman now officiates, to raise money for defreying ministerial and other necessary charges of said precinct, . .	July 15,	–	Aug. 1, 1772.
	SECOND SESSION.	1770.		
34	Chapter 8. An act for granting the sum of five hundred and fifty pounds for the support of his majesty's lieutenant-governor, .	April 25,	–	– –
34	Chapter 9. An act for effectually preventing the currency of the bills of credit of Connecticut, New Hampshire and Rhode Island, within this province [1766-67, chap. 22], ...	April 26,	–	April 30, 1773.
36	Chapter 10. An act for impowering the trustees of the estates of concealed and absconding debtors, and all others concerned, to compleat the business assigned them by an act made and passed in the fifth year of his present majesty's reign, intituled "An act for preventing fraud in debtors, and for securing the effects of insolvent debtors for the benefit of their creditors," and by one other act made in addition thereto in the same year [1764-65, chap. 35; 1765-66, chap. 2], .	April 26,	–	– –
37	Chapter 11. An act for confirming the records and proceedings of the proprietors of the new plantation called Hartwood, in the county of Berkshire, and for enabling them to collect certain taxes already assessed, and for impowering said proprietors to hold a meeting for ordering the affairs of the propriety [1761-62, chap. 44], ...	April 26,	–	– –
39	Chapter 12 An act for reviving and continuing sundry laws that are expired, and near expiring [1736-37, chap. 4; 1738-39, chap. 25; 1740-41, chap. 20; 1742-43, chap. 16; 1742-43, chap. 20; 1742-43, chap. 27; 1742-43, chap. 19; 1743-44, chap. 23; 1746-47, chap. 10; 1746-47, chap. 11; 1746-47, chap. 17; 1746-47, chap. 18; 1748-49, chap. 13; 1749-50, chap. 24; 1751-52, chap. 19; 1755-56, chap. 39; 1755-56, chap. 43; 1756-57, chap. 26; 1756-57, chap. 32; 1759-60, chap. 33; 1759-60, chap. 21; 1759-60, chap. 32; 1762-63, chap. 5; 1761-62, chap. 31; 1761-62, chap. 26; 1762-63, chap. 18; 1769-10, chap. 5; 1751-52, chap. 17], .	April 26,	–	July 1, 1773.
40	Chapter 13. An act to impower the inhabitants of the town of Newburyport, belonging to the several religious societies within the same, to raise money for defr[e][a]ying ministerial and necessary charges [1764-65, chap. 7; 1767-68, chap. 9; 1735-36, chap. 5], ...	April 26,	–	March 30, 1773.
42	Chapter 14. An act in addition to an act made in the twenty-third year of the reign of King George the Second, intit[u]led "An act to prevent any persons obstructing the fish in their passing up into Monatiquot River within the town of Braintree" [1749-50, chap. 13], . . .	April 26,	–	Jan. 30, 1771.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1769-70. — SECOND SESSION — *Con.*	1770.		
42	Chapter 15. An act to enable the assessors of the town of Winchendon to collect the taxes granted on the lands in the said Winchendon [1764-65, chap. 5, § 2], . . .	April 26,	–	– –
43	Chapter 16. An act for preventing and punishing burglary, and for repealing one act intitled "An act against burglary" [1715-16, chap. 1], ...	April 26,	–	– –
44	Chapter 17. An act for determining the times for holding the superior courts of judicature, court of assize and general goal delivery, in the several counties within the province [1764-65, chap. 17], . .	April 26,	–	– –
45	Chapter 18. An act determining at what times and places the several courts of general sessions of the peace, and inferior courts of common pleas, shall be held, within and for the several counties of the province, for the future [1764-65, chap. 20; 1765-66, chap. 27; 1766-67, chap. 14], .	April 26,	–	– –
46	Chapter 19. An act in addition to an act made and passed in the eleventh year of the reign of King William the Third, intitled "An act for suppressing and punishing of rogues, vagabonds and common beggars and other lewd, idle and disorderly persons; and for setting the poor to work" [1699-1700, chap. 8], . . .	April 26,	–	– –
47	Chapter 20. An act in further addition to an act intituled "An act for making of lands and tenements liable to the payment of debts" [1696, chap. 10, § 2], . . .	April 26,	–	– –
48	Chapter 21. An act to erect the north precinct of the town of Norton, in the county of Bristol, into a separate district by the name of Mansfield [1711-12, chap. 4], . .	April 26,	–	– –
49	Chapter 22. An act for incorporating the second precinct in Hingham into a district by the name of Cohasset, ...	April 26,	–	– –
50	Chapter 23. An act to erect the district of Westminster, in the county of Worcester, into a town by the name of Westminster [1759-60, chap. 5], ...	April 26,	–	– –
50	Chapter 24. An act to enable the assessors of the town of Ashburnham to collect the taxes granted on the lands in the said Ashburnham [1764-65, chap. 22, § 2], .	April 26,	–	– –
51	Chapter 25. An act for compleating the collection of a tax on the non-resident proprietors of Greenwich, in the county of Hampshire, by an order of the general court held at Boston, on the eleventh day of February, *A.D.* one thousand seven hundred and sixty-three [1761-62, chap. 44],	April 26,	–	– –
	1770-71. — THIRD SESSION.			
75	Chapter 1. An act for incorporating the south part of the town of Westfield, in the county of Hampshire, into a district by the name of Southwick, ...	Nov. 7,	–	– –
76	Chapter 2. An act for granting unto his majesty several rates and duties of impost and tunnage of shipping, ...	Nov. 15.	–	April 25, 1772.
83	Chapter 3. An act for regulating the alewive fishery in the town of Bridgwater, . . .	Nov. 15,	–	Nov. 30, 1773.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1770-71. — THIRD SESSION — *Con.*	1770.		
84	Chapter 4. An act to prevent the obstructing and destroying of the fish called alewives, in their passage up and down Maddepayset River, within the town of Rochester [1726-27, chap. 3], ...			
85	Chapter 5. An act for reviving and continuing sundry laws that are expired and near expiring [1736-37, chap. 15; 1737-38, chap. 8; 1737-38, chap. 9; 1740-41, chap. 19; 1742-43, chap. 17; 1742-43, chap. 28; 1744-45, chap. 25; 1745-46, chap. 7; 1745-46, chap. 16; 1746-47, chap. 6; 1746-47, chap. 17; 1746-47, chap. 26; 1746-47, chap. 28; 1749-50, chap. 24; 1750-51, chap. 5; 1753-54, chap. 9; 1757-58, chap. 5; 1757-58, chap. 10; 1759-60, chap. 21; 1759-60, chap. 29; 1765-66, chap. 19], ...	Nov. 15,	–	Nov. 30, 1773.
86	Chapter 6. An act for reviving and continuing sundry laws that are expired and near expiring [1740-41, chap. 23; 1741-42, chap. 1; 1741-42, chap 5; 1742-43, chap. 18; 1743-44, chap. 21; 1745-46, chap. 26; 1747-48, chap. 3; 1747-48, chap. 7; 1748-49, chap. 9; 1748-49, chap. 12; 1748-49, chap. 14; 1748-49, chap. 18; 1749-50, chap. 3; 1749-50, chap. 6; 1749-50, chap. 7; 1749-50, chap. 13; 1749-50, chap. 22; 1749-50, chap. 23; 1749-50, chap. 27; 1749-50, chap. 12; 1752-53, chap. 12; 1752-53, chap. 13; 1752-53, chap. 18; 1752-53, chap. 20; 1753-54, chap. 29; 1753-54, chap. 44; 1755-56, chap. 43; 1757-58, chap. 11; 1758-59, chap 18; 1758-59, chap. 37; 1758-59, chap. 17; 1760-61, chap. 13; 1760-61, chap. 19; 1760-61, chap. 28; 1761-62, chap. 5; 1761-62, chap. 14; 1761-62, chap. 16; 1762-63, chap. 13; 1762-63, chap. 19; 1762-63, chap. 26; 1763-64, chap. 3; 1763-64, chap. 18; 1764-65, chap. 24; 1764-65, chap. 25; 1764-65, chap. 34; 1765-66, chap. 20; 1765-66, chap. 12; 1765-66, chap. 39; 1766-67, chap. 17; 1766-67, chap. 16; 1766-67, chap. 13; 1767-68, chap. 10; 1767-68, chap. 16; 1767-68, chap. 17; 1767-68, chap. 13; 1769-70, chap. 14], ...	Nov. 15,	–	Feb. 20, 1776.
89	Chapter 7. An act for superceeding and repealing the two last paragraphs in an act made and passed by the great and general court or assembly of this province, at their sessions begun and held at Boston on the last Wednesday in May in the ninth year of his late majesty's reign, intitled "An act for supplying the treasury with the sum of eighty-eight thousand one hundred and fifty-eight pounds, to be thence issued for discharging the public debts, and drawing the same into the treasury again;" and for apportioning and assessing a tax of twenty-five thousand pounds; and also for apportioning and assessing a tax of two thousand five hundred and fifty-nine pounds seventeen shillings, paid the representa-	Nov. 15,	–	Feb. 20, 1776

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1770-71. — THIRD SESSION — *Con.*	1770.		
	tives for their travel, service and attendance in the great and general court in the year one thousand seven hundred and sixty-nine; also for assessing the town of Swansey, fifty pounds, being part of the sum of three hundred pounds lent the said town in the year one thousand seven hundred and sixty-four; also for assessing the town of Hingham and district of Cohasset, four pounds seventeen shillings, in the following proportion; to wit, three pounds eight shillings and sixpence one farthing, on Hingham, and one pound eight shillings and sixpence three farthings, on Cohasset, for the service of a committee of the general court in viewing their situation in order to a division; also for assessing the town of Uxbridge six pounds eight shillings and sevenpence, for paying a committee appointed by the general court to view and settle the line between the towns of Sutton and Uxbridge; also for assessing the town of Framingham the sum of fifty-four pounds thirteen shillings and threepence two farthings, ordered by the general court to be added to their proportion of the province tax this year, being one-half of the arrears of the proportion of the province tax, set on the said town in the year one thousand seven hundred and sixty-five, hitherto unpaid by reason of the deficiency of Joseph Butler, a collector of taxes for the town in that year; and also for assessing the district of Granby forty pounds twelve shillings and ninepence, being part of the sum set on the district of South Hadley in the province tax for the last year, which of right should have been set on the said district of Granby, and of which part the district of South Hadley has been discharged by an order of the general court; and also for assessing on the towns of Ipswich, Middleton, Reading, Boxford and Danvers, the sum of five pounds seventeen shillings, in the following proportion; viz, on the town of Ipswich, the sum of fifty-three shillings and eightpence three farthings; on the town of Middleton, eight shillings and fivepence; on the town of Reading, nineteen shillings and two farthings; on the town of Boxford, eleven shillings and ninepence three farthings; on the town of Danvers, twenty-four shillings, — to pay a committee of the general court appointed at their request, to view Ipswich River, and by the said court ordered to be paid by said towns in the aforesaid proportions; and also for assessing the town of Sherburne, in the county of Nantucket, the sum of three hundred ninety-eight pounds seven shillings and sevenpence, being one-half the sum that town is in arrears arising			

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1770-71. — THIRD SESSION — *Con.*	1770.		
	by the deficiency of Thomas Arthur, a collector of taxes for the years one thousand seven hundred and sixty-five and one thousand seven hundred and sixty-six; also for assessing the following towns the sums affixed to them, respectively, being fines imposed on them for their neglect in not chusing some person, severally, to represent them in the great and general court; viz., Chelsea, seven pounds; Wenham, four pounds; Middleton, seven pounds; Methuen, eight pounds; Sherburne, in the county of Middlesex, six pounds; Littleton, eight pounds; Westford, eight pounds; Townsend and district of Ashby, five pounds; Wilmington, five pounds; Dracut, five pounds; Bedford, six pounds; Hollis-ton, five pounds; Tewksbury, six pounds; Dunstable, five pounds; Lincoln, five pounds; Northfield, five pounds; Easton, five pounds; Dudley, four pounds; Southborough, five pounds; Upton, five pounds; Weston, eight pounds; Westminster, six pounds; North Yarmouth, five pounds; Scarborough, ten pounds; Gorham, six pounds; Georgetown, ten pounds; Richmont and Lenox, five pounds; Lanesborough, five pounds; also for assessing the districts of Shelburne and Conway the sum of four pounds seven shillings and tenpence, being part of the sum set on Deerfield, last year, for pay of their representative, and which ought to have been set on said Deerfield and the two districts above mentioned, in proportion to their province tax; viz., on Shelburne, two pounds ten shillings and fourpence, and on Conway, thirty-seven shillings and sixpence [1769-70, chap. 5, §§ 6, 7 and 8], ...			
107	Chapter 8. An act for supplying the treasury with the sum of seventy-six thousand pounds, to be thence issued for discharging the public debts, and drawing the same into the treasury again [1749-50, chap. 19; 1761-62, chap. 23], ...	Nov. 17,	–	April 30, 1771.
109	Chapter 9. An act for repealing the several laws now in force, which relate to the limitation of personal actions, and for the limitation of personal actions for the future, and for avoiding suits at law [1692-93, chap. 42, § 9; 1693, chap. 7, § 2; 1693-94, chap. 2; 1698, chap. 10, § 13; 1700-1, chap. 6, § 2; 1718-19, chap. 10; 1723-24, chap. 1; 1740-41, chap. 4; 1748-49, chap. 17; 1752-53, chap. 1; 1753-54, chap. 34; 1755-56, chap. 22; 1757-58, chap. 9; 1759-60, chap. 15; 1761-62, chap. 41; 1766-67, chap. 20], ...	Nov. 17,	–	– –
111	Chapter 10. An act to exempt the people called Quakers and Antipedobaptists from paying taxes for the support of ministers settled by the laws of this province, and for the building and repairing meeting-houses, or places of public worship, where such	Nov. 20,	–	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1770-71.—THIRD SESSION — *Con.*	1770.		
	ministers officiate [1757-58, chap. 20; 1768, chap. 5], ...	Nov. 20,	–	June 17, 1774.
113	**Chapter 11.** An act for reviving and continuing an act, intituled "An act for allowing necessary supplies to the eastern Indians, and for regulating trade with them, and preventing abuses therein" [1764-65, chap. 30], ...	Nov. 20,	–	April 25, 1772.
114	**Chapter 12.** An act for impowering the commissioners and assignees of the estates of concealed and absconding debtors, and all others concerned, to compleat the business assigned them by an act made and passed in the thirty-first year of the reign of his late majesty King George the Second, intitled "An act providing remedy for bankrupts and their creditors" [1757-58, chap. 12; 1760-61, chap. 16], . .	Nov. 20,	–	Dec. 1, 1772.
115	**Chapter 13.** An act for reviving and continuing an act intitled "An act for establishing and regulating the fees of the several officers, within this province, hereafter mentioned" [1764-65, chap. 26], . .	Nov. 20,	–	April 25, 1772.
115	**Chapter 14.** An act for annexing to, and incorporating with, the district of Lenox, in the county of Berkshire, a number of the inhabitants living on grants of land adjoining to the said district, and their lands, .	Nov. 20,	–	– –
116	**Chapter 15.** An act for setting off Nathaniel Littlefield and Amariah Harris, of the south precinct in Stoughton, with their lands, from said south precinct in Stoughton, and annexing the same to the north precinct in Bridgwater, ...	Nov. 20,	–	– –
116	**Chapter 16.** An act for enabling the proprietors of a tract of land called the Lisburn Propriety, to raise money for making recompence to sundry proprietors who had their supposed rights cut off, in part, by the late run [*n*] ing of the lines of the town [s] of New Salem and Shutesbury; and for paying other proprietary debts and charges, and for enabling them to levy and collect the same, ...	Nov. 20,	–	– –
117	**Chapter 17.** An act to enable the assessors of the district of Hubbardston to collect the taxes granted on the lands in said Hubbardston [1767-68, chap. 2, § 3], . . .	Nov. 20,	–	– –
118	**Chapter 18.** An act to enable the proprietors of the town of Westminster to collect certain taxes, ...	Nov. 20,	–	– –
119	**Chapter 19.** An act to enable the inhabitants of the town of Sherbourn, in the county of Nantucket, to choose a collector to collect the several rates or taxes, not collected, in a list of province taxes, set on said town, committed to Thomas Arther, a delinquent collector for the year [s] one thousand seven hundred and sixty-five, and one thousand seven hundred and sixty-six, ...	Nov. 20,	–	– –
	1770-71.—FOURTH SESSION.			
121	**Chapter 20.** An act to authorize and impower the north parish in the town of Haverhill to grant certain land to the Rev'd Gyles Merrill,	April 23,	–	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1770-71.—FOURTH SESSION — *Con.*	1771.		
121	Chapter 21. An act for regulating the alewive fishery in the town of Pembroke. . . .	April 24,	–	April 30, 1776.
122	Chapter 22. An act for erecting the northerly part of the town of Hatfield, in the county of Hampshire, into a town by the name of Whately, ...	April 24,	–	– –
124	Chapter 23. An act to erect the district of Princetown into a town by the name of Princeton [1759-60, chap. 6], ...	April 24,	–	– –
125	Chapter 24. An act for erecting the westerly part of the town of Hatfield, in the county of Hampshire, into a district by the name of Williamsburg [1712-13, chap. 9], ...	April 24,	–	–
128	Chapter 25. An act for repealing and making void an act intit[*a*]led "An act for discontinuing two of the courts, and for altering the time of holding one of the courts of general sessions of the peace and inferior courts of common pleas, within and for the county of Berkshire," made and passed in the seventh year of his majesty's reign; and for altering the time of holding the court of general sessions of the peace and inferior court of common pleas, in said county; and for establishing two more courts of general sessions of the peace and inferior court of common pleas, within and for the county of Berkshire, for the future [1766-67, chap. 14], ...	April 24,	–	–
128	Chapter 26. An act for setting of* John Hodbrook and others, of Uxbridge, with their lands, to the south precinct in Mendon, . .	April 24,	–	– –
129	Chapter 27. An act for incorporating a certain tract of land in the county of Lincoln, into a township by the name of Hallowell, .	April 24,	–	– –
130	Chapter 28. An act to [e][*i*]mpower the inhabitants of the town of Dartmouth to regulate the taking of fish, within the harbours and coves of said township of Dartmouth, ...	April 26,	–	– –
131	Chapter 29. An act to enable the proprietors of the great bridge over York River, in the first parish in said town, to take toll for the repair and amendment thereof, . . .	April 26,	–	May 1, 1774.
132	Chapter 30. An act for incorporating a certain tract of land called Pondtown, in the county of Lincoln, into a township by the name of Winthrop, ...	April 26,	–	April 26, 1778.
133	Chapter 31. An act for charging the county of Hampshire with the cost and expence of erecting and maintaining a bridge, over Ware River, in the road in the district of Ware, in the said county of Hampshire, lately laid out, leading from the great road in the said Ware, called the Bay Road, to the great road in Western, in the county of Worcester, called the post road from Springfield to Boston; the said road, lately laid out, being partly in the said county of Hampshire, and partly in the said county of Worcester,	April 26,	–	– –
134	Chapter 32. An act to prevent the taking of the fish called bass, in the river Parker, in the town of Newbury, in a certain season of the year, ...	April 26,	–	May 1, 1776.

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List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1770-71. — FOURTH SESSION — *Con.*	1771.		
135	Chapter 33. An act for incorporating a certain tract of land in the county of Lincoln, into a township by the name of Vassall-borough, ...	April 26,	–	– –
136	Chapter 34. An act for incorporating a certain tract of land in the county of Lincoln, into a town by the name of Winslow, . .	April 26,	–	– –
137	Chapter 35. An act for building and maintaining a lighthouse or houses on Thatcher's Island [or] [*on*] the mainland of Cape Ann [1715-16, chap. 4], ...	April 26,	–	– –
	1771-72. — FIRST SESSION.			
155	Chapter 1. An act for annexing certain lands, lying in the town of Belcherstown in the county of Hampshire, with the inhabitants thereon, to the town of Greenwich, in the same county, ...	June 22,	–	– –
156	Chapter 2. An act for repealing the several acts relative to the holding and setting of the court of general sessions of the peace and inferior court of common pleas, in and for the county of Berkshire, and for determining the times and places for holding the said courts for the future [1769-70, chap. 18; 1770-71, chap. 25],	June 29,	–	– –
156	Chapter 3. An act for enquiring into the rateable estates of this province [1767-68, chap. 15], ...	July 4,	–	Oct. 1, 1771.
159	Chapter 4. An act to prevent damage being done to the proprietors of the meadow, upland and beach, called Great and Little Scipuiszet, in the town of Falmouth and county of Barnstable, ...	July 4,	–	July 5, 1778.
161	Chapter 5. An act in addition to the several acts or laws of this province, impowering the selectmen or overseers of the poor of towns to bind poor children apprentices [1740-41, chap. 20; 1741-42, chap. 4], .	July 4,	–	– –
162	Chapter 6. An act for erecting the new plantation called Number Four, in the county of Berkshire, into a town by the name of Gageborough [1712-13, chap. 9; 1761-62, chap. 44], ...	July 4,	–	– –
164	Chapter 7. An act for erecting the new plantation called No. 2, in the county of Berkshire, into a town by the name of Partridge-field [1712-13, chap. 9; 1761-62, chap. 44], ...	July 4,	–	– –
167	Chapter 8. An act for reviving and continuing an act made to prevent damage being done on the lands called Nobscusset, in the township of Yarmouth [1757-58, chap. 6], .	July 4,	–	Nov. 2, 1781.
167	Chapter 9. An act for erecting two publick magazines for the safe keeping of powder; the one in the town of Boston, and the other in the town of Watertown, . . .	July 5,	–	– –
	SECOND SESSION.	1772.		
170	Chapter 10. An act to supply the treasury with the sum of eight thousand five hundred pounds, ...	April 25,	–	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1771-72. — SECOND SESSION — *Con.*	1771.		
171	Chapter 11. An act for continuing an act intitled "An act for establishing and regulating the fees of the several officers, within this province, hereafter mentioned" [1764-65, chap. 26], ...	April 25,	–	July 14, 1772.
171	Chapter 12. An act for continuing an act intituled "An act for granting unto his majesty several rates and duties of impost and tonnage of shipping" [1770-71, chap. 2], . .	April 25,	–	April 27, 1773.
171	Chapter 13. An act in addition to an act, made in the fifth year of the reign of his present majesty, intitled "An act to prevent the destruction of oysters in the several bays and rivers, hereafter mentioned, within this province" [1764-65, chap. 25], ...	April 25,	–	Nov. 1, 1775.
172	Chapter 14. An act to determine the share which the polls in the district of Greenfield shall pay to the sums to be assessed, in the said district, for the time therein limited, ...	April 25,	–	– –
173	Chapter 15. An act to prevent any persons obstructing the fish in their passing up Spruce Creek, so called, in a branch of Piscataqua River, that flows into the town of Kittery, and taking and catching them therein with seines, ...	April 25,	–	May 1, 1775.
173	Chapter 16. An act for continuing an act intitled "An act for allowing necessary supplies to the eastern Indians, and for regulating trade with them and for preventing abuses therein" [1764-65, chap. 30], .	April 25,	–	June 29, 1773
174	Chapter 17. An act for reviving and continuing sundry laws that are expired or near expiring [1739-40, chap. 8; 1740-41, chap. 15; 1742-43, chap. 4; 1742-43, chap. 11; 1742-43, chap. 25; 1743-44, chap. 6; 1743-44, chap. 14; 1744-45, chap. 27; 1746-47, chap. 27; 1750-51, chap. 21; 1750-51, chap. 22; 1753-54, chap. 14; 1754-55, chap. 21; 1754-55, chap. 26; 1755-56, chap. 9; 1756-57, chap. 28; 1756-57, chap. 31; 1758-59, chap. 6; 1758-59, chap. 33; 1759-60, chap. 38; 1760-61, chap. 35; 1761-62, chap. 5; 1764-65, chap. 7; 1764-65, chap. 10; 1769-70, chap. 7], ...	April 25,	–	Feb. 20, 1776.
176	Chapter 18. An act to appoint commissaries to settle a line of jurisdiction between this province and the province of New York, .	April 26.	–	– –
176	Chapter 19. An act for incorporating a number of the inhabitants in the west parish of Roxbury, with their estates, into a distinct parish or precinct, ...	April 25,	–	– –
177	Chapter 20. An act for incorporating the overseers of the poor of the town of Boston, . .	April 25,	–	– –
179	Chapter 21. An act to incorporate Jonathan Gardner, jun'r, and others therein named, into a society by the name of the Marine Society at Salem, in the county of Essex, in the province of the Massachusetts Bay, in New England, ...	April 25,	–	– –
180	Chapter 22. An act in addition to an act entitled "An act for the settlement of the bounds, and defreying of the publick and necessary charges arising within each respective county in this province," made and			

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1771-72. — SECOND SESSION — *Con.*	1772.		
	passed in the fourth year of the reign of King William and Queen Mary [1692-93, chap. 27], ...	April 25,	–	– –
	1772-73. — FIRST SESSION.			
195	Chapter 1. An act for altering the time for holding the court of general sessions of the peace and inferior court of common pleas in and for the county of Middlesex [1769-70, chap 18], ...	July 14,	–	– –
196	Chapter 2. An act for altering the time of holding the court of general sessions of the peace, and inferior court of common pleas, in the county of Cumberland, from the third Tuesday of April, and third Tuesday of October, to the last Tuesday of March, and the last Tuesday of October annually; and for establishing one other court of general sessions of the peace, and inferior court of common pleas, to be held in said county, annually, for the future [1769-70, chap. 18], ...	July 14,		– –
197	Chapter 3. An act for ascertaining and limiting a time for the return of executions that have, or may be, issued by the treasurer or receiver-general of this province, against any delinquent or defective constable or collector, ...	July 14,	–	– –
198	Chapter 4. An act in addition to, and explanatory of, the several laws already made relating to the removal of poor persons out of the towns whereof they are not inhabitants [1692-93, chap. 28, § 10; 1766-67, chap. 17, § 1], ...	July 14,	–	– –
198	Chapter 5. An act for erecting the north part of the town of Uxbridge, in the county of Worcester, into a district by the name of Northbridge, ...	July 14,	–	– –
200	Chapter 6. An act for incorporating the proprietors of Boston Pier, otherwise called the Long Wharf, in the town of Boston, . .	July 14,	–	– –
202	Chapter 7. An act for annexing certain lands lying in the town of Harwich, in the county of Barnstable, called Poatnamicut, with the inhabitants thereon, to the town of Eastham in the same county, . .	July 14,	–	– –
203	Chapter 8. An act in addition to an act intitled "An act to prevent fraud in cord-wood exposed to sale" [1705-6, chap. 8, § 1], .	July 14,	–	– –
205	Chapter 9. An act for confirming the titles and quieting the possessions of the proprietors of the town of Townshend, ...	July 14,	–	– –
206	Chapter 10. An act for incorporating the plantation called Narraganset Number One, in the county of York, into a town by the name of Buxton, ...	July 14,	–	– –
207	Chapter 11. An act in addition to, and in explanation of, an act intitled "An act for incorporating the southerly part of Rutland and the northerly part of Leicester, in the county of Worcester, into a district by the name of Paxton" [1764-65, chap. 18, § 1], ...	July 14,	–	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1772-73. — FIRST SESSION — *Con.*	1772.		
207	Chapter 12. An act to enable sheriffs, deputy sheriffs, coroners and their deputies, and constables, to make sale of goods and chattels taken by execution, ...	July 14,	–	– –
208	Chapter 13. An act for supplying the treasury with the sum of ten thousand three hundred pounds, ...	July 14,	–	– –
209	Chapter 14. An act to enable the province treasurer to issue his warrants to the assessors of the several towns, districts and other places within this province, agreably to the valuation and apportionment agreed upon by the house of representatives at the session of the general court in May, one thousand seven hundred and seventy-two [1770-71, chap. 8, § 6; 1730, chap. 1], ...	July 14,	–	– –
212	Chapter 15. An act for continuing an act intituled "An act for establishing and regulating the fees of the several officers, within this province, hereafter mentioned" [1764-65, chap. 26], ...	July 14,	–	April 25, 1772.
212	Chapter 16. An act to amend and carry into execution an act made in the fifth year of his present majesty's reign, intitled "An act for raising by lottery the sum of three thousand two hundred pounds, for building another hall for the students of Harvard College to dwell in" [1765-66, chap. 21], ...	July 2,	–	– –
213	Chapter 17. An act for regulating town meetings in the town of Danvers, ...	July 14,	–	March 1, 1776.
214	Chapter 18. An act to prevent the currency of the bills of credit of the governments of New York, New Jersey and Nova Scotia, .	July 14,	–	April 30, 1773.
215	Chapter 19. An act for granting a tax of twopence per acre, for one year next to come, and [of] [*for*] one penny per acre, for a second year next to come, on all the lands in the district of Hubbardston in the county of Worcester, and for subjecting the lands of such of the proprietors as neglect or refuse to pay the said taxes, to be sold for the payment thereof,	July 14,	–	– –
216	Chapter 20. An act to prevent the destruction of oysters in Charles and Mistick Rivers, .	July 14,	–	Nov. 11, 1775.
217	Chapter 21. An act for granting a tax of one penny per acre, yearly, for the term of three years, successively, on all the unimproved lands in the district of Shelburne, in the county of Hampshire, and for subjecting the lands of such of the proprietors as neglect or refuse to pay the said tax, to be sold for the payment thereof,	July 14,	–	– –
218	Chapter 22. An act making provision for the collection of a residue of certain assessments of the town and second parish in Scarborough, in the county of Cumberland [1730, chap. 1], ...	July 14,	–	– –
219	Chapter 23. An act for granting a tax of one penny half-penny per acre, yearly, for the term of five years, successively, on all the non-resident proprietors' lands in the town of Ashby, in the county of Middlesex, and for subjecting the lands of such of the proprietors as neglect or refuse to pay the said tax, to be sold for the payment thereof, ...	July 14,	–	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1772-73. — FIRST SESSION.	1772.		
220	**Chapter 24.** An act for continuing sundry laws that are near expiring [1769-70, chap. 13; 1770-71, chap. 12], ...	July 14,	–	Aug. 24, 1775.
221	**Chapter 25.** An act for the subjecting the inhabitants of a part of the town of Danvers, called the neck of land, hereafter described, to the charge of maintaining and supporting certain bridges and highways, . .	July 14,	–	– –
	SECOND SESSION.			
224	**Chapter 26.** An act for establishing a line of jurisdiction between the county of Suffolk and the count[y] [*ie*]s of Plymouth and Bristol, so far as the line hereafter described shall extend, ...	March 6,	–	– –
225	**Chapter 27.** An act to impower the major part of the justices of the peace of the town of Boston, and the major part of the selectmen of the said town, to lay out a street from Middle Street to Ann Street in said town; and also to repeal and set aside what was done by the major part of the justices of the said town, together with the selectmen, relative to the laying out of a street in the same place, in April, one thousand seven hundred and sixty-seven [1727-28, chap. 1, § § 1 and 2], .	March 6,	–	– –
226	**Chapter 28.** An act for granting two strips or pieces of the province land lying on the west side of Governor's Alley, so called, in Boston, towards widening said alley, . .	March 6,	–	– –
227	**Chapter 29.** An act for dividing the town of Pownalborough into two distinct precincts, by the name of the West Precinct and East Precinct, ...	Feb. 27,	–	– –
228	**Chapter 30.** An act to make provision for the assessing the monies upon the lands of the proprietors in the township of Ashfield, in the county of Hampshire, which are due from the said proprietors, to defrey the charges hereafter mentioned, and to provide a method for the collecting and levying of the same [1761-62, chap. 14; 1765-67, chap 13, § 3], ...	March 6,	–	– –
230	**Chapter 31.** An act in further addition to an act intitled "An act for the orderly consummating of marriages," made and passed in the fourth year of their late majesties King William and Queen Mary [1692-93, chap. 25], . . .	March 6,	–	– –
231	**Chapter 32.** An act in addition to an act intituled "An act to limit and direct in suing out executions upon judgments of courts" [1741-42, chap. 22], ...	March 6,	–	– –
232	**Chapter 33.** An act for securing the seasonable payment of town, district, and precinct, rates or assessments, ...	March 6,	–	– –
234	**Chapter 34.** An act for confirming the titles and quieting the possessions of the proprietors of the towns of Lunenburgh and Fitchburgh, .	Feb. 16,	–	– –
235	**Chapter 35.** An act to enable the town of Westminster to collect certain taxes, ...	March 4,	–	– –
236	**Chapter 36.** An act for incorporating the west part of the town of Great Barrington, in the county of Berkshire, into a district by the name of Alford, ...	Feb. 16,	–	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1772-73. — SECOND SESSION — *Con.*	1773.		
237	Chapter 37. An act for erecting a township in the county of Berkshire, at a plantation called Tyringham Equivalent, by the name of Loudun, ...	Feb. 27,	–	– –
238	Chapter 38. An act to prevent and discourage the inhabitants of this and the neighbouring governments from giving large credit to the Indians inhabiting, or who shall be hereafter inhabitants, within the town of Stockbridge, ...	March 6,	–	– –
238	Chapter 39. An act for setting off certain lands belonging to the town of Princeton, in the county of Worcester [1770-71, chap. 23],	March 6,	–	– –
239	Chapter 40. An act for annexing certain lands to the town of Great Barrington, in the county of Berkshire, ...	Feb. 16,	–	– –
239	Chapter 41. An act for annexing sundry persons, inhabitants of the first precinct in the town of Marshfield, with their estates, to the second precinct in said town, .	Feb. 16,	–	– –
240	Chapter 42. An act for establishing and regulating the fees of the several officers, within this province, hereafter mentioned [1764-65, chap 26], ...	Feb. 26,	–	Nov. 1, 1775.
248	Chapter 43. An act to supply the treasury with a sum not exceeding two thousand eight hundred pounds, ...	Feb. 27,	–	– –
248	Chapter 44. An act to regulate the sale of goods at public vendue, and to limit the number of auctioneers, ...	Feb. 27,	1774, April 13,	March 6, 1775.
250	Chapter 45. An act to prevent the destruction of salmon and other fish in Merrimack River, within this province, ...	March 6,	–	April 1, 1775.
250	Chapter 46. An act to impower the inhabitants of the town of Rochester, in the county of Plimouth, to regulate the taking of fish within the harbours and coves of said township, ...	March 6,	June 1,	April 10, 1776.
251	Chapter 47. An act for continuing an act intitled "An act for granting unto his majesty several rates and duties of impost and tonnage of shipping" [1770-71, chap. 2], .	March 6,	–	June 10, 1774.
252	Chapter 48. An act for regulating the alewive fishery in the town of Halifax, in the county of Plimouth, ...	Feb. 27,	–	March 1, 1778.
253	Chapter 49. An act for impowering the members of the Church of England, in the town of Great Barrington, to raise, assess, levy and collect monies for the support of their minister or missionary, and for other pious purposes, ...	Feb. 19,	–	March 1, 1776.
254	Chapter 50. An act to enable and impower the inhabitants of new plantations within this province, enjoined and subjected by law, or that may hereafter be enjoined, and subjected, to pay province and county taxes, to assess, levy and collect the same, ...	March 6,	–	March 31, 1783.
256	Chapter 51. An act to prevent the destruction of alewives and other fish in Ipswich River, and to encourage the increase of the same, ...	March 6,	–	April 15, 1776.
258	Chapter 52. An act for reviving and continuing sundry laws that are expired, or near expiring [1736-37, chap 4; 1738-39, chap. 25; 1739-40, chap. 12; 1740-41, chap. 20; 1741-42, chap. 4; 1742-43, chap. 16;			

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1772-73. — SECOND SESSION — *Con.*	1773.		
	1742-43, chap. 19; 1742-43, chap. 20; 1742-43, chap. 27; 1743-44, chap. 23; 1746-47, chap. 11; 1746-47, chap. 10; 1746-47, chap. 18; 1748-49, chap. 13; 1751-52, chap. 17; 1751-52, chap. 19; 1755-56, chap. 39; 1755-57, chap. 32; 1759-60, chap. 32; 1761-62, chap. 26; 1761-62, chap. 31; 1762-63, chap. 5; 1762-63, chap. 18; 1762-63, chap. 27; 1764-65, chap. 30; 1770-71, chap. 3; 1770-71, chap. 4], ...	March 6,	-	March 1, 1779.
	1773-74. — FIRST SESSION.			
291	Chapter 1. An act for furnishing the militia of this province with twelve brass field-pieces,	June 29,	-	- -
291	Chapter 2. An act in addition to, and explanatory of, an act intitled "An act to empower a major part of the justices of the peace of the town of Boston, and the major part of the selectmen of the said town, to lay out a street from Middle Street to Ann Street in said town; and also to repeal and set aside what was done by a major part of the justices of said town, together with the selectmen, relative to the laying out a street in the same place, in April, one thousand seven hundred and sixty-seven" [1772-73, chap. 27], ...	June 29,	-	- -
293	Chapter 3. An act for incorporating a certain tract of land on the westerly side of Penobscot Bay, into a town by the name of Belfast,	June 29,	-	- -
293	Chapter 4. An act for incorporating a plantation called Broadbay, into a town by the name of Waldoborough, ...	June 29,	-	- -
295	Chapter 5. An act to incorporate Jonathan Glover, and others therein named, into a society by the name of the Marine Society at Marblehead, in the county of Essex, and province of the Massachusetts Bay, in New England, ...	June 29,	-	- -
296	Chapter 6. An act for annexing two certain tracts of land lying without the bounds of any town, with the inhabitants thereon, to the town of Northfield, in the county of Hampshire, ...	June 29,	-	- -
297	Chapter 7. An act for erecting the easterly part of the town of Murrayfield, in the county of Hampshire, into a separate district by the name of Norwich, ...	June 29,	-	- -
298	Chapter 8. An act for setting off certain persons and estates lying within the bounds of the first precinct in Roxbury, to the third precinct in the said town, . . .	June 29,	-	- -
299	Chapter 9. An act for supplying the treasury with the sum of thirteen thousand pounds, to be thence issued for the discharging the debts of government [1749-50, chap. 19; 1761-62, chap. 23], ...	June 29,	-	- -
300	Chapter 10. An act in addition to an act made and passed in the present year of his majesty's reign, intitled "An act to regulate the sale of goods at public vendue, and to limit the number of auctioneers" [1772-73, chap. 44], ...	June 29,	-	March 6, 1775.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or ha effect.
	1773-74. — FIRST SESSION — *Con.*	1773.		
301	**Chapter 11.** An act in addition to, and explanation of, an act, made and passed in the twelfth year of his present majesty's reign, intitled "An act for granting a tax of one penny halfpenny per acre, yearly, for the term of five years successively, on all the non-resident proprietors' lands in the town of Ashby, in the county of Middlesex; and for subjecting the lands of such of the proprietors as neglect or refuse to pay the said tax, to be sold for the payment thereof" [1772-73, chap. 23], ...	June 29,	–	– –
301	**Chapter 12.** An act for regulating lamps already set up, or that may hereafter be set up, for enlightning the streets, lanes, alleys or passage ways in the town of Boston, and to prevent the breaking or otherwise damnifying the same; and also establishing the method for paying the expences that may arise in supporting and maintaining said lamps, . . .	June 29,	–	Oct. 16, 1778.
304	**Chapter 13.** An act impowering the assessors of the town of Windham, in the county of Cumberland, to assess, yearly, for [the] three years next ensuing, one penny halfpenny per acre on every of the hundred-acre lots in said town already lotted out, and not otherwise taxed, ministerial- and school-lands in said town, excepted, ...	June 24,	–	– –
305	**Chapter 14.** An act for apportioning and assessing a tax of twenty thousand six hundred and twenty-five pounds; and also for assessing a tax of seven thousand and seven hundred and twenty pounds fifteen shillings, paid the representatives for their travel and attendance in the general court, in the years one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, and one thousand seven hundred and seventy-two; also for assessing a tax of seven hundred and ninety-eight pounds, laid on towns who have neglected sending some person to represent them in the great and general court in either of the years one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, and one thousand seven hundred and seventy-three; also for assessing the town of Hull four pounds four shillings, being the charge of a committee; also the town of Sherburne in the county of Nantucket the sum of two hundred pounds, part of the sum of three hundred ninety-eight pounds seven shillings and sevenpence, which said town is in arrears arising from the deficiency of Thomas Arthur, a defective collector of taxes for the years one thousand seven hundred and sixty-five and one thousand seven hundred and sixty-six; also the town of Framingham the sum of fifty-four pounds thirteen shillings and threepence, being the remaining part of the arrears			

List of the Public Acts--Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1773-74.—FIRST SESSION — *Con.*	1773.		
	of the proportion of the province tax set on that town in the year one thousand seven hundred and sixty-five hitherto unpaid by reason of the deficiency of Joseph Butler a collector of taxes in said town that year; and the town of Taunton the sum of five pounds fourteen shillings, being the expence of a committee to settle the line between Taunton and Middleborough; and further to assess the town of Swanzey the sum of fifty pounds, being part of what was lent said town in consideration of their having been visited with the smal. pox; amounting in the whole to the sum of twenty-nine thousand four* and fifty-eight pounds six shillings and three-pence, ...	June 29,	-	March 10, 1774.
	SECOND SESSION.	1774.		
322	**Chapter 15.** An act for altering the time of holding the superior court of judicature, court of assize and general goal delivery, at Charlestown, in and for the county of Middlesex [1769-70, chap. 17], . .	March 4,	-	- -
323	**Chapter 16.** An act to enable persons to bring forward and maintain actions of debt in the executive courts within this province, upon judgments recovered in the neighbouring governments, and upon judgments recovered before justices of the peace in this province, ...	March 4,	-	- -
324	**Chapter 17.** An act for employing and providing for the poor in the town of Salem, and for the better regulating the workhouse in said town, ...	March 8,	-	- -
325	**Chapter 18.** An act for incorporating the west part of the town of Stockbridge, in the county of Berkshire, into a district by the name of West Stockbridge, ...	March 9,	-	- -
327	**Chapter 19.** An act for incorporating the easterly part of the town of Sunderland, in the county of Hampshire, into a town by the name of Leverett, ...	March 5,	-	- -
328	**Chapter 20.** An act for annexing certain lands in the county of Hampshire, with the inhabitants thereon, to the town of Wilbraham in said county, to do duties and receive privileges there, ...	March 9,	-	- -
329	**Chapter 21.** An act for incorporating a plantation called Freetown and Jeremy Squam Island, into a town by the name of Edge[u][o]mb[e], ...	March 5,	-	- -
329	**Chapter 22.** An act for incorporating the plantation called New Glocester, into a town by the name of New Gloucester, . .	March 8,	-	- -
330	**Chapter 23.** An act to enable the proprietors of the lands in the town of Richmont, in the county of Berkshire, to inforce the payment of such taxes as have been and hereafter shall be granted by the proprietors aforesaid [1763-64, chap. 24, § 1; 1765-66, chap. 16, § 2; 1766-67, chap. 11; 1761-62, chap. 44], ...	March 5,	-	- -
331	**Chapter 24.** An act in addition to one act or law of this province, made and passed in the thirteenth year of his present majesty's			

* "Hundred" omitted.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1773-74.—SECOND SESSION—*Con.*	1774.		
	reign, intitled "An act to make provision for the assessing the monies upon the lands of the proprietors in the township of Ashfield, in the county of Hampshire, which are due from the said proprietors, to defrey the charges hereafter mentioned, and to provide a method for the collecting and levying of the same" [1772-73, chap. 30; 1772-13, chap. 9], .			
334	Chapter 25. An act to enable the town of Stoughton and the district of Stoughtonham to sell certain lands lying within the said district of Stoughtonham, called ministry lands, lying near a place called Cow Hill, ...	March 9,	–	–
335	Chapter 26. An act for dividing the township of Springfield, and erecting the western part thereof into a seperate town by the name of West Springfield, ...	March 5,	–	–
337	Chapter 27. An act for erecting that part of the township of Springfield called Stony Hill, into a seperate district by the name of Ludlow, ...	Feb. 23,	–	–
339	Chapter 28. An act for supplying the treasury with three thousand pounds [1749-50, chap. 19; 1761-62, chap. 23], ...	Feb. 28,	–	–
341	Chapter 29. An act making further provision for regulating the alewives fishery in the town of Bridgwater, and for repealing an act, made in the eleventh year of his present majesty's reign, intituled "An act for regulating the alewive fishery in the town of Bridgwater" [1770-71, chap. 3], ...	March 8,	–	–
342	Chapter 30. An act to prevent neat cattle, horses, sheep, goats and swine from going at large upon the island of Chabequidick at certain seasons of the year; and for preventing other trespasses being done on any of the Indian lands on said island, for the future, ...	March 8,	–	July 8, 1777.
343	Chapter 31. An act to enable the proprietors of Stow, in the county of Middlesex, so often as it shall be thought necessary for them, to raise money for the use of said proprietors, and to tax and asses[s] the original proprietors of said town and their heirs, in equal proportion to their interest when the first lotts were divided and drawn; and to enable the present collector of said proprietors to raise monies already granted and assessed by and on said proprietors, ...	March 9,	–	March 9, 1777.
344	Chapter 32. An act in addition to, and for rendering more effectual, an act passed in the seventh year of his present majesty's reign, intit[u]led "An act in ad[d]ition to several acts to prevent the destruction of salmon and other fish in Merrimack River, within this province" [1766-67, chap. 13], ...	March 5,	–	March 10, 1779.
345	Chapter 33. An act for continuing an act intit[u]led "An act to impower the inhabitants of the town of Dartmouth to regulate the taking of fish within the harbours and coves of said township of Dartmouth" [1770-71, chap. 28], ...	March 8,	–	March 30, 1777.
		March 8,	–	March 1, 1779.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1773-74. — SECOND SESSION — *Con.*	1774.		
346	Chapter 34. An act for continuing an act intit[u]led "An act for granting unto his majesty several rates and duties of impost and tonnage of shipping" [1770-71, chap. 2],	March 8,	–	March 1, 1775.
	1774. — FIRST SESSION.			
387	Chapter 1. An act for the safe keeping of the records of the proprietors of lands brought to severalty, which had been before held in common [1692-3, chap 28, § 3; 1712-13, chap. 9, § 1], ...	June 17,	–	– –
388	Chapter 2. An act for maintaining a lighthouse upon Brant Point, at the entrance of the harbour of Nantucket, . . .	June 17,	–	– –
389	Chapter 3. An act for incorporating a tract of land in the county of Worcester, known by the name of Rutland District, into a town by the name of Hutchinson, .	June 17,	–	– –
389	Chapter 4. An act in addition to an act intituled "An act for the incorporating the west part of the town of Stockbridge, into a district by the name of West Stockbridge," made and passed in the present year of his majesty's reign [1773-74, chap. 18],	June 17,	–	– –
390	Chapter 5. An act for supplying the treasury with the sum of fourteen thousand five hundred and fifty pounds, for the support of government the ensuing year [1749-50, chap. 19; 1761-62, chap 23], . .	June 17,	–	– –
392	Chapter 6. An act to exempt the people called Quakers, and Antipedobaptists, from paying taxes for the support of ministers settled by the laws of this province, and for the building and repairing [of] meeting-houses or places of public[k] worship [1770-71, chap. 10], . . .	June 16,	–	Aug. 16, 1777.
394	Chapter 7. An act for reviving and continuing certain laws that are expired, or near expiring [1764-65, chap. 12; 1771-72, chap. 13],	June 17,	–	March 1, 1779.
395	Chapter 8. An act for apportioning and assessing a tax of ten thousand three hundred and twelve pounds ten shillings; and also for assessing a tax of two thousand three hundred one pounds and fifteen shillings, paid the representatives for their travel and attendance in the general court, in the year one thousand seven hundred and seventy-three; and further to assess the town of Swansey the sum of fifty pounds, being part of what was lent said town in consideration of their having been visited by the small-pox; also for assessing the town of Sherburne on Nantucket, one hundred and ninety-eight pounds seven shillings and sevenpence, being in full of what said town was in arrears, arising from the deficiency of Thomas Arthur, a defective collector of taxes, for the years one thousand seven hundred and sixty-five and one thousand seven hundred and sixty-six; and the district of Northbridge the sum of thirty-six pounds and six shillings, being their proportion of the tax last year set on			

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.	Expired or had its effect.
	1774. — FIRST SESSION — *Con.*	1774.		
	the town of Uxbridge; and the sum of five pounds eighteen shillings on the town of Barnstable, four pounds thirteen shillings and threepence on the town of Sandwich, four pounds four shillings and threepence on the town of Yarmouth, three pounds eight shillings and sixpence on the town of Eastham, three pounds seven shillings and sixpence on the town of Harwich, two pounds and nine shillings on the district of Wellfleet, thirty-two shillings and fourpence on the town of Chatham, two pounds and one shilling on the town of Truro, three pounds seven shillings and fivepence on the town of Falmouth, being their several proportions of thirty-one pounds one shilling and threepence, ordered to be paid by the county of Barnstable to the town of Plymouth, and the court's committee, for their attendance to Barnstable; and the district of Amherst thirty pounds nine shillings and twopence, being the expence of a committee sent to said district to enquire into the propriety of dividing the same,	June 17,	–	March 10, 1775.

Page.	TITLES.	Date of Passage.	Expired or had its effect.
	1775-76. — FIRST SESSION.	1775.	
415	Chapter 1. An act to confirm and establish the resolves of the several provincial congresses of this colony, . .	Aug. 23,	– –
416	Chapter 2. An act for making and emitting of bills of public credit [1777-78, chap. 13; 1778-79, chap 12; 1779-80, chap 12],	Aug. 23,	– –
419	Chapter 3. [*An* *] act declaratory of the right of certain towns and districts in the colony of the [*Massachusetts**] Bay, in New England, to elect and depute a representative, or representatives, to serve for and [*represent th**]em in any great and general court or assembly at any time to be held and kept for the service of the said colony [1692-3, chap. 38; 1763-64, chap. 20, §§ 1 and 2], ...	Aug. 23,	– –
420	Chapter 4. An act for removing from their respective offices and places all the officers, both civil and military, belonging to this colony of the Massachuset[*t*]s Bay, in New England, holding, or claiming to hold, their respective offices or places by or under any nomination, appointment or commission made or granted by any governor or lieutenant-governor of the province of the Massachusetts Bay in New England, either with or without the advice and consent of the council or assistants of the said province, or by the major part of the council or assistants of said province, in the absence of the governor and lieutenant-governor, before the present meeting of this general court, .	Aug. 23,	– –
421	Chapter 5. [*An act* *] prescribing the form of an oath to be taken by all commission officers, both civil and military, who have been [*com* *]missionated for this colony since the nineteenth day of July last, or may be hereafter commissionated, intill the further order of the great and general court, ...	Aug. 23,	– –

* Engrossment mutilated.

List of the Public Acts—Continued.

Page.		TITLES.	Date of Passage.	Expired or had its effect.
		1775-76.—SECOND SESSION.	1775.	
423	Chapter 6.	An act for apportioning and assessing a tax of forty-six thousand pounds, upon the several towns and other places in this colony hereinafter named, for defreying the public charges and for the support of government, ...	Oct. 31,	April 1, 1776.
436	Chapter 7.	An act for encouraging the fixing out of armed vessel[l]s to defend the sea-coast of America, and for erecting a court to try and condemn all vessel[l]s that shall be found infesting the same [1759-60, chap. 29], ...	Nov. 1,	– –
441	Chapter 8.	An act impowering the courts of general sessions of the peace within this colony to grant licences to innholders and retailers, in certain cases, ...	Nov. 1,	– –
		THIRD SESSION.		
442	Chapter 9.	An act for making and emitting bills of public credit, .	Dec. 22,	– –
445	Chapter 10.	An act for forming and regulating the militia within the colony of the Massachusetts Bay, in New England, and for repealing all the laws heretofore made for that purpose, ...	1776. Jan. 22,	– –
454	Chapter 11.	An act for altering the places appointed by law for holding the superio[u]r court of judicature, court of assize and general goal delivery, within and for the county of Middlesex; and also for altering the places for holding some of the courts of general sessions of the peace, and inferiour courts of common pleas, within said county [1773-74, chap. 15; 1769-70 chap. 18], ...	Feb. 6,	– –
455	Chapter 12.	An act for altering the place by law appointed for holding the superio[u]r court of judicature, court of assize and general goal delivery, and the courts of general sessions of the peace, and inferio[u]r courts of common pleas, within and for the county of Suffolk [1769-70, chap. 17; 1769-70, chap. 18], . . .	Feb. 8,	– –
456	Chapter 13.	An act to enable the inhabitants of Falmouth to support prosecutions against persons who have in their possession goods taken from said inhabitants during the late fire there, ...	Feb. 9,	– –
457	Chapter 14.	An act for reviving and continuing sundry laws that are expired, and near expiring [1737-38, chap. 8; 1737-38, chap. 9; 1739-40, chap. 8; 1740-41, chap. 15; 1740-41, chap. 19; 1740-41, chap. 23; 1741-42, chap. 1; 1741-42, chap. 5; 1742-43, chap. 4; 1742-43, chap. 11; 1742-43, chap. 17; 1742-43, chap. 25; 1742-43, chap. 28; 1742-43, chap. 18; 1743-44, chap. 6; 1744-45, chap. 25; 1744-45, chap. 26; 1744-45, chap. 27; 1745-46, chap. 7; 1745-46, chap. 16; 1746-47, chap. 6; 1746-47, chap. 17; 1746-47, chap. 26; 1746-47, chap. 27; 1746-47, chap. 28; 1747-48, chap. 3; 1747-48, chap. 7; 1748-49, chap. 9; 1748-49, chap. 12; 1748-49, chap. 14; 1748-49, chap. 18; 1749-50, chap. 3; 1749-50, chap. 6; 1749-50, chap. 7; 1749-50, chap. 13; 1749-50, chap. 22; 1749-50, chap. 23; 1749-50, chap. 27; 1749-50, chap 24; 1750-51, chap. 5; 1749-50, chap 12; 1750-51, chap. 21; 1750-51, chap. 22; 1752-53, chap. 12; 1752-53, chap. 13; 1752-53, chap. 18; 1752-53, chap. 20; 1753-54, chap. 9; 1753-54, chap. 29; 1753-54, chap. 44; 1754-55, chap. 21; 1754-55, chap. 26; 1755-56, chap. 9; 1755-56, chap. 43; 1756-57, chap. 28; 1756-57, chap. 31; 1757-58, chap. 5; 1757-58, chap. 10; 1757-58, chap. 11; 1758-59, chap. 6; 1758-59, chap. 18; 1758-59, chap. 33; 1758-59, chap 37; 1758-59, chap. 17; 1759-60, chap. 21; 1759-60, chap 29; 1759-60 chap. 38; 1760-61, chap. 13; 1760-61, chap. 19; 1760-61, chap. 35; 1760-61, chap. 28; 1761-62, chap. 5; 1761-62,		

List of the Public Acts—Continued.

Page.		TITLES.	Date of Passage.	Expired or had its effect.
		1775-76. — THIRD SESSION — *Con.*	1776.	
		chap. 14; 1761-62, chap. 16; 1762-63, chap. 13; 1762-63, chap. 19; 1762-63, chap. 26; 1763-64, chap. 3; 1763-64, chap. 18; 1764-65, chap. 7; 1764-65, chap. 10; 1764-65, chap. 24; 1764-65, chap. 25; 1764-65, chap. 34; 1765-66, chap. 12; 1765-66, chap. 20; 1765-66, chap. 19; 1765-66, chap. 30; 1766-67, chap. 17; 1766-67, chap. 16; 1766-67, chap. 13; 1767-68, chap. 10; 1767-68, chap. 16; 1767-68, chap. 13; 1767-68, chap. 17; 1769-70, chap. 7; 1769-70, chap. 13; 1769-70, chap. 14; 1770-71, chap. 21; 1770-71, chap. 32; 1771-72, chap. 15; 1772-73, chap. 17; 1772-73, chap. 20; 1772-73, chap. 44; 1772-73, chap. 45; 1772-73, chap. 46; 1772-73, chap. 51], ...		
462	Chapter 15.	An act for encouraging the fixing out of armed vessels to defend the sea-coast of America, and for erecting a court to try and condemn all vessels that shall be found infesting the same [1775-76, chap. 7; 1759-60, chap. 29], ...	Feb. 9,	Jan. 14, 1780.
468	Chapter 16.	An act for the carrying into execution a resolve of the American Congress, for ascertaining the number of inhabitants in this colony, ...	Feb. 14,	– –
			Feb. 16,	June 30, 1776
		FOURTH SESSION.		
471	Chapter 17.	An act for [*repealin**]g an act made and pas[*sed by t**]he great and general cou[*rt at**] their session in February last, intitled ["*An**] act for encouraging the fixing out of armed vessels to defend the sea-coast of America, and for erecting a court to try and condemn all vessels that shall be found infesting the same" [1775-76, chap. 15; 1775-76, chap. 7], . .	March 19,	– –
472	Chapter 18.	An act to prevent the forging and altering bills of public credit, and for preventing the depreciation thereof, and for making the bills of credit of the United Colonies, and the bills of this government, a tender in all payments, ...	April 13,	– –
474	Chapter 19	An act for amendment of an act, made and passed by the great and general court, at their session in November last, intitled "An act for encouraging the fixing out armed vessels to defend the sea-coast of America, and for erecting a court to try and condemn all vessels that shall be found infesting the same" [1775-76, chap. 7; 1775-76, chap. 15; 1775-76, chap. 17], .	April 13,	– –
478	Chapter 20.	An act for uniting the second and sixth parishes in the town of Ipswich into one parish, ...	April 17,	– –
479	Chapter 21.	An act for the executing in the colony of the Massachusetts Bay, in New England, one resolve of the American Congress, dated March [fourteenth] [*14*], [one thousand seven hundred and seventy-six] [*1776*], recommending the disarming such persons as are notoriously disaffected to the cause of America, or who refuse to associate to defend by arms the United American Colonies against the hostile attempts of the British fleets and armies; and for the restraining and punishing persons who are inimical to the rights and liberties of the said United Colonies, and for directing the proceedings therein, ...	May 1,	– –
484	Chapter 22.	An act for establishing the stile of commissions which shall hereafter be issued, and for altering the stile of writs, processes, and all law proceedings, within this colony; and for directing how recognizance[*e*]s to the use of this government, shall, for the future, be taken and prosecuted, ...	May 1,	– –
486	Chapter 23.	An act for the repealing one law of this colony, made and passed in the fourth year of the reign of William and Mary, king and queen, intitled "An act for regulating fees;" and for regulating the fees and allow-		

* Engrossment mutilated.

List of the Public Acts—Continued.

Page.		TITLES.	Date of Passage.	Expired or had its effect.
		1775-76. — FOURTH SESSION — *Con.*	1776.	
		ances of the several officers and persons, within this colony, hereinafter mentioned [1692-93, chap. 37; 1772-73, chap. 42], ...	May 2,	June 30, 1778.
495	Chapter 24.	An act for raising and forming a regiment or troop of horse out of the several regiments of foot in the county of Worcester [1775-76, chap. 10, § 14], . . .	May 3,	- -
498	Chapter 25.	An act providing a speedy and cheap co[a][*u*]rse for the recovery of debts, ...	May 3,	June 23, 1778.
502	Chapter 26.	An act providing for a more equal representation in the general court, ...	May 4,	- -
503	Chapter 27.	An act in addition to an act, made and passed by the general court in November last, intitled "An act for fixing out armed vessels to defend the sea-coast of America, and for erecting a court of justice to try and condemn all vessels that should be found infesting the same" [1775-76, chap. 7], ...	May 8,	- -
504	Chapter 28.	An act to supply the treasury with fifty thousand pounds, and for drawing the same out again, . .	May 8,	- -
		1776-77. — FIRST SESSION.		
547	Chapter 1.	An act for making and emitting of bills of public credit,	June 21,	- -
549	Chapter 2.	An act in addition to an act, made in the last session of the general assembly, intitled "An act for altering the stile of writs, processes, and all law proceedings, within this colony, and for directing how recognizances to the use of the government, shall, for the future, be taken and prosecuted" [1775-76, chap. 22], ...	June 29,	- -
550	Chapter 3.	An act for erecting the plantation called Jericho, in the county of Berkshire, into a town by the name of Hancock, ...	July 2,	- -
551	Chapter 4.	An act to supply the treasury with one hundred thousand pounds, ...	July 2,	- -
552	Chapter 5.	An act impowering the justices of the court of general sessions of the peace in the several counties in this colony to permit one or more inoculating hospitals to be erected in each of the said counties, ...	July 4,	- -
553	Chapter 6.	An act for the repealing and making void one clause of an act, made and passed in the year of our Lord one thousand seven hundred and seventy-two, intit[u]led "An act for altering the time of holding the court of general sessions of the peace, and inferior court of common pleas, in the county of Cumberland, from the third Tuesday of April, and third Tuesday of October, to the last Tuesday of March, and the last Tuesday of October, annually; and for establishing one other court of general sessions of the peace, and inferior court of common pleas, to be held in said county, annually, for the future" [1772-73, chap. 2],	June 29,	- -
554	Chapter 7.	An act impowering the justices of the court of general sessions of the peace in the several counties in this colony to permit one or more inoculating hospitals to be erected in each of the said counties [1776-77, chap. 5], ...	July 9,	- -
555	Chapter 8.	An act to prevent the continuance of the small-pox in the town of Boston, and to licence inoculation there for a limitted time [1776-77, chap. 7], ...	July 13,	- -
		SECOND SESSION.		
558	Chapter 9.	An act to prohibit the exportation of lumber, for a limit[*t*]ed time, ...	Sept. 4,	Nov. 20, 1776.
559	Chapter 10.	An act for making and emitting bills of public[k] credit, ...	Sept. 16,	- -

List of the Public Acts—Continued.

Page.	TITLES	Date of Passage.	Expired or had its effect.
	1776-77.—THIRD SESSION.	1776.	
562	Chapter 11. An act for dividing and setting off the northerly half of the land in the east precinct in the town of Pownalborough, in the county of Lincoln, into a sep[e] [*a*]rate precinct by the name of the North Precinct, . .	Dec. 17,	- -
563	Chapter 12. An act for erecting a tract of land called Fryeburg, of two thousand one hundred and seventy-two rods square, lying in the county of York, which was granted as a township to Joseph Frye, Esq[r], *Anno Domini* seventeen hundred sixty-two, and confirmed *Anno Domini* seventeen hundred sixty-three, into a town by the name of Fryeburgh, ...	1777. Jan. 11,	- -
564	Chapter 13. An act for apportioning and assessing a tax of one hundred and one thousand eight hundred and seventy-one pounds one shilling and twopence halfpenny, upon the several towns and other places in this state hereinafter named for defreying the public charge[s]; and also for assessing a tax of seven thousand three hundred and twenty pounds seventeen shillings, paid the representatives for their travel and attendance in the general court in the year one thousand seven hundred and seventy-five: also for assessing a tax of forty pounds one shilling on the town of Hancock, to pay a committee appointed by the general court to go to said town, ...	Jan. 27,	May 1, 1777.
583	Chapter 14. An act to prevent monopoly and oppression, . .	Jan. 25,	- -
589	Chapter 15. An act for the repealing [*of*] a law o[*f th**]is state made and passed by the great and general court at their present session, intitled "An act to prohibit the exportatio[*n**] of lumber for a limited time" [1776-77, chap. 9], ...	1776. Oct. 16,	- -
589	Chapter 16. An act for mak[e]ing and emitting bills of public credit,	Oct. 29,	- -
591	Chapter 17. An act for incorporating the plantation called St. Georges, in the county of Lincoln, into a town by the name of Warren, ...	Nov. 7,	- -
592	Chapter 18. An act for discontinuing the name of a town, in the county of Worcester, lately incorporated by the name of Hutchinson, and calling the same Barré [1774, chap. 3], ...	Nov. 7,	- -
593	Chapter 19. An act for repealing an act intitled "An act for altering the place by law appointed for holding the superior court of judicature, court of assize and general goal delivery, and the courts of general sessions of the peace, and inferior courts of common pleas, within and for the county of Suffolk," made and enacted by the great and general court or assembly of this colony in February, 1776 [1775-76, chap. 12], . .	Nov. 2,	- -
594	Chapter 20. An act in addition to an act, passed in the year sixteen hundred ninety-four, for the relief of id[i][*e*]ots and distracted persons[1693-94, chap. 18, § 1; 1737-38, chap. 9; 1775-76, chap. 14], ...	Nov. 7,	- -
595	Chapter 21. An act for providing a reinforcement to the American army, ...	Nov. 14,	- -
600	Chapter 22. An act for establishing a naval office and for ascertaining the fees, ...	Nov. 20,	- -
603	Chapter 23. An act to confirm the titles of Benjamin Titcomb and David Richardson, to a certain thirty-acre lot of land in Pearsontown, so called, in the county of Cumberland, originally laid out for a school lot; and to confirm to the inhabitants of said Pearsontown, certain other lands voted and granted for the support of a school, by the proprietors of said township, in lieu of said lot, and as an equivalent therefore, . . .	Nov. 23,	- -
604	Chapter 24. An act to supply the treasury with the sum of two hundred thousand pounds, ...	Dec. 2,	- -
606	Chapter 25. An act for preventing the operation of an act made in the year of our Lord one thousand seven hundred and seventy, entitled "An act for repealing the sev-		

* Engrossment mutilated.

List of the Public Acts—Continued.

Page.		TITLES.	Date of Passage.	Expired or had its effect.
		1776-77. — THIRD SESSION — *Con.*	1776.	
		eral laws now in force which relate to the limitation of personal actions, and for the limitation of personal actions for the future, and for avoiding suits at law" [1770-71, chap. 9], ...	Dec. 3,	Dec. 1, 1778.
606	Chapter 26.	An act for making and emitting bills of public credit,	Dec. 6,	– –
608	Chapter 27.	An act to supply the treasury with the sum of two hundred and six thousand and four hundred pounds,	Dec. 6,	– –
610	Chapter 28.	An act for making and emitting bills of public credit, ...	Dec. 7,	– –
612	Chapter 29.	An act for preventing or punishing crimes that may be committed against the public safety, below the degree of treason and misprision of treason, . . .	1777. Feb. 4,	– –
613	Chapter 30.	An act in addition to an act entitled "An act for regulating of townships, choice of town officers, and setting forth their power" [1692-93, chap. 28], . .	Feb. 4,	– –
614	Chapter 31.	An act to prevent the arresting soldiers for small debts, who have inlisted or shall inlist into the Continental Army, ...	Feb. 7,	– –
615	Chapter 32.	An act against treason and misprision of treason, and for regulating trials in such cases, and for directing the mode of executing judgments against persons attainted of felony, ...	Feb. 1,	– –
		FOURTH SESSION.		
621	Chapter 33.	An act for raising and forming a company or troop of horse, in the third regiment of foot in the county of Essex [1775-76, chap. 10], ...	March 19,	– –
623	Chapter 34	An act for disannexing the easterly part of the town of Warren, in the county of Lincoln, from said town, and incorporating the same, with the easterly part of a plantation called St. Georges, in said county, into a town by the name of Thomaston, ...	March 20,	– –
624	Chapter 35.	An act for securing and making provision for the support of prisoners who may be taken by any American armed vessel, and brought or sent into any port in this state, ...	March 27,	– –
626	Chapter 36.	An act to prevent the desertion of soldiers during the present war with Great Britain, the concealment of deserters, and also the embezzlement of clo[a]ths, arms, &c., belonging to the United States of America, ...	April 4,	Sept. 3, 1783.
628	Chapter 37.	An act to prevent the forging or altering Continental loan-certificates and lottery tickets, ...	April 5,	– –
629	Chapter 38.	An act to prevent the waste, destruction and embezzlement of the goods or estates of such persons who have left the same, and fled to our enemies for protection; and also for payment of their just debts, out of their estates, ...	April 9,	– –
633	Chapter 39.	An act in addition to and for amendment of an act, pass'd in July, A D. 1776, intitled "An act for impowering the justices of the court of general sessions of the peace in the several counties in this state to permit one or more inoculating hospitals in each of the said counties" [1776-77, chaps. 5 and 7], . .	April 11,	– –
635	Chapter 40.	An act to incorporate the plantation call[e]'d Hartwood, into a town by the name of Washington [1769-70, chap. 11], ...	April 12,	– –
636	Chapter 41.	An act for enabling towns to raise money for carrying on the present war [1778-79, chap. 41], . . .	April 26,	– –
637	Chapter 42.	An act in addition to an act, passed in the year of our Lord 1773, intitled "An act to prevent the destruction of alewives and other fish in Ipswich River, and to encourage the increase of the same" [1772-73, chap. 51], ...	May 2,	Jan. 14, 1780.
638	Chapter 43.	An act to supply the treasury with the sum of fifty thousand pounds, ...	May 2,	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Expired or had its effect.
	1776-77. — FOURTH SESSION — *Con.*	1777.	
639	Chapter 44 An act in addition to an act intitled "An act to prevent the forging and altering bills of public[k] credit, and for preventing the depreciation thereof, and for making the bills of credit of the United Colonies, and the bills of this government, a tender in all payments;" and for repealing and disannulling a resolve of the late provincial congress, for making the bills of other colonies a tender in this colony or state [1775-76, chap. 18], ...	May 6,	– –
641	Chapter 45. An act for taking up and restraining persons dangerous to this state, ...	May 9,	May 10, 1778.
642	Chapter 46. An act in addition to, and for amending and more effectually carrying into execution, an act intitled "An act to prevent monopoly and oppression," made in the present year [1776-77, chap. 14], . . .	May 10,	Jan. 1, 1780.
647	Chapter 47. An act to prevent persons guilty, of forging or counterfeiting the notes or bills of credit, or any coin, current in this or the United States, from defrauding the public, or individuals, by conveying their real estates,	May 10,	Nov. 10, 1777.
648	Chapter 48. An act for securing this and the other United States against the danger to which they are exposed by the internal enemies thereof, ...	May 10,	Jan. 1, 1778.
	1777-78 — FIRST SESSION.		
729	Chapter 1. An act exempting persons concerned in conducting the business of the Continental post-office from all military duties, ...	July 5,	– –
	SECOND SESSION.		
730	Chapter 2. An act to prevent the selling of goods at public vendue,	Aug. 16,	Nov. 1, 1777.
	THIRD SESSION.		
731	Chapter 3. An act to prevent the pernicious practice of distilling, into any kind of spirit whatever, cyder, wheat, Indian corn, rye, barley and oats, or either of them, . .	Sept. 17,	Sept. 25, 1778.
732	Chapter 4. An act for reviving and cont[i]nuing sundry laws that are expired [1773-74, chap. 29; 1773-74, chap. 30; 1773-74, chap. 32; 1774, chap. 6], ...	Sept. 24,	Jan. 14, 1780.
732	Chapter 5. An act to oblige persons to attend and give evidence, in certain cases, in the neighbouring states, . .	Oct. 4,	April 1, 1778.
733	Chapter 6. An act for the repealing two acts of the general court made the present year to prevent monopoly and oppression [1776-77, chap. 14; 1776-77, chap. 46], .	Oct. 13,	– –
734	Chapter 7. An act for drawing in the bills of credit of the several denominations, not on interest, which have at any time been issued by this government and are still outstanding, and for prohibiting the currency of said bills and the bills of any one of the United States, after a certain time, ...	Oct. 13,	– –
737	Chapter 8. An act to incorporate James Hudson, and others therein named, into a society by the name of the Marine Society at Newburyport, in the county of Essex, in the state of Massachusetts [*Bay*], in New England, .	Oct. 13,	– –
738	Chapter 9. An act for continuing an act, intitled "An act to prevent the selling of goods at public vendue" [1777-78, chap. 2], ...	Oct. 14,	March 1, 1778
739	Chapter 10. An act for repealing and making void part of two clauses in an act intitled "An act for securing and making provision for the support of prisoners who may be taken by any American armed vessel and brought or sent into any port in this state" [1776-77, chap. 35], ...	Oct. 14,	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Expired or had its effect.
	1777-78.—THIRD SESSION—*Con.*	1777.	
739	**Chapter 11.** An act to incorporate the south-westerly part of Washington, the north-easterly part of Great Barrington, or Hoplands, so called, the Glassworks Grant, and part of William[s]'s Grant, in the county of Berkshire, into a town by the name of Lee, ...	Oct. 21,	– –
740	**Chapter 12.** An act to supply the treasury with the sum of fifty thousand pounds, ...	Oct. 22,	– –
742	**Chapter 13.** An act for apportioning and assessing a tax of three hundred and five thousand six hundred and sixty-two pounds fourteen shillings and threepence, upon the several towns and other places in this state hereinafter named, for defraying the public charge; and also for assessing a tax of [of] eight thousand eight hundred and eighty-three pounds seven shillings and sixpence, paid the representatives for their travel and attend[e][a]nce in the general court in the year one thousand seven hundred and seventy-six, . . .	Oct. 24,	Jan. 1, 1778.
	FOURTH SESSION.		
759	**Chapter 14.** An act for prolonging the time for calling in the bills of credit of this state, not on interest [1777-78, chap. 7], ...	Dec. 13,	April 1, 1778.
759	**Chapter 15.** An act to set off Samuel Taylor of Dunstable, with his estate, from the first parish in Dunstable, to the second parish in said town, ...	Dec. 15,	– –
760	**Chapter 16.** An act to enable towns to raise such sums of money as they incline to do, for the purpose of less[e]ning their proportion of the public debt [1776-77, chap. 41; 1777-78, chap. 7], ...	Dec. 15,	– –
	FIFTH SESSION.	1778.	
761	**Chapter 17.** An act for the repealing one part of a law of this state, made and passed in the year of our Lord one thousand seven hundred and seventy-six, intitled "An act for the repealing one law of this colony, made and passed in the fourth year of the reign of William and Mary, king and queen, intitled an act for regulating the fees and allowances of the several officers and persons, within this colony, hereinafter mentioned" [1775-76, chap. 23; 1776-77, chap. 22], .	Jan. 24,	June 30, 1779.
770	**Chapter 18.** An act for prescribing and establishing an oath of fidelity and alle[i]g[i]ance, ...	Feb. 3,	– –
773	**Chapter 19.** An act to supply the treasury with the sum of seventy-five thousand pounds, ...	Feb. 20,	– –
774	**Chapter 20.** An act in addition to an act intitled "An act for enabling towns to raise money for carrying on the present war" [1776-77, chap. 41; 1777-78, chap. 16], . .	Feb. 8,	– –
775	**Chapter 21.** An act for incorporating the westerly part of the town of Wrentham, in the county of Suffolk, into a town by the name of Franklin, ...	March 2,	– –
777	**Chapter 22.** An act for reviving an act intitled "An act to prevent the selling of goods at public vendue" [1777-78, chap. 2], ...	March 12,	Sept. 14, 1778.
777	**Chapter 23.** An act for incorporating the plantation called Coxhall, in the county of York, into a town by the name of Coxhall, ...	March 11,	– –
778	**Chapter 24** An act in addition to an act intitled "An act for forming and regulating the militia within the colony of the Massachusetts Bay, in New England, and for repealing all the laws heretofore made for that purpose" [1775-76, chap. 10], ...	March 13,	– –
780	**Chapter 25.** An act in addition to, and explanation of, an act passed this present session, intitled "An act for prescribing and establishing an oath of fidelity and allegiance [1777-78, chap. 18, § 5], ...	March 13,	– –

List of the Public Acts—Continued.

Page.		TITLES.	Date of Passage.	Expired or had its effect.
		1777-78. — FIFTH SESSION — *Con.*	1778.	
782	Chapter 26.	An act for apportioning and assessing a tax of two hundred and fifty-four thousand seven hundred and eighteen pounds sixteen shillings and elevenpence, upon the several towns and other places in this state, for defraying the public charge, ...	March 9,	June 15, 1778.
		SIXTH SESSION.		
796	Chapter 27.	An act for the further prolonging the time for calling in the bills of credit of this state, not on interest [1777-78, chaps. 7 and 14], ...	April 3,	June 1, 1778.
796	Chapter 28.	An act for erecting a parish lately set off from the towns of Worcester, Sutton, Oxford and Leicester, in the county of Worcester, into a town by the name of Ward, ...	April 10,	- -
799	Chapter 29.	An act for enquiring into the rateable property of the state [1771-72, chap. 3], ...	April 28,	June 20, 1778.
803	Chapter 30.	An act for setting off a part of the town of Bolton, in the county of Worcester, into a sep[e][a]rate parish,	April 13,	- -
804	Chapter 31.	An act for dividing and setting off the westerly part of the town of Needham, in the county of Suffolk, into a sep[e][a]rate precinct by the name of the West Precinct, ...	April 28,	- -
805	Chapter 32.	An act in addition to "An act for regulating the proceedings on bonds of administrators on intestate estates," made, *Anno Domini*, 1734; and for enabling the successors of treasurers and other public officers to prosecute and defend certain actions on bonds given to their predecessors in office [1734-35, chap. 5],	April 28,	- -
806	Chapter 33.	An act for regulating trials in the maritime courts, and for making several maritime and mercantile matters cognizable therein [1775-76, chap. 7, 15, 17, and 27],	April 29,	- -
		1778-79. — FIRST SESSION.		
875	Chapter 1.	An act for incorporating certain lands in the county of Suffolk, formerly belonging to the town of Dorchester, but now to the towns of Wrentham, Walpole, Stoughton and Stoughtonham, with the inhabitants living thereon, into a town by the name of Foxborough, .	June 10,	- -
877	Chapter 2.	An act for taking affidavits out of court, in certain cases not already provided for, ...	June 11,	June 11, 1780.
877	Chapter 3.	An act to impower the proprietors of a new township in the county of Cumberland, called Pearsontown, to lay a yearly tax, not exceeding a penny per acre, for the term of five years, upon the unimproved lands there, and to subject the lands of such as shall refuse or neglect to pay the same, to be sold for the payment thereof [1753-54, chap. 1], ...	June 13,	- -
879	Chapter 4.	An act for further prolonging the time for calling in the bills of credit of this state, not on interest [1777-78, chap. 27], ...	June 4,	Dec. 1, 1778.
879	Chapter 5.	An act to prevent the forging, altering or counterfeiting the state-lottery tickets, ...	June 16,	- -
880	Chapter 6.	An act for prolonging the time for administ[e]ring the oath, or affirmation, of fidelity and allegiance [1777-78, chaps. 18 and 25], ...	June 18,	Sept. 30, 1778.
881	Chapter 7.	An act for incorporating the plantation called New Boston, in the county of Cumberland, into a town by name of Gray, ...	June 19,	- -
881	Chapter 8.	An act providing for the choice of county treasurers, in certain cases therein mentioned [1692-93, chap. 27, § 1],	June 19,	- -
882	Chapter 9.	An act to direct the justices of the superio[u]r court of judicature, court of assize and general goal delivery, to try certain persons now confined in the goal at Northampton, in the county of Hampshire,		

List of the Public Acts—Continued.

Page.		TITLES.	Date of Passage.	Expired or had its effect.
		1778-79. — FIRST SESSION — *Con.*	1778.	
		and in the goal at Great Barrington, in the county of Berkshire; and for procuring evidence to be used in said trials [1776-77, chap. 32, § 6; 1769-70, chap. 17, § 1], ...	June 20,	- -
884	Chapter 10.	An act for reviving and continuing an act intitled "An act for taking up and restraining persons dangerous to this state" [1776-77, chap. 45], ...	June 20,	June 20, 1779.
884	Chapter 11.	An act to supply the treasury with the sum of one hundred and twenty thousand pounds, ...	June 20,	- -
886	Chapter 12.	An act for apportioning and assessing a tax of two hundred and fifty-four thousand seven hundred and eighteen pounds sixteen shillings and elevenpence, upon the several towns and other places in this state, for defraying the public charge, ...	June 20,	Oct. 1, 1778.
		SECOND SESSION.		
900	Chapter 13.	An act for erecting the westerly part of the town of Northampton into a sep[e] [a]rate town by the name of Westhampton, ...	Sept. 29,	- -
901	Chapter 14.	An act to set off Moses Bartlet and others, from the town of Northampton and to annex them to the town of Southampton, ...	Sept. 29,	- -
901	Chapter 15.	An act for altering the place for holding the court of general sessions of the peace, and inferior court of common pleas, by law appointed to be held at Cambridge, in and for the county of Middlesex, on the third Tuesday of May, and for altering the place for holding the court of general sessions of the peace and inferior court of common pleas, by law appointed to be held at Groton, in and for said county, on the last Tuesday of November [1775-76, chap 11], . .	Sept. 29,	- -
902	Chapter 16.	An act for prolonging the time for administering the oath, or affirmation, of fidelity and allegiance [1778-79, chap. 6], ...	Oct. 2,	March 1, 1779.
903	Chapter 17.	An act for reviving and continuing sundry laws that are expired, and near expiring [1736-37, chap. 4; 1738-39, chap. 25; 1739-40, chap. 12; 1740-41, chap. 20; 1741-42, chap. 4; 1742-43, chap. 19; 1742-43, chap. 20; 1742-43, chap. 27; 1743-44, chap. 23; 1746-47, chap. 11; 1746-47, chap. 10; 1746-47, chap. 18; 1748-49, chap. 13; 1751-52, chap. 17; 1751-52, chap. 19; 1755-56, chap. 39; 1756-57, chap. 32; 1759-60, chap. 32; 1761-62, chap. 26; 1761-62, chap. 31; 1762-63, chap. 5; 1762-63, chap. 18; 1762-63, chap. 27; 1709-10, chap. 5; 1764-65, chap. 12; 1764-65, chap. 30; 1770-71, chap. 4; 1770-71, chap. 28; 1771-72, chap. 4; 1771-72, chap. 13; 1772-73, chap. 48; 1776-77, chap. 25; 1777-78, chap 3; 1777-78, chap 5], .	Oct. 5,	March 26, 1783.
905	Chapter 18.	An act for dividing and setting off the westerly part of the town of Newton, in the county of Middlesex, into a separate precinct by the name of the West Precinct, ...	Oct. 7,	- -
906	Chapter 19.	An act for drawing in the bills of credit of the several denominations under six shillings, bearing date prior to the eighteenth of October, A[*nno*] D[*omini*] one thousand seven hundred and seventy-six, which have been issued by this government and are still outstanding; and for prohibiting the currency of the same; as also for making and emitting bills of public credit, for the redemption thereof, ...	Oct. 13,	March 31, 1784.
909	Chapter 20.	An act for incorporating the plantation called East Hoosuck, in the county of Berkshire, into a town by the name of Adams, ...	Oct. 15,	- -
909	Chapter 21.	An act for augmenting certain fees, allowances and penalties, established by laws of this state [1777-78, chap. 17; 1775-76, chap. 23; 1692-93, chap. 37], .	Oct. 15,	Nov. 17, 1779.

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Expired or had its effect.
	1778-79. — SECOND SESSION — *Con.*	1778.	
910	Chapter 22. An act in addition to an act [i] [e]ntitled "An act to prevent the waste, destruction and embezzlement of the goods or estates of such persons who have left the same, and fled to our enemies for protection; and also for payment of their just debts, out of their estates" [1776-77, chap. 38], ...	Oct. 16,	- -
911	Chapter 23. An act for annexing the westerly part of the plantation called Number Five, in the county of Berkshire, to the town of Gageborough, in said county; and also for changing the name of the said town of Gageborough, and calling it by the name of Windsor [1771-72, chap. 6], ...	Oct. 16,	- -
912	Chapter 24. An act to prevent the return to this state, of certain persons therein named, and others, who have left this state, or either of the United States, and joined the enemies thereof, ...	Oct. 16,	- -
	THIRD SESSION.		
919	Chapter 25. An act more effectually to punish persons who shall be convicted of wilfully and corruptly passing counterfeit bills of public credit [1775-76, chap. 18; 1776-77, chaps. 44 and 47], ...	1779. Jan. 22,	- -
920	Chapter 26. An act for setting off a number of the inhabitants of the town of Methuen, in the county of Essex, into separate parish, ...	Jan. 25,	- -
921	Chapter 27. An act in addition to an act [i] [e]ntitled "An act against treason, mispris[i]on of treason, and concealment of treason, and for regulating trials in such cases, and for directing the mode of executing judgments against persons attainted of felony" [1776-77, chap 32, § 6], ...	Jan. 25,	- -
921	Chapter 28. An act for altering the tenor and d[e] [o]nominations of part of the bills of credit ordered to be emitted by an act [i] [e]ntitled "An act for drawing in the bills of credit of the several denominations under six shillings, bearing date prior to the eighteenth of October, *Anno Domini* one thousand seven hundred and seventy-six, which have been issued by this government and are still outstanding, and for prohibiting the currency of the same; as also for making and emitting bills of public credit for the redemption thereof" [1778-79, chap. 19], ...	Jan. 26,	- -
922	Chapter 29. An act to prevent the sale of goods at public auction [1777-78, chap. 22], ...	Jan. 27,	Jan. 1, 1780
923	Chapter 30. An act for incorporating the plantation called Gardinerston, in the county of Lincoln, into a town by the name of Pittston; and for annexing certain lands, in the said county, to the town of Bowdoinham [1762-63, chap. 14], ...	Feb. 4,	- -
924	Chapter 31. An act against monopoly and forestalling [1776-77, chap. 14; 1777-78, chap. 6], ...	Feb. 8,	Oct. 20, 1779.
926	Chapter 32. An act to prevent the destruction of salmon and other fish in Agawam or Westfield River, ...	Feb. 9,	March 15, 1784.
928	Chapter 33. An act for establishing a naval office at Woolwich [1776-77, chap. 22], ...	Feb. 11,	- -
928	Chapter 34. An act to set off John Adams, jun[r], and others from the town of Great Barrington, and to annex them to the town of Alford, ...	Feb. 11,	- -
929	Chapter 35. An act to supply the treasury with the sum of twenty-one thousand four hundred and fifty pounds, . .	Feb. 11,	- -
930	Chapter 36. An act to prohibit the exportation of masts and spars, of certain dimensions, for a limited time, ...	Feb. 19,	March 1, 1780.
931	Chapter 37. An act in further addition to an act [i] [e]ntitled "An act to prevent the waste, destruction and embezzlement of the goods or estates of such persons who have left the same, and fled to our enemies for pro-		

List of the Public Acts—Continued.

Page.		TITLES.	Date of Passage.	Expired or had its effect.
		1778-79.—THIRD SESSION—*Con.*	1779.	
		tection; and also for payment of their just debts, out of their estates" [1776-77, chap. 38; 1778-79, chap. 22],	Feb. 25,	– –
932	Chapter 38.	An act of pardon and indemnification for certain offences therein mentioned; and for holding a superio[u]r court of judicature, court of assize and general goal delivery in the county of Berkshire [1760-61, chap. 33],	Feb. 27,	– –
933	Chapter 39.	An act for apportioning and assessing a tax of one million fourteen thousand four hundred and twenty-two pounds seven shillings and eightpence, upon the several towns and other places in this state hereinafter named, for defraying the public charges; and also for assessing a further tax of twelve thousand three hundred and eighty-three pounds sixteen shillings and ninepence, paid the members of the house of representatives for their travel and attendance in the general court in the year one thousand seven hundred and seventy-eight [1777-78, chap. 29],	Feb. 27,	May 20, 1780.
		FOURTH SESSION.		
957	Chapter 40.	An act for incorporating the plantation containing certain grants called "No-town," and part of Charlemont, lying on the south side of Deerfield River and east of Number Seven, in the county of Hampshire, into a township by the name of Buckland,	April 14,	– –
958	Chapter 41.	An act for the explanation of an act intitled "An act for enabling towns to raise money for carrying on the present war" [1776-77, chap. 41, § 1],	April 14,	– –
959	Chapter 42.	An act to supply the treasury with the sum of eighty-one thousand five hundred and seventy pounds,	April 14,	– –
960	Chapter 43.	An act for the increase and encouragement of the marine of this state, and for raising the sum of fifty thousand pounds for that purpose,	April 19,	– –
962	Chapter 44.	An act to incorporate the committee of the church and congregation in the town of Warwick, for certain purposes,	April 20,	– –
963	Chapter 45.	An act in addition to an act intitled "An act to prevent the sale of goods at public auction" [1778-79, chap. 29],	April 23,	Jan. 1, 1780.
964	Chapter 46.	An act to supply the treasury with the sum of two hundred thousand pounds,	April 23,	– –
965	Chapter 47.	An act for prolonging the time for administ[e]ring the oath, or affirmation, of fidelity and allegiance [1778-79, chap. 16],	April 30,	Dec. 1, 1779.
966	Chapter 48.	An act to confiscate the estates of certain notorious conspirators against the government and liberties of the inhabitants of the late province, now state, of Massachusetts Bay [1778-79, chap. 49],	April 30,	– –
968	Chapter 49.	An act for confiscating the estates of certain persons commonly called absentees [1776-77, chap. 32],	May 1,	– –
971	Chapter 50.	An act for dividing and setting off the southerly part of the first precinct in the town of Cambridge, in the county of Middlesex, into a sep[e] [a]rate precinct by the name of the South Precinct,	May 1,	– –
		1779-80.—FIRST SESSION.		
1067	Chapter 1.	An act for further augmenting certain fees, allowances and penalties, established by laws of this state [1777-78, chap. 17; 1778-79, chap. 21],	June 16,	May 5, 1780.
1069	Chapter 2.	An act impowering the court of general sessions of the peace for the county of Hampshire to build a bridge over Westfield River, in the town of Norwich, at the		

List of the Public Acts—Continued.

Page.		TITLES.	Date of Passage.	Expired or had its effect.
		1779-80. — FIRST SESSION — *Con.*	1779.	
		expence of the proprietors of Murrayfield, and on their refusing or neglecting to pay the expence thereof to make sale of the said proprietors' unimprov[e]d land in said town of Murrayfield, or Norwich, to the amount and expences thereof, ...	June 19,	– –
1069	Chapter 3.	An act for incorporating the plantation called Tauconnuck Mountain, in the county of Berkshire, into a town by the name of Mount Washington, . . .	June 21,	– –
1071	Chapter 4.	An act for raising by lottery the sum of sixty thousand pounds, for the purpose of widening and amending the streets of the town of Charlestown; and also for raising by lottery the sum of two hundred and fifty thousand pounds, for the purpose of repairing the Long Wharf [e]in the town of Boston, ...	June 23,	– –
1072	Chapter 5.	An act for reviving and continuing an act entitled "An act for taking up and restraining persons dangerous to this state" [1776-77, chap. 45], ...	June 23,	June 20, 1780
1072	Chapter 6.	An act for incorporating the easterly part of the plantation called Number Five, in the county of Hampshire, into a town by the name of Cumington, . .	June 23,	– –
1073	Chapter 7.	An act to prevent the withholding the necessaries of life, and for punishing those persons who refuse to take the bills of credit of this state, or the United States of America [1775-76, chap. 18; 1778-79, chap. 31], .	June 24,	June 24, 1780.
1074	Chapter 8.	An act to enable the Board of War, of this state, to sue and be sued, ...	June 24,	– –
1075	Chapter 9.	An act to prevent deserters from the American troops, entering on board ships of war [1776-77, chap. 36],	June 29,	– –
1077	Chapter 10.	An act for making provision for appeals to Congress in certain maritime cases, and under certain restrictions,	June 30,	Oct. 4, 1780.
1078	Chapter 11.	An act to supply the treasury with the sum of two hundred thousand pounds, ...	June 30,	– –
1079	Chapter 12.	An act for apportioning and assessing a tax of two millions eight hundred and five thousand five hundred and thirty-eight pounds twelve shillings and eightpence halfpenny, upon the several towns and other places in this state hereinafter named, for defraying the public charges; and also for assessing a tax of thirty-two thousand and seventy-five pounds eighteen shillings and sixpence, paid the members of the house of representatives for their travel and attendance in the general court in the year one thousand seven hundred and seventy-eight, . . .	June 28,	Jan. 1, 1780.
		SECOND SESSION.		
1114	Chapter 13.	An act to prevent sundry articles being exported from this to the neighbouring states, ...	Sept. 23,	June 15, 1780.
1116	Chapter 14.	An act to set off a strip of land two hundred rods in width, with the inhabitants thereon, from the southerly part of the town of Westfield, and annexing the same to the town of Southwick [1770-71, chap. 1], .	Oct. 6,	– –
1116	Chapter 15.	An act in addition to an act [e] [7]ntitled "An act to prevent sundry articles being exported from this to the neighbouring states" [1779-80, chap. 13], . .	Oct. 6,	June 15, 1780.
1118	Chapter 16.	An act to continue in force an act intitled "An act against monopoly and forestalling," which act is near expiring [1778-79, chap. 31], ...	Oct. 6,	Oct. 4, 1780.
1118	Chapter 17.	An act to prevent impositions on the inhabitants of any town within this state, in the sale of firewood and bark, in any of said towns [1772-73, chap. 8], . .	Oct. 8,	March 26, 1783.
		THIRD SESSION.		
1120	Chapter 18.	An act for continuing sundry laws that are near expiring [1737-38, chap 8; 1737-38, chap 9; 1739-40, chap. 8; 1740-41, chap 15; 1740-41, chap. 19; 1740-41,		

List of the Public Acts—Continued.

Page.	TITLES.		Date of Passage.	Expired or had its effect.
	1779-80. — THIRD SESSION — *Con.*		1779.	
	chap. 23; 1741-42, chap. 1; 1741-42, chap 5; 1742-43, chap. 4; 1742-43, chap. 11; 1742-43, chap. 17; 1742-43, chap. 25; 1742-43, chap. 28; 1742-43, chap. 18; 1743-44, chap. 6; 1744-45, chap. 25; 1744-45, chap. 26; 1744-45, chap. 27; 1745-46, chap. 7; 1745-46, chap. 16; 1746-47, chap. 6; 1746-47, chap. 17; 1746-47, chap. 26; 1746-47, chap. 27; 1746-47, chap. 28; 1747-48, chap 3; 1747-48, chap. 7; 1748-49, chap 9; 1748-49, chap. 12; 1748-49, chap 14; 1748-49, chap. 18; 1749-50, chap. 3; 1749-50, chap. 6; 1749-50, chap. 7; 1749-50, chap. 12; 1749-50, chap. 22; 1749-50, chap. 23; 1749-50, chap. 24; 1749-50, chap. 27; 1750-51, chap. 5; 1750-51, chap. 21; 1750-51, chap. 22; 1752-53, chap. 12; 1752-53, chap. 13; 1752-53, chap 18; 1752-53, chap. 20; 1753-54, chap. 9; 1753-54, chap. 29; 1753-54, chap. 44; 1754-55, chap. 21; 1754-55, chap. 26; 1755-56, chap. 9; 1755-56, chap. 43; 1756-57, chap. 28; 1756-57, chap. 31; 1757-58, chap. 5; 1757-58, chap. 10; 1757-58, chap. 11; 1758-59, chap. 6; 1758-59, chap 18; 1758-59, chap. 33; 1758-59, chap. 37; 1758-59, chap. 17; 1759-60, chap. 21; 1759-60, chap 29; 1759-60, chap 38; 1760-61, chap. 13; 1760-61, chap. 19; 1760-61, chap 35; 1760-61, chap 23; 1761-62, chap. 5; 1761-62, chap. 14; 1761-62, chap. 16; 1762-63, chap. 13; 1762-63, chap. 19; 1762-63, chap 26; 1763-64, chap. 3; 1763-64, chap 18; 1764-65, chap. 10; 1764-65 chap. 24; 1764-65, chap 25; 1764-65, chap. 34; 1765-66, chap 12; 1765-66, chap. 20; 1765-66, chap 19; 1765-66, chap. 30; 1766-67, chap. 17; 1766-67, chap. 16; 1766-67, chap 13; 1767-68, chap. 10; 1767-68, chap. 16; 1767-68, chap. 13; 1767-68, chap. 17; 1769-70, chap. 7; 1769-70, chap. 13; 1770-71, chap. 21; 1770-71, chap. 32; 1772-73, chap. 17; 1772-73, chap. 20; 1772-73, chap. 45; 1772-73, chap 46; 1772-73, chap. 51; 1773-74, chap. 29; 1773-74, chap 30; 1773-74, chap. 32; 1774, chap. 6], ...		Nov. 25,	Nov. 1, 1785.
1125	Chapter 19.	An act for prolonging the time for administering the oath, or affirmation, of fidelity and allegiance, to commissioned military officers [1778-79, chap. 47], .	Nov. 29,	July 1, 1780.
1126	Chapter 20.	An act in addition to an act intitled "An act for encouraging the fixing out armed vessels to defend the sea-coast of America, and for erecting a court to try and condemn all vessels that shall be found in[f] [v]esting the same" [1775-76, chap. 7, § 8], .	Nov. 30,	– –
1126	Chapter 21.	An act to set off that part of Bernardston which lies on the west side of Green River, from said town, and annexing the same to the town of Colrain, . .	Dec. 2,	– –
1127	Chapter 22.	An act in addition to an act for the preservation and increase of moose and deer, on Tarp[o] [au]lin-Cove Island and [N] [M]ennemoset Island[s], lying and being in the county of Dukes County [1765-66, chap. 19], ...	Dec. 7,	Dec. 1, 1785.
1128	Chapter 23.	An act for further augmenting certain fees, allowances and penalties, established by laws of this state [1777-78, chap. 17; 1778-79, chap. 21; 1779-80, chap. 1], . .	Dec. 7,	Oct. 4, 1780.
1129	Chapter 24.	An act for incorporating certain persons therein mentioned, into a body politic, by the name of the Massachusetts Charitable Society, ...	Dec. 16,	– –
1131	Chapter 25.	An act for the repealing an act of the general court, of pardon and indemnification for certain offences therein mentioned; and for holding a superior court, etc., in the county of Berkshire [1778-79, chap. 38],	1780. Jan. 3,	
1131	Chapter 26.	An act for continuing an act intitled "An act to prevent the sale of goods at public auction" [1778-79, chap. 29].	1779. Dec. 24,	Jan. 1, 1781.

List of the Public Acts—Continued.

Page.		TITLES.	Date of Passage.	Expired or had its effect.
		1779-80. — THIRD SESSION.	1780.	
1132	Chapter 27.	An act for reviving and continuing two laws that are expired [1749-50, chap. 13; 1769-70, chap. 14], . .	Jan. 7,	Nov. 1, 1782.
1132	Chapter 28.	An act in addition to an act intitled "An act for further augmenting certain fees, allowances and penalties, established by the laws of this state" [1779-80, chap. 23; 1777-78, chap. 21], ...	Jan. 10,	Oct. 4, 1780.
1133	Chapter 29.	An act to provide for the security and payment of the bal[l]ances that may appear to be due by virtue of a resolution of the general assembly, of the sixth of February, one thousand seven hundred and seventy-nine, to this state's quota of the Continental Army, agreeable to the recommendation of Congress, and for supplying the treasury with a sum of money for that purpose [1776-77, chap 14], ...	Jan. 13,	– –
1137	Chapter 30.	An act for apportioning and assessing a tax of two millions seven hundred and seventy thousand six hundred and ninety-five pounds two shillings and twopence, upon the several towns and other places in this state hereinafter named, for defreying [*the**] public charges; and also for assessing a tax of twenty-three thousand four hundred and fifty-two pounds, paid the members of the house of representatives for their travel and attendance in the general court the two first sittings in the pre-sent year, . .	1779. Dec. 7,	{ Feb. 28, 1780. Apr. 1, 1780.
1167	Chapter 31.	An act for supplying the treasury of this state with a sum of money, to be paid in bills of the Continental currency, equal in value to the sum of one hundred and fifty thousand pounds sterling money of Great Britain, to enable the treasurer of this state to discharge any sums which may be borrowed on loan, in Europe, in behalf of said state, ...	1780. Jan. 11,	– –
		FOURTH SESSION.		
1169	Chapter 32.	An act to indemnify, and secure from prosecutions in law, persons who, by their laudable exertions under the late government of the king of Great Britain, have exposed themselves to actions of dam[m]age, and other prosecutions, in certain cases, ...	April 10,	– –
1170	Chapter 33.	An act for annexing the plantation called New Providence, in the county of Berkshire, to the town of Adams, ...	April 10,	– –
1170	Chapter 34.	An act for incorporating the easterly part of the town of Sudbury, in the county of Middlesex, into a sep[e] [*a*]rate town by the name of East Sudbury, .	April 10,	– –
1172	Chapter 35.	An act for incorporating the easterly precinct in the town of Mendon, in the county of Worcester, into a sep[e] [*a*]rate town by the name of Milford, . .	April 11,	– –
1173	Chapter 36.	An act more effectually providing for the security, support and exchange of prisoners of war brought into this state; and for repealing an act intitled "An act for securing and making provision for the support of prisoners who may be taken by any American armed vessel, and bro[*ugh*]'t into any port in this state" [1776-77, chap. 35], ...	April 12,	– –
1175	Chapter 37.	An act for further augmenting certain fees, allowances and penalties, established by laws of this state, and for enlarging the jurisdiction of justices of the peace [1779-80, chaps. 1, 23 and 28; 1777-78, chap. 17; 1777-78, chap. 24], ...	April 13,	Dec. 4, 1780.
1177	Chapter 38.	An act for annexing John Adams and others, inhabitants of the town of Sutton, with their lands, to the town of Northbridge, ...	April 20,	– –
1177	Chapter 39.	An act in addition to an act intitled "An act for incorporating the plantation called Coxhall, in the county of York, into a town by the name of Coxhall" [1777-78, chap. 23], ...	April 24,	– –

* Engrossment mutilated.

List of the Public Acts—Continued.

Page.		TITLES.	Date of Passage.	Expired or had its effect.
		1779-80. — FOURTH SESSION — *Con.*	1780.	
1178	Chapter 40.	An act making provision for calling in, to be destroyed, this state's quota, according to the present apportionment, of all the public bills of credit which have been emitted by Congress; and for making and emitting, on the credit of this state, other bills of credit, not to exceed the sum of four hundred and sixty thousand pounds; and for establishing funds sufficient to secure the redemption of the bills so emitted, by the last day of December, one thousand seven hundred and eighty-six, as recommended by a resolution of Congress, of the eighteenth of March, in the present year, and in conformity thereto; also for paying, annually, in specie, the interest arising on notes which have been issued upon the credit of the province, colony, or, now, state, of Massachusetts Bay, promising to be paid in gold or silver [1779-80, chap. 29], ...	May 5,	– –
1183	Chapter 41.	An act for enquiring into the rateable property in this state [1777-78, chap. 29], ...	April 28,	July 20, 1780
1189	Chapter 42.	An act for erecting a district [with]in the county of Middlesex, by the name of Carlisle [1753-54, chap. 36], ...	April 28,	– –
1190	Chapter 43.	An act for altering the times of holding the court of general sessions of the peace and inferio[u]r court of common pleas within the county of Essex [1769-70, chap. 18], ...	May 2,	– –
1191	Chapter 44.	An act to supply the treasury with the sum of ten hundred thousand pounds, ...	May 3,	– –
1193	Chapter 45.	An act to supply the treasury with the sum of forty-nine thousand eight hundred and thirty pounds [1778-79, chap. 42], ...	May 3,	– –
1194	Chapter 46.	An act to incorporate and establish a society for the cultivation and promotion of the arts and sciences, .	May 4,	– –
1197	Chapter 47.	An act for granting or confirming certain privil[i] [e]ges to the subjects of The Most Christian King, residing within this state, ...	May 5,	– –
1198	Chapter 48.	An act to prevent and punish desertion, and for apprehending and securing deserters, from the Continental Army [1779-80, chap 9], ...	May 5,	– –
1202	Chapter 49.	An act for apportioning and assessing a tax of five millions six hundred and one thousand and twenty-five pounds six shillings and sevenpence, upon the several towns and other places in this state hereinafter named, for defreying the public charges; and for the carrying into execution the resolves of Congress of the eighteenth of March, one thousand seven hundred and eighty; and also for assessing a tax of thirty-three thousand four hundred forty-four pounds ten shillings, paid the members of the house of representatives for their travel and attendance in the general court the two last sittings in the present year, .	May 5,	{ July 15, 1780. Sept. 15, 1780.
		1780. — FIRST SESSION.		
1393	Chapter 1.	An act for raising by lottery the sum of two hundred thousand dollars, for the purpose of repairing the roads in the Green Woods, so called, in the counties of Hampshire and Berkshire, ...	June 14,	– –
1394	Chapter 2.	An act to set George Sumner and Ebenezer Sumner, and lands of Nathaniel Sumner, Esq[r], from the town of Stoughton, and to annex them to the town of Dedham, ...	June 17,	– –
1395	Chapter 3.	An act for set[t]ing off a part of Royalston, called Royalston Leg, and annexing the same to the town of Winchendon, ...	June 17,	– –

List of the Public Acts—Continued.

Page.	TITLES.	Date of Passage.	Expired or had its effect.
	1780.—FIRST SESSION—*Con.*	1780.	
1395	Chapter 4. An act for repealing two acts made in the year of our Lord [one thousand seven hundred and seventy-nine] [*1779*]; also a resolve passed April [tenth, one thousand seven hundred and eighty] [*10th, 1780*], so far as said acts and resolve prohibits the exportation of any articles, to either of the United States of America, by land [1779-80, chap. 13; 1779-80, chap. 15], ...	June 20,	– –
1396	Chapter 5. An act for prolonging the time for administ[e]ring the oath, or affirmation, of fidelity and allegiance, to commissioned military officers [1779-80, chap. 19], .	June 19,	March 1, 1781.
1397	Chapter 6. An act appointing commissioners, on the part of this state, to compleat the bills of credit which may be emitted on the credit of this state, in consequence of a resolution of Congress, of the [eighteen] [*18*]th day of March last, and the law of this state for carrying the same into execution, and making other provision relative thereto [1779-80, chap. 40, § 6], .	June 19,	– –
1397	Chapter 7. An act for reviving and continuing sundry laws that are expired and near expiring [1776-77, chap. 45; 1778-79, chap. 2; 1778-79, chap. 31; 1778-79, chap. 36; 1779-80, chap. 10], ...	June 22,	Nov. 2, 1781.
1398	Chapter 8. An act for the punishment of such persons as shall encourage desertions from the fleets and armies of any foreign power who shall prosecute the war in America in conjunction with the United States of America, and for recovering such deserters as shall conceal themselves among the inhabitants [1779-80, chap. 9; 1779-80, chap. 48], ...	June 23,	– –
1399	Chapter 9. An act for apportioning and assessing a tax of seventy-two thousand pounds, upon the several towns and other places within this state hereinafter named, for the purpose of establishing funds to secure the redemption of the bills ordered to be emitted by an act of the general assembly, passed the twenty-fourth day of April, in the year of our Lord one thousand seven hundred and eighty; and also for paying, annually, in specie, the interest arising on notes, which have been issued upon the credit of the province, colony, or, now, state, of Massachusetts Bay, promising to be paid in gold and silver [1779-80, chap. 40], ...	June 19,	Nov. 1, 1780.
	SECOND SESSION.		
1411	Chapter 10. An act for annexing Josiah Blood, with the whole of his land lying in the district of Carli[s]le, to the town of Concord [1779-80, chap. 42], ...	Sept. 12,	– –
1411	Chapter 11. An act to set off a part of the town of Stoughton, and annexing it to the town of Stoughtonham, . . .	Sept. 19,	– –
1412	Chapter 12. An act for carrying into execution a resolve of Congress, of the [twentie] [*20*]th of March last; and for repealing certain clauses of an act made in the year of our Lord one thousand seven hundred and seventy-six, [e] [r]ntitled "An act to prevent forging and altering bills of public credit, and for preventing the depreciation thereof, and for making the bills of credit of the United Colonies, and the bills of this government, a tender in all payments;" and for establishing a rule of depreciation [1775-76, chap. 18, §§ 4, 5 and 6], ...	Sept. 29,	– –
1416	Chapter 13. An act for reviving and continuing one law of this state, made and passed in the year of our Lord one thousand seven hundred and seventy-seven, intitled "An act for the repealing one part of a law of this state, made and passed in the year of our Lord one thousand seven hundred and seventy-six, intitled		

List of the Public Acts—Concluded.

Page.		TITLES.	Date of Passage.	Expired or had its effect.
		1780. — SECOND SESSION — *Con.*	1780.	
		'An act for repealing one law of this colony, made and passed in the fourth year of the reign of William and Mary, king and queen, intitled "An act for regulating fees and allowances of the several officers and persons, within this colony, hereinafter mentioned,"'" and for repealing another act or law of this state, made and passed in the year of our Lord one thousand seven hundred and eighty, intitled "An act for further augmenting certain fees, allowances and penalties established by laws of this state, and for enlarging the jurisdiction of justices of the peace" [1777-78, chap. 17; 1779-80, chap. 37], . .	Oct. 3,	July 6, 1781.
1418	Chapter 14.	An act in addition to an act intitled "An act in further addition to and explanation of an act in addition to an act for erecting of a powder-house in Boston" [1732-33, chap. 9; 1771-72, chap. 9], ...	Oct 4,	March 10, 1787.
1418	Chapter 15.	An act to incorporate an academy in the town of Andover, by the name of Phillips Academy, . .	Oct. 4,	– –
1421	Chapter 16.	An act for apportioning and assessing a [*tax of**] five millions six hundred and one thousand and twenty-six pounds thirteen shillings and fourpence, upon the several towns and other pla[*ces in t**]his state hereinafter named, for defraying the public charges; and for carrying into execution the resolves of Congress of the eighteenth of March, one thousand seven hundred and eighty [1779-80, chap. 40], . . .	Sept. 30,	{ Dec. 15, 1780. { Mar. 15, 1781.

* Engrossment mutilated.

LIST OF THE TITLES OF PRIVATE ACTS.

Page.	TITLES.	Date of Passage.	Disallowed by Privy Council.
	1771-72. — SECOND SESSION.	1772.	
181	An Act to change the Christian name of William Clark Tyler from William Clark to Royall, ...	April 25,	–
	1772-73. — FIRST SESSION.		
259	An Act for changing the Christian name of Willard Wheeler from Willard to William Willard, ...	July 14,	–
	1773-74. — FIRST SESSION.	1773.	
346	An Act to enable Bunker Sprague of Malden in the County of Middlesex to take the name of Ebenezer Harnden, ...	June 29,	–

Page.	TITLES.	Date of Passage.
	1778-79. — SECOND SESSION.	1778.
972	An Act for Naturalizing Peter Landais, Esquire, ...	Oct. 15,
	1779-80. — FOURTH SESSION.	1780.
1231	An Act for dissolving the Marriage of Philip Turner and Mercy Turner, . . .	April 14,

RESOLVES.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the Resolve.	Date.
52	1769-70,	1, . .	Resolve remitting taxes laid upon Ashburnham and laying the same on other towns, ...	Jan. 14, 1768.
57	1769-70,	6, . .	Resolve granting £5, 17*s.* to the committee sent to Ipswich, and adding the same to the taxes of Ipswich, Middleton, Reading, Boxford and Danvers, ...	Apr. 26, 1770.
63	1769-70,	13, . .	Resolve exempting proprietors of pews in the several meeting-houses in Newburyport, who do not attend worship there, from ministerial or parish charges; also empowering non-proprietors of pews to vote for raising and appropriating money in the societies where they usually attend worship, ...	Apr. 29, 1779.*
63	1769-70,	15, . .	Resolve confirming the vote of the proprietors of Winchendon, and authorizing the assessment and collection of the tax mentioned therein, . .	Nov. 7, 1766.
64	1769-70,	15, . .	Resolve directing notice to the non-resident proprietors of Winchendon to appear at the next session, to answer the petition of Daniel Simpson, . .	June 10, 1767.
64	1769-70,	15, . .	Resolve referring the consideration of the petition of the inhabitants of Winchendon to the next session; and directing the treasurer not to issue execution for the tax of 1767, ...	July 14, 1769.
65	1769-70,	18, . .	Resolve adjourning the general sessions and court of common pleas for the counties of Bristol and Barnstable, ...	Nov. 6, 1765.
66	1769-70,	18, . .	Resolve adjourning the general sessions and court of common pleas in Bristol County, . . .	Feb. 12, 1766.
66	1769-70,	18, . .	Resolve adjourning the general sessions and court of common pleas in Worcester County, . .	Oct. 29, 1766.
66	1769-70,	18, . .	Resolve adjourning the general sessions and court of common pleas in Middlesex County, . .	Nov. 13, 1766.
67	1769-70,	18, . .	Resolve adjourning the general sessions and court of common pleas in the counties of Hampshire and Bristol, ...	Feb. 6, 1767.
67	1769-70,	18, . .	Resolve adjourning the general sessions and court of common pleas in Hampshire County, . .	Jan. 20, 1768.
67	1769-70,	18, . .	Resolve adjourning the general sessions and court of common pleas in Bristol County, . . .	Jan. 30, 1768.
71	1769-70,	24, . .	Resolve on the petition of Samuel Wilder, agent for Ashburnham, granting leave to bring in a bill, .	July 12, 1769.
140	1770-71,	3, . .	Resolve directing notice to Taunton to show cause the next session, on the petition of Bridgewater, Middleborough and Halifax, ...	Apr. 20, 1770.
141	1770-71,	7, . .	Resolve directing the treasurer to discharge the town of Deerfield the sum of £4, 7*s.* 10*d.* and lay the same on Shelburne and Conway, . . .	Nov. 5, 1770.
142	1770-71,	7, . .	Resolve remitting a fine of £8, laid on Westford; £6, on Sherborn; £5, on Southborough; £7, on Chelsea; and £10, on Georgetown, ...	June 18, 1771.
142	1770-71,	7, . .	Resolve remitting a fine of £5, laid on Upton, . . .	June 28, 1771.
142	1770-71,	8, . .	Resolve directing the treasurer not to issue warrants as required by act, until Nov. 1, 1771, . . .	July 5, 1771.
144	1770-71,	16, . .	Resolve directing notice on the petition of William Harkness and others, ...	June 7, 1771.
144	1770-71,	18, . .	Resolve granting a tax of 1½ penny per acre on the lands in Westminster, ...	Feb. 23, 1768.
147	1770-71,	31, . .	Resolve appointing a joint committee to sell an island in Connecticut River, ...	Nov. 10, 1770.
148	1770-71,	31, . .	Resolve directing the treasurer to deliver to John Worthington the produce of the sale of the above-mentioned island, ...	Apr. 15, 1771.

* Printed resolves, chapter CIII.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the Resolve.	Date.
150	1770-71,	35, . .	Resolve directing the committee on the lighthouse to purchase Thatcher's Island, and erect the lighthouse and a house for the keeper, . . .	June 22, 1771.
151	1770-71,	35, . .	Resolve granting £11, to James Kirkwood, lighthouse keeper, ...	June 29, 1773.
152	1770-71,	35, . .	Resolve of the provincial congress, granting £78, 13*s.* to James Kirkwood, for his services and expenses as keeper of the lighthouses on Thatcher's Island, ...	June 24, 1775.
152	1770-71,	35, . .	Resolve appointing Stephen Choate to examine into the situation of the lighthouse at or near Gloucester, ...	May 5, 1780.*
152	1770-71,	35, . .	Resolve empowering Stephen Choate to discover all persons who have taken from Thatcher's Island, any articles being the property of this state; and to take possession of the articles that now remain on said island.	June 23, 1780.†
182	1771-72,	1, . .	Resolve granting leave to bring in a bill, ...	Apr. 26, 1771.
183	1771-72,	10, . .	Resolve appropriating money in the treasury, . . .	Apr. 22, 1772.
184	1771-72,	14, . .	Resolve directing the manner of assessing taxes in Greenfield, until a new valuation, ...	Apr. 11, 1772.
264	1772-73,	9, . .	Resolve directing notice on the petition of James Prescott, and referring the consideration of the petition to the next session; also staying all law proceedings until the further order of court, ...	Apr. 24, 1772.
265	1772-73,	10, . .	Resolve directing notice on the petition of Joshua Wyman and others, ...	June 10, 1772.
265	1772-73,	11, . .	Resolve directing notice to the town of Rutland to show cause, etc., the next session, on the petitions of John Parker and others and Oliver Witt and others; also notice to Rutland and Paxton on the petition of Seth Metcalf, . . .	June 5, 1771.
268	1772-73,	17, . .	Resolve directing notice to the town of Danvers to show cause, etc., the next session, on the petition of Archelaus Putnam and Archelaus Dale, . .	Apr. 10, 1772.
269	1772-73,	21, . .	Resolve directing notice to the non-resident proprietors of Shelburne, on the petition of John Wells and others, ...	July 1, 1771.
273	1772-73,	26, . .	Resolve for a hearing on the line from Accord Pond to Angle Tree, ...	Jan. 14, 1773.
274	1772-73,	26, . .	Resolve postponing the above hearing, ...	Feb. 9, 1773.
279	1772-73,	34, . .	Resolve confirming the proceedings of the General Court's committee, and granting leave to bring in a bill, ...	Jan. 30, 1773.
280	1772-73,	35, . .	Resolve laying a tax of ¼ penny per acre, for four years, on the non-resident proprietors' lands in Westminster, ...	June 13, 1760.
280	1772-73,	36, . .	Resolve directing notice to the town of Great Barrington, on the petition of John Hamlin, . . .	Oct. 22, 1770.
282	1772-73,	42, . .	Resolve continuing the fee act until further orders, . .	Jan. 22, 1776.
285	1772-73,	50, . .	Resolve directing the clerk of the court of sessions for Lincoln County, to send out his warrants for plantation meetings in May next, . . .	Mar. 8, 1774.
353	1773-74,	3, . .	Resolve directing notice to the proprietors of Belfast, to show cause etc., the next session, on the petition of James Gilmore and others, . . .	June 14, 1774.
363	1773-74,	13, . .	Resolve on the petition of Caleb Graffam of Windham in the county of Cumberland, empowering the several courts of law to receive such cause or action as may be depending in said courts, .	Sept. 19, 1780.
364	1773-74,	14, . .	Resolve granting £5 to the committee on Taunton and Middleborough bounds; and directing that the amount be added to the tax of Taunton in the next tax act, ...	Apr. 19, 1771.
366	1773-74,	14, . .	Resolve remitting fines laid on Scarborough, for not sending a representative for the years 1770 and 1771, ...	June 17, 1772.

* Printed resolves of the March session, chapter CCCXIII.

† *Ibid.*, May session, chapter CXVIII.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE RESOLVE.	Date.
367	1773-74,	14, . .	Resolve allowing £12, to the town of Hardwick and £12, to the town of Kingston, being fines remitted the last session, ...	Feb. 4, 1774.
367	1773-74,	14, . .	Resolve directing that there be paid to Barnabas Freeman £5, 11*s.* 8*d.* for the use of Eastham, and £4, 8*s.* 4*d.* for the use of Wellfleet, . . .	Feb. 17, 1774.
367	1773-74,	14, . .	Resolve allowing £8, to Phinehas Heywood, for the use of the town of Holden, being a fine remitted, .	Feb. 24, 1774.
368	1773-74,	14, . .	Resolve remitting a fine of £12, laid on the town of Needham, ...	June 10, 1774.
368	1773-74,	14, . .	Resolve allowing £6, to Ebenezer White, for the use of the town of Wareham, and £14, to Joseph Read, for the town of Westford, being fines remitted said towns, ...	June 11, 1774.
368	1773-74,	14, . .	Resolve remitting a fine of £12, laid on the town of Medway, ...	June 14, 1774.
368	1773-74,	14, . .	Resolve remitting a fine of £12, laid on the town of Leominster; one of £12, on Duxbury, and one of £6, on Upton, ...	June 15, 1774.
368	1773-74,	14, . .	Resolve remitting fines to the amount of £29 laid on the town of Dunstable; £11, on Grafton, and £36, on Littleton, ...	June 16, 1774.
369	1773-74,	14, . .	Resolve allowing £14, 10*s.* to the town of Harpswell, being a fine laid on them for not sending a representative for the years 1771 and 1772, .	June 27, 1777.
372	1773-74,	24, . .	Resolve referring the petition of Ashfield proprietors and the report of the committee sent there, to the next session; and suspending all law proceedings in the meantime, ...	Apr. 23, 1772.
372	1773-74,	24, . .	Resolve staying all legal proceedings relative to lands in Ashfield, and continuing the same until the end of the next session of the General Court, .	July 14, 1772.
373	1773-74,	24, . .	Resolve appointing a committee to repair to Ashfield, appraise the land, estimate the damage, etc., and report to the General Court; and staying legal proceedings in the meantime, . . .	Feb. 5, 1773.
374	1773-74,	24, . .	Resolve confirming the sales of land in Ashfield on conditions, and providing for the payment of Daniel Williams, and the settlement of certain actions pending at the inferior court, . .	June 23, 1773.
380	1773-74,	27, . .	Resolve ordering notice to the first and fifth parishes of Springfield, on the petition of Stony Hill, .	June 11, 1771.
381	1773-74,	29, . .	Resolve directing notice to the owners of Perkins's dam, on the petition of Josiah Edson, . . .	June 9, 1773.
382	1773-74,	30, . .	Resolve granting £40, to the Chappaquiddic Indians, .	Feb. 24, 1774.
412	1774,	8, . .	Resolve granting £36, 6*s.* to the town of Uxbridge, and laying the same on Northbridge, . . .	June 11, 1774.
412	1774,	8, . .	Resolve granting £24, 1*s.* 3*d.* to the town of Plymouth and £7 to the committee sent to Plymouth, and laying the same on the several towns in Barnstable County in the next tax; also discharging Barnstable County from the payment of any futher sum towards building or repairing Eell River Bridge, ...	June 4, 1774.
412	1774,	8, . .	Resolve directing the constables and collectors to complete the collection of taxes assessed previous to the Declaration of Independence, . .	Oct. 18, 1777.
508	1775-76,	2, . .	Resolve of the committee of safety, recommending the issuing bills of credit to the amount of £100,000, ...	July 6, 1775.
509	1775-76,	2, . .	Resolve appointing a joint committee to inspect the press, etc., ...	Aug. 23, 1775.
509	1775-76,	2, . .	Resolve appointing a joint committee to sign and number the bills, and directing the manner, etc., .	Aug. 24, 1775.
509	1775-76,	2, . .	Resolve providing for the numbering and signing of the bills of credit, ...	Sept. 22, 1775.
510	1775-76,	2, . .	Resolve granting £55, 4*s.* to the committee for numbering and signing bills of credit, ...	Jan. 9, 1776.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the Resolve.	Date.
511	1775-76,	3, . .	Resolve empowering plantations to join with the towns to which they are taxed, in the choice of representatives,	
511	1775-76,	4, . .	Resolve reviving and continuing actions that were pending in the inferior courts,	Apr. 29, 1777.
512	1775-76,	5, . .	Resolve of the provincial congress, establishing a form of oath to be administered to the officers and soldiers in the army,	Aug. 31, 1776.
512	1775-76,	5, . .	Resolve of the provincial congress, establishing a form of oath to be administered to the general officers in the army,	May 5, 1775.
513	1775-76,	5, . .	Resolve granting £100 to Jonathan Hastings,	May 17, 1775.
513	1775-76,	5, . .	Resolve requiring all justices of the peace to administer the oath to soldiers, without fee,	Oct. 25, 1776.
514	1775-76,	6, . .	Resolve remitting the tax on Hull,	Feb. 3, 1777.
515	1775-76,	6, . .	Resolve remitting one-half of the tax on Falmouth,	June 27, 1776.
515	1775-76,	6, . .	Resolve empowering the then assessors of Chelsea to assess the tax laid in 1775,	Oct. 23, 1776.
516	1775-76,	7, . .	Resolve providing for the capture of vessels by persons not commissioned,	Feb. 15, 1779.
517	1775-76,	7, . .	Resolve establishing the fees of the admiralty courts,	Nov. 11, 1775.
517	1775-76,	7, . .	Resolve adjourning the admiralty court for the counties of Suffolk, Essex and Middlesex,	Jan. 25, 1776.
518	1775-76,	8, . .	Resolve concerning the necessary qualifications of licensed retailers,	Mar. 20, 1776.
518	1775-76,	9, . .	Resolve directing the treasurer to deliver copperplates to Paul Revere, and authorizing said Revere to engrave a new set of plates; also appointing a committee to take charge of the press,	Nov. 7, 1775.
519	1775-76,	9, . .	Resolve directing the manner of numbering and signing the bills,	Dec. 9, 1775.
519	1775-76,	9, . .	Resolve appointing a joint committee to consider the manner of signing bills,	Dec. 30, 1775.
519	1775-76,	9, . .	Resolve appointing two persons to sign bills instead of the two members of the Council,	Jan. 4, 1776.
520	1775-76,	9, . .	Resolve accepting the report of the committee appointed to examine the accounts of the committee to sign bills; and discharging the committee last named,	Jan. 6, 1776.
526	1775-76,	10, . .	Resolve directing the selectmen of the several towns to lend military tools,	May 1, 1776.
529	1775-76,	16, . .	Resolve establishing blank forms for the census-takers,	June 24, 1776.
529	1775-76,	16, . .	Resolve for taking the census of the male inhabitants above 16 years of age,	Feb. 16, 1776.
529	1775-76,	16, . .	Resolve directing the selectmen of certain towns to make return of their inhabitants,	Dec. 10, 1776.
530	1775-76,	18, . .	Resolve directing the arrest of all persons altering, counterfeiting or endeavoring to injure the credit of, the bills of credit,	Jan. 8, 1777.
531	1775-76,	18, . .	Resolve allowing a bounty to Nathaniel Farrington and others, for convicting Abiel Brintnall,	Jan. 31, 1776.
532	1775-76,	19, . .	Resolve respecting captured vessels brought into the eastern district,	Apr. 30, 1776.
538	1775-76,	21, . .	Resolve suspending the operation of the test act until the further order of the General Court, and appointed a joint committee to bring in a bill amending the act.	June 18, 1776.
539	1775-76,	22, . .	Resolve empowering the clerk of the superior court to issue veniries for Essex and York counties,	July 2, 1776.
540	1775-76,	22, . .	Resolve relative to veniries issued by the clerk of the superior court,	May 31, 1776.
541	1775-76,	22, . .	Resolve directing the printer to correct and reprint one sheet of the fee-bill; and appointing a committee to inspect the press for the future, until further orders,	June 7, 1776.
654	1776-77,	1, . .	Resolve granting £51, 4s. to the committee for numbering and signing bills of credit,	June 14, 1776.
				Dec. 7, 1776.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the Resolve.	Date.
655	1776-77,	2, . .	Resolve continuing military commissions in force until the 19th of January, 1777, ...	Sept. 16, 1776.
655	1776-77,	2, . .	Resolve continuing military commissions in force until the further order of the General Court, . .	Dec. 6, 1776.
656	1776-77,	2, . .	Resolve legalizing the acts of the deputies of Sheriff Richmond, of Bristol County, ...	Mar. 6, 1777.
660	1776-77,	4, . .	Resolve empowering the treasurer to borrow one hundred and fifty thousand pounds, and allowing six per cent interest on money borrowed, .	Oct. 29, 1776.
661	1776-77,	4, . .	Resolve directing the committees of correspondence, etc, of the several towns, to open subscription lists, ...	Dec. 6, 1776.
661	1776-77,	5, . .	Resolve appointing a joint committee to report a bill relative to inoculation for the small-pox, . .	June 11, 1776.
662	1776-77,	8, . .	Resolve directing the selectmen of Boston to take certain precautions to prevent the spreading of the small-pox, ...	Mar. 22, 1776.
662	1776-77,	8, . .	Resolve giving directions to the selectmen of Boston, with respect to the small-pox, ...	July 3, 1776.
664	1776-77,	8, . .	Resolve discontinuing the inoculating hospital at Sewall's Point, ...	Sept. 18, 1776.
664	1776-77,	8, . .	Resolve directing the selectmen of Roxbury to erect a smoke-house and employ persons to cleanse persons coming from Boston, ...	Apr. 6, 1778.
664	1776-77,	8, . .	Resolve directing the erection of smoke-houses at Roxbury, Winnissimmet Ferry and Charlestown Neck, ...	Apr. 7, 1778.
664	1776-77,	8, . .	Resolve laying a penalty on persons refusing to be smoked, ...	Apr. 11, 1778.
664	1776-77,	9, . .	Resolve directing the committee appointed to repair to Portsmouth, to recommend the government of New Hampshire to pass an act for preventing the exportation of lumber, ...	Sept. 2, 1776.
666	1776-77,	12, . .	Resolve giving Joseph Frye liberty to lay out a township of six miles square, on Saco River; and directing that he give bond for the settlement, and payment of one hundred pounds, . .	Mar. 3, 1762.
666	1776-77,	12, . .	Resolve accepting the plan of Fryeburg and confirming the same to Joseph Frye, on conditions, . .	Feb. 24, 1763.
666	1776-77,	12, . .	Resolve receiving back a certain quantity of land from Joseph Frye, and granting him other land in lieu thereof, ...	June 26, 1772.
667	1776-77,	13, . .	Resolve granting Elisha Porter £16 for pay as representative, and laying the same on the town of Hadley; also Abner Morgan £10, 7*s.* 6*d.*, and laying the same on Brimfield, ...	Jan. 22, 1776.
669	1776-77,	13, . .	Resolve directing the assessors of Chilmark and Mashpee to abate and remit the taxes assessed on Zachariah Mayhew and Gideon Hawley, .	Dec. 1, 1777.
669	1776-77,	14, . .	Resolve appointing a committee to attend the Providence Convention, ...	Nov. 16, 1776.
673	1776-77,	14, . .	Resolve directing the Board of War, selectmen, etc. to take measures to prevent the monopoly of pork, and other provisions, ...	Jan 30, 1777.
673	1776-77,	14, . .	Resolve respecting the prices of imported beef and other articles, ...	Mar. 15, 1777.
677	1776-77,	19, . .	Resolve directing the register of deeds for the county of Suffolk, to keep his office at Dedham, . . .	Nov. 21, 1776.
678	1776-77,	21, . .	Resolve directing the raising one fifth part of the militia to reënforce the army at New York, . .	Sept. 12, 1776.
679	1776-77,	21, . .	Resolve ordering the men drafted from the brigades in Plymouth and Barnstable counties, to march to Rhode Island instead of New York, . .	Sept. 13, 1776
679	1776-77,	21, . .	Resolve providing for the recall within two months, of the militia ordered to New York, . . .	Sept. 17, 1776.
684	1776-77,	21, . .	Resolve repealing a portion of the resolve of Oct. 19th, and granting a bounty of £20, to the men who shall enlist in the Continental Army, . .	Nov. 25, 1776.

Resolves—Continued.

Page.	ACTS RELATING TO THE GENERAL SUBJECT-MATTER. Year.	Chapter.	SUBJECT OF THE RESOLVE.	Date.
685	1776-77,	21, . .	Resolve appointing a joint committee to consider the letters from Gov. Trumbull and Gen. Lee, .	Nov. 28, 1776.
685	1776-77,	21, . .	Resolves providing for a further reënforcement to the army at New York; amending and explaining the act for the reënforcement of the army; calling on towns who have not furnished the men required by former resolves; appointing a committee to prepare an address to the people; desiring the Council not to issue commissions to privateers: and instructing the committees appointed to provide clothing for the army, .	Nov. 29, 1776.
686	1776-77,	21, . .	Resolve providing for supplying the selectmen with money to pay mileage, etc., ...	Dec. 10, 1776.
687	1776-77,	21, . .	Resolve providing for furnishing soldiers with fire-arms,	Jan. 7, 1777.
687	1776-77,	21, . .	Resolve providing for the payment of the selectmen's accounts for fire-arms supplied the soldiers, .	Feb. 5, 1777.
687	1776-77,	21, . .	Resolve directing the sheriff of Bristol County, to liberate six prisoners, ...	Apr. 11, 1777.
688	1776-77,	22, . .	Resolve relative to the manner of choosing naval officers,	Nov. 22, 1776.
688	1776-77,	22, . .	Resolve appointing naval officers, ...	Nov. 27, 1776.
688	1776-77,	22, . .	Resolve appointing naval officers, ...	Dec. 2, 1776.
688	1776-77,	22, . .	Resolve establishing the forms of instruments for the use of naval officers, ...	Mar. 21, 1777.
691	1776-77,	22, . .	Resolve fixing the term of naval officers; and continuing the present incumbents till others be chosen in their stead, ...	Oct. 18, 1777.
691	1776-77,	22, . .	Resolve establishing a naval office in Dukes County, .	Feb. 4, 1778.
692	1776-77,	24, . .	Resolve directing treasurer's notes to be stamped, . .	Dec. 5, 1776.
693	1776-77,	24, . .	Resolve directing the treasurer to pay notes that became due on the second of the current December, .	Dec. 29, 1779.
693	1776-77,	25, . .	Resolve relative to the revival of actions at the superior court, ...	Feb. 1, 1777.
694	1776-77,	31, . .	Resolve exempting enlisted soldiers from arrest in actions of trespass, ...	Apr. 1, 1776.
694	1776-77,	31, . .	Resolve exempting enlisted soldiers from arrest for debts contracted since enlistment, and all debts contracted previous to enlistment, under £15, .	May 8, 1777.
694	1776-77,	31, . .	Resolve exempting enlisted or drafted soldiers from arrests for debt, during the time of service, .	June 23, 1780.
695	1776-77,	32, . .	Resolve directing the attorney-general to prosecute certain persons in Hampshire and Berkshire counties, accused of high treason, ...	Apr. 15, 1778.
695	1776-77,	32, . .	Resolve explaining a certain clause in the treason act, .	Apr. 29, 1778.
703	1776-77,	36, . .	Resolve concerning deserters, ...	Aug. 13, 1775.
704	1776-77,	36, . .	Resolve respecting deserters from the northern army, .	Sept. 10, 1776.
704	1776-77,	36, . .	Resolve relative to apprehending deserters, . . .	Oct. 29, 1776.
705	1776-77,	37, . .	Resolve directing the commissioner of the loan office to give bond, ...	Feb. 6, 1777.
707	1776-77,	38, . .	Resolve by the provincial congress, providing for the care of refugees' estates, ...	June 21, 1775.
707	1776-77,	38, . .	Resolve by the provincial congress, explaining a former resolve relative to refugees' estates, . . .	July 8, 1775.
707	1776-77,	38, . .	Resolve by the provincial congress, allowing rum to persons cutting grass on refugees' estates, . .	July 11, 1775.
708	1776-77,	38, . .	Resolve providing for the care of refugees' estates, . .	Feb. 14, 1776.
709	1776-77,	38, . .	Resolve appointing a committee to take charge of refugees' estates in Boston, ...	Mar. 25, 1776.
709	1776-77,	38, . .	Resolve giving the above-mentioned committee further powers and directions, ...	Apr. 3, 1776.
710	1776-77,	38, . .	Resolve further providing for the care of refugees' estates; and directing that returns be made to the General Court, of the names of Tories, .	Apr. 23, 1776.
710	1776-77,	38, . .	Resolve amending and explaining former resolves relative to refugees' estates, ...	May 4, 1776.
711	1776-77,	38, . .	Resolve relative to the books, etc. left by Harrison Gray, ...	May 7, 1776.
711	1776-77,	38, . .	Resolve making provision for the families of such Tories as have left the colony, ...	June 25, 1776.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE RESOLVE.	Date.
711	1776-77,	38, . .	Resolve providing for the sale of certain property left by the Tories, ...	July 4, 1776.
711	1776-77,	38, . .	Resolve directing the committee of sequestration to deliver goods to the Board of War, . . .	Jan. 31, 1777.
711	1776-77,	38, . .	Resolve empowering the committee of sequestration to sell certain goods, ...	May 5, 1777.
712	1776-77,	38, . .	Resolve directing the committee of sequestration of Boston, to deliver the property of Thomas Apthorp to Martin Brimmer, ...	June 17, 1777.
712	1776-77,	38, . .	Resolve authorizing the judges of probate to appoint suitable persons, where no agents are appointed, to prosecute trespassers on estates of absentees, ...	Dec. 15, 1777.
712	1776-77,	38, . .	Resolve empowering judges of probate to examine persons suspected of concealing property of absentees; and making provision for the wives and children of absentees, ...	Apr. 29, 1778.
714	1776-77,	39, . .	Resolve empowering the selectmen of Lincoln to erect an inoculating hospital, ...	Apr. 11, 1777.
714	1776-77,	39, . .	Resolve forbidding inoculation in the barracks, of persons not belonging to the army, ...	May 9, 1777.
715	1776-77,	39, . .	Resolve forbidding inoculation for the small-pox, in certain towns, ...	June 7, 1777.
715	1770-77,	39, . .	Resolve giving leave to Dr Warren to inoculate persons at Sewell's Point, ...	Mar. 12, 1778.
715	1776-77,	39, . .	Resolve repealing the resolve of June 7th, forbidding inoculation in certain towns, ...	Apr. 11, 1778.
716	1776-77,	39, . .	Resolve discontinuing the inoculating hospital at Sewell's Point, ...	May 1, 1778.
716	1776-77,	40, . .	Resolve confirming the purchase of a township by Nathaniel Hooker and associates, upon conditions, ...	Feb. 9, 1763.
718	1776-77,	40, . .	Resolve referring the consideration of the petition of Moses Ashley, to the next session; and ordering notice to the parties interested, . . .	Feb. 17, 1774.
720	1776-77,	43, . .	Resolve appointing a committee to procure paper, plates, etc., for treasurer's notes, ...	May 3, 1777.
720	1776-77,	43, . .	Resolve appointing committees to attend the press, etc., while the treasurer's notes are being printed,	June 30, 1777.
720	1776-77,	44, . .	Resolve by the provincial congress, making the bills of credit of Massachusetts and the other United Colonies, a tender, ...	June 28, 1775.
720	1776-77,	44, . .	Resolve appointing a committee of secrecy, . . .	May 3, 1777.
721	1776-77,	44, . .	Resolve authorizing the opening of houses to search for counterfeit bills of credit, ...	May 7, 1777.
721	1776-77,	44, . .	Resolve directing that no person charged with counterfeiting, etc., shall be admitted to bail, . .	July 5, 1777.
724	1776-77,	46, . .	Resolve impowering the Board of War to make such allowance as may appear just, to Benjamin Garfield and Malachi Marble, ...	June 17, 1777.
725	1776-77,	48, . .	Resolve empowering the court of special sessions to appoint a clerk and issue summonses, . . .	June 6, 1777.
808	1777-78,	- . .	Resolve empowering seven of the Council to sign warrants, etc., ...	Apr. 23, 1778.
810	1777-78,	6, . .	Resolve appointing a committee to meet committees from other states, at Springfield, ...	June 27, 1777.
811	1777-78,	6, . .	Resolves by the Springfield Convention, recommending the repeal of certain portions of the monopoly act; making provision for supplying the soldiers and their families, and preventing the engrossing the necessaries of life, . . .	Aug. 6, 1777.
812	1777-78,	6, . .	Resolve providing for supplying the soldiers' families, .	Oct. 10, 1777.
814	1777-78,	7, . .	Resolve appointing a committee to procure paper, plates, etc., for striking off treasurer's notes and bills of credit, ...	May 10, 1777.
814	1777-78,	7, . .	Resolve by the Springfield Convention, recommending the states to raise money for the expenses of the war, as far as possible, by taxation, . .	Aug. 6, 1777.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE RESOLVE.	Date.
815	1777-78,	7, . .	Resolve directing the treasurer not to pay out any bills of this state, except such as are under six shillings, ...	Sept. 27, 1777.
816	1777-78,	7, . .	Resolve providing for supporting the expenses of the state by taxation only, ...	Oct. 9, 1777.
816	1777-78,	7, . .	Resolve desiring the president of the Council to write to the president of the Council of New Hampshire and enclose a copy of the act for sinking bills, ...	Oct. 20, 1777.
820	1777-78,	7, . .	Resolve directing the treasurer relative to receiving money sent to him by collectors, ...	Dec. 3, 1777.
821	1777-78,	7, . .	Resolve directing the treasurer to receive state bills of credit of sheriffs, constables, etc., . . .	Jan. 12, 1778.
821	1777-78,	7, . .	Resolve directing the treasurer to stay executions, . .	Jan. 16, 1778.
821	1777-78,	7, . .	Resolve directing the Board of War to pay into the treasury all the state bills in their possession, .	Jan. 17, 1778.
822	1777-78,	7, . .	Resolve further directing the treasurer relative to receiving money from collectors, etc., . . .	June 9, 1778.
822	1777-78,	7, . .	Resolve directing the treasurer to receive the state bills until Aug. 1, 1779, ...	Feb. 9, 1779.
822	1777-78,	7, . .	Resolve appointing a committee to examine and burn the bills of credit emitted by this state, of six shillings and upwards, ...	Feb. 9, 1779.
823	1777-78,	7, . .	Resolve discharging the treasurer of the sum of £137,-378, 15s. according to the report of the committee appointed to examine and burn bills of credit, ...	June 3, 1779.
827	1777-78,	11, . .	Resolve appointing a committee to repair to Hartwood, etc., on the petition of Elisha Freeman and others, ...	Apr. 10, 1777.
828	1777-78,	11, . .	Resolve directing notice to the town of Lee, on the petition of the selectmen of Stockbridge, . .	Jan. 13, 1780.
829	1777-78,	12, . .	Resolve appointing a joint committee to assist the treasurer in filling the loan of £50,000, . . .	Dec. 15, 1777.
832	1777-78,	13, . .	Resolve relative to taxes on Chesterfield Gore, . .	Apr. 23, 1778.
833	1777-78,	13, . .	Resolve directing Chesterfield Gore to pay taxes to Chesterfield, ...	June 7, 1779.
834	1777-78,	13, . .	Resolve directing the assessors of Brunswick to abate the taxes laid by them, on Royalsborough, . .	Feb. 12, 1778.
834	1777-78,	13, . .	Resolve directing the assessors of Windham to abate the taxes laid by them, on Raymondtown, .	Apr. 24, 1778.
842	1777-78,	18, . .	Resolve granting liberty to several of the convention prisoners of war, to reside in the state, . .	Dec. 21, 1779.
843	1777-78,	18, . .	Resolve granting liberty to Robert Todd to reside in the state, ...	Mar. 23, 1780.
845	1777-78,	18, . .	Resolve granting liberty to James Smith to reside at Marlborough, ...	Apr. 18, 1780.
846	1777-78,	22, . .	Resolve empowering the Board of War to make sale, at public auction, of sundry articles, . . .	June 17, 1778.
851	1777-78,	26, . .	Resolve abating one-half of the tax on Wellfleet for the years 1777 and 1778, ...	June 18, 1778.
853	1777-78,	26, . .	Resolve respecting taxing the inhabitants of Salem that have removed from the town since Nov. 1, 1777, ...	June 20, 1778.
854	1777-78,	26, . .	Resolve establishing the assessments made on the inhabitants of Conway, ...	Oct. 16, 1778.
854	1777-78,	26, . .	Resolve directing the treasurer to pay £246,000 to the order of Congress, ...	Sept. 21, 1778.
857	1777-78,	28, . .	Resolve annexing the land of John Tatman to the town of Worcester, ...	Jan. 16, 1773.
861	1777-78,	29, . .	Resolve for procuring the returns ordered by the valuation act, ...	Oct. 6, 1778.
861	1777-78,	29, . .	Resolve directing the manner of distributing the resolves of Court which are printed in hand bills, .	Oct. 6, 1778.
871	1778-79,	31, . .	Resolve authorizing the secretary to receive and record an attested copy of a paper relating to the precincts of Needham, the original being lost, ...	June 22, 1793.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE RESOLVE.	Date.
983	1778-79,	5, . .	Resolve for paying a gratuity of one hundred and fifty pounds to each field officer, one hundred and twenty pounds to each staff officer and one hundred pounds to each non-commissioned officer and soldier, ...	May 1, 1778.
983	1778-79,	5, . .	Resolve establishing a lottery, ...	May 1, 1778.
985	1778-79,	9, . .	Resolve respecting persons in Hancock, who have joined the enemy, ...	Oct. 6, 1777.
987	1778-79,	9, . .	Resolve directing that such inimical persons as have been condemned in the county of Berkshire, be kept in close custody, ...	May 1, 1778.
987	1778-79,	9, . .	Resolve directing the trial for high treason, of certain persons confined in Hampshire and Berkshire counties, ...	Apr. 15, 1778.
987	1778-79,	9, . .	Resolve empowering the selectmen and committee of safety of the town of Hancock, for the year 1777, to keep possession of the estates of those persons in said town who have joined the enemy, ...	May 1, 1778.
988	1778-79,	12, . .	Resolve explaining the meaning of the word "inhabitant" in the tax acts, ...	June 23, 1778.
989	1778-79,	12, . .	Resolve rectifying a mistake in the sum set on Tewksbury, in the two last tax acts, ...	Oct. 16, 1778.
995	1778-79,	19, . .	Resolve appointing a committee for striking off, numbering and signing a new emission of bills of credit, agreeable to a late act, ...	Oct. 16, 1778.
995	1778-79,	19, . .	Resolve extending the time for receiving and exchanging the small bills of credit, ...	May 28, 1779.
996	1778-79,	19, . .	Resolve further extending the time for receiving and exchanging the small bills of credit, ...	Oct. 7, 1779.
998	1778-79,	21, . .	Resolve establishing the fees in the maritime courts. .	Feb. 9, 1779.
999	1778-79,	22, . .	Resolve directing the committee of sequestration and other committees to dispose of the personal property of absentees, at auction, and the agents to make up their accounts; and to pay the money arising thereon, into the treasury, ...	Feb. 19, 1779.
1000	1778-79,	22, . .	Resolve empowering the judges of probate to appoint agents for houses and lands owned by subjects of Great Britain, ...	Feb. 20, 1779.
1000	1778-79,	22, . .	Resolve directing the agents of absentees' estates to lease the same, ...	Feb. 19, 1779.
1001	1778-79,	22, . .	Resolve further providing for the care of estates owned by subjects of Great Britain, ...	Apr. 19, 1779.
1001	1778-79,	22, . .	Resolve directing agents of absentees' estates to warn the present possessors to leave the premises, and impowering sheriffs, etc, to give the lessees full possession, ...	May 1, 1779.
1002	1778-79,	22, . .	Resolve directing the treasurer to call on agents of absentees' estates and committees of sequestration to pay in the moneys collected, without delay,	May 3, 1779.
1002	1778-79,	23, . .	Resolve empowering Noah Nash and associates to convey land in Number Four; ratifying the proprietors' proceedings and enabling them to call meetings: and directing the treasurer to forbear putting the bond of said Nash in suit, for two years, provided the interest thereon be paid,	June 20, 1765.
1004	1778-79,	24, . .	Resolve for preventing the return to this state, of inimical persons, ...	Jan. 15, 1778.
1006	1778-79,	24, . .	Resolve liberating Francis Johonnot and allowing him to take the oath of allegiance, ...	Jan. 9, 1779.
1007	1778-79,	24, . .	Resolve allowing William Whittington to take the oath of allegiance and remain in the state, . .	Jan. 13, 1780.
1008	1778-79,	24, . .	Resolve rectifying a mistake in the exclusion act, and allowing Samuel Longfellow to return to the state, ...	Sept. 14, 1780.
1013	1778-79,	31, . .	Resolves by the New Haven Convention, limiting the prices of various articles and recommending the passage of laws to carry the same into effect,	Jan. 30, 1778.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the Resolve.	Date.
1020	1778-79,	31, . .	Resolve directing the publishment of the act against monopoly and forestalling, ...	Feb. 8, 1779.
1022	1778-79,	32, . .	Resolve appointing a committee to repair to West Springfield relative to the fishery in Agawam River, and suspending the act in the mean time, .	Apr. 28, 1779.
1025	1778-79,	34, . .	Resolve granting leave to bring in a bill, ...	Jan. 29, 1779.
1026	1778-79,	36, . .	Resolve directing the naval officer of Boston, not to clear out any vessel loaded with masts, spars or naval stores, ...	Feb. 12, 1779.
1027	1778-79,	36, . .	Resolve permitting the naval officer for Boston, to clear out the ship Leighton, ...	Feb. 19, 1779.
1027	1778-79,	37, . .	Resolve empowering the judge of probate to grant administration upon the estate of Hugh Hall, to some person in the room of Foster Hutchinson, ...	Nov. 14, 1776.
1029	1778-79,	38, . .	Resolve appointing a joint committee to repair to the county of Berkshire, to enquire into the state of their grievances, ...	Oct. 16, 1778.
1035	1778-79,	39, . .	Resolve relative to receiving in payment of taxes, the bills of credit of the emissions of May 20, 1777 and April 11, 1778, ...	Apr. 12, 1779.
1036	1778 79,	39, . .	Resolve respecting the emissions of May 1777 and April, 1778, ...	May 28, 1779.
1036	1778-79,	39, . .	Resolve empowering the assessors of Northampton to assess the inhabitants of Westhampton and Pogeshole, ...	Apr. 13, 1779.
1038	1778-79,	39, . .	Resolve deducting £97, 14s. 3*d.* from the next tax to be set on Harwich and laying the same on Eastham, ...	June 4, 1779.
1038	1778-79,	39, . .	Resolve abating fines laid on the town of Framingham, .	Apr. 13, 1779.
1040	1778-79,	39, . .	Resolve abating a fine laid on the town of Southborough,	Apr. 24, 1779.
1040	1778-79,	39, . .	Resolve remitting a fine laid on the town of Worcester and notifying the town of Ward to appear at the next sitting, ...	June 12, 1779.
1041	1778-79,	39, . .	Resolve remitting a fine laid on Great Barrington, . .	June 23, 1779.
1042	1778-79,	39, . .	Resolve allowing the town of Dunstable £390, to be deducted from their next state tax, ...	Sept. 14, 1779.
1042	1778-79,	39, . .	Resolve allowing the town of Conway £520, to be deducted from their next state tax, ...	Oct. 6, 1779.
1043	1778-79,	39, . .	Resolve directing the assessors of the town of Dartmouth to assess the sum of £1200, and cause the same to be collected for the use of the sufferers by the enemy, in said town, . . .	Mar. 1, 1779.
1043	1778-79,	39, . .	Resolve remitting a portion of a fine laid on the town of Princeton, ...	Nov. 15, 1779.
1044	1778-79,	39, . .	Resolve remitting a fine laid on the town of Murrayfield,	Nov. 25, 1779.
1045	1778-79,	39, . .	Resolve remitting to the town of Manchester, a fine laid on them and a sum assessed for representatives' pay, ...	Nov. 20, 1779.
1045	1778-79,	39, . .	Resolve granting £568 to the selectmen of Bridgewater, for remittance of a fine, and bounties paid several men, ...	Dec. 3, 1779.
1064	1778-79,	39, . .	Resolve directing the treasurer to issue his executions against all deficient constables and collectors for the year 1778, ...	June 29, 1779
1064	1778-79,	39, . .	Resolve directing the treasurer to send out his executions against delinquent constables, . . .	Sept. 27, 1779.
1046	1778-79,	40, . .	Resolve directing notice to the town of Charlemont, on the petition from No-town and the southern part of Charlemont, ...	Jan. 30, 1779.
1051	1778-79,	46, . .	Resolve adding John Scollay to the committee for signing blank notes, ...	June 24, 1779.
1064	1778-79,	48, . .	Resolve appointing a committee to take charge of Tories' estates in Boston, ...	Mar. 25, 1776.
1057	1778-79,	49, . .	Resolve directing the attorney-general to bring forward actions against the estates of absentees, . .	Sept. 28, 1779
1063	1778-79,	50, . .	Resolve appointing a joint committee to repair to the first precinct in Cambridge, ...	Feb. 19, 1779.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE RESOLVE.	Date.
1236	1779-80,	3, . .	Resolve accepting the report of the committee sent to Taconic Mountain and confirming the land to the persons named in the report, on the payment of a certain sum with interest, . .	June 14, 1774
1240	1779-80,	4, . .	Resolve granting lotteries for repair of the Long Wharf in Boston and widening the streets in Charlestown, to be managed by such persons as the General Court shall hereafter order,	May 1, 1779.
1243	1779-80,	8, . .	Resolves establishing a Board of War, ...	Oct. 29, 1776.
1245				July 7, 1777.
1248	1779-80,	9, . .	Resolve allowing one moiety of all dividends of prize-goods, etc., to which any deserter may be entitled, to the person or persons who may inform against and secure such deserter, . .	Nov. 23, 1779.
1249	1779-80,	12, . .	Resolve allowing one-half per cent to tax collectors, on all money by them brought into the treasury, upon the tax issued the current June, before Sept. 10, 1779, ...	June 30, 1779.
1252	1779-80,	12, . .	Resolve directing the assessors of Fryeburg to assess the polls, etc., in said town, the sums assigned them in the tax of June last, and directing them to stay proceedings upon the December tax, ...	Jan. 6, 1780.
1252	1779-80,	12, . .	Resolve directing the treasurer to stay his executions against the collectors of Fryeburg, . . .	Jan. 14, 1780.
1252	1779-80,	12, . .	Resolve directing the treasurer to suspend sending his executions to the collectors of the town of Plymouth, until Feb. 14, 1780, ...	Jan. 8, 1780.
1253	1779-80,	12, . .	Resolve directing the treasurer to issue his executions against all collectors of taxes who shall be deficient in their payments on the 15th of January next, ...	Dec. 17, 1779.
1253	1779-80,	12, . .	Resolve extending the time for the collection of taxes by collectors in the several parts of the state, .	Jan. 13, 1780.
1254	1779-80,	13, . .	Resolve laying an embargo on provisions, for a limited time, ...	June 21, 1779.
1255	1779-80,	13, . .	Resolve laying an embargo on all outward bound vessels,	June 25, 1779.
1255	1779-80,	13, . .	Resolve continuing the embargo on vessels, forty days, .	June 30, 1779.
1255	1779-80,	13, . .	Resolve exempting from the embargo wood or oyster vessels passing within Cape Ann and Cape Cod; and empowering the Council to give permits to vessels to sail, ...	June 26, 1779.
1257	1779-80,	13, . .	Resolve empowering the Council in the recess of the General Court, to suspend the operation of the embargo act in case the commissioners appointed to meet at Hartford, shall think it expedient, ...	Oct. 5, 1779.
1258	1779-80,	13, . .	Resolve appointing a committee to repair to Hartford, to confer with committees from other states upon the subject of the embargo act, . . .	Sept. 30, 1779.
1259	1779-80,	13, . .	Resolve by the Hartford Convention, recommending the repeal of the embargo on inland trade, . .	Oct. 28, 1779.
1259	1779-80,	13, . .	Resolves appointing a committee to grant permits to teamsters, in certain cases, ...	Sept. 30, 1779.
1260	1779-80,	13, . .	Resolve appointing a committee to grant permits for the transportation of prize goods	Sept. 30, 1779.
1260	1779-80,	13, . .	Resolve permitting the officers or crews of Continental ships, or any of their agents, to transport certain articles out of the state, under certain restrictions, ...	Oct. 1, 1779.
1261	1779-80,	13, . .	Resolve empowering Messrs. Miller and Tracey, and others, A. C. P., also Nathaniel Ruggles, A. C. P., to give permits for the transportation of Continental stores, ...	Oct. 5, 1779.
1264	1779-80,	13, . .	Resolve by the New York Assembly, relative to an embargo on provisions, ...	Feb. 21, 1780.
1265	1779-80,	13, . .	Resolve preventing certain articles being transported out of the state, ...	Apr. 10, 1780.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the Resolve.	Date.
1268	1779-80,	15, . .	Resolve directing the secretary to cause the additional embargo act to be published, ...	Oct. 7, 1779.
1271	1779-80,	24, . .	Resolve granting liberty to William Burbeck and others, to bring in a bill at the next sitting of the General Court, ...	Oct. 8, 1779.
1278	1779-80,	29, . .	Resolve for supplying the families of soldiers, and making good the wages of both officers and soldiers, ...	Feb. 6, 1779.
1280	1779-80,	29, . .	Resolve extending a resolve of the 6th of February last, to all officers and soldiers serving in the fifteen battalions raised by this state, . . .	June 2, 1779.
1281	1779-80,	29, . .	Resolve appointing a committee for stating and methodizing the public accounts, ...	June 29, 1779.
1282	1779-80,	29, . .	Resolve granting an additional bounty to the soldiers who shall reënlist in the service of the United States during the war; and entitling the officers to certain emoluments, ...	Oct. 1, 1779.
1283	1779-80,	29, . .	Resolve giving instructions to the committee appointed to repair to the army, ...	Sept. 30, 1779.
1283	1779-80,	29, . .	Resolve for clearing up some doubts respecting the supply of the families of soldiers that are in the Continental Army, ...	Oct. 1, 1779.
1283	1779-80,	29, . .	Resolve appointing Samuel Austin and Samuel Thatcher to join with the committee for methodizing and settling accounts, for the purpose of collecting all charges against the officers and soldiers in the Continental Army, . . .	Oct. 7, 1779.
1284	1779-80,	29, . .	Resolve requiring the selectmen or committee, of each town and plantation, to render an account of all supplies furnished the soldiers' families, .	Oct. 8, 1779.
1287	1779-80,	29, . .	Resolve directing the committee appointed to settle the accounts of the army, to reckon to the accounts town bounties, etc. the soldiers have received, ...	Jan. 7, 1780.
1287	1779-80,	29, . .	Resolve ascertaining the prices of certain articles, which the committee appointed to settle with the army are directed to take for their rule, . .	Jan. 12, 1780.
1288	1779-80,	29, . .	Resolve for transmitting a letter to the president of Congress relative to the balances due the soldiers; also a letter to the delegates in Congress, .	Jan. 13, 1780.
1290	1779-80,	29, . .	Resolve giving additional instructions to the committee appointed to settle with the army, . . .	Jan. 14, 1780.
1292	1779-80,	29, .	Resolve desiring the selectmen of the several towns in this state, to transmit to the agent appointed in their respective county, the average price of beef, corn, etc., from the first of January last, ...	May 5, 1780.
1294	1779-80,	29, . .	Resolve for transmitting a letter to the delegates of the state in Congress, relative to gratuities to staff officers, ...	Mar. 29, 1780.
1294	1779-80,	29, . .	Resolve entitling all aids-de-camp, brigade-majors, chaplains, field commissaries of military stores and engineers to depreciation of their wages, .	Apr. 8, 1780.
1296	1779-80,	30, . .	Resolve determining the sum each town and plantation shall pay for each man it was deficient in raising, agreeably to a resolve of June 9, 1779, .	Nov. 19, 1779.
1296	1779-80,	30, . .	Resolve appointing Thomas Walley to procure the printing of the tax act, and requiring the treasurer to transmit the same to the several sheriffs, .	Dec. 4, 1779.
1298	1779-80,	30, . .	Resolve for fining such towns as shall neglect to make returns of their quota of the Continental Army, ...	May 3, 1779.
1299	1779-80,	30, . .	Resolve remitting a fine of £9,000, laid on the town of Hingham, ...	Mar. 18, 1780.
1299	1779-80,	30, . .	Resolve remitting a fine of £1,200, laid on the town of New Braintree, ...	Mar. 23, 1780.
1299	1779-80,	30, . .	Resolve remitting a fine of £1,200, laid on the town of Blandford, and allowing a bounty of £240, .	Mar. 27, 1780.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE RESOLVE.	Date.
1300	1779-80,	30, . .	Resolve remitting a fine of £600, laid on the town of Norwich, and allowing a bounty of £120, .	Mar. 27, 1780
1300	1779-80,	30, . .	Resolve remitting a fine of £600, laid on the town of Oakham, ...	Mar 28, 1780
1301	1779-80,	30, . .	Resolve abating the tax laid upon the plantation of Myrifield, remitting a fine and directing the treasurer to suspend sending his executions, . .	Apr. 3, 1780.
1301} 1389}	1779-80,	30, . .	Resolve remitting a fine of £600, laid on the town of Williamsburg, ...	Apr. 3, 1780.
1301	1779-80,	30, . .	Resolve remitting a fine of £1,800, laid on the town of Worthington, ...	Apr. 5, 1780.
1302	1779-80,	30, . .	Resolve remitting a fine of £600, laid on the town of Shirley, ...	Apr. 6, 1780.
1302	1779-80,	30, . .	Resolve remitting a fine of £600, laid on the town of Medford, and allowing a bounty of £120, .	Apr. 8, 1780.
1302	1779-80,	30, . .	Resolve remitting a fine of £1,200, laid on the town of Foxborough, ...	Apr. 8, 1780.
1302	1779-80,	30, . .	Resolve allowing £800 to the town of Marlborough, being part of a fine of £2,400, ...	Apr. 8, 1780.
1303	1779-80,	30, . .	Resolve remitting a fine of £1,800, laid on the town of Northborough, ...	Apr. 15, 1780.
1303	1779-80,	30, . .	Resolve allowing £1,960 to the town of Conway, being the amount said town was overtaxed, . .	Apr. 21, 1780.
1303	1779-80,	30, . .	Resolve remitting a fine of £2,400, laid on the town of Southborough, and allowing a bounty of £480,	Apr. 20, 1780.
1304	1779-80,	30, . .	Resolve remitting a fine of £1,200, laid on the town of Milton, ...	Apr. 21, 1780.
1304	1779-80,	30, . .	Resolve remitting a fine of £2,400, laid on the town of Framingham, ...	May 2, 1780.
1304	1779-80,	30, . .	Resolve remitting a fine of £600, laid on the town of Needham, ...	May 4, 1780.
1304	1779-80,	30, . .	Resolve remitting a fine of £600, laid on the town of Springfield, ...	May 5, 1780.
1306	1779-80,	30, . .	Resolve remitting a fine of £4,800, laid on the town of Marblehead, ...	June 6, 1780.
1306	1779-80,	30, . .	Resolve remitting a fine of £600, laid on the town of Belchertown, and allowing a bounty of £120, .	June 7, 1780.
1306	1779-80,	30, . .	Resolve allowing £900 to the town of Chelsea, being part of a fine of £1,800, laid on said town, . .	June 23, 1780.
1307	1779-80,	30, . .	Resolve remitting a fine of £1,800, laid on the town of Hancock, ...	Sept. 29, 1780
1307	1779-80,	30, . .	Resolve empowering the assessors of Sheffield and Mount Washington to apportion and assess the present tax, now set to the town of Sheffield, on the said towns, ...	Dec. 6, 1779.
1307	1779-80,	30, . .	Resolve directing the treasurer to stay executions against the collectors in the several towns in the county of Cumberland, on the January tax, till June 20, 1780, ...	May 5, 1780.
1310	1779-80,	30, . .	Resolve abating one-half of the tax, both state and Continental, of the town of Gloucester, . . .	May 5, 1780.
1311	1779-80,	30, . .	Resolve granting £300,000 to the Board of War, . .	Apr. 3, 1780.
1312	1779-80,	30, . .	Resolve providing for the collection of taxes assessed on plantations, ...	Sept. 29, 1779.
1312	1779-80,	30, . .	Resolve directing the treasurer to issue his executions against all delinquent collectors of taxes on the third Wednesday of March next, . .	Jan. 14, 1780.
1312	1779-80,	30, . .	Resolve directing the treasurer to suspend sending his executions to the several collectors until the 18th of April next, ...	Mar. 18, 1780.
1314	1779-80,	31, . .	Resolve providing for negotiating a loan in Europe, .	Dec. 24, 1779.
1315	1779-80,	31, . .	Resolve vesting Jonathan L Austin with necessary power to negotiate a loan in Europe, and providing for his compensation and expenses, . . .	Jan. 11, 1780.
1315	1779-80,	31, . .	Resolve granting £5,000 to the committee on a foreign loan, ...	Jan. 13, 1780.
1316	1779-80,	31, . .	Resolve empowering the agent to procure part of the loan in Spain, ...	Jan. 13, 1780.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE RESOLVE.	Date.
1316	1779-80,	31, . .	Resolve repealing the resolve ordering the ship Protector to Europe, and directing the committee on the foreign loan to have the goods procured by the agent shipped by private armed vessels, . .	Apr. 12, 1780.
1317	1779-80,	31, . .	Resolve directing the Board of War to fit the ship Mars for sea, and to deliver said ship to the committee appointed to manage the business of the foreign loan, ...	June 22, 1780.
1318	1779-80,	31, . .	Resolve directing the committee on foreign affairs to write the agent in Holland, to purchase the goods he was directed, and to insure the first cost of said goods, ...	Sept. 9, 1780.
1318	1779-80,	31, . .	Resolve directing the treasurer to pay £4,100 to the committee on foreign affairs, out of the money advanced by the Continental loan-officer, .	Jan. 24, 1781.
1318	1779-80,	31, . .	Resolve granting a further sum of £1,375 to the committee on foreign affairs, for purchasing bills of exchange to discharge a debt contracted by Mr. Austin, in Europe, ...	Jan. 26, 1781.
1319	1779-80,	31, . .	Resolve granting £1,830, new emission, to the committee on foreign affairs, to be remitted to Jonathan L. Austin, in order to discharge sundry debts, ...	Mar. 6, 1781.
1322	1779-80,	33, . .	Resolve appointing a committee to repair to New Providence, ...	Sept. 29, 1779.
1325	1779-80,	34, . .	Resolve appointing a committee to repair to Sudbury, .	June 11, 1779.
1327	1779-80,	34, . .	Resolve empowering the treasurer to issue his warrant to the constables or collectors of East Sudbury, to collect and pay the taxes committed to them to collect in consequence of the town of East Sudbury being formerly a part of Sudbury, and directing him to stay execution for said taxes, until Oct 20, 1780, . . .	Sept. 25, 1780.
1332	1779-80,	36, . .	Resolve for apprehending British prisoners and others, in the town of Boston, ...	Sept. 21, 1779.
1335	1779-80,	39, . .	Resolve suspending the operation of the act incorporating Coxhall, and directing notice to said town, on the petition of Sanford, ...	Oct. 1, 1778.
1341	1779-80,	40, . .	Resolve directing the payment of interest on the new bills of credit: said interest to be computed from Aug. 1, 1780, ...	Dec. 2, 1780.
1346	1779-80,	41, . .	Resolve requiring the several members of the General Assembly to give an early and punctual attendance at the next session, for the purpose of appointing a committee consisting of a member from each county, to revise the present valuation, ...	Dec. 6, 1779.
1358	1779-80,	42, . .	Resolve appointing a committee to repair to Concord, Chelmsford, Acton and Billerica, . . .	Sept. 23, 1779.
1364	1779-80,	45, . .	Resolve directing the Board of War to supply the managers of the state lottery with paper, . .	June 9, 1778.
1364	1779-80,	45, . .	Resolve directing the managers of the state lottery to pay into the treasury the money they shall receive, ...	June 19, 1778.
1365	1779-80,	45, . .	Resolve appointing George Williams a manager of the state lottery, ...	Sept. 24, 1778
1365	1779-80,	45, . .	Resolve directing the managers of the lottery to begin drawing the same Dec 1, 1778, ...	Sept. 26, 1778
1365	1779-80,	45, . .	Resolve appropriating the money arising from the sale of the state-lottery tickets, ...	Jan. 20, 1779.
1365	1779-80,	45, . .	Resolve respecting the sale of tickets in the second class of the state lottery, ...	Jan. 26, 1779.
1366	1779-80,	45, . .	Resolve permitting the managers of the state lottery to receive the emissions of May 20, 1777 and April 11, 1778, ...	Mar. 1, 1779.
1367	1779-80,	45, . .	Resolve directing the managers of the state lottery to proceed in the sale of tickets in the third class until May 20, 1779, ...	May 3, 1779.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE RESOLVE.	Date.
1368	1779-80,	45, . .	Resolve empowering the managers of the state lottery to receive fifty dollar notes in payment for tickets in the fourth class of said lottery, .	Oct. 5, 1779.
1368	1779-80,	45, .	Resolve postponing the drawing of the fourth class of the state lottery, ...	Nov. 30, 1779.
1369	1779-80,	45, . .	Resolve directing the managers of the state lottery to pay into the treasury all prizes drawn in said lottery, which have not been demanded, . .	Mar. 24, 1780.
1372	1779-80,	48, . .	Resolve for apprehending deserters at Murrayfield, .	Sept. 25, 1779.
1372	1779-80,	48, . .	Resolve for advertising soldiers who have deserted from the superintendents, ...	Sept. 29, 1779.
1376	1779-80,	48, . .	Resolve on the petition of the inhabitants of the town of Northampton, ...	June 15, 1780.
1377	1779-80,	49, . .	Resolve directing the brigadier-generals to make return of the men ordered to be raised by a resolve of Oct. 9, 1779, ...	Nov. 27, 1779.
1378	1779-80,	49, . .	Resolve suspending a fine laid on the county of York, and directing the selectmen of the several towns in said county to make return of the number of men raised agreeably to a resolve of June 8, 1779,	Apr. 3, 1780.
1378	1779-80,	49, . .	Resolve exempting the towns of Yarmouth, Harwich and Eastham from fines incurred under the resolve of June 9, 1779, ...	Apr. 4, 1780.
1380	1779-80,	49, .	Resolve requesting the people of this state to pay their proportions of the tax ordered to be paid on the 15th of July next, and to advance their proportion of the tax ordered to be paid on the 15th of September next, to commissioners appointed to receive the same, ...	June 15, 1780.
1381	1779-80,	49, . .	Resolve directing the treasurer to issue executions against constables, etc., who shall be delinquent on the 31st of July next; and appointing commissioners for the counties of Cumberland, Lincoln, Nantucket and Dukes County, for the purpose of collecting the second moiety of the tax ordered to be paid on the 15th of September next, .	June 24, 1780.
1381	1779-80,	49, . .	Resolve extending the resolution of the 15th inst. for collecting moneys from the several counties, to the counties of Barnstable, York and Berkshire, and appointing commissioners for that purpose, .	June 24, 1780.
1382	1779-80,	49, . .	Resolve directing the treasurer to issue his executions against all delinquent collectors of taxes, .	Sept. 13, 1780.
1382	1779-80,	49, . .	Resolve remitting a fine of £1,800, laid on the town of Falmouth, in the county of Barnstable, . .	May 2, 1780.
1383	1779-80,	49, . .	Resolve remitting a fine of £3,000, laid on the town of Wellfleet, ...	June 22, 1780.
1383	1779-80,	49, . .	Resolve remitting a fine of £6,000, laid on the town of Barnstable, ...	May 10, 1781.
1384	1779-80,	49, . .	Resolve allowing £600 to the town of Chatham, . .	June 19, 1780.
1384	1779-80,	49, . .	Resolve remitting £1,800 of a fine laid on the town of Oxford, ...	Apr. 12, 1780.
1385	1779-80,	49, . .	Resolve making an abatement of taxes on the several towns in the county of Lincoln, . . .	May 5, 1780.
1386	1779-80,	49, . .	Resolve directing the treasurer to stay his executions against the constables or collectors of the town of Boothbay, and empowering the selectmen of said town to assess the polls and estates of the inhabitants of said town agreeably to the tax acts, ...	June 17, 1780.
1386	1779-80,	49, . .	Resolve directing the assessors of the town of Winthrop, to abate all the public taxes assessed on the polls and estates of the inhabitants of Lewiston for the year 1779, ...	Sept. 12, 1780.
1387	1779-80,	49, . .	Resolve directing the treasurer to issue his warrant to the assessors of the town of Milford, requiring them to assess, upon the polls and estates of the inhabitants of said town, the sum of £12,829, .	June 7, 1780.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the Resolve.	Date.
1387	1779-80,	49, . .	Resolve abating one-third of all the taxes laid on the town of Washington, ...	June 14, 1780.
1387	1779-80,	49, . .	Resolve allowing the collectors of the town of Hopkinton, a further term in which to pay in the first moiety of the state and Continental tax, ...	Sept. 11, 1780.
1388	1779-80,	49, . .	Resolve abating one-third of the taxes set on the town of Hancock, ...	June 21, 1780
1434	1780,	1, . .	Resolve for repairing the roads through the Green Woods, ...	Sept. 19, 1777.
1434	1780,	1, . .	Resolve appointing Ephraim Wright on the committee to repair the roads through the Green Woods, ...	Sept. 20, 1777.
1434	1780,	1, . .	Resolve providing for continuing the repairs on the roads through the Green Woods, ...	Mar. 3, 1778.
1435	1780,	1, . .	Resolve on the petition of William Whiting and others, granting them leave to bring in a bill, . .	June 2, 1780.
1436	1780,	1, . .	Resolve making choice of three managers of the lottery lately granted for raising a sum of money to repair the roads through the Green Woods, in the room of three who declined serving, ...	Sept. 29, 1780.
1439	1780,	4, . .	Resolve directing the naval officer for the port of Boston, to clear out the schooner Luke, Ebenezer Sherman, master, for Rhode Island, . .	Mar. 14, 1780.
1440	1780,	4, . .	Resolve by the Boston Convention, recommending the repeal of inland embargoes and the continuance of the embargoes on shipping, . .	Aug. 9, 1780.
1442	1780,	9, . .	Resolve empowering the town of Hancock to choose a constable and collector of taxes in the room of Hezekiah Osborne, and directing the treasurer to suspend issuing his executions against the constable of said town, ...	Sept. 28, 1780.
1442	1780,	9, . .	Resolve directing the treasurer to issue his warrants to the selectmen or assessors of the towns of Mendon and Milford requiring them to assess the inhabitants of said towns their several proportions, until a new valuation, . . .	Nov. 6, 1780.
1443	1780,	9, . .	Resolve abating the tax of the town of Lanesborough the sum of £15,796, of the old Continental currency, and also the sum of £75, of the silver money tax, ...	Nov. 8, 1780.
1449	1780,	11, . .	Resolve directing notice to the town of Stoughton, on the petition from Stoughtonham, ...	Nov. 12, 1779.
1450	1780,	11, . .	Resolve appointing a committee to repair to Stoughton and Stoughtonham, ...	Mar. 17, 1780.
1451	1780,	11, . .	Resolve granting leave to bring in a bill, ...	June 15, 1780.
1455	1780,	12, . .	Resolve directing the treasurer to receive no moneys of any persons who have been intrusted with the property of the public, otherwise than agreeably to the depreciation act, ...	Oct. 3, 1780.
1460	1780,	16, . .	Resolve by the Boston Convention, recommending the states to sink their quotas of bills by taxation or otherwise; to establish sinking-funds to support the credit of the new bills: and not to emit bills on the credit of the individual states or have in circulation, of both state and Continental, more than the quantity assigned them by resolution of Congress.	Aug. 9, 1780.
1462	1780,	16, . .	Resolve abating one-third of the taxes on Hancock, .	Oct. 4, 1780.
1463	1780,	16, . .	Resolve abating one-half of the taxes on Thomaston, since May 1, 1780, ...	Nov. 7, 1780.
1464	1780,	16, . .	Resolve directing the treasurer to stay his executions against the collectors of the town of Fryeburg, until further order, ...	Feb. 16, 1781.
1464	1780,	16, . .	Resolve directing the treasurer to credit the town of Washington one-third part of all their taxes since June 14, 1780, ...	Nov. 24, 1780.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE RESOLVE.	Date.
			DECLARATORY RESOLVES.	
382	1773-74,	30, . .	Resolve declaring null and void, all conveyances of land purchased of the Chappaquiddic Indians, since the year 1768, ...	Feb. 23, 1774.
			RESOLVES OF CONGRESS.	
521	1775-76,	10, . .	Resolve recommending the organization of the militia of the several United Colonies, ...	July 18, 1775.
527	1775-76,	15, . .	Resolve relative to captures by armed vessels, courts for the trial of prizes, and allowing appeals to Congress, etc., ...	Nov. 25, 1775.
527	1775-76,	15, . .	Resolve providing for re-captures, ...	Dec. 5, 1775.
528	1775-76,	15, . .	Resolve authorizing the seizure of transports, etc., . .	Dec. 19, 1775.
528	1775-76,	15, . .	Resolve providing for the trial of vessels brought into Massachusetts Bay, ...	Dec. 20, 1775.
528	1775-76,	16, . .	Resolve recommending the several colonies to forward returns of the number of inhabitants, . .	Dec. 26, 1775.
532	1775-76,	19, . .	Resolve determining the distribution of prizes, . .	Nov. 25, 1775.
543	1775-76,	27, . .	Resolve confiscating all British vessels captured, . .	Mar. 23, 1776.
544	1775-76,	18, . .	Resolve relative to persons refusing to receive, or endeavoring to obstruct the circulation of, bills of credit, ...	Jan. 11, 1776.
679	1776-77,	21, . .	Resolve recommending the states north of Virginia to send aid to New York, ordering a battalion from Rhode Island to New York and recommending Massachusetts to send a battalion of militia to Rhode Island, ...	Sept. 3, 1776.
680	1776-77,	21, . .	Resolve recommending the several states to make legal provision to compel the furnishing supplies to the army on reasonable terms, . . .	Oct. 2, 1776.
680	1776-77,	21, . .	Resolve increasing the pay of commission officers, . .	Oct. 7, 1776.
680	1776-77,	21, . .	Resolve recommending measures for raising a new army, ...	Oct. 8, 1776.
681	1776-77,	21, . .	Resolve providing for raising the Massachusetts quota of the Continental Army, ...	Oct. 19, 1776.
683	1776-77,	21, . .	Resolve disapproving the terms of enlistment offered by Massachusetts, ...	Nov. 12, 1776.
687	1776-77,	22, . .	Resolve recommending the colonies to appoint naval officers, ...	Apr. 6, 1776.
693	1776-77,	31, . .	Resolve recommending the passing of laws to prevent soldiers being arrested for small debts, . .	Dec. 26, 1775.
694	1776-77,	32, . .	Resolve defining treason; and recommending the passing of laws for the punishment of treason, . .	June 24, 1776.
702	1776-77,	35, . .	Resolve providing for the security and support of prisoners of war, ...	May 21, 1776.
705	1776-77,	37, . .	Resolve establishing loan offices, ...	Oct. 3, 1776.
705	1776-77,	37, . .	Resolve recommending the passing of laws to punish counterfeiters of loan-office certificates, . .	Oct. 7, 1776.
706	1776-77,	37, . .	Resolve establishing a lottery, ...	Nov. 1, 1776.
706	1776-77,	37, . .	Resolve regulating the loan offices, ...	Nov. 15, 1776.
706	1776-77,	37, . .	Resolve recommending the several states to pass laws to prevent the counterfeiting or forging lottery tickets, ...	Nov. 27, 1776.
725	1776-77,	37 and 44,	Resolve recommending the several states to pass laws making the Continental bills of credit a legal tender, ...	Jan. 14, 1777.
808	1777-78,	1, . .	Resolve recommending the several states to exempt from military duties, persons employed in conducting the post-offices, ...	May 12, 1777.
814	1777-78,	7, . .	Resolve approving the measures recommended by the convention at Providence, except the issuing bills bearing interest, ...	Feb. 15, 1777.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the Resolve.	Date.
821	1777-78,	7, . .	Resolve recommending the several states to suspend issuing bills of credit and call in and cancel their paper money, and provide for their expenses by taxes, ...	Nov. 22, 1777.
850	1777-78,	26, . .	Resolve recommending the several states to raise five millions of dollars by Jan. 1, 1779, . . .	Nov. 22, 1777.
1009	1778-79,	25, . .	Resolve recommending the several states to pass laws to prevent counterfeiting and uttering counterfeit Continental bills, ...	June 24, 1776.
1012	1778-79,	31, . .	Resolve recommending the appointment of commissioners by the several states, to meet in conventions, to regulate prices of labor and commodities, .	Nov. 22, 1777.
1019	1778-79,	31, . .	Resolve recommending the states that have regulating acts to suspend or repeal them, . . .	June 4, 1778.
1019	1778-79,	31, . .	Resolve recommending the seizure for public use, of grain, etc , held by engrossers, . . .	Oct. 2, 1778.
1025	1778-79,	36, . .	Resolve recommending Massachusetts and New Hampshire to take measures to prevent the exportation of masts and spars, ...	Dec. 29, 1778.
1033	1778-79,	39, . .	Resolve recommending the several states to make provision for sinking their quotas of the Continental bills; and to raise as large a sum as possible by taxation and remit to the Continental treasury, ...	Jan. 14, 1777.
1034	1778-79,	39, . .	Resolve calling upon the states for the payment of fifteen millions of dollars for the year 1779, . .	Jan. 2, 1779.
1053	1778-79,	48, . .	Resolve recommending the confiscation and sale of Tories' estates, and the investment of the proceeds in loan-office certificates, ...	Nov. 27, 1777.
1248	1779-80,	10, . .	Resolves relative to appeals from the admiralty courts of the several states, ...	Mar. 6, 1779.
1248	1779-80,	10, . .	Resolve directing the transmission of the above-mentioned resolve, to the several states, and requesting that measures be taken conformable therewith, ...	May 22, 1779.
1249	1779-80,	12, . .	Resolve calling upon the several states for their quotas of forty-five millions of dollars, to be paid into the Continental treasury before Jan. 1, 1780, .	May 21, 1779.
1262	1779-80,	13, . .	Resolves recommending the several states to enact laws for a general limitation of prices and against engrossing and withholding; commending the proceedings of the Hartford Convention: and directing all agents purchasing for the United States, to keep particular accounts of the prices paid in the several states, . . .	Nov. 19, 1779.
1265	1779-80,	13, . .	Resolve calling upon the several states for their quotas of supplies for the ensuing campaign. . .	Feb. 25, 1780.
1282	1779-80,	29, . .	Resolve recommending the several states to make further provision for the officers and soldiers enlisted for the war, and for the widows of such as have died or may die in the service, . .	Aug. 17, 1779.
1282	1779-80,	29, . .	Resolve fixing the amount of the subsistence money of officers and soldiers, ...	Aug. 18, 1779.
1291	1779-80,	29, . .	Resolve declaring that all grants and allowances made by Congress to the soldiers, since Jan. 1, 1777, were made in consideration of the rise in prices, and ought to be consided in making good the original contract, ...	Feb. 29, 1780.
1294	1779-80,	29, . .	Resolve allowing the several states credit for clothing supplied the officers of the hospital and medical staff belonging to such state, . . .	Apr. 15, 1780.
1295	1779-80,	30, . .	Resolves calling upon the several state for the payment of fifteen millions of dollars monthly, and fixing the quotas of the same, ...	Oct. 6, 1779. Oct. 7, 1779.
1297	1779-80,	30, . .	Resolve recommending New Hampshire, Massachusetts Bay and Connecticut to keep up their quotas of troops in Rhode Island, agreeably to the resolution of the Springfield Convention, .	May 7, 1779.

Resolves—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the Resolve.	Date.
1297	1779-80,	30, . .	Resolve assigning to each state the number of battalions to be raised for the next campaign; repealing part of a resolve of Jan. 23d, and granting a bounty to recruits, ...	Mar. 9, 1779.
1311	1779-80,	30, . .	Resolve abating two-thirds of the money called for by the resolve of Oct. 6, 1779, ...	Feb. 25, 1780.
1312	1779-80,	30, . .	Resolve providing for the receipt for Continental taxes, of the notes or certificates given for supplies furnished the army, ...	May 26, 1780.
1332	1779-80,	36, . .	Resolve providing for the security and exchange of prisoners of war, ...	Jan. 13, 1780
1339	1779-80,	40, . .	Resolve for drawing in, by taxation, the bills of credit in circulation, and issuing new bills, on the funds of the several states, bearing interest, .	Mar. 18, 1780.
1340	1779-80,	40, . .	Resolve recommending the several states to revise their tender laws, ...	Mar. 20, 1780.
1370	1779-80,	47, . .	Resolve recommending the several states to pass laws conferring certain privileges on the subjects of France, agreeably to the eleventh article of the treaty, ...	Jan. 14, 1780.
1379	1779-80,	49, . .	Resolve calling upon the several states for their quota of ten millions of dollars, to be paid within thirty days, ...	May 19, 1780.
1440	1780,	6, . .	Resolves appointing commissioners on the part of the United States, to endorse the bills emitted by Massachusetts, pursuant to a resolve of Congress of Mar. 18, 1780, ...	June 29, 1780. Aug. 29, 1780.
1441	1780,	8, . .	Resolve recommending the several states to pass laws to prevent desertion from the allies, . . .	May 27, 1780.
1453	1780,	12, . .	Resolve recommending the several states to revise their tender laws, so as to prevent injustice, . .	Feb. 14, 1780.
1461	1780,	16, . .	Resolve recommending the several states to take speedy measures for drawing in their quotas of Continental bills; to raise by taxation their quotas of three millions of dollars to be paid by Dec. 31, 1780; directing the quartermaster-general and commissary-generals to render their accounts, and recommending that the certificates issued by them be received in payment of said taxes: and further recommending the states not to issue bills to a greater amount than their respective quotas stated in the resolve of March 18th, ...	Aug. 26, 1780.

Votes and Orders.

57	1769-70,	6, . .	Order of notice to the proprietors of the mills on Ipswich River and branches, to show cause, etc., upon the petition of the inhabitants of Ipswich and towns adjacent, ...	June 8, 1768.
57	1769-70,	6, . .	Order referring to a joint committee, the petition of Ipswich, etc., and the answer thereto, . .	June 17, 1768.
57	1769-70,	6, . .	Order appointing a joint committee to repair to Ipswich, etc., ...	June 21, 1768.
63	1769-70,	10, . .	Order referring to the next session, the petition of Ratcliffe Hellon, ...	June 3, 1768.
64	1769-70,	16, . .	Order appointing a joint committee to consider the laws respecting benefit of clergy, ...	Feb 25, 1768.
64	1769-70,	16, . .	Order appointing a joint committee to consider a message from the Lieut.-Governor, ...	Mar. 27, 1770.
65	1769-70,	17, . .	Order appointing a joint committee to bring in a bill for altering the times of holding the courts in Worcester County, ...	Jan. 25, 1768
65	1769-70,	18, . .	Order adjourning the general sessions and court of common pleas in Worcester County, . . .	Oct. 25, 1765.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
66	1769-70,	18, . .	Order adjourning the general sessions and court of common pleas in Berkshire County, . . .	Feb. 14, 1766.
68	1769-70,	18, . .	Order of notice to the towns in Middlesex County, to show cause, etc., the next session, on the petition of John Cummings and others, . . .	Feb. 26, 1768.
68	1769-70,	18, . .	Order of notice to the towns in Berkshire County, to show cause, etc., the next session, on the petition of John Ashley, ...	Mar. 2, 1768.
68	1769-70,	21, . .	Order establishing a precinct in Norton, ...	June 23, 1731.
68	1769-70,	21, . .	Order annexing certain inhabitants of Stoughton to the north precinct in Norton, ...	Dec. 22, 1753.
69	1769-70,	21, . .	Order of notice to Stoughton, Stoughtonham and Norton to show cause, etc., the next session, on the petition of Benjamin Williams, ...	June 14, 1768.
69	1769-70,	22, . .	Order of notice on the petition from Hingham, . .	June 30, 1769.
69	1769-70,	22, . .	Order referring to a joint committee, the above petition,	Mar. 28, 1770.
71	1769-70,	22, . .	Order appointing a joint committee to repair to Hingham,	Apr. 11, 1770.
71	1769-70,	22, . .	Order accepting the report of the above committee and giving leave to bring in a bill; and providing for the expense of the committee, . . .	Apr. 26, 1770.
71	1769-70,	25, . .	Order of notice to the non-resident proprietors of Greenwich to show cause, etc., the next session, on the petition of Robert Cutler, ...	June 4, 1762.
71	1769-70,	25, . .	Order referring to a joint committee, the petition of Robert Cutler and answer thereto, . . .	Sept. 16, 1762.
72	1769-70,	25, . .	Order reviving the above petition and referring the same to a joint committee, ...	Feb. 7, 1763.
72	1769-70,	25, . .	Order granting a tax of one penny per acre for four years, on the lands of the non-resident proprietors of Greenwich, ...	Feb. 12, 1763.
140	1770-71,	3, . .	Order referring to a joint committee, the petition of Bridgewater, Middleborough and Halifax, .	Oct 23, 1770.
141	1770-71,	3, . .	Vote giving leave to withdraw the above petition, . .	Nov. 1, 1770.
143	1770-71,	14, . .	Order directing notice on the petition of Elias Willard, .	Apr. 3, 1770.
143	1770-71,	14, . .	Order granting leave to bring in a bill on the above petition, ...	Oct. 27, 1770.
144	1770-71,	16, . .	Order reviving the petition of William Harkness, etc, and referring the same and answer to a joint committee, ...	June 6, 1772.
144	1770-71,	16, . .	Order accepting the report of the above committee and directing that a bill be brought in accordingly,	June 17, 1772.
146	1770-71,	24, . .	Order of notice to Hatfield to show cause, etc., at the next session, on the petition of inhabitants of the western part of the town, ...	Oct. 25, 1770.
147	1770-71,	31, . .	Order of notice to the towns of Hampshire County, to show cause, etc., at the next session, on the bill of this chapter, ...	Nov. 20, 1770.
149	1770-71,	35, . .	Order appointing a joint committee to superintend the building a lighthouse on Thatcher's Island, .	Apr. 26, 1771.
149	1770-71,	35, . .	Order reappointing the above-mentioned committee, .	June 7, 1771.
149	1770-71,	35, . .	Vote recommitting the report of the committee on the lighthouse, ...	June 11, 1771.
151	1770-71,	35, . .	Order appointing a joint committee to take charge of the lighthouses on Thatcher's Island, . . .	June 29, 1773.
151	1770-71,	35, . .	Vote of the provincial congress, appointing a committee on the petition of James Kirkwood, . .	June 16, 1775.
151	1770-71,	35, . .	Order of the provincial congress, appointing Mr. Pickering to consider James Kirkwood's petition in the room of Col. Collin, ...	June 22, 1775.
151	1770-71,	35, . .	Order of the provincial congress, committing the account of James Kirkwood to the committee on his petition, and enlarging the committee, .	June 23, 1775.
182	1771-72,	1, . .	Order referring to the next session, the petition from Belchertown, ...	June 18, 1765.
183	1771-72,	9, . .	Order appointing a joint committee to superintend the building powder magazines, ...	July 4, 1771.
184	1771-72,	13, . .	Order referring to a joint committee, the petition of Barnabas Freeman, ...	June 10, 1772.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
186	1771-72,	19, . .	Order of notice to the first and second parishes in Roxbury, to show cause, etc., the next session, on the petition of Benjamin Pemberton and others, ...	Apr. 23, 1771.
186	1771-72,	19, . .	Order referring to a joint committee, the above petition and answers thereto, ...	June 5, 1771.
186	1771-72,	19, . .	Order dismissing the petition of B. Pemberton, . .	June 29, 1771.
187	1771-72,	19, . .	Order referring to a joint committee, the petition of Eleazer Weld and others and memorial of John Davis and others, ...	Apr. 14, 1772.
187	1771-72,	19, . .	Vote accepting the report of the above committee, . .	Apr. 24, 1772.
261	1772-73,	5, . .	Order of notice to the town of Uxbridge, on the petition of John Spring and others, ...	July 4, 1771.
261	1772-73,	5, . .	Order referring to a joint committee the petition of John Spring and answer thereto, ...	Apr. 17, 1772.
261	1772-73,	5, . .	Order appointing a committee to repair to Uxbridge, .	Apr 20, 1772.
262	1772-73,	5, . .	Vote amending and enacting the bill, ...	July 11, 1772.
263	1772-73,	7, . .	Order of notice to Eastham, on the petition from Harwich,	Apr. 6, 1770.
263	1772-73,	7, . .	Order referring to a joint committee, the above petition,	June 6, 1772.
263	1772-73,	7, . .	Order granting leave to bring in a bill, ...	July 4, 1772.
263	1772-73,	9, . .	Order referring to a joint committee, the petition of James Prescott and others, ...	Apr. 16, 1772.
264	1772-73,	9, . .	Order making a change in the above committee, . .	Apr. 23, 1772.
264	1772-73,	9, . .	Order reviving the petition of James Prescott, and referring the same and answer to a joint committee, ...	June 17, 1772.
264	1772-73,	9, . .	Order accepting the report of the above committee, and granting leave to bring in a bill, . . .	June 26, 1772.
264	1772-73,	10, . .	Order directing notice on the petition of Narragansett No. One, and restraining the proprietors making further grants or assessments until the next session, ...	Apr. 13, 1772.
265	1772-73,	10, . .	Order granting leave to bring in a bill, ...	July 1, 1772.
266	1772-73,	11, . .	Order referring to the next session, the petitions of Oliver Witt and others, John Parker and others, and Seth Metcalf, ...	Apr. 22, 1772.
266	1772-73,	11, . .	Order reviving and referring to a joint committee, the above-named petitions, ...	June 17, 1772.
266	1772-73,	11, . .	Order dismissing the petitions of Oliver Witt and John Parker and granting leave to Seth Metcalf to bring in a bill, ...	June 20, 1772.
268	1772-73,	17, . .	Order referring to a joint committee, the petition of the north parish in Danvers, ...	June 3, 1772.
268	1772-73,	17, . .	Order granting leave to bring in a bill, ...	June 4, 1772.
268	1772-73,	19, . .	Order of notice to the non-resident proprietors of Hubbardston, on the petition of William Marean and Adam Wheeler, ...	Nov. 7, 1770.
268	1772-73,	19, . .	Order referring to a joint committee, the petition from Hubbardston and answer, ...	June 6, 1771.
269	1772-73,	19, . .	Order dismissing the above-named petition, . . .	June 6, 1771.
269	1772-73,	19, . .	Order of notice to the non-resident proprietors of Hubbardston, on the petition of Joseph Grims and Joseph Starrow, ...	Apr. 23, 1772.
269	1772-73,	19, . .	Order referring to a joint committee, the above-named petition and answer thereto, ...	June 12, 1772.
269	1772-73,	19, . .	Order recommitting the above petition, ...	July 2, 1772.
269	1772-73,	19, . .	Vote for engrossment of the bill, ...	July 14, 1772.
270	1772-73,	21, . .	Order referring the petition of John Wells, etc., to the next session, ...	Apr. 23, 1772.
270	1772-73,	21, . .	Order referring to a joint committee the above petition, .	June 9, 1772.
270	1772-73,	21, . .	Order granting leave to bring in a bill, ...	June 12, 1772.
270	1772-73,	23, . .	Order of notice to the non-resident proprietors of Ashby, on the petition of James Lock, jun., and directing him to give in an account of the number of acres of unimproved lands in Ashby, at the next session, ...	June 9, 1768.
270	1772-73,	23, . .	Order reviving the above-named petition and referring the same to a joint committee, ...	Apr. 13, 1771

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
270	1772-73,	23, . .	Order granting leave to bring in a bill, ...	Apr. 17, 1771.
272	1772-73,	26, . .	Order referring to a joint committee, the petition of Jonathan Randall and others, ...	June 24, 1772.
273	1772-73,	26, . .	Order referring to a joint committee, the petition of Jonathan Thayer and others, ...	July 2, 1772.
273	1772-73,	26, . .	Order appointing a committee and surveyor to run the line from Accord Pond to Angle Tree, and report at the next session; and staying all lawsuits in the mean time, ...	July 7, 1772.
274	1772-73,	26, . .	Order referring to a joint committee, the subject of the above line, ...	Feb. 19, 1773.
277	1772-73,	29, . .	Order of notice on the petition from Pownalborough, .	Feb. 1, 1766.
277	1772-73,	29, . .	Order referring to a joint committee, the above petition and answer, ...	June 6, 1766.
277	1772-73,	29, . .	Order referring to the next session the report on the petition from Pownalborough; and directing the selectmen, etc, to forward to the secretary, a sworn statement of the number of inhabitants and houses on each side of the proposed divisional line	June 19, 1766.
277	1772-73,	29, . .	Order referring to the next session, the above petition and report, ...	Nov. 13, 1766.
277	1772-73,	29, . .	Order further referring the above petition, etc., . .	June 19, 1767.
277	1772-73,	29, . .	Order of notice to the inhabitants of Pownalborough on the west side of Kennebeck River, ...	June 17, 1768.
278	1772-73,	30, . .	Order appointing a joint committee on the petition of Benjamin Beal and answer thereto, . . .	June 14, 1771.
278	1772-73,	30, . .	Order recommitting the above petition, and directing the committee to report facts, ...	June 21, 1771.
279	1772-73,	31, . .	Order appointing a joint committee to bring in a bill, .	Jan. 15, 1773.
279	1772-73,	34, . .	Order referring to a joint committee, the petition of John Taylor, ...	June 22, 1772.
279	1772-73,	35, . .	Order of notice to the non-resident proprietors of Narragansett No. Two, on the petition of Joseph Holden and others, ...	Oct. 5, 1759.
280	1772-73,	35, . .	Order referring to a joint committee, the above petition and answer thereto, ...	Jan. 9, 1760.
280	1772-73,	35, . .	Order laying a tax of $\frac{1}{2}d.$ per acre, on the lands of the non-resident proprietors of Westminster, .	Feb. 8, 1760.
280	1772-73,	35, . .	Vote for the engrossment of the bill, ...	Feb. 27, 1773.
280	1772-73,	36, . .	Order referring to a joint committee, the petition from Great Barrington, ...	Apr 20, 1771.
280	1772-73,	36, . .	Order dismissing the above petition, ...	Apr. 25, 1771.
281	1772-73,	39, . .	Order of notice on the petition of William Thomson, .	June 18, 1772.
281	1772-73,	39, . .	Order granting leave to bring in a bill, ...	Jan. 15, 1773.
281	1772-73,	41, . .	Order of notice to the first precinct in Marshfield, on the petition of Lemuel Little and others, . .	Jan. 12, 1773.
281	1772-73,	41, . .	Order referring to a joint committee, the above petition and answer thereto, ...	Feb. 2, 1773.
281	1772-73,	41, . .	Order granting leave to bring in a bill, ...	Feb. 3, 1773.
282	1772-73,	44, . .	Order appointing a joint committee to bring in a bill, .	Jan. 9, 1773.
284	1772-73,	49, . .	Order referring to a joint committee, the petition of members of the Church of England in Great Barrington; also directing them to consider the law respecting Quakers and Anabaptists, .	May 30, 1772.
285	1772-73,	49, . .	Order of notice to the town of Great Barrington, on the above-named petition, ...	June 2, 1772.
285	1772-73,	49, . .	Order granting leave to bring in a bill, ...	Jan. 16, 1773.
287	1772-73,	51, . .	Order referring to a joint committee, the petition of Caleb Warner and other papers on the same subject, ...	Jan. 21, 1773.
356	1773-74,	7, . .	Order of notice to the proprietors of Murrayfield, on the petition of the easterly part of said town, .	June 12, 1773.
356	1773-74,	7, . .	Order appointing a committee of conference, ...	June 25, 1773.
356	1773-74,	7, . .	Vote accepting the report of the above committee and passing the bill to be engrossed, ...	June 28, 1773.
356	1773-74,	8, . .	Order of notice to the first precinct in Roxbury, on the petition of Benjamin Pemberton, etc., . .	June 11, 1772.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
356	1773–74,	8, . .	Order referring the above petition to the next session, .	July 2, 1772.
356	1773–74,	8, . .	Order referring to a joint committee, the petition of Benjamin Pemberton and the accompanying papers, ...	Jan. 28, 1773.
357	1773–74,	8, . .	Order referring the above petition, etc., to the next session, ...	Feb. 6, 1773.
357	1773–74,	8, . .	Order referring to a joint committee, the above-mentioned papers, ...	June 14, 1773.
357	1773–74,	8, . .	Order substituting William Spooner for Jedidiah Preble on the above committee, ...	June 23, 1773.
357	1773–74,	8, . .	Vote accepting the report of the committee, and directing a bill to be brought in accordingly, . . .	June 25, 1773.
357	1773–74,	9, . .	Order appointing a joint committee to sign treasurer's notes, ...	June 25, 1773.
358	1773–74,	10, . .	Order referring to a joint committee, the petitions of Samuel Grant and others, Martin Bicker, John Badger and David Symonds, ...	May 31, 1773.
358	1773–74,	10, . .	Order referring to the above committee, the petitions of William Hunter and Archibald Bowman, .	June 1, 1773.
359	1773–74,	10, . .	Vote accepting the report on the above petitions, and ordering a bill to be brought in accordingly, .	June 15, 1773.
359	1773–74,	10, . .	Vote reviving the petition of Samuel Grant, and referring the same to a joint committee, . . .	Feb. 1, 1774.
359	1773–74,	10, . .	Order referring the petition of Isaac Smith and others to the above committee, and enlarging said committee, ...	Feb. 3, 1774.
362	1773–74,	10, . .	Order granting leave to withdraw the above petitions, .	Mar. 8, 1774.
363	1773–74,	13, . .	Order of notice to the proprietors of unimproved lands in Windham, on the petition of Caleb Graffam and Micah Walker, ...	June 20, 1772.
363	1773–74,	13, . .	Order referring to a joint committee, the above petition and answer thereto, ...	Jan. 28, 1773.
369	1773–74,	19, . .	Order of notice to the town of Sunderland, on the petition of Jonathan Field and others, ...	June 11, 1773.
370	1773–74,	19, . .	Order referring to a joint committee, the above-named petition and answer thereto, ...	Feb. 16, 1774.
370	1773–74,	19, . .	Order granting leave to bring in a bill, ...	Feb. 25, 1774.
371	1773–74,	24, . .	Order referring to a joint committee, the petition of the proprietors of Ashfield, ...	June 14, 1771.
372	1773–74,	24, . .	Order appointing a joint committee to repair to Ashfield, ...	June 24, 1771.
372	1773–74,	24, . .	Order referring to a joint committee, the report of the above-named committee and the papers relative thereto, ...	June 6, 1772.
372	1773–74,	24, . .	Order recommitting the petition of the Ashfield proprietors, ...	June 18, 1772.
372	1773–74,	24, . .	Vote recommitting the report on the Ashfield petition, and enlarging the committee, ...	June 24, 1772.
373	1773–74,	24, . .	Vote recommitting the report of the above-named committee, ...	June 26, 1772.
374	1773–74,	24, . .	Order referring to a joint committee, the report of the committee sent to Ashfield, ...	June 10, 1773.
374	1773–74,	24, . .	Order recommitting the report of the joint committee above mentioned, and enlarging the committee,	June 21, 1773.
377	1773–74,	26, . .	Order of notice to the town of Springfield, on the petitions from the first, third and fourth parishes and Stony Hill in said town, ...	June 11, 1773.
379	1773–74,	26, . .	Order referring to a joint committee, the above-named petitions, ...	Feb. 11, 1774
380	1773–74,	26, . .	Order granting leave to the first parish in Springfield and Stony Hill to bring in bills, . . .	Feb. 18, 1774.
380	1773–74,	27, . .	Order referring the consideration of the petition of Stony Hill, to the next session, ...	Apr. 22, 1772.
380	1773–74,	27, . .	Order reviving the petition from Stony Hill, and referring the same and answers to a joint committee, .	June 18, 1772
381	1773–74,	29, . .	Order referring the petitions from Taunton, Bridgewater and Middleborough to a joint committee and directing them to repair to Taunton River, etc.,	Mar. 3, 1774.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
382	1773-74,	30, . .	Order accepting the report relative to the Chappaquiddic Indians and appointing a joint committee to carry the same into effect; and also to consider the circumstances of the Gay Head Indians, .	June 29, 1773.
382	1773-74,	30, . .	Order recommitting the report of the above-named committee, ...	Feb. 21, 1774.
382	1773-74,	30, . .	Order appointing a committee to bring in a bill, and directing them to repair to Chappaquiddic to settle disputes, etc., also directing that guardians be chosen, ...	Feb. 23, 1774.
382	1773-74,	30, . .	Vote choosing guardians for the Chappaquiddic Indians,	Mar 8, 1774.
410	1774,	1, . .	Vote enacting the bill, ...	June 16, 1774.
410	1774,	3, . .	Order of notice to Rutland, Oakham and Hubbardston, on the petition of Rutland District, . . .	June 22, 1773.
410	1774,	3, . .	Order granting leave to bring in a bill, ...	Feb. 10, 1774.
411	1774,	8, . .	Order directing the district of Amherst to pay Josiah Chauncy and others £28, 15*s.* 8*d.*; and granting £30, 9*s.* 2*d.* to the committee of the General Court for their services, etc., and adding the same to the next tax on Amherst, . . .	June 10, 1774.
412	1774,	8, . .	Order directing the province treasurer to stay his execution against East Hoosuck, for the tax of 1772; and empowering the then assessors to assess the tax for 1773, and the treasurer to include the sum in his warrant for the tax for the present year, ...	June 16, 1774.
507	1775-76,	1, . .	Vote appointing a joint committee to examine the proceedings of the provincial congresses, and bring in a bill confirming the same, . .	Aug. 5, 1775.
509	1775-76,	2, . .	Order appointing a joint committee to prepare a bill or resolve for authenticating the bills by a less number of signers than the act requires, . .	Sept. 22, 1775.
510	1775-76,	2, . .	Order directing the chest containing the bills of credit, to be removed to the treasurer's office, . .	Oct. 18, 1775.
513	1775-76,	5, . .	Order appointing a joint committee to bring in a bill, .	Aug. 19, 1775.
518	1775-76,	9, . .	Order appointing a joint committee to sign the bills, .	Dec. 26, 1775.
520	1775-76,	9, . .	Order appointing a joint committee to sort the bills, .	Jan. 25, 1776.
520	1775-76,	9, . .	Vote recommitting the report of the above-named committee, ...	Feb. 5, 1776.
536	1775-76,	20, . .	Order establishing the sixth parish in Ipswich, . .	Dec. 8, 1752.
537	1775-76,	21, . .	Order appointing a joint committee to write to the delegates in Congress respecting a test, and to bring in a bill for establishing the same, . .	Feb. 1, 1776.
538	1775-76,	21, . .	Order appointing a committee of conference on the subject of permitting enemies to depart the state, ...	Nov. 21, 1776.
541	1775-76,	25, . .	Vote committing Dr. Whiting's bill to the committee on the state of the province, ...	Apr. 13, 1776.
651	1776-77,	1, . .	Order appointing a committee to sign and number the bills of credit, ...	June 27, 1776.
660	1776-77,	3, . .	Vote appointing a joint committee to repair to Hancock,	Nov. 7, 1776.
660	1776-77,	3, . .	Vote accepting the report of the above-mentioned committee, ...	Jan. 17, 1777.
666	1776-77,	12, . .	Order directing Joseph Frye to return a plan of certain land, ...	May 1, 1776.
667	1776-77,	13, . .	Order appointing a joint committee of conference on the tax bill, ...	Nov. 26, 1776.
677	1776-77,	20, . .	Order granting leave to bring in a bill, ...	Sept. 5, 1776.
683	1776-77,	21, . .	Vote referring to a joint committee, the letter from Gov. Cooke and the enclosed copy of a letter from Gen. Lee, ...	Nov. 20, 1776.
684	1776-77,	21, . .	Order directing the secretary to have the act for the reënforcement of the army, printed, . . .	Nov. 27, 1776.
687	1776-77,	21, . .	Order committing the remonstrance of Col. Marshall and others, ...	Jan. 4, 1777.
692	1776-77,	24, . .	Order adding Messrs. Jeffries and Hill to the committee for countersigning treasurer's notes, . .	Dec. 26, 1777.
693	1776-77,	25, . .	Vote passing the act to be engrossed, ...	Oct. 31, 1776.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
693	1776-77,	25, . .	Vote for the enactment of the bill, ...	Dec. 3, 1776.
693	1776-77,	28, . .	Vote appointing a committee to number and sign bills of credit, ...	Dec. 7, 1776.
702	1776-77,	35, . .	Vote accepting the report of a committee, relative to prisoners of war, ...	Oct. 17, 1776.
720	1776-77,	43, . .	Order making additions to the committees attending the printing treasurer's notes, ...	July 4, 1777.
827	1777-78,	11, . .	Order appointing Nathaniel Kingsley on a committee, in place of Azariah Root, deceased, . . .	Sept. 20, 1777.
827	1777-78,	11, . .	Order directing that a bill be brought in, agreeably to the report of a committee, ...	Oct. 16, 1777.
839	1777-78,	18, . .	Order appointing a joint committee of conference, . .	Dec. 8, 1777.
844	1777-78,	18, . .	Order referring to a joint committee, the petition of James Smith, ...	Apr. 15, 1780.
847	1777-78,	24, . .	Order appointing a joint committee to revise the militia act,	Dec. 9, 1777.
854	1777-78,	28, . .	Order annexing the gore of land between Sutton and Worcester, to the town of Worcester, . .	Apr. 5, 1743.
854	1777-78,	28, . .	Order directing notice to the town of Leicester, on the petition of sundry inhabitants of Worcester and Leicester, ...	May 27, 1757.
855	1777-78,	28, . .	Order appointing a joint committee to repair to Leicester, hear the parties, etc., ...	Dec. 15, 1757.
855	1777-78,	28, . .	Order accepting the report of a committee, and annexing certain lands in Leicester to Worcester, . .	June 2, 1758.
858	1777-78,	28, . .	Order appointing a joint committee to view the lands in Worcester, Oxford, Sutton and Leicester, desired to be set off, and consider the effect on the several towns, ...	Jan. 23, 1773.
858	1777-78,	28, . .	Order establishing a precinct composed of parts of Worcester, Oxford, Sutton and Leicester, and fixing the site of the meeting-house, . .	June 23, 1773.
859	1777-78,	28, . .	Order referring to a joint committee, for consideration, the report of the committee sent to Worcester, etc., and the accompanying papers, . .	Feb. 25, 1778.
868	1777-78,	31, . .	Order referring to the next session, the petition from Needham and all matters relative thereto, .	Apr. 10, 1776.
871	1777-78,	33, . .	Order appointing a joint committee to revise the laws and resolves relative to maritime matters and bring in a bill, ...	Oct. 31, 1776.
975	1778-79,	1, . .	Order appointing a joint committee to consider the petitions from Stoughton, Wrentham, etc., . .	Apr. 14, 1778.
976	1778-79,	3, . .	Vote granting a township of six miles square, to Captains Humphrey Hobbs and Moses Pearson and their companies and the Cape Breton soldiers, .	Apr. 20, 1750.
984	1778-79,	9, . .	Order referring to a joint committee, the memorial of the selectmen and committee of Hancock, concerning Tories confined in that town, . . .	Oct. 2, 1777.
993	1778-79,	18, . .	Order granting liberty to bring in a bill, ...	Apr. 16, 1778.
1008	1778-79,	24, . .	Order referring to a joint committee, the petition of Stephen Longfellow, ...	Sept. 13, 1780.
1018	1778-79,	31, . .	Vote requesting the president of the Council to sign, in behalf of the Assembly, a letter to Gov. Trumbull, ...	June 5, 1778.
1023	1778-79,	34, . .	Order directing notice to the towns of Great Barrington and Alford, on the petition of John Adams and others, ...	June 1, 1773.
1023	1778-79,	34, . .	Order reviving the petition of John Adams and directing notice to Great Barrington and Alford, . .	Jan. 29, 1774.
1024	1778-79,	34, . .	Order referring to a joint committee, the petition of John Adams and others, ...	Jan. 29, 1779.
1059	1778-79,	50, . .	Order annexing certain inhabitants of Charlestown to Cambridge; and allowing the inhabitants of Cambridge, on the south side of Charles River, to draw a certain amount from the treasury of the first parish, towards the support of preaching, ...	Apr. 18, 1761.
1063	1778-79,	50, . .	Vote accepting the report of the committee sent to Cambridge, ...	Apr. 22, 1779.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
1247	1779-80,	9, . .	Vote accepting the report of the committee on the memorial of the officers of the Massachusetts brigades in the Continental Army, ...	Oct. 8, 1779.
1262	1779-80,	13, . .	Vote accepting the report of a joint committee, respecting the expediency of appointing some persons as delegates to represent the state at a convention to be held at Philadelphia, . . .	Dec. 17, 1779.
1263	1779-80,	13, . .	Vote giving instructions to the delegates in the Philadelphia Convention, ...	Dec. 22, 1779.
1264	1779-80,	13, . .	Order referring to a joint committee, the letter from Gov. Trumbull and the act enclosed, ...	Mar. 17, 1780.
1265	1779-80,	13, . .	Vote referring to a joint committee, the letter from Gov. Clinton and the resolution of the New York Assembly enclosed therein, ...	Mar. 22, 1780.
1267	1779-80,	14, . .	Order directing that the report of the committee on the line between Westfield and Southwick, lie on the files, ...	Sept. 20, 1780.
1280	1779-80,	29, . .	Vote accepting the report of the committee on the letters from Col Shepard, ...	June 3, 1779.
1325	1779-80,	34, . .	Vote accepting the report of the committee sent to Sudbury, ...	Nov. 26, 1779.
1328	1779-80,	35, . .	Order of notice to the town of Mendon, on the petition of Thomas Tenney and others, ...	July 16, 1741.
1329	1779-80,	35, . .	Vote erecting the easterly part of Mendon into a separate precinct, ...	Dec. 23, 1741.
1330	1779-80,	35, . .	Vote describing the southern line of the east precinct of Mendon, ...	Aug. 10, 1744.
1337	1779-80,	39, . .	Vote accepting the report of the committee on the petition of Sanford, and appointing a joint committee in accordance therewith, . . .	June 5, 1779.
1354	1779-80,	42, . .	Order annexing the district of Carlisle to the town of Concord, ...	Oct. 6, 1756.
1355	1779-80,	42, . .	Vote authorizing the town of Concord, at their next town meeting, to choose town officers for that part of the town formerly the district of Carlisle, ...	Oct. 20, 1756.
1355	1779-80,	42, . .	Order authorizing the assessors and constables last chosen in the late district of Carlisle, to perform their several duties the same as if Carlisle had remained a separate district, . .	Jan. 11, 1757.
1356	1779-80,	42, . .	Order dismissing the petition of a number of the inhabitants of Concord, Billerica, Chelmsford and Acton, ...	Jan. 21, 1773.
1359	1779-80,	42, . .	Vote accepting the report of the committee sent to Concord, Billerica, Chelmsford and Acton, . .	Mar. 15, 1780.
1379	1779-80,	49, . .	Vote accepting the report of a committee, that the town of Sandwich be not fined for their failure to raise the men required, ...	Apr. 4, 1780.
1450	1780,	11, .	Order referring to the next session, the consideration of the report of the committee on the petition from Stoughtonham, ...	May 3, 1780.

Resolves by the Council.

519	1775-76,	9, . .	Resolve appointing a committee to bring in a resolve directing the manner of signing the bills and the allowance to signers, etc, ...	Dec. 26, 1775.
658	1776-77,	3, . .	Resolve appointing a committee to bring in a bill for repealing the act for incorporating Hancock, .	July 3, 1776.
669	1776-77,	14, . .	Resolve directing the committee appointed to attend the Providence Convention, to proceed on that business, ...	Dec. 16, 1776.
1004	1778-79,	24, . .	Resolve forbidding the return to the state, of persons who left the same with the British troops and at other times, without special leave of the Assembly, .	Jan. 29, 1778.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
			VOTES AND ORDERS OF THE COUNCIL.	
63	1769-70,	10, . .	Order appointing a committee on the petition of Benjamin Hammet, etc , and to consider unfinished commissions of bankruptcy, ...	June 1, 1768.
65	1769-70,	17, . .	Order appointing a committee to consider the expediency of altering the times of holding the Superior Court, etc., for the counties of York and Cumberland, ...	Feb. 3, 1768.
72	1769-70,	25, . .	Order granting a tax on the lands of non-resident proprietors in Greenwich, ...	Sept. 17, 1762.
150	1770-71,	35, . .	Vote advising and consenting to a warrant for the payment of £500, to John Erving, to purchase Thatcher's Island, ...	July 5, 1771.
150	1770-71,	35, . .	Vote advising and consenting to a warrant for the payment of £200, to John Erving, towards building a lighthouse on Thatcher's Island, . .	Sept. 12, 1771.
15	1770-71,	35, . .	Vote advising and consenting to a warrant for the payment of £400, to John Erving, towards building a lighthouse, ...	Nov. 15, 1771.
15	1770-71,	35, . .	Vote advising and consenting to a warrant for the payment of £1200, to John Erving, towards building a lighthouse, ...	Apr. 25, 1772.
15	1770-71,	35, . .	Vote advising and consenting to a warrant for the payment of £435, 19*s.* 6*d.* to John Erving, towards building a lighthouse, ...	May 12, 1772.
150	1770-71,	35, . .	Vote advising and consenting to a warrant for the payment of £18, 6*s.* 10*d* to Nathaniel Allen, for lead for lighthouse, ...	Sept. 9, 1772.
150	1770-71,	35, . .	Vote advising and consenting to a warrant for the payment of £150, to John Erving, for lighthouse,	Nov. 19, 1772.
150	1770-71,	35, . .	Vote advising and consenting to a warrant for the payment of £280, to John Erving, for lighthouse,	Feb. 24, 1773.
150	1770-71,	35, . .	Vote advising and consenting to a warrant for the payment of £45, 3*s.* 1*d.* to John Erving, for lighthouse, ...	Feb. 26, 1773.
151	1770-71,	35, . .	Vote advising and consenting to a warrant for the payment of £50, to John Erving, for lighthouse, .	Mar. 24, 1773
264	1772-73,	10, . .	Order reviving the petition from Narragansett No. One, and directing notice on the same, and that the proprietors make no further grants or assessments until the next session, ...	June 6, 1772.
264	1772-73,	16, . .	Vote approving a scheme for a lottery, ...	July 8, 1772.
268	1772-73,	19, . .	Order referring to the next session, the petition of Hubbardston and answer thereto, ...	Apr. 12, 1771.
363	1773-74,	13, . .	Vote accepting the report of the committee on the petition of Caleb Graffam and Micah Walker, and granting leave to bring in a bill, ...	Feb. 17, 1773.
528	1775-76,	15, . .	Order recommitting the bill, and substituting Walter Spooner for William Sever on the committee, ...	Feb. 9, 1776.
538	1775-76,	21, . .	Order directing the resolution relative to the test act to be printed in handbills and sent to the committees of inspection, etc., and the members of the Assembly, ...	July 3, 1776.
540	1775-76,	22, . .	Order directing the secretary to alter the style of commissions without laying the same before the Council, ...	June 25, 1776.
651	1776-77,	– . .	Order appointing a committee to consider the manner of making public the Declaration of Independence, ...	July 15, 1776.
651	1776-77,	– . .	Order appointing a committee to direct the publishment of the Declaration, and directing the printing of the same, ...	July 17, 1776.
651	1776-77,	– . .	Order directing that the Declaration be read in the Council-chamber, and inviting the attendance of the representatives, ...	July 18, 1776.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
661	1776-77,	5, . .	Order substituting Messrs. Derby and Cushing for Lincoln and Holton, on a committee, . . .	June 8, 1776.
663	1776-77,	8, . .	Order notifying all persons who have opened inoculating hospitals without licenses, to cease receiving patients, ...	July 6, 1776.
705	1776-77,	36, . .	Order relative to taking up deserters, ...	July 16, 1777.
722	1776-77,	44, . .	Order calling on all persons to give information of any breach of the act to prevent the depreciation of the bills of credit, ...	Nov. 19, 1777.
840	1777-78,	18, . .	Order directing the return to the barracks at Rutland, of all prisoners of war at large in the state, . .	Oct. 12, 1779.
844	1777-78,	18, . .	Vote referring to a committee, the petition of George McBride, ...	Apr. 11, 1780.
845	1777-78,	20, . .	Order appointing a committee to consider a clause of the act to enable towns to raise money, . .	Jan. 15, 1778.
1023	1778-79,	31, . .	Order appointing a committee to consider the petition of John Adams and others, ...	June 16, 1774.
1247	1779-80,	9, . .	Order directing the commanders of the frigates Providence and Boston to deliver to Col. Revere, the men on board said ships, belonging to the state regiment of artillery, / Order directing the secretary to transmit to the Navy Board, a copy of a letter from John Armstrong, jun., relative to a deserter enlisted on board the Providence, ...	Mar. 29, 1779.
1255	1779-80,	13, . .	Order directing the commanders of the forts in the seaports, to enforce the embargo, ...	June 25, 1779.
1255	1779-80,	13, . .	Order recommitting the report of the committee appointed to devise ways and means to prevent the exportation of certain articles and carry into execution the resolves of the Concord Convention, ...	Sept. 11, 1779.
1290	1779-80,	29, . .	Order informing the committee to settle with the army that their letter and the letter from the committee of the army have been received and considered by the Council, ...	Jan. 29, 1780.
1367	1779-80,	45, . .	Order recommending the managers of the state lottery to suspend the drawing the third class, until June 3, 1779, ...	May 21, 1779.

Resolves by the House of Representatives.

53	1769-70,	1, . .	Resolve remitting a portion of the tax on Deerfield, and laying the same on Conway in the next tax, .	June 28, 1768.
66	1769-70,	18, . .	Resolve notifying the towns in Essex County to show cause why the times and places of holding the inferior courts should not be changed, . .	Feb. 14, 1766.
150	1770-71,	35, . .	Resolve granting £1635, 19*s.* 6*d.* to the committee for building the lighthouse on Thatcher's Island, .	Apr. 25, 1772.
184	1771-72,	13, . .	Resolve referring to the next session, a further act to prevent the destruction of oysters, . . .	July 14, 1772.
202	1772-73,	5, . .	Resolve granting leave to bring in a bill, ...	July 7, 1772.
209	1772-73,	14, . .	Resolve determining the proportion each town shall pay to a tax of £1,000, ...	July 13, 1772.
278	1772-73,	29, . .	Resolve dividing Pownalborough into two parishes, -	Apr. 26, 1770.
365	1773-74,	14, . .	Resolve laying fines on several towns for not sending representatives, ...	June 20, 1771.
365	1773-74,	14, . .	Resolve laying fines on several towns for not sending representatives, ...	June 2, 1772.
367	1773-74,	14, . .	Resolve for raising £15,000 by tax, and appointing a committee to bring in a tax-bill, . . .	June 1, 1773.
367	1773-74,	14, . .	Resolve for raising £20,625, by tax, ...	June 10, 1773.
411	1774,	8, . .	Resolve allowing £22, 4*s.* to the committee who went to Upper Housatonic, and laying the same on Great Barrington in the next tax, . . .	Feb. 23, 1774.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
411	1774,	8, . .	Resolve for raising £10,312, by tax, ...	May 27, 1774.
510	1775-76,	2, . .	Resolve appointing a committee to receive and exchange misprinted bills, ...	Jan 23, 1766.
511	1775-76,	4, . .	Resolve enacting the bill, ...	Aug. 16, 1775.
513	1775-76,	6, . .	Resolve for raising £40,000 by tax, and for the appointment of a committee to consider the circumstances of the towns and the manner the taxes shall be laid, ...	Aug. 8, 1775.
514	1775-76,	6, . .	Resolve abating a certain proportion of the tax on several towns, ...	Aug. 24, 1775.
515	1775-76,	6, . .	Resolve for appointing a committee to repair to Falmouth in Cumberland County, ...	Jan. 5, 1776.
516	1775-76,	7, . .	Resolve for bringing in a bill relative to armed vessels, .	Oct. 9, 1775.
519	1775-76,	9, . .	Resolve directing the manner of signing bills of credit, .	Dec. 26, 1775.
520	1775-76,	9, . .	Resolve providing for the safe keeping of the bills, .	Jan. 24, 1776.
522	1775-76,	10, . .	Resolve appointing a committee to confer with a committee of the Council, on the regulation of the militia and the appointment of militia officers,	Oct. 25, 1775.
523	1775-76,	10, . .	Resolve appointing a committee to carry a message to the Council, ...	Nov. 11, 1775.
			Resolve continuing militia officers chosen by the people, until further orders, ...	
531	1775-76,	19, . .	Resolve allowing a bounty on the guns of the ships captured and brought into the colony, . . .	Mar. 22, 1776
652	1776-77,	– . .	Resolve recommending the towns to instruct their representatives relative to a Declaration of Independence by Congress, ...	May 9, 1776.
653	1776-77,	– . .	Resolve expressing the opinion of the House relative to the towns instructing their representatives as to a Declaration of Independence, . . .	May 10, 1776.
707	1776-77,	38, . .	Resolve providing for the care of refugees' estates, . .	Nov. 9, 1775.
719	1776-77,	41, . .	Resolve giving power to the assessors to assess taxes granted by towns or precincts, for encouraging the enlistment of soldiers, ...	Jan. 31, 1777.
723	1776-77,	46, . .	Resolve relative to the price of flour and iron, . .	Apr. 1777.
862	1777-78,	29, . .	Resolve directing the committee on valuation to deduct £22,876 from the total of the valuation returns of the town of Dartmouth, ...	Feb. 17, 1779.
1037	1778-79,	39, . .	Resolve deducting £97, 14*s*, 3*d* from the tax to be laid on Harwich, and laying the same on Eastham,	Feb. 8, 1779.

VOTES AND ORDERS OF THE HOUSE OF REPRESENTATIVES.

53	1769-70,	1, . .	Order directing the committee on the tax bill, to add fifty pounds to the town of Swanzey towards repayment of the sum loaned them in 1763, .	July 7, 1769.
60	1769-70,	8, . .	Order appointing a committee to carry a message to the Board, ...	June 17, 1772.
60	1769-70,	8, . .	Vote appointing a committee to view the Province House,	Apr. 19, 1771.
60	1769-70,	8, . .	Order appointing a committee to consider, and make estimate of the expense of repairs on the Province House, ...	Apr. 23, 1771.
61	1769-70,	8, . .	Vote appointing a committee to take charge of repairs on the above-named building, ...	Apr. 25, 1771.
140	1770-71,	3, . .	Vote referring to a committee the petition of Josiah Edson, ...	Oct. 22, 1770.
141	1770-71,	7, . .	Order appointing a committee to devise means to prevent the whole debt of the province being assessed the present year, and directing them to report the sum to be raised by tax, ...	Oct. 10, 1770.
141	1770-71,	7, . .	Order for a tax of twenty-five thousand pounds, . .	Oct. 16, 1770.
			Order directing the treasurer to call in outstanding debts,	
			Order appointing a committee to bring in a tax bill, .	
141	1770-71,	7, . .	Vote giving leave to withdraw on the petition of Joseph Buckminster, ...	Oct. 17, 1770.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
141	1770-71,	7, . .	Vote referring to a committee, the petition of Samuel Culver, ...	Oct. 19, 1770.
141	1770-71,	7, . .	Order appointing a committee to examine the precepts, .	Oct. 23, 1770.
141	1770-71,	7, . .	Order remitting a portion of the tax on Egremont and laying the same on other towns, . . .	Oct. 27, 1770.
144	1770-71,	15, . .	Order directing that a bill be brought in, ...	Nov. 7, 1770.
148	1770-71,	31, . .	Order directing the attendance of the secretary, . .	Apr. 10, 1771.
148	1770-71,	32, . .	Order granting leave to bring in a bill.	Apr 15, 1771.
149	1770-71,	35, . .	Vote appointing a committee to bring in a bill agreeably to the petition of Jeremiah Lee, etc., . .	Apr. 9, 1771.
149	1770-71,	35, . .	Order directing that a bill be brought in, ...	Apr. 10, 1771.
182	1771-72,	4, . .	Vote referring to a committee the petition of the proprietors of Sipperwisset, ...	Apr. 12, 1771.
182	1771-72,	4, . .	Order granting leave to bring in a bill, ...	Apr. 15, 1771.
182	1771-72,	6, . .	Order directing Maj. Hawley to bring in a bill, . .	June 5, 1771.
182	1771-72,	7, . .	Order directing Maj. Hawley to bring in a bill, . .	June 5, 1771.
183	1771-72,	9, . .	Order referring to a committee the petition of the selectmen of Boston, ...	Apr. 5, 1771.
183	1771-72,	9, . .	Order accepting the report of the committee on the above petition, and granting leave to bring in a bill, .	Apr. 24, 1771.
184	1771-72,	13, . .	Order appointing a committee to bring in a bill for the preservation of oysters, ...	July 4, 1771.
185	1771-72,	15, . .	Vote referring to a committee, the petition of a number of the inhabitants of Kittery, and one from Thomas Chase and others, ...	Apr. 9, 1772.
185	1771-72,	15, . .	Order directing the member from Kittery to bring in a bill, ...	Apr. 11, 1772.
187	1771-72,	20, . .	Order appointing a committee to bring in a bill incorporating the overseers of the poor of Boston, .	Apr. 9, 1772.
261	1772-73,	4, . .	Vote referring to a committee, the petition of the selectmen of Boston, ...	June 26, 1771.
261	1772-73,	4, . .	Vote reviving the above petition and referring the same to a committee; afterwards referring it to the next session, ...	Apr. 14, 1772.
261	1772-73,	4, . .	Vote further reviving the before-mentioned petition and appointing a committee thereon, . . .	June 4, 1772.
261	1772-73,	5, . .	Order referring to a committee, the petition of John Spring and others, and directing that the bill lie on file,	June 25, 1772.
161	1772-73,	5, . .	Order referring the bill to the next session, . . .	June 26, 1772.
162	1772-73,	5, . .	Vote appointing a committee on the petition of the north part of Uxbridge, ...	July 6, 1772.
262	1772-73,	5, . .	Order directing Mr. Adams to carry up the engrossed bill and propose amendments thereto, . .	July 11, 1772.
267	1772-73,	16, . .	Order for bringing in a bill, ...	June 20, 1772.
269	1772-73,	19, . .	Order assigning a time for reading the bill, . . .	July 7, 1772.
269	1772-73,	19, . .	Vote committing the bill for amendment, . . .	July 8, 1772.
239	1772-73,	19, . .	Vote for engrossment of the bill.	July 11, 1772.
276	1772-73,	27, . .	Vote appointing a committee on the petition of Andrew Tyler, ...	Feb. 11, 1773.
277	1772-73,	28, . .	Vote appointing a committee on the petition of William Coffin, ...	Jan. 22, 1773.
277	1772-73,	28, . .	Order granting leave to bring in a bill, ...	Feb. 5, 1773.
278	1772-73,	29, . .	Order appointing a committee to bring in a bill. . .	Jan. 28, 1773.
278	1772-73,	30, . .	Order appointing a committee to bring in a bill, . .	Feb 1, 1773.
278	1772-73,	30, . .	Order recommitting the bill, ...	Feb 4, 1773.
278	1772-73,	30, . .	Vote for amendment and engrossment of the bill, . .	Feb. 5, 1773.
280	1772-73,	35, . .	Order assigning a time for a third reading of the bill, and for the engrossment of the same, . . .	Feb. 24, 1773.
281	1772-73,	36, . .	Vote granting leave to bring in a bill, ...	Jan. 15, 1773.
281	1772-73,	40, . .	Vote granting leave to bring in a bill, ...	Jan. 15, 1773.
284	1772-73,	46, . .	Vote referring the petition of Rochester, to a committee,	Feb 25, 1773
284	1772-73,	46, . .	Vote recommitting the bill, ...	Feb. 26, 1773.
284	1772-73,	48, . .	Vote referring the petition of Moses Sturdivant, to a committee, ...	Jan 15, 1773.
347	1773-74,	1, . .	Order appointing a committee to prepare a message to the Lieut.-Governor, ...	Nov. 19, 1770.
348	1773-74,	1, . .	Order appointing a committee to carry a message to the Lieut.-Governor, ...	Nov. 20, 1770.

Votes and Orders—Continued.

Page.	ACTS RELATING TO THE GENERAL SUBJECT-MATTER. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
348	1773-74,	1, . .	Vote referring the Governor's message to the committee appointed to bring in a bill for regulating the militia, ...	Jan. 19, 1773.
348	1773-74,	1, . .	Order appointing a committee to consider and report regarding the arms at Castle William, . .	Feb. 25, 1773.
348	1773-74,	1, . .	Order appointing a committee to prepare a message to the Governor, ...	Mar. 4, 1773.
348	1773-74,	1, . .	Order appointing a committee to carry a message to the Governor, ...	Mar. 5, 1773.
349	1773-74,	1, . .	Order for bringing in a bill.	June 24, 1773.
349	1773-74,	2, . .	Order for bringing in a bill, and assigning a time for a reading, ...	June 1, 1773.
353	1773-74,	3, . .	Vote referring the petition of Ephraim Stimson and others to a committee, ...	June 8, 1773.
353	1773-74,	3, . .	Vote accepting the report of the above committee, . .	June 11, 1773.
354	1773-74,	4, . .	Vote referring to a committee, the petition from Broadbay, ...	June 5, 1773.
354	1773-74,	4, . .	Order granting leave to bring in a bill, ...	June 11, 1773.
354	1773-74,	5, . .	Order granting the petition of Jonathan Glover and others, and appointing a committee to bring in a bill, ...	May 28, 1773.
354	1773-74,	6, . .	Order referring to a committee, the petition from Northfield and lands adjacent, ...	Jan. 12, 1773.
355	1773-74,	6, . .	Order granting leave to bring in a bill, ...	Jan. 15, 1773.
355	1773-74,	6, . .	Order granting leave to bring in a bill, . . .	June 21, 1773.
356	1773-74,	7, . .	Vote committing a bill for amendment, ...	June 19, 1773.
356	1773-74,	7, . .	Vote for amendment and engrossment of a bill, . .	June 21, 1773.
356	1773-74,	7, . .	Order for sending a request to the Council, . . .	June 23, 1773.
362	1773-74,	11, . .	Vote referring the petition of James Locke to a committee, ...	June 5, 1773.
362	1773-74,	11, . .	Order granting leave to bring in a bill, ...	June 17, 1773.
364	1773-74,	14, . .	Order referring to the next day, the consideration of the circumstances of towns that have sent no representatives the present year, ...	May 31, 1771.
365	1773-74,	14, . .	Order laying fines upon several towns for not sending representatives, ...	June 1, 1771.
365	1773-74,	14, . .	Order laying fines upon several towns for not sending representatives, ...	May 29, 1772.
365	1773-74,	14, . .	Vote referring to a committee, the petition from Plympton, ...	June 5, 1772.
366	1773-74,	14, . .	Order remitting the fine on Plympton, ...	June 9, 1772.
366	1773-74,	14, . .	Vote referring to a committee, the petition from Petersham, ...	June 19, 1772.
366	1773-74,	14, . .	Order remitting the fine on Petersham, ...	June 27, 1772.
366	1773-74,	14, . .	Vote referring to a committee, the petition from Edgartown, ...	June 29, 1772.
366	1773-74,	14, . .	Vote referring to a committee, the petition from Westminster, ...	July 6, 1772.
366	1773-74,	14, . .	Order remitting the fine on Westminster for 1771 and 1772, ...	July 7, 1772.
366	1773-74,	14, . .	Vote referring to a committee, the petitions from New Gloucester, Pearsontown and New Boston and ordering the petition from Partridgefield to lie,	Jan. 12, 1773.
366	1773-74,	14, . .	Vote referring to a committee, the petition from Hanover, ...	Jan. 18, 1773.
366	1773-74,	14, . .	Order remitting the fine on Hanover, ...	Jan. 19, 1773.
366	1773-74,	14, . .	Vote referring to a committee, the petition from Winthrop,	May 28, 1773.
366	1773-74,	14, . .	Order fining several towns for not sending representatives, ...	May 29, 1773.
367	1773-74,	14, . .	Order referring the petition from Gardinerstown to the committee on the petition from Winthrop, .	May 31, 1773.
367	1773-74,	14, . .	Vote referring the petition from New Gloucester to the committee on the petition from Winthrop, .	June 2, 1773.
367	1773-74,	14, . .	Vote referring to a committee, the petition from Kingston,	June 5, 1773.
367	1773-74,	14, . .	Order referring the petition from Partridgefield to the committee on the petition from Winthrop, .	June 8, 1773.
367	1773-74,	14, . .	Order referring the petition from Royalston to the committee on the petition from Winthrop, . .	June 11, 1773.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
367	1773-74,	14, . .	Vote referring to a committee, the petition from Framingham, ...	June 12, 1773.
367	1773-74,	14, . .	Order dismissing the petitions from Royalston, Winthrop, Bellingham and Belchertown, . .	June 25, 1773.
369	1773-74,	16, . .	Order directing Mr. Hopkins to bring in a bill. . .	Jan. 31, 1774.
369	1773-74,	16, . .	Order directing Mr. Adams to acquaint the Board that the House concur in certain proposed amendments, ...	Mar. 8, 1774.
369	1773-74,	17, . .	Order directing Capt. Derby to bring in a bill, . . .	Feb. 17, 1774.
369	1773-74,	18, . .	Order granting leave to bring in a bill, ...	Feb. 16, 1774.
370	1773-74,	20, . .	Vote referring to a committee, the petition of David Butt and others, ...	June 2, 1772.
370	1773-74,	20, . .	Order granting leave to bring in a bill, ...	June 5, 1772.
370	1773-74,	20, . .	Vote referring to a committee, the petition of David Butt and others, ...	Feb. 1, 1774.
370	1773-74,	22, . .	Vote referring to a committee, the petition from New Gloucester, ...	Feb. 24, 1774.
371	1773-74,	23, . .	Vote referring to a committee, the petition of David Rossiter, ...	June 5, 1773.
371	1773-74,	23, . .	Order granting leave to bring in a bill, ...	June 9, 1773.
371	1773-74,	23, . .	Order assigning a time for a third reading of the bill, .	Feb. 16, 1774.
375	1773-74,	24, . .	Vote referring to a committee, the petition of Obadiah Dickinson, ...	Feb. 7, 1774.
375	1773-74,	24, . .	Order granting leave to bring in a bill.	Feb. 8, 1774.
375	1773-74,	25, . .	Vote referring to a committee, the petition from Stoughton and Stoughtonham, ...	Feb. 18, 1774.
375	1773-74,	25, . .	Order granting leave to bring in a bill, ...	Feb. 19, 1774.
381	1773-74,	29, . .	Order granting leave to bring in a bill, ...	Feb. 18, 1774.
383	1773-74,	31, . .	Order granting leave to bring in a bill, ...	Feb. 15, 1774.
383	1773-74,	32, . .	Order appointing a committee to bring in a bill, . .	Feb. 17, 1774.
383	1773-74,	32, . .	Order directing Mr. Hancock to acquaint the Board that the House concur in the proposed amendment,	Mar. 7, 1774.
383	1773-74,	34, . .	Order appointing a committee to prepare a bill, . .	Mar. 2, 1774.
410	1774,	1, . .	Order appointing a committee to prepare a bill, . .	Jan. 28, 1774.
410	1774,	1, . .	Order directing a committee to prepare and bring in a bill, ...	Mar. 2, 1774.
410	1774,	1, . .	Order assigning a time for a reading, ...	June 13, 1774.
410	1774,	1, . .	Vote for engrossment of the bill, ...	June 15, 1774.
410	1774,	2, . .	Order directing Mr. Hersey to bring in a bill, . .	May 27, 1774.
411	1774,	4, . .	Order directing Mr. Williams to bring in a bill, . .	May 27, 1774.
411	1774,	5, . .	Order appointing a committee to bring in a supply bill, .	May 27, 1774.
411	1774,	6, . .	Vote referring to a committee, a petition of a number of Baptists in Springfield, ...	Feb. 15, 1774.
411	1774,	6, . .	Vote referring to a committee, a petition of Isaac Backus relative to imprisoned Baptists, . . .	Feb. 17, 1774.
411	1774,	6, . .	Order appointing a committee to prepare a bill, . .	May 27, 1774.
411	1774,	7, . .	Order appointing a committee to prepare a bill, . .	May 26, 1774.
411	1774,	8, . .	Order appointing a committee to bring in a tax bill, .	May 27, 1774.
411	1774,	8, . .	Order substituting Capt. Cushing for Col Bowers on the committee above named, ...	June 8, 1774.
412	1774,	8, . .	Order directing the committee on the tax bill to consider the petition from Hatfield, ...	June 13, 1774.
507	1775-76,	1, . .	Vote assigning a time for the third reading of the bill, .	Aug. 21, 1775.
507	1775-76,	1, . .	Vote for engrossing and enacting the bill, . . .	Aug. 22, 1775.
508	1775-76,	2, . .	Order appointing a committee to consider the report of the committee of safety, relative to issuing bills of credit, ...	July 26, 1775.
508	1775-76,	2, . .	Order appointing a committee to procure paper for the bills of credit, and directing that they be printed on types, ...	Aug. 1, 1775.
509	1775-76,	2, . .	Order appointing a committee to bring in a bill, . .	Aug. 9, 1775.
510	1775-76,	2, . .	Order substituting Capt. Bragdon for Col. Thompson on a committee, ...	Sept. 27, 1775
510	1775-76,	2, . .	Vote referring to a committee, the petition of the committee appointed to number and sign the bills and their book of receipts; and ordering the supernumerary sheets to be retained by Mr. Webster until the committee reports, . .	Dec. 22, 1775.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
510	1775-76,	2, . .	Order substituting Mr. Rawson for Mr. Jewett on a committee, ...	Jan. 9, 1776.
510	1775-76,	2, . .	Order directing the supernumerary bills to be exchanged for the misprinted ones, ...	Jan. 24, 1776.
511	1775-76,	3, . .	Vote granting leave to Maj. Hawley to bring in a bill, .	Aug. 5, 1775.
511	1775-76,	4, . .	Order for a joint committee to bring in a bill, . . .	July 31, 1775.
511	1775-76,	4, . .	Vote amending the bill, ...	Aug. 12, 1775.
512	1775-76,	5, . .	Order for a joint committee to consider proper oaths for officers civil and military, ...	Aug. 16, 1775.
512	1775-76,	5, . .	Vote for the engrossment of the bill, ...	Aug. 21, 1775.
513	1775-76,	6, . .	Vote appointing a committee of one member from each county, to consider the circumstances of the towns relative to taxes, ...	Aug. 8, 1775.
513	1775-76,	6, . .	Order appointing a committee to consider the manner of taxing inhabitants who have removed from one town to another, ...	Aug. 9, 1775.
513	1775-76,	6, . .	Vote recommitting the report of the committee relative to abating the taxes of Boston and other towns, ...	Aug. 14, 1775.
513	1775-76,	6, . .	Order directing the attendance of Messrs. Cheever and Devens to give information regarding the ability of Charlestown to pay taxes; also appointing a committee to bring in a bill apportioning a tax of £46,000, ...	Aug. 16, 1775.
513	1775-76,	6, . .	Vote accepting the report of the committee on the petition of the selectmen of Roxbury, . . .	Aug. 21, 1775.
514	1775-76,	6, . .	Order instructing the committee on the tax bill relative to taxing soldiers, and substituting Mr. Wood for Mr. Devens on said committee, . . .	Sept. 20, 1775.
516	1775-76,	7, . .	Order appointing a committee to bring in a resolve, .	Nov. 10, 1775.
519	1775-76,	9, . .	Order for a message to the Board; also appointing a committee to consider the misprinted bills, . .	Dec. 27, 1775.
519	1775-76,	9, . .	Vote non-concurring the resolve of the Board of the 26th; and order appointing a committee of the House for the purpose of the resolve, Order for a message to the Board, ... Order substituting Mr. Hopkins for Mr. Cheever on a committee, ... Vote recommitting the report of the committee relative to numbering and signing bills, . .	Dec. 28, 1775.
519	1775-76,	9, . .	Order for a message to the Board, ...	Jan. 1, 1776.
519	1775-76,	9, . .	Order directing the secretary to lay upon the table, the resolve appointing a committee to sign bills, .	Jan. 4, 1776.
520	1775-76,	9, . .	Vote directing the committee on signing bills, to provide themselves suitable room and fuel, . . .	Jan. 8, 1776.
520	1775-76,	9, . .	Order directing Mr. Wheeler to bring in a resolve for the care of the bills; and substituting Mr. Batchelder for Mr. Morgan on a committee, . .	Jan. 24, 1776.
520	1775-76,	9, . .	Order adding Mr. Sewall to the committee for signing bills,	Feb. 3, 1776.
520	1775-76,	9, . .	Order for a joint committee to settle with the committee for signing bills, ...	Mar. 27, 1776.
520	1775-76,	9, . .	Vote referring to a committee, the report of the committee for signing bills, ...	Apr. 19, 1776.
520	1775-76,	9, . .	Vote referring to a committee, a letter from the committee of Uxbridge, ...	Apr. 19, 1776.
522	1775-76,	10, . .	Order appointing a committee to report a method of appointing militia officers, ...	Nov. 3, 1775.
522	1775-76,	10, . .	Order directing Col. Porter to carry a resolve of Congress to the Council, ...	Nov. 7, 1775.
522	1775-76,	10, . .	Order appointing a committee to carry a message to the Council, ...	Nov. 9, 1775.
526	1775-76,	10, . .	Order directing that the resolve relative to military tools, be printed in the newspapers, ...	June 26, 1776.
536	1775-76,	18, . .	Order appointing a committee to bring in a bill making bills of credit a tender in all payments, and to prevent the counterfeiting and depreciation of the same, if provision be not already made for the purpose, ...	Feb. 1, 1776.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
538	1775-76,	21, . .	Order directing Col. Freeman to have the test act printed, and to furnish three copies to each town, .	May 1, 1776.
540	1775-76,	23, . .	Order directing the secretary to lay the act for regulating fees, on the table; and appointing a committee to compare the printed act with the engrossment and to direct the printer to suspend the delivery of the acts: also to consider some method whereby matters may be correctly printed, .	June 3, 1776.
541	1775-76,	24, . .	Order appointing a committee to bring in a bill, . .	Mar. 27, 1776.
543	1775-76,	25, . .	Vote referring the memorial of the Essex County Convention, to a committee, ...	May 2, 1776.
652	1776-77,	–	Order appointing a committee to prepare an address to Congress, relative to the Declaration of Independence, ...	Sept. 5, 1776.
652	1776-77,	–	Order appointing a committee to bring in a resolve recommending the towns to instruct their representatives respecting independence, ...	May 9, 1776.
653	1776-77,	–	Order directing Capt. Brown to have a resolve printed in handbills, ...	May 9, 1776.
653	1776-77,	–	Order for a message to the Council; and directing the secretary to lay a resolve on the table, . .	May 10, 1776.
653	1776-77,	–	Order directing Mr. Cooper to have a resolve printed, .	May 10, 1776.
653	1776-77,	–	Vote announcing that, if Congress should declare the colonies independent, the House will approve the measure, ...	July 3, 1776.
653	1776-77,	–	Order appointing a committee to bring in a resolve establishing the use of the word "State," . .	Sept. 10, 1776.
653	1776-77,	–	Order directing the insertion of the words "State of Massachusetts Bay" in all acts and resolves, .	Dec. 7, 1776.
653	1776-77,	1, . .	Order appointing a committee to examine the state of the treasury and report the sum necessary to be emitted, ...	June 5, 1776.
653	1776-77,	1, . .	Order directing the above committee to bring in a bill; also to report the denominations of the bills and the expense of the impression, ...	June 7, 1776.
654	1776-77,	1, . .	Vote directing the committee to act as they judge best relative to the device on the bills, etc., . .	June 14, 1776.
657	1776-77,	3, . .	Vote committing the petition of Asa Douglass, . .	Oct. 13, 1775.
657	1776-77,	3, . .	Vote amending and passing the bill, ...	June 28, 1776.
663	1776-77,	8, . .	Vote appointing a committee to view the hospital at Sewall's Point, ...	Sept. 14, 1776.
665	1776-77,	11, . .	Order directing Col. Cushing to bring in a bill, . .	Sept. 4, 1776.
667	1776-77,	13, . .	Vote accepting the report of a committee, and appointing a committee to consider the sum necessary to be raised by taxation, the current year, . .	Sept. 4, 1776.
667	1776-77,	13, . .	Vote appointing a committee to consider what towns should be abated a portion of their tax, and the proportion, ...	Sept. 5, 1776.
667	1776-77,	13, .	Order directing that the inhabitants of Boston, Charlestown and Falmouth who have fled to other towns, be taxed to the towns to which they belonged,	Oct. 22, 1776.
667	1776-77,	13, . .	Vote directing that a tax of fifty thousand pounds be laid in 1776; and appointing a committee to bring in a bill accordingly, ...	Oct. 25, 1776.
669	1776-77,	14, . .	Order appointing a committee to consider the high prices of goods, and report at the next session, . .	Feb. 5, 1776.
669	1776-77,	14, . .	Vote committing the petition from sundry towns relative to high prices, to the committee appointed on the matter, Feb. 5th, ...	Mar. 14, 1776.
673	1776-77,	16, . .	Order appointing a committee to inspect the press, . .	Oct. 29, 1776.
673	1776-77,	16, . .	Vote appointing a committee to sign and number bills of credit, ...	Oct. 29, 1776.
673	1776-77,	16, . .	Vote substituting Mr. Leach for Mr. Ingalls on a committee, ...	Nov. 2, 1776.
701	1776-77,	35, . .	Vote committing a message from the Council, . . .	May 4, 1776.
709	1776-77,	38, . .	Order appointing a committee to consider and report further powers to be given to the committee appointed to take care of refugees' estates in Boston, .	Apr. 3, 1776.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
711	1776-77,	38, . .	Order directing that a resolve be brought in relative to the books, etc., left by Harrison Gray, . .	May 7, 1776.
711	1776-77,	38, . .	Order appointing a committee to examine the returns of the committees of correspondence, with respect to the estates of refugees, ...	June 25, 1776.
810	1777-78,	5, . .	Order directing that a resolve be brought in to oblige witnesses living in this state, to give evidence in the neighboring states, ...	Sept. 17, 1777.
829	1777-78,	13, . .	Vote referring to a committee, the message from the Council, ...	June 3, 1777.
830	1777-78,	13, . .	Vote making abatements of the tax to be laid on several towns, ...	Oct. 6, 1777.
848	1777-78,	24, . .	Order appointing a committee to consider the printing and distribution of the militia acts, . . .	Apr. 17, 1778.
848	1777-78,	24, . .	Order directing the clerk to deliver militia acts to certain officers, ...	Apr. 18, 1778.
848	1777-78,	24, . .	Order appointing a committee to make enquiries respecting the printing of the laws, ...	June 16, 1778.
848	1777-78,	24, . .	Order appointing a committee to distribute the printed copies of the militia law, ...	June 23, 1778.
859	1777-78,	28, . .	Order referring to the next session, the report of the committee to consider the report of a former committee, and the bill reported by the last appointed committee, ...	Mar. 11, 1778.
990	1777-78,	16, . .	Order appointing a committee to bring in a bill for lengthening the time for administering the oath of allegiance, to military officers, . .	Sept. 24, 1778.
1019	1778-79,	31, . .	Order postponing the consideration of a regulating act until an answer to their letter to Congress, be received, ...	June 4, 1778.
1049	1778-79,	43, . .	Vote committing for consideration, a message from the Council and the papers relative thereto, . .	Apr. 7, 1779
1049	1778-79,	43, . .	Order recommitting the report on the fourth article of the message from the Council, ...	Apr. 9, 1779.
1309	1779-80,	30, . .	Order appointing a committee to repair to Gloucester, and directing them to report at the next session, ...	Dec. 18, 1779.
1343	1779-80,	41, . .	Order appointing a committee to compare the amounts set on the towns in the three last tax acts, with their proportions according to the last-settled valuation, and report what towns were overtaxed or undertaxed, ...	June 19, 1779.
1345	1779-80,	41, . .	Vote directing that a committee consisting of one member from each county, be appointed to consider the complaints respecting the last valuation, ...	Nov. 25, 1779.
1345	1779-80,	41, . .	Order directing Col. Dawes to have a copy taken of the valuation books; and forbidding the removal of the valuation rolls from their place of deposit, without leave of the House, . . Vote appointing a committee to consider complaints respecting the valuation, ...	Nov. 26, 1779.

Votes and Orders of Towns, etc.

145	1770-71,	20, . .	Vote of the north parish in Haverhill, giving Rev. Gyles Merrill the parsonage land, etc., . . .	Oct. 15, 1770.
146	1770-71,	20, . .	Vote of the town of Plaistow, giving Rev. Gyles Merrill the parsonage land, etc., ...	Nov. 1, 1770.
183	1771-72,	9, . .	Vote of the town of Boston, directing the selectmen to prepare a petition to the General Court, for the removal of the powder house, ...	Mar. 11, 1771.
189	1771-72,	21, . .	Vote of the Marine Society at Salem, desiring Jonathan Gardner, jun., to apply to the General Court for an act or charter of incorporation, . .	May 31, 1770.

Votes and Orders—Continued.

Page.	Acts relating to the general subject-matter. Year.	Chapter.	Subject of the vote, etc.	Date.
267	1772-73,	17, . .	Vote of the middle parish in Salem, accepting the report of the committee of the middle and village parishes relative to being made a separate town, and arranging for town meetings, choice of town officers, etc ; and appointing a committee to petition the town of Salem, and the General Court, ...	Sept. 9, 1751.
267	1772-73,	17, . .	Vote of the town of Salem, relative to the middle and village parishes being set off, ...	Oct. 23, 1751.
352	1773-74,	2, . .	Vote of the town of Boston, directing the clerk to record certain papers, ...	Apr. 8, 1774.
543	1775-76,	26, .	Vote of the Essex County Convention held at Ipswich, appointing a committee to present and support their memorial to the General Court, . . .	Apr. 26, 1776.
543	1775-76,	26, . .	Vote of the town of Beverly, appointing Benjamin Lovett, jun., to sign the memorial of the county convention, ...	Apr. 30, 1776.
543	1775-76,	26, . .	Vote of the town of Danvers, concurring in the above-mentioned memorial, ...	May 1, 1776.
691	1776-77,	23, . .	Vote of the proprietors of Pearsontown, granting certain lands for the support of a school in lieu of land first laid out, ...	July 15, 1776.
717	1776-77,	40, . .	Vote of the town of Great Barrington, agreeing to set off the Hoplands, ...	Dec. 29, 1773.
776	1777-78,	21, . .	Vote of the town of Wrentham, setting off the west precinct of the town, ...	Feb. 16, 1778.
816	1777-78,	7, . .	Vote of the town of Pepperrell, accepting the report of a committee, and ordering the clerk to serve the representative of the town with a copy of instructions, ...	Nov. 29, 1777.
832	1777-78,	13, . .	Vote of the town of Chesterfield, directing that a petition be presented to the General Court, ...	Jan. 9, 1778.
845	1777-78,	21, . .	Vote of the second precinct of Wrentham, appointing a committee to present a petition to the General Court, ...	Feb. 20, 1778.
856	1777-78,	28, . .	Vote of the town of Worcester, directing their representative to present to the General Court their answer to the petition of Gershom Rice and others, ...	May 27, 1772.
973	1778-79,	1, . .	Vote of the town of Wrentham, giving directions to the committee to make answer to the petition of Samuel Pettee and others, ...	Mar. 17, 1766.
973	1778-79,	1, . .	Vote of the town of Wrentham, appointing a committee to consider the petition of William Hewes and others, ...	Mar. 8, 1768.
974	1778-79,	1, . .	Vote of the town of Wrentham, accepting the report of the above-mentioned committee, and agreeing to set off William Hewes and others, . . .	May 16, 1768.
976	1778-79,	1, . .	Vote of the town of Wrentham, appointing a committee to settle with the town of Foxborough, . . .	Sept. 21, 1778.
989	1778-79,	13, . .	Vote of the town of Northampton, agreeing to set off the western part, ...	Mar. 9, 1778.
990	1778-79,	14, . .	Vote of the town of Northampton, consenting that certain persons be annexed to Southampton, . .	May 22, 1778.
990	1778-79,	14, . .	Vote of the town of Southampton, accepting certain inhabitants of Northampton, ...	May 11, 1778.
1003	1778-79,	23, . .	Vote of the town of Gageborough, that the name of the town be changed to Windsor, ...	Sept. 10, 1778.
1003	1778-79,	23, . .	Vote of the proprietors of Number Five, agreeing to set off the west part of the township to Gageborough, ...	Sept. 3, 1778.
1010	1778-79,	26, . .	Vote of the town of Methuen, not to oppose the petition of inhabitants attending worship at Mr Chapman's meeting-house, ...	Feb. 12, 1778.
1024	1778-79,	34, . .	Vote of the town of Great Barrington, stating objections to John Adams and others being set off from them,	Aug. 31, 1778.
1047	1778-79,	40, . .	Vote of the town of Charlemont, agreeing to set off that part called The Hill, on conditions, . . .	May 27, 1779.

Votes and Orders—Concluded.

Page.	ACTS RELATING TO THE GENERAL SUBJECT-MATTER. Year.	Chapter.	SUBJECT OF THE VOTE, ETC.	Date.
1050	1778-79,	44, . .	Vote of the town of Warwick, relative to the ministry land, ...	Dec. 28, 1778.
1050	1778-79,	44, . .	Vote of the town of Warwick, refusing to rescind their former vote, ...	Jan. 25, 1779.
1051	1778-79,	44, . .	Vote of the town of Warwick, not to oppose the petition of the Congregational society, ...	Mar. 22, 1779.
1241	1779-80,	6, . .	Vote of the proprietors of Number Five, setting off the western part of the township to Gageborough,	Sept. 3, 1778.
1241	1779-80,	6, . .	Vote of the proprietors of Number Five, against their incorporation with Hatfield Equivalent, . .	Nov. 23, 1778.
1269	1779-80,	21, . .	Vote of the town of Bernardston, agreeing to set off the land west of Green River to Colrain, and to divide the land east of Green River into two towns or districts, ...	Apr. 19, 1779.
1270	1779-80,	21, . .	Vote of the town of Colrain, accepting Bernardston Gore,	May 19, 1779.
1320	1779-80,	33, . .	Vote of the town of Gageborough, signifying their willingness to have New Providence annexed to them, ...	Dec. 18, 1776.
1322	1779-80,	33, . .	Vote of the plantation of New Providence, favoring incorporation with the town of Adams, . .	Nov. 11, 1779.
1322	1779-80,	33, . .	Vote of the town of Adams, against the annexation of New Providence, ...	Nov. 22, 1779.
1323	1779-80,	34, . .	Vote of the town of Sudbury, agreeing to a division of the town and appointing a committee to agree upon a line, ...	June 25, 1778.
1323	1779-80,	34, . .	Vote of the town of Sudbury, to reconsider their vote for dividing said town, ...	July 6, 1778.
1324	1779-80,	34, . .	Vote of the town of Sudbury, for dividing the town by the river running through the same, and setting off the land on the east side of the river,	Feb. 1, 1779. Feb. 15, 1779.
1326	1779-80,	34, . .	Vote of the town of Sudbury, instructing their representative to oppose the division of the town, .	Sept. 20, 1779.
1334	1779-80,	38, . .	Vote of the town of Sutton, agreeing to set off John Adams and others to Northbridge, . . .	Apr. 10, 1780.
1359	1779-80,	42, . .	Vote of the town of Concord, consenting to a portion of the town being set off to a new proposed district, ...	Mar. 10, 1780.
1376	1779-80,	48, . .	Vote of the town of Northampton, that a petition be presented to the General Court, in behalf of certain inhabitants of the town who left the army,	May 22, 1780.
1437	1780,	2, . .	Vote of the town of Dedham, accepting the lands of Nathaniel Sumner, with the inhabitants thereon, ...	May 30, 1780.
1438	1780,	3, . .	Vote of the town of Royalston, consenting to Royalston Leg being set off to Winchendon, . . .	May 4, 1778.
1438	1780,	3, . .	Vote of the town of Winchendon, agreeing to receive Royalston Leg, ...	Mar. 2, 1778.
1448	1780,	11, . .	Vote of the town of Stoughton, accepting the report of their committee on the petition of Stoughtonham and John Tolman, ...	Mar. 1, 1779.
1458	1780,	15, . .	Vote of the trustees of Phillips Academy, appointing a committee to apply to the General Court for an act of incorporation, the time being left to their discretion, ...	Oct. 8, 1778.
1459	1780,	15, . .	Vote of the trustees of Phillips Academy, adopting a temporary seal, ...	Aug. 17, 1781.

GENERAL INDEX.

[1601]

INDEX.

A.

Page

ABSENTEES. (*See Enemies, Conspirators, Refugees.*)
- administration, or administration with the will annexed, granted by Judge of Probate when executors or administrators have joined the enemy, . 931
- agents, appointment, removal, . . 630, 632, 911
  - duties and powers, . 629, 630, 632, 633, 911
  - sale of real and personal estate, . . . 630
- allowance to family and relatives, . 631, 632, 971
- commissioners to examine claims, . . 631, 911
- concealment of effects, proceedings, . . 631
- confiscation of estates, ... 968–971
  - not to prevent operation of act against treasonable offences, . . . 971
  - Attorney General to exhibit complaints, . 969
    - service and proceedings, . . 969, 970
  - debts payable out of estates, . . . 970
  - escheat of property to State, . . . 969
  - jury to try issue, ... 970
- leases of estates, regulations, ... 632
- wife or widow remaining in the United States to have improvement of one-third of husband's estate, . . . 971

ACTIONS. (*See Indians, Lawsuits, Limitations.*)
- by Judge of Probate, Treasurer, or public officer to be carried on by successor, ... 805, 806
- for damages for seizure of vessel, how barred, 468
- of debt on judgment allowed, ... 232
- of debt on foreign judgment, ... 323
- of debt in Inferior Court of Common Pleas, on judgment before Justice of the Peace, ... 324
- not maintainable for goods charged at a higher price than fixed by law, . . 587

ACTON. (*See Carlisle.*)

ADAMS.
- town of, incorporated, ... 909
  - plantation of New Providence annexed to, 1170

ADMINISTRATORS. (*See Executors and Administrators.*)

ADMIRALTY. (*See Fees, Vessels.*)
- Courts of, erected, where held, 438, 439, 464, 465, 474
  - jurisdiction and proceedings, 438, 439, 440, 465, 503, 807, 931, 1174
  - affidavits, how taken, ... 476
  - appeal to Congress, ... 477, 1077
    - to Superior Court of Judicature, 807, 1077
    - act granting appeals renewed, . . 1398

Page

ADMIRALTY—*Continued.*
- captures,
  - bills of, when filed, ... 476
  - distribution and division of, 476, 503, 960, 1126
  - information of, to be made to judge, . . 474
- civil law to be adopted unless special direction, ... 807
- claimants to file claims, ... 475
  - as captors, to give bond to judge, . . 806
- clerks, appointment, ... 441, 463
- judges, appointment, . . . 438, 439, 464, 465
  - to adjourn courts, ... 471
- jury to determine contested facts, . . . 807
  - to assess damages, if detention illegal, . 806
- libel for seamen's wages, ... 807, 808
- libellants to give bond to judge, . . . 806
  - for wages liable to pay costs, . . . 808
- maritime causes continued by special order to be speedily tried, ... 1077
- perishable goods, how disposed of, . . . 477
- prisoners of war, proceedings relative to, . 1174
- restitution, when ordered, ... 806
- salvage, ... 807
- wages of seamen and mariners of prizes, how paid, ... 504
- witnesses, regulations, ... 477

AFFIDAVITS.
- in Admiralty proceedings, ... 476
- of persons enlisted in the service of the State or United States, how taken, . 877
  - act renewed, ... 1398

AFFIRMATION. (*See Oath, Quaker.*)

AGAWAM, OR WESTFIELD RIVER.
- act to prevent destruction of salmon and other fish in, ... 926, 927

ALEWIVES. (*See Fish, Agawam River, Bridgewater, Halifax, Ipswich River, Middleborough, Pembroke, Rochester, Sandwich, Weymouth.*)
- act for preventing unnecessary destruction of, renewed, ... 88, 461, 1123

ALFORD.
- district of, incorporated, ... 236
  - to join with Great Barrington, Sheffield and Egremont in choice of representative, ... 236
  - certain persons annexed to, from Great Barrington, ... 928

ALIENS.
- French subjects not to be reputed as *aubains* within the State, ... 1197

Page

ALTERATION. (*See Forgery, Counterfeiting.*)

AMERICAN ACADEMY OF ARTS AND SCIENCES.
- incorporated, ... 1194
- design of the institution, ... 1196

AMMUNITION. (*See Powder, Arms.*)

ANDOVER.
- Phillips Academy incorporated, . . . 1419
- regulation of fishing in Merrimack River, . 344

ANTIPEDOBAPTISTS.
- exempted from ministerial taxes, . . 111, 392
- what persons taken to be, ... 112, 392
  - certificate, and exemption when no certificate, ... 113, 393
- when exempt, not to vote on matters relating to meeting houses or ministers, . 113
  - act of 1774, ch. 6, renewed, . . 732, 1125

APPEAL.
- to Congress in maritime causes, . . 477, 1077
- to Superior Court of Judicature in maritime causes, ... 807, 1077
  - act of 1779-80, ch. 10, renewed, . . . 1398
- to Superior Court of Judicature, from Inferior Court of Common Pleas, of trials for forfeiture of estate of absentee, 970
- to Supreme Court of Probate, from decree of Judge of Probate concerning absentee, ... 632
- to Inferior Court of Common Pleas, from Justice of the Peace, on action against delinquent militiaman, . . . 780

APPRENTICE.
- Overseers of the Poor to bind poor children not belonging to town, in certain cases, ... 161
  - in Salem, authority to bind out poor children, ... 325

APPROPRIATIONS. (*See Treasurer.*)
- for armed vessels for defence of State, . . 961
  - board of war (notes delivered to), 605, 774, 1192
- for bounty upon wheat and flour, . . . 29
- for charges of government, 504, 552, 639, 742, 885, 1079
- for charges of war, ... 504, 552, 639
- for contingent expenses, . . 30, 208, 300, 391
- for debts where no establishment, 29, 108, 170, 208, 248, 300, 340, 391
- for forts and garrisons, . 29, 108, 170, 208, 300, 391
- for grants and bounties, 29, 108, 170, 208, 248, 300, 340, 391
- for lighthouses on Thatcher's Island, . . 170
- for lottery (notes to be delivered to managers), 930, 960, 1194
- for pay of members of house of representatives and council, 29, 108, 170, 208, 248, 300, 391
- for pay of officers of Continental Army (notes to be delivered), . . . 965, 1134
- for pay of soldiers of Continental Army (notes to be delivered), ... 1134
- for purchasing provisions, commissaries' disbursements, &c., 29, 108, 170, 208, 248, 300, 391
- for redemption of government securities, 30, 108, 300, 340, 392, 885, 1168
- for repairs of buildings and fortifications, 29, 108, 170, 208, 248, 300, 340, 391

Page

APPROPRIATIONS—*Continued.*
- for wood at Castle William, ... 29
- for writing, printing and paper, 29, 108, 170, 208, 248, 300, 340, 391

ARMED VESSELS. (*See Enemy, Letters of Marque, Vessel.*)
- act for encouraging fixing out of armed vessels to defend the seacoast, . . . 436
  - first act repealed, ... 463
  - second act, ... 462
  - second act repealed, ... 471
    - proceedings under second act confirmed, ... 474
  - act in addition to first act, ... 503
- to be fitted out by Board of War, . . . 960
  - appropriation for the same, . . . 961
- agents accountable for shares, &c., delivered to deserters, ... 1199
- commanders to file in naval office descriptive list of men, ... 1199
  - duties relative to prisoners of war, . 1174, 1175
- penalty for hiring or enlisting soldiers, . . 1075
- penalty for shipping or conveying away deserters, ... 1199
- prizes captured by two or more vessels, how divided, ... 1126

ARMS.
- persons receiving or purchasing from soldiers, how punished, . . . 627, 1075
- to be impressed by selectmen, ... 597
- and ammunition, regulations for Carlisle, . 1190

ARMY, AMERICAN. (*See Army, Continental.*)

ARMY, CONTINENTAL. (*See Taxes, Selectmen, Committee.*)
- Act for providing for reinforcement for, . . 595
  - adjutant, appointment, ... 599
  - chaplain, appointment, ... 599
  - equipment, ... 596
  - establishment for officers and men, . . 597
  - exemptions from service, ... 595
  - fines, how paid, ... 598, 599
  - militia, one fourth part to be raised, . . 596
    - to be appointed by enlistment, lot or draft, ... 596
  - officer refusing to perform his duties, penalty, ... 598
  - quartermaster, appointment, . . . 599
  - quota, how made up, ... 599
  - refusal to march, penalty, ... 598
  - surgeon, appointment, ... 599
- arms, having in possession belonging to the State or United States, penalty, . 1075
  - receiving or purchasing of soldier, how punished, ... 627
- arrest of soldiers for small debts forbidden, . 614
  - discharge of soldier arrested contrary to act, ... 614
- desertion, act to prevent, ... 626
  - commanding officer to send descriptive list of deserters to Secretary's office, . 1199
- payment of officers in notes to be delivered by Treasurer of the State, . . 964, 965
  - of balance due to officers and soldiers, or their estates, in notes, 1133, 1134, 1137
  - interest, how paid, ... 1135
- refusal to sell necessaries to, proceedings, 586, 643

Page

ARRAIGNMENT.
of person indicted for treasonable offences, . 617
prisoner standing mute, proceedings, 617, 618
ARREST. (*See Enemies.*)
of deserters from Continental Army, 626, 627, 1200
of soldiers of Continental Army for small debts forbidden, ... 614
without warrant, of persons guilty of forestalling, seen selling provisions, . 926
ARTILLERY.
commissary general directed to purchase field-pieces, ... 291
ASHBURNHAM.
assessors enabled to collect certain taxes, . 50
ASHBY.
tax granted on non resident proprietors' lands for ministerial purposes, . . 219
sale of lands, redemption, ... 220
act explanatory, ... 301
ASHFIELD.
charges of committee of assessment, how paid, 230
inhabitants exempted from province and county tax for three years, (March 6, 1773.) 230
proprietors and owners of land empowered to call a meeting, ... 333
choice of officers, ... 334
provisions for assessing and collecting monies on the lands of proprietors for certain ministerial charges, . 228, 229
provisions in act of 1765–66, chap. 13, § 3, repealed, ... 230
tax levied to pay expenses of certain persons in securing passage of legislation to relieve the town, ... 331
ASSEMBLIES, UNLAWFUL. (*See Riots.*)
ASSESSMENT. (*See Taxes, Valuation.*)
ASSESSORS. (*See Oath, Taxes, Valuation.*)

Page

ASSIGNEE. (*See Bankruptcy.*)
ASSIZE, COURT OF. (*See Superior Court of Judicature.*)
ASSIZE OF CASKS. (*See Casks.*)
ATTACHMENTS.
to hold good when execution delayed on judgment made up on scale of depreciation, ... 1416
ATTAINDER.
by process of outlawry, for treasonable offences, ... 616
under act against treason, not to make corruption of blood, ... 619
ATTORNEY GENERAL. (*See Fees.*)
to act against persons confined on suspicion of treasonable offences, . . . 883
to exhibit complaints against absentees, . . 960
AUCTION.
auctioneers to be licensed by selectmen, . . 248
regulations, ... 249
act renewed, ... 462
act in addition, ... 300
not to sell goods at higher price than fixed by law, ... 587
continental agents not permitted to sell at auction other property than vessels with their appurtenances, . . 963
sale of goods at auction forbidden, except by sheriffs and constables, and by executors and administrators to pay debts, ... 730
act continued, ... 738, 777
proviso, ... 777
sale of personal property at auction prohibited except in certain cases, . . . 922
act continued, ... 1131

B.

BAIL.
not to be received for persons imprisoned dangerous to the State, . . . 641
BAKERS.
regulations as to hoarding flour, . . . 925
BANKRUPTCY.
commissioners empowered to complete proceedings in cases begun under act disallowed, ... 114
BAPTISTS. (*See Antipedobaptists.*)
regulations as to ministerial taxes in Ashfield, ... 230
BARK.
measurers of, appointment, ... 1119
regulations for sale of, ... 1118, 1119
BARNSTABLE.
act to prevent injury by cattle, &c., at Sandy-neck meadow in, renewed, 86, 458, 1121
act to prevent injury by cattle, &c., on meadows and beaches in, renewed, 86, 459, 1122
act regulating hunting in, renewed, . 88, 461, 1123
BARRÉ.
town of Hutchinson so named, ... 593
BASS.
act to prevent taking bass in winter in Parker river, Newbury, ... 134
said act renewed, ... 461, 1124
BEACHES. (*See Barnstable, Chilmark, Eastham, Plymouth, Truro, Wellfleet, Wells, Yarmouth.*)
BEEF. (*See Casks.*)
BEGGARS. (*See Vagabonds.*)
BELCHERSTOWN.
certain lands in, annexed to town of Greenwich, 155
BELFAST.
incorporated as a town, ... 293
BERKSHIRE COUNTY. (*See General Sessions, Inferior Court, Superior Court.*)
no action for damage for certain offences to be instituted except by order of General Court, ... 932
trials to be held in, for certain treasonable offences, ... 883
BERNARDSTON.
part of the town set off and annexed to Colrain, 1126

Page

BIDDEFORD.
act to prevent damage on Winter Harbour beach, renewed, . . 87, 458, 1121
BILLERICA. (*See Carlisle.*)
BILLINGSGATE BAY. (*See Eastham, Oysters, Wellfleet.*)
BILLS OF PUBLIC CREDIT. (*See Counterfeiting, Oath, Treasurer.*)
acts for making and emitting, 416, 442, 547, 559, 589, 606, 610, 906, 1180
committee, duties, 417, 443, 548, 560, 590, 607, 611, 907, 1181
tax granted to discharge, 418, 444, 548, 549, 561, 590, 607, 611, 907, 1181
tender, bills to be a, 417, 443, 549, 561, 591, 608, 611, 907, 1182
calling in, general provisions, . 734–736, 906, 1178
claim to cease upon neglect, . . 736, 908
time for calling in prolonged, . 759, 796, 879
commissioners appointed to complete in accordance with act of Congress, . 1397
counterfeit, penalty for offering to treasurer, 736, 908
depreciation, scale of, established, . 1413–1415
accounts and book debts, how settled, . 1416
attachment to hold good on execution delayed, ... 1416
creditors in other states, regulations, . 1415
execution on judgment agreeable to scale, when issued, ... 1416
executors, administrators, &c., receiving or paying bills of credit, regulations, ... 1414
judgment how rendered, when tender made in bills of credit, . . 1415
payments toward the discharge of any debt, how reckoned, . . . 1415
foreign.
of Connecticut, New Hampshire and Rhode Island, currency prohibited, . . 34
of New York, New Jersey, and Nova Scotia, currency prohibited, . . 214
new issue, to be emitted on funds and on the credit of the United States, . 1180
disposition of bills, ... 1180
interest, how paid, ... 1180
receivable for all payments except tax for redemption, ... 1182
redeemable in specie, ... 1180
tax granted for redemption, . . . 1180
tender, how pleaded, ... 1182
passing for less sum than real value, penalty, 473, 560
§ 4 of 1775–76, chap. 18, repealed, . . 1413
redemption, previous acts for, repealed (Oct. 13, 1778), ... 908
refusal to take bills of credit of the State or United States, penalty, . . . 1074
selling goods for less sum for gold than for paper currency, penalty, . . 473
above provision repealed, ... 1413
tax, no bills of credit to be received in payment of tax, except those of the United Colonies or States established by the American Congress and bills of the State, 548, 561, 591, 608, 639
tender, bills of United Colonies and this government a tender in all cases, 473, 549
§ 6 of 1775–76, chap. 18, repealed, . . 1413

Page

BILLS OF PUBLIC CREDIT—*Continued.*
no other than those of the United States and this government to be a tender after July 1, 1777, ... 640
tenor of denominations changed, . . . 921
towns authorized to raise money for sinking bills of credit of State, . . . 760
BINDING OUT. (*See Apprentice.*)
BIRDS. (*See Wild fowl.*)
BIRTHS. (*See Fees.*)
BLACK-MAIL. (*See Threatening Letters.*)
BOARD OF WAR. (*See Treasurer.*)
authorized to sue and be sued, ... 1074
manner of service upon, ... 1075
to arrange for payment of money borrowed in Europe, ... 1168
to fit out armed vessels, ... 960
to transport enemies of the United States, 649, 650
BOATMAN.
to take oath that goods are not for exportation, 1117
BOLTON.
part of, set off into a separate parish, called the South Parish, ... 803
regulations for ministerial taxes, . . . 804
BONDS.
actions on, by Judge of Probate, Treasurer, or public officer, to be prosecuted by successor, ... 805, 806
BONFIRES.
act to prevent, in streets and lanes, renewed, 87, 459, 1122
BOSTON. (*See Boston Pier, Contagious Diseases.*)
auctioneers, regulations as to, ... 300
fires, acts to prevent damage by, renewed, 87, 88, 458, 460, 1121, 1123
guns, act to prevent firing of, renewed, 59, 258, 903
lamps, regulations as to street, . . . 301–303
inhabitants empowered to raise money by a tax for their support, . . 303
land on Governor's Alley granted for widening said alley, ... 226
overseers of the poor incorporated, . . . 177
porters, act for better regulating, renewed, 86, 457, 1120
powderhouse to be built, ... 167
street to be laid out, provisions (Paddy's Alley), ... 225
charges, how recovered, ... 226
former proceedings set aside, . . . 225
value of land, how ascertained, . . 225
act in addition and explanation, . . . 291
taxes, act enabling collectors to sue for rates and taxes in certain cases, renewed, 88, 460, 1123
watch, act establishing, renewed, 88, 175, 460, 1123
BOSTON PIER.
proprietors of, incorporated, ... 201
lottery established for repairing, . . . 1071
BOUNDARY.
between Plymouth and Bristol Counties and Suffolk County, established, . 224
commissioners appointed to determine line between Massachusetts and New York, ... 176
BOUND BROOK. (*See Truro.*)
BOUND-BROOK ISLAND. (*See Wellfleet.*)

Page

BOUNTIES.
to encourage enlistment in the army, authorized, ... 636
BOWDOINHAM.
certain lands of Gardinerston annexed to, . 924
BRAINTREE.
act in relation to fishing in Monatiquot River, renewed, ... 87, 458, 1132
act in addition to said act, ... 42
last act renewed, ... 89, 461, 1132
BRANT POINT. (*See Nantucket.*)
BRIBERY.
of soldiers on training or muster days, forbidden, ... 451, 498
BRIDGE.
North bridge in Concord, Carlisle to pay one-sixth of charges, ... 1190
over Chicopee River, provisions as to building, ... 336, 339
over Ware River, to be built by Hampshire County, ... 134
over York River, regulations as to toll and drawbridge, ... 131, 132

Page

BRIDGES, PRIVATE.
act to regulate the expense of, renewed, . . 86
BRIDGEWATER.
alewive fishery in, acts regulating, . . 83, 241
acts renewed, ... 259, 732
certain inhabitants of south precinct in Stoughton annexed to north precinct in, ... 116
BRISTOL COUNTY. (*See General Sessions, Inferior Court, Superior Court.*)
boundary between Plymouth and Bristol Counties and Suffolk County, established, ... 224
BROADBAY.
plantation, incorporated into town by name of Waldoborough, ... 293
BUCKLAND.
town of, incorporated, ... 957
BURGLARY.
act for preventing and punishing, . . . 43
act of 1715-16, chap. 1, repealed, . . . 43
BUXTON.
town of, incorporated, ... 206

C.

CAMBRIDGE.
southerly part of first precinct set off into a separate precinct, ... 971
CANNON. (*See Artillery.*)
CAPE COD HARBOR. (*See Provincetown.*)
CARLISLE.
district of, erected, ... 1189
to join with Acton in choice of representatives, ... 1189
certain persons allowed option of belonging to said district, ... 1190
Josiah Blood and his land set off from, and annexed to town of Concord, . 1411
CASKS. (*See Impost.*)
assize, act for regulating, renewed, . 174, 457, 1120
act in addition to act for regulating, renewed, ... 39, 258, 903
gauge of, act to prevent deceit in, renewed, . 87, 458, 1121
CASTLE WILLIAM. (*See Appropriations, Fees.*)
CATTLE. (*See Biddeford, Chabequidick, Chilmark, Eastham, Fences, Harwich, Plymouth, Plumb Island, Pounds, Tisbury, Truro, Wellfleet, Wells, Yarmouth.*)
CENSUS.
of Colony to be taken, ... 468
committees appointed, ... 460
CHABEQUIDICK ISLAND.
act to prevent injury by cattle, &c., and to prevent trespasses on Indian lands, ... 342
said act renewed, ... 732, 1125
CHALLENGE. (*See Jurors.*)
CHARCOAL.
regulations as to baskets, ... 205
CHARLEMONT.
part of, with plantation of No Town, incorporated as town of Buckland, . 957
CHARLES RIVER.
taking of oysters at certain times forbidden, . 216
said act renewed, ... 461, 1124
CHARLESTOWN. (*See Castle William.*)
act to prevent damage by fire in, renewed, . 87, 458, 1121
lottery established for repairing streets, . . 1071
CHELMSFORD. (*See Carlisle.*)
CHILDREN. (*See Apprentice, Overseers of the Poor.*)
CHILMARK.
act to prevent damage to meadows and beaches on south side, renewed, 83, 461, 1124
act to prevent destruction of salt meadows, renewed, ... 89, 461, 1124
CHURCH OF ENGLAND.
members in Great Barrington impowered to raise and collect monies to support minister, ... 253
exempt from parish taxes, ... 253
how ascertained, ... 253
ministers authorized to solemnize marriages in certain cases, ... 231
CIVIL LAW.
adopted in Admiralty Courts, ... 807
CLAPBOARDS, SHINGLES, STAVES AND HOOPS.
act for regulating assize of, renewed, 40, 259, 904
CLERKS OF COURTS. (*See Fees.*)
to be chosen for Middlesex County, . . . 455
COHASSET.
incorporated into a district. 49
to join with Hingham in choice of representatives, ... 49
COIN. (*See Specie.*)

Page

COLLECTORS OF TAXES. (*See Boston, Plantations, Taxes, Towns.*)
execution against, regulations, ... 197
special, for taxes for carrying on war; appointment and duties, . . 774, 775
warrant against delinquent, . . . 232, 233
COLRAIN.
part of town of Bernardston annexed to, . 1126
COMMISSARIES.
to settle boundaries between Massachusetts and New York, ... 176
COMMISSARY GENERAL.
to purchase twelve brass field-pieces, . . 291
of prisoners of the United States, to have charge of prisoners of war, . . 1173
duties relative thereto, ... 1174
COMMISSIONERS OF IMPOST. (*See Impost.*)
COMMISSIONERS OF SEWERS. (*See Sewers.*)
COMMISSIONERS TO COMPLETE BILLS OF CREDIT.
appointment and duties, ... 1397
COMMISSIONS.
style of, established, ... 484
issued since Sept. 19, 1775, to be in force how long, and how may be altered, ... 485
style to be altered by council, ... 550
not altered to be void, ... 550
COMMITTEES OF CORRESPONDENCE, INSPECTION, OR SAFETY. (*See Selectmen.*)
to be chosen in towns and places, . . . 483
absentees, powers in relation to estates of, . 632
actions not to be brought against for certain offences in Berkshire County, without leave of the General Court, ... 932
actions against, for destroying property, etc., not to be sustained, ... 1169
articles reserved for the army, schedules to be returned; manifest by owner, 645
declaration of allegiance, duties, . . 479-484
deserters, duties relative to, ... 1198
enlistment of soldiers, duties relative to, . 597
exportation of certain articles, powers to prevent, . . . 559, 1114, 1115, 1117
monopoly, powers in execution of law against, 644
grant of extraordinary powers not to be a precedent, ... 644
prices to be affixed to goods, ... 586, 642
COMMITTEES OF INSPECTION. (*See Committees of Correspondence.*)
COMMON LANDS. (*See Coparceners, Fences, General Fields, Lands, Partition.*)
COMMON PLEAS. (*See Inferior Court of Common Pleas.*)
COMMON ROADS. (*See Highways, Ways.*)
act relating to, renewed, ... 903
COMMON SEWERS. (*See Sewers.*)
CONCEALMENT OF TREASON. (*See Misprision of Treason.*)
CONCORD. (*See Carlisle.*)
Josiah Blood and his land set off from Carlisle to, ... 1411

Page

CONFISCATION.
of estates of certain persons conspiring against the government, ... 966
of estates of absentees, ... 968-971
CONGRESS, CONTINENTAL.
appeal to, in certain maritime causes, . 477, 1077
act of 1779-80, chap. 10, renewed, . . 1398
CONGRESSES, PROVINCIAL
doings of, confirmed and established, . . 415
records of, how given in evidence, . . . 415
to be lodged in secretary's office, . . 416
CONNECTICUT. (*See Bills of Public Credit.*)
CONSPIRATORS. (*See Absentees, Enemies, Refugees.*)
certain, against the government to forfeit their estates, ... 966
allowance from estates for benefit of relations, ... 967
wives or widows remaining in the State to have improvement of one third of husbands' estates, . . . 967
CONSTABLES. (*See Auction, Collectors, Fees, Taxes.*)
appointed to attend courts, ... 765
collection of taxes, powers, ... 233
executions against delinquent constable, how regulated, ... 197
sale of goods taken on execution, . . . 207
service of warrant or writ, ... 491
warrant against delinquent, . . . 232, 233
CONTAGIOUS DISEASES.
act relating to, renewed, . . . 85, 458, 1121
Small-Pox.
act to prevent spread of, renewed, . 394, 904
inoculating hospitals authorized to be established, ... 552
regulations for inoculation, . . . 553
act repealed (lost or mislaid), . . 555
new act, ... 554
regulations for inoculation, . . 555
inoculation in Boston, regulations, . 555, 557
guards to protect against infected persons entering Boston, . . . 557
selectmen to remove patients, . . 556
COPARCENERS, joint tenants and tenants in Common.
act to prevent waste by, renewed, . 85, 457, 1120
CORDWOOD. (*See Firewood.*)
regulations for carting, measurement and sale, ... 203, 204
disputes between buyer and seller, how settled, ... 204
CORN. (*See Grain.*)
CORONERS. (*See Fees.*)
authorized to sell goods taken on execution, ... 207
CORPORAL PUNISHMENT.
regulations concerning, ... 1068
CORRUPTION. (*See Bribery.*)
CORRUPTION OF BLOOD.
not made by attainders for treasonable offences, 619
COSTS. (*See Actions, Fees.*)
act to prevent unnecessary cost in courts, renewed, ... 85, 458, 1121
in criminal prosecutions, how paid, . 247, 494, 770
limited in certain actions, ... 110

Page

COUNCIL. (*See Appropriations, General Court.*)
- directed to request the commander in chief to pardon deserters returning, . 1200
- empowered to call out battalions, in emergency, ... 600
- prisoners of war, powers, ... 625
- privateers to be commissioned, . . . 437, 463
- warrant to be issued for apprehension of persons dangerous to the State, . . 641
- warrants to be issued in favor of officers and soldiers or their estates, and how paid, ... 1134, 1135

COUNTERFEITING. (*See Forgery.*)
- act against, renewed, ... 87, 458, 1121
- estates of persons convicted of, not to be fraudulently conveyed, . . . 647
- liable to refund reward granted for detection, ... 647

Bills of Public Credit.
- act to prevent, ... 472
- act in addition to said act, . . . 639
- penalty for counterfeiting or uttering, ... 472, 639
- for altering, ... 473, 640
- for passing, changed to fine, . . 919
- changed on petition of convict, . 919

Page

COUNTERFEITING—*Continued.*
- lottery tickets, penalty for counterfeiting or altering, . . 628, 629, 880, 1072, 1394

COUNTY REGISTER. (*See Lincoln County.*)
- regulations as to return of votes for, . . 181

COUNTY TREASURER (*See Lincoln County.*)
- regulations as to return of votes for, . . 180
- how chosen in certain cases, ... 882

COURTS. (*See Admiralty, Inferior Court, Judicial Proceedings, Probate Court, Sessions of the Peace, Superior Court.*)
- to retain jurisdiction of offences notwithstanding augmentation of fines and forfeitures, . 910, 1068, 1129, 1176

COXHALL.
- plantation of, incorporated into a town by the same name, ... 777
- additional act relative to incorporation and boundaries, ... 1177
- resolves relative to, repealed, . . . 1178

CREDITORS. (*See Actions, Bankruptcy, Debtors, Prisoners.*)

CRIER OF COURTS. (*See Fees.*)

CUMINGTON.
- town of, incorporated, ... 1072

D.

DAMAGES.
- for taking land for street in Boston, how ascertained, ... 225

DANVERS.
- privileges, bequests, &c., how shared by north and south parishes, . . . 214
- town meetings, how regulated, ... 213
- act renewed, ... 461, 1124

Danvers Neck.
- duties and privileges of inhabitants, . 221–223

DARTMOUTH.
- inhabitants empowered to regulate taking of fish by seining, ... 130
- penalty on violation of regulation, . . 130
- said act renewed, ... 345, 904
- oysters, act to preserve in, renewed, 88, 460, 1123

DATES OF COMMISSIONS, WRITS, &c.
- to be in year of Christian era, ... 484

DEAF AND DUMB.
- guardians for, how appointed, ... 595

DEATH WARRANT.
- proceedings for, ... 619

DEATHS. (*See Fees.*)

DEBTORS. (*See Bankruptcy, Prisoners.*)

concealed and absconding.
- commissioners and assignees empowered to complete proceedings begun under act disallowed, . . . 114
- concealed and absconding, act relating to, renewed, ... 221
- trustees of estates of, empowered to complete the business assigned them by previous acts, ... 36

DECLARATION OF INDEPENDENCE.
- preaching or praying against, or discouraging from supporting, how punished, ... 612

DEDHAM.
- certain persons with their lands set off to, from town of Stoughton, . . 1394

DEEDS. (*See County Register, Fees.*)

DEER. (*See Hunting, Moose.*)
- act for preservation of, on Tarpolin Cove Island, and Nennemesset Island, renewed, . . . 86, 461, 1124, 1128
- act in addition to said act, ... 1127
- fines and forfeitures increased twenty-fold, ... 1127
- possession of flesh or skins to be evidence of breach of law, . . 1127

DESERTION.
- acts to prevent desertion from the Continental Army, ... 626, 1198
- last act to be printed in hand bills, . . 1201
- act to prevent deserters entering upon armed ships, ... 1076
- act relating to desertion from fleets and armies of allied forces, ... 1398
- concealment of deserters, penalty, 627, 1075, 1201, 1398
- constables and sheriffs, duties, ... 626
- employment of deserters, penalty, . . . 1201
- certificate required in evidence, . . . 1201
- enlistment on armed vessel, penalty, . 1075, 1199
- jailers, duties, ... 1198
- justices of peace, duties, . . . 626, 627, 1076
- officers of army and militia, duties, . 627, 1076, 1198

Page

DESERTION — *Continued.*
returning deserters, pardon and privileges, . 1200
search warrant for deserter, ... 1076
DEVISE. (*See Partition.*)
DIMINISHING MONEY
act against, renewed, ... 87, 458, 1121
DISARMAMENT.
of persons refusing test of allegiance to United Colonies, ... 479, 480
regulations as to persons previously disarmed, ... 484
DISORDERLY PERSONS.
acts relating to, renewed, . . . 39, 87, 258, 903
additional act relating to, ... 46
DISTILLER.
not compelled to sell rum by the barrel, unless, ... 644
DISTILLING.
from cider and grain prohibited, . . . 731
DISTRACTED PERSONS. (*See Idiots.*)
DISTRIBUTION.
act for more easy division and distribution of intestate estates, renewed, 87, 460, 1123
DISTRICTS.
established.
Alford, ... 236
Carlisle, ... 1189
Cohasset, ... 49
Mansfield, ... 48

Page

DISTRICTS — *Continued.*
Northbridge, ... 199
Norwich, ... 297
Southwick, ... 75
West Stockbridge, ... 326
Williamsburgh, ... 125
all districts made towns, ... 420
DIVISION OF ESTATES. (*See Distribution.*)
DOGS. (*See Hunting.*)
act to prevent mischief by unruly dogs, renewed, ... 85, 458, 1121
in island of Nantucket, act renewed, 174, 458, 1121
DORCHESTER.
lands formerly belonging to, incorporated into town of Foxborough, . . . 875
DOWER.
right similar to, in lands of absentee or conspirator, ... 967, 971
DRAINS AND COMMON SEWERS. (*See Sewers.*)
DRAWBACK. (*See Impost.*)
DROVERS.
to have certificate from selectmen, &c., . . 1114
to take oath that goods are not for exportation, 1117
DUNSTABLE.
Samuel Taylor set off from first parish to second parish, ... 759
DUTIES. (*See Impost.*)

E.

EAST HOOSUCK.
plantation, incorporated into town of Adams, 909
EAST SUDBURY.
town of, incorporated, ... 1170
EASTERN HARBOR MEADOWS. (*See Truro.*)
EASTHAM.
acts to prevent damage by cattle, &c., to beach at Billingsgate Bay, renewed, 174, 175 458, 459, 1120, 1122
act to prevent damage by cattle, &c., to Nosset beach and meadow, renewed, . 174, 458, 1121
certain lands in Harwich annexed to, . . 203
EDGCOMB.
town of, incorporated, ... 329
ENEMIES. (*See Absentees, Conspirators.*)
act for taking up and restraining persons dangerous to the State, . . . 641
said act renewed, ... 884, 1072, 1397
executors and administrators joining, new administration to issue, . . . 932
internal, of the United States, proceedings for ascertaining and trying, . 648-650
to be transported, ... 650
certain persons named, having joined the enemies of the United States, forbidden to return to the State, ... 912
to be committed and transported if found, ... 917
penalty for importing or concealing, . . 917

ENEMIES — *Continued.*
penalty of death for return after transportation, ... 917
copies of act to be published, and transmitted to the several legislative assemblies, and also to France, . 917
other legislative assemblies requested to furnish lists of emigrants, . . 917
ENEMY.
aiding the enemy, penalty, . . . 481, 482
furnishing supplies to, ... 481-483
vessel taken by the enemy of, to be decreed forfeited, ... 437, 463
ESTATES DEVISED. (*See Partition.*)
ESTATES OF PERSONS DECEASED. (*See Executor, Partition.*)
sale of real estate to pay debts, . . . 47
EVIDENCE.
affidavits of persons in the army taken out of court, ... 877
said act renewed, ... 1398
attested copy of judgment sufficient evidence of such judgment, . . . 323, 324
deer, act relating to, evidence of breach, . 1127
deserters, certificate required in evidence by persons charged with employing, 1201
oath of prosecutor to be sufficient in certain cases, ... 646
treasonable offences, evidence required in trials, ... 618
EXECUTION.
proceedings for execution of death penalty, 619, 620

Page

EXECUTIONS.
- delinquent constable or collector, regulations for execution against, . . . 197
- expressed in current money of the State, how discharged in old or new bills or specie, ... 1417
- oath concerning law against monopoly to be taken before execution issues, . 646
- oath relating to foreign bills of credit to be taken before issue of execution, . 35
  - except when persons are out of province, . 36
- on judgment before justice of the peace, how directed when debtor removed to another county, ... 324
- on judgment made up agreeable to scale of depreciation, when to issue, . . 1416
- on recognizance for debt, ... 500
- sale of chattels on execution by sheriffs and others, ... 207
  - notice, ... 207
  - application of proceeds, ... 208

EXECUTORS AND ADMINISTRATORS. (*See Partition, Probate Court.*)
- act relating to, renewed, . . . 87, 460, 1123
- joining the enemy, new administration to be granted by Judge of Probate, . 932

Page

EXECUTORS AND ADMINISTRATORS—*Continued.*
- receiving and paying bills of credit, regulations as to accounts, . . . 1414
- sale of real estate to be licensed in any county, ... 47

EXPORTATION. (*See Selectmen, Sessions of the Peace.*)
- of certain articles forbidden, ... 1114
  - act in addition to said act, ... 1116
  - except such as belong to the Continent or State, ... 1115
  - certain persons inhabitants of neighboring states permitted to export goods, ... 1117, 1118
  - certificates to be obtained from selectmen or committees, . 1114, 1117, 1118
  - persons removing out of State permitted to take goods, ... 1118
  - both said acts, and a resolve relating thereto, repealed in part, . . 1395
- of lumber, prohibited for a limited time, . 559
  - said act repealed, ... 589
- of masts and spars, prohibited for a limited time, ... 930
  - said act renewed, ... 1398

EXTORTION. (*See Fees.*)

F.

FALMOUTH [MAINE].
- goods taken from the inhabitants at time of fire, how disposed of, . . 456, 457

FALMOUTH [MASS.].
- act to prevent damage by hunting in, renewed, 83, 461, 1123
- act to prevent damage to the proprietors of Great and Little Sippewisset, ... 159
  - no cattle, horses or sheep to be driven on said beach or meadow, . . . 159
  - found feeding, to be impounded, . . 159
  - loaded teams to be driven over the ancient way, ... 160
  - penalty for mowing grass, ... 160
  - persons to be annually chosen to see to execution of laws, ... 160
  - said act renewed, ... 904

FEES.
- act for establishing and regulating, renewed, 28, 115, 171, 212
- act for establishing and regulating, . . . 240
  - former act repealed, ... 486
- new act, ... 486
- part of new act repealed, ... 761
- new act, ... 761
  - last act revived, ... 1417

Attorney, ... 243, 491, 766

Attorney General, ... 1068, 1129

Captain of Castle William, . . 246

Clerk.
- of Superior Court, . . . 242, 493, 767
- of Inferior Court, . . . 243, 488, 763
- of General Sessions, . . . 244, 488, 763

FEES—*Continued.*

Constable, . . 245, 491, 764, 1067, 1128, 1175

Coroners, 241, 490, 765, 1067, 1128, 1175

County Register, . . . 247, 494, 769

Courts of General Sessions, 244, 487, 763

Crier, ... 246, 491, 766

Gaoler, ... 246, 491, 766

Grand jurors, ... 246, 493, 768

Judge and Register of Probate, 241, 492, 692, 767

Justices.
- of Superior Court, ... 242
- of Inferior Court, . . . 243, 487, 762
- of the peace, ... 240, 486, 761

Messenger of the house of representatives, . . . 246, 494

Naval officers, . 600, 601, 769, 1068, 1129, 1176

Petit jurors, ... 247, 493, 768

Secretary, ... 244, 493, 768

Sheriff, . . 245, 489, 764, 808, 1067, 1128, 1175

Town Clerk, ... 247, 494, 769

Witnesses, and parties recovering Costs, . . . 243, 491, 766

admiralty cases, ... 440, 467, 1176

census, fees for taking, ... 469

certificate, of publication of banns, birth or death, ... 247, 494, 769

criminal prosecutions, costs how paid, 247, 494, 770

desertion, fees under act against, . . . 628

foreign bills of credit, administering oath, . 36

marriages, and recording births and deaths, 247, 494, 768–769

Probate Court, account of fees to be given to persons paying, . . 242, 492, 767

Page

FEES—*Continued.*
recognizances for payment of debt, fees for taking, ... 502
registers of vessels, fees for, . . . 244, 769
taking other fees than legal, penalty, . 247, 494, 769
certain persons and officers to receive augmented fees, ... 909
new act for augmenting fees, . . . 1067
new acts for further augmenting fees, 1128, 1175
acts augmenting fees repealed, . . . 1417

FENCES.
acts in addition to act for regulating, renewed, 174, 175, 459, 460, 1122, 1123
act in further addition to act for regulating, renewed, ... 85, 457, 1120

FERRIES.
act relating to, renewed, . . 40, 86, 460, 1123

FINES. (*See Deer, Militia.*)
certain, augmented, ... 909
act repealed, ... 1068
new act augmenting, ... 1067
act repealed, ... 1129
new act further augmenting, . . . 1128
act in addition to last act, . . . 1132
acts augmenting repealed, ... 1176
new act, ... 1175
acts augmenting repealed, ... 1417

FIRE. (*See Bonfires.*)
in Boston, act relating to, renewed, . 88, 460, 112
in Boston and Charlestown, act renewed, . . 873, 458, 1121
in Salem, Marblehead and other maritime towns, act renewed, . 40, 259, 904,
in woods, act to prevent, renewed, . 86, 459, 1122

FIREWOOD.
measures of, appointment, ... 1119
regulations for sale of, ... 1118, 1119

Page

FISH. (*See Alewives, Agawam River, Andover, Bass, Braintree, Dartmouth, Ipswich River, Kittery, Merrimac River, Rochester, Salmon, Shad.*)
act to prevent unnecessary destruction of alewives and other fish, renewed, 88, 461, 1123

FITCHBURG.
titles of proprietors confirmed, . . . 234

FOOT, DANIEL.
grant to, established, ... 37

FORESTALLING. (*See Monopoly.*)
act against, ... 924
penalties, ... 925
mode of conviction, ... 926
arrest without warrant, ... 926
act renewed, ... 1118, 1398

FORGERY. (*See Counterfeiting.*)
or alteration of loan office certificate or lottery ticket, how punished, 628, 629, 880, 1072, 1394
reward for information, ... 629

FOXBOROUGH.
town of, incorporated, ... 875
special regulations for taxation, . 899, 955, 956

FRANCE.
act for confirming certain privileges to the subjects of the King of France residing within this State, . . 1197
testamentary privileges granted, . . 1197
such subjects to enjoy entire and perfect reciprocity, ... 1197

FRANKLIN.
town of incorporated, ... 775

FREETOWN AND JEREMY SQUAM ISLAND.
plantation incorporated into town of Edgcomb, 329

FRYEBURG.
incorporated into a town, ... 563

G.

GAGEBOROUGH.
incorporated as a town, ... 162
special regulations as to assessment on original purchasers or their assignees, ... 163, 164
westerly part of Plantation Number Five annexed to, ... 912
name of town changed to Windsor, . . 912

GAMING.
act to prevent, renewed, . . . 39, 258, 903

GAOL DELIVERY, GENERAL COURT OF. (*See Superior Court.*)

GAOLER (*See Fees, Desertion.*)
duties and charges relative to prisoners of war, 1174

GARDINERSTON.
plantation incorporated into town of Pittston, 923
certain lands annexed to Bowdoinham, . . 924

GENERAL COURT. (*See Appropriations, Council.*)
act to prevent disturbance of, by coaches, &c., renewed, ... 87, 458, 1121
act to prevent unnecessary journeying of members, renewed, . . 39, 258, 903

GENERAL COURT—*Continued.*
acts for preventing petitions for licenses to, renewed, . . 39, 88, 259, 460, 903, 1123
act to prevent unnecessary petitions to, renewed, ... 86, 457, 1120
equal representation of towns provided for, ... 502

GENERAL FIELDS.
additional act for regulating, renewed, 87, 459, 1122

GENERAL SESSIONS. (*See Sessions.*)

GLASSWORKS GRANT
with other lands, incorporated into town of Lee, ... 739

GOATS.
act to encourage the increase of, renewed, 86, 457, 1120
act in addition to said act, renewed, 87, 459, 1122

GOLD COIN. (*See Specie.*)

GOVERNMENT SECURITIES. (*See Treasurer.*)
value of, for redemption in silver and gold, how ascertained, ... 1183
interest on, to be paid annually, . . . 1183

GOVERNOR'S ALLEY. (*See Boston.*)

Page

GRAIN. (*See Cask.*)
act for preventing fraud in measurement, renewed, ... 174, 457, 1120
GRAND JURORS. (*See Jurors.*)
empowered to make presentment of treasonable offences committed outside of the State, ... 883
GRAY.
town of, incorporated, ... 881
GREAT BARRINGTON.
certain lands annexed to, ... 239
certain persons set off from, and annexed to Alford, ... 928
members of the Church of England authorized to raise monies for ministerial purposes, ... 253
northwesterly part, or Hoplands, with other lands, incorporated into town of Lee, 739
west part incorporated into district of Alford, 236
GREEN WOODS.
lottery established for repairing roads in, . 1393

Page

GREENFIELD.
special regulations as to taxes in district of, . 173
GREENWICH.
act for completing collection of tax on non-resident proprietors, . . . 51
certain lands in Belcherstown annexed to, . 155
GRIFFITH'S ISLANDS. (*See Wellfleet.*)
GUARDIANS. (*See Taxes, Assessing.*)
receiving and paying bills of credit, regulations, ... 1414
to be appointed by Judge of Probate to persons deaf and dumb, and to idiots, ... 595
GUNPOWDER.
regulations for keeping and sale, . . . 168
penalty for keeping above what is allowed by law, ... 1418
second offence, how punished, . . . 1418
GUNS.
act to prevent firing, with shot or ball in Boston, renewed, . . . 39, 258, 903

H.

HALIFAX.
regulations for alewive fishery in, . . . 252
said act renewed, ... 904
HALLOWELL.
incorporated as a town, ... 129
to vote for register of deeds and treasurer for county of Lincoln, ... 130
HAMPSHIRE COUNTY. (*See Inferior Court, Sessions of the Peace, Superior Court.*)
charged with expense of maintaining a bridge over Ware River, ... 134
trial to be in, for certain treasonable offences, 883
HANCOCK.
town of, incorporated, ... 550
how to pay taxes, ... 550
HARTWOOD.
act for confirming records and proceedings of proprietors, and conferring certain powers, ... 37
assessors, duties, ... 38
redemption of lands, ... 38
plantation, incorporated into town of Washington, ... 635
HARVARD COLLEGE. (*See Army (exemptions), Taxes (exemptions.)*)
lottery for building another hall, managers appointed, ... 212
HARWICH.
act to prevent damage by cattle, &c., on beaches and meadows adjoining, renewed, 88, 460, 1123
act in addition to said act, renewed, 88, 460, 1123
certain lands in, called Poatnamicut, annexed to Eastham, ... 203
HATFIELD.
northerly part incorporated as the town of Whately, ... 122
westerly part erected into a district by the name of Williamsburgh, . . 125
provisions as to estate for maintenance of school in Hatfield, ... 126

HATFIELD EQUIVALENT.
part of, included in township of Cumington, ... 1073
HAVERHILL.
inhabitants of north parish authorized to grant certain land to Rev. Giles Merrill, ... 121
HIGHWAYS. (*See Ways.*)
act for, renewed, ... 39, 258, 903
HINGHAM.
second precinct in, incorporated in district of Cohasset, ... 49
HOARDING.
of provisions, forbidden, . . . 924, 925, 1073
HOOPS.
act for regulating the assize of, renewed, . 40, 259, 904
HOPLANDS. (*See Great Barrington.*)
HORSES. (*See Cattle.*)
act for preventing damage by horses going at large, renewed, . . 87, 459, 1122
HOSPITAL. (*See Contagious Diseases.*)
act for regulating hospital on Rainsford Island, &c., renewed, . . . 87, 458, 1121
HOUND. (*See Hunting.*)
HOUSE OF REPRESENTATIVES. (*See General Court, Representatives.*)
HUBBARDSTON.
delinquent proprietors, sale of lands, . . 118
tax granted on all lands for building a meeting house and repairing roads, . . 215
sale of lands in default of payment, . . 215
redemption of lands, ... 216
certain lands to remain for use of school, . 216
HUNTING.
act to prevent damage in the woods by hunting with hounds and dogs, renewed, ... 88, 461, 1123
HUTCHINSON.
town of, incorporated, ... 389
name of town changed to Barré, . . . 592

I.

Page

IDIOTS.
act for relief of idiots and distracted persons, renewed, ... 85, 457, 1120
additional act providing for guardianship of deaf and dumb and defective persons, and children of idiots, . . 594

IDLE AND DISORDERLY PERSONS.
acts relating to, renewed, 39, 87, 258, 459, 903, 1122

IMMIGRANTS. (*See Impost.*)

IMPEACHMENT.
for treason, excepted out of provisions of act against treasonable offences, . 620

IMPORTED GOODS.
advance on limited, ... 586
not to be sold by non-residents other than importers, ... 925
retailer may not advance more than 20 per cent., ... 586

IMPOST. (*See Treasurer.*)
Acts for granting impost and tonnage of shipping, ... 21, 76
Allowance for leakage of wines, . . 23, 79
Bills of store for private adventures to be allowed. 24, 80
Casks, how and by whom to be gauged, . 22, 78
Charges of prosecution, how borne, . . 27, 83
Clearance, naval officer not to give, until payment of impost or tonnage, or lighthouse duties, . . 24, 80, 138, 388
Commissioners and receivers of, how appointed, duties, pay, &c., 26, 27, 82, 138
to appoint deputies, ... 25, 80
to receive lighthouse money, . . 138, 388
or deputies, to administer oaths, . . 25, 81
Credit, to be given to importer, . . . 23, 78
Deputies, how paid, ... 27, 82
Drawback, ... 26, 81
Dutiable articles and rates of impost, . 21, 77
Entry by importer, how made, . . . 22, 78
Imports by land, report of, to be made, and duties paid, ... 23, 78, 79
Invoice to be produced, ... 22, 78
Landing to be made in the daytime, . . 22, 78
Manifest or report, how and to whom made by master of vessel, . . . 22, 77
Master, liabilities and securities, . 23, 24, 78, 79
Oath to be taken by merchants or owners, . 22, 78
Officers, appointment, right of search, 25, 80, 81
Payment, how and by whom made, . 21, 22, 77
Penalties and disposition, ... 27, 82
Relanding, forfeiture for, ... 26, 82
Repayment, for decayed wines, . . 23, 79
Ship or vessel, when liable for, . . 24, 80
Tonnage duty, ... 25, 81
measurers of vessels, appointment and pay, ... 25, 81
Wines not to be filled up on board without certificate, ... 23, 79
act of 1770-71 (p. 76) renewed, . 171, 251, 346

IMPRESSING.
of necessaries for army or navy, . . . 586

Page

INCENDIARY LETTERS. (*See Threatening Letters.*)

INDEMNIFICATION.
of committees of correspondence and other persons liable to actions for destroying property, &c., ... 1169

INDEPENDENCE. (*See Declaration of Independence.*)

INDIANS.
act for better regulating, renewed, . 175, 459, 1122
Eastern.
act allowing supplies to and regulating trade with, renewed, 28, 113, 173, 259, 904
Chabequidick Island, regulations for protection of lands, . . . 342
guardians of Indians, duties, . . . 343
Mashpee, inhabitants incorporated into a district, act renewed, . 88, 460, 1123
Stockbridge, no action to be maintained against, for more than 35s., . . 238

INDICTMENT.
for treasonable offences to be furnished to the accused, ... 617
not to be quashed for false grammar, &c., ... 618

INFECTIOUS DISEASES. (*See Contagious Diseases.*)

INFERIOR COURTS OF COMMON PLEAS. (*See Fees, Jurors.*)
Times and places for holding.
In the various counties, ... 45
In the county of
Berkshire, ... 128, 156
Cumberland, ... 196, 554
Essex, ... 1191
Middlesex, ... 195, 454, 901
Suffolk, ... 455, 593
clerks to be chosen, in Middlesex, . . . 455
empowered to license sale of real estate by executors and administrators, . 47
jurisdiction of complaint by attorney general against absentees, . . . 969, 970

INHABITANT. (*See Taxes.*)

INNHOLDER. (*See Licenses.*)

INSANE PERSONS. (*See Idiots.*)

INSOLVENCY. (*See Bankruptcy.*)

INSPECTORS OF THE MARKET.
appointment, duties, ... 926

INTESTATE ESTATES.
act for distribution and division of, renewed, 87, 460, 1123

IPSWICH.
act to preserve timber in, renewed, . 175, 459, 1122
second and sixth parishes united, . . . 478

IPSWICH BAY.
act to prevent damage by horses, &c., on Plumb Island, renewed, 174, 457, 1120

IPSWICH RIVER.
acts to prevent destruction of alewives and other fish in, ... 31, 256
last act renewed, ... 462, 1124
act in addition, ... 637

J.

Page

JAIL. (*See Fees, Gaoler, Gaol Delivery.*)

JERICHO.
plantation of, incorporated into town of Hancock, ... 550

JOINT TENANTS.
act to prevent waste by joint tenants and others, renewed, ... 85, 457, 1120

JUDGE OF PROBATE. (*See Probate Court.*)

JUDGMENT.
action of debt on judgment allowed, . . 232
before justice of the peace, action may be maintained on, in inferior court of common pleas, ... 324
foreign, action of debt may be maintained upon, ... 324
made up, how on recognizances expressed in old currency, ... 1417
made up in current money of the State, how discharged in old or new bills or specie, ... 1417
rendered how, when tender has been made in bills of credit, ... 1415
upon indictment for treasonable offences, how reversed, ... 619

JUDICIAL PROCEEDINGS.
act for the better regulating the course of, renewed, ... 40, 259, 903
act for further regulating the course of, renewed, ... 175, 459, 1122

JURIES.
admiralty cases, regulations, 438, 440, 464, 465, 466, 475

Page

JURIES—*Continued.*
damages for land taken for streets in Boston, 225
trials of persons inimical to the United States, 649
trials for treasonable offences, regulations, . 618
views by a jury in civil actions, act renewed, 85, 458, 1121

JURISDICTION, LINE OF. (*See Boundary.*)

JURORS. (*See Fees, Grand Jurors.*)
Petit, act for the better regulating the choice of, renewed, ... 86, 460, 1123
challenge of juror by prosecuting officer in any criminal case, not allowed, 618
not allowed to prisoner refusing to plead to indictment for treasonable offence, ... 618

JUSTICE OF THE PEACE. (*See Fees, Sessions of the Peace.*)
duties relative to punishment of deserters, 626, 627, 1076
jurisdiction under act against monopoly and forestalling, ... 926
jurisdiction enlarged to 16 times the value of 40s., ... 1132
to administer oath of Fidelity and Allegiance, 771
to bind over persons complained of for hoarding provisions or refusing to take bills of credit, ... 1074
to issue warrant for removal of pauper, in town whence pauper removed, . 198
with Court of General Sessions of the Peace, to punish vagabonds, &c., . . 46

K.

KITTERY.
act to prevent obstructing fish in Spruce Creek, ... 173

KITTERY—*Continued.*
said act renewed, ... 461

L.

LABOR.
prices for, fixed by law, ... 583, 643

LAMPS.
for street lighting in Boston, regulations, 301-303
penalty for breaking, &c., ... 302, 303

LAND DAMAGES.
for taking for street in Boston, how assessed, ... 225

LANDS.
act for the more easy partition of, renewed, 87, 458, 1121
act for the more easy partition of lands devised by will, renewed, . . 87, 459, 1122
lying in common, clerk of proprietors to execute his office after division, . 387

LANDS—*Continued.*
new clerk to be chosen, ... 387
to give attested copies, ... 388
unimproved, sale for taxes (*see Taxes*).

LAWS.
acts for reviving and continuing, 28, 39, 85, 86, 113, 115, 167, 171, 173, 174, 212, 258, 345, 346, 394, 457, 732, 738, 777, 884, 903, 1072, 1118, 1120, 1128, 1131, 1132, 1397, 1416.

LAWSUITS. (*See Suits.*)
act to prevent the multiplicity of, renewed, 174, 458, 1121
act to prevent unnecessary, renewed, 39, 258, 903
act to prevent unnecessary expense in, renewed, ... 39, 258, 903

Page

LEE.
town of, incorporated, ... 740
LEICESTER.
parish set off from, incorporated into town of Ward, ... 796
LENOX.
district of, certain adjoining lands incorporated with, ... 115
LETTERS OF MARQUE AND REPRISAL. (*See Admiralty, Armed Vessel.*)
to be granted by major part of council, to person or persons fitting out armed vessel at his or their expense, 437, 463
master or owner to give bond, . . 438, 464
LEVERETT.
town of, incorporated, ... 327
LEWD WOMEN.
act giving selectmen authority to bind out, renewed, ... 87, 460, 1123
LICENSES. (*See Fees.*)
acts for preventing petitions to general court for, renewed, 39, 88, 259, 460, 903, 1123
act further empowering courts of General Sessions to grant, in certain cases, renewed, ... 88, 460, 1123
courts of General Sessions authorized to grant, in certain cases, . . . 441
not to be granted to taverners, &c., without oath concerning law against monopoly, ... 647
persons taking out, to take oath relating to foreign bills of credit, . . . 36
LIEUTENANT GOVERNOR.
allowance to, granted, ... 34
LIGHTHOUSE. (*See Impost.*)
on Brant Point, Nantucket, regulations, . . 388
ships not to be cleared without payment of lightmoney, ... 388
to be built on Thatcher's Island, . . . 137
regulations as to lightmoney, . . 137, 138
as to keeper, ... 138
ships not to be cleared without payment of lightmoney, ... 138
LIMITATION OF ACTIONS. (*See Treason.*)
Personal.
certain actions to be brought within six years after Dec. 1, 1770, or six years after cause, ... 110
trespass for assault, battery, wounding, imprisonment, to be brought within one year after Dec. 1, 1770, or four years after cause, . . 110
actions upon the case for words, to be brought within one year after Dec. 1, 1770, or two years after cause, . 110
act not to apply to witnessed notes of hand, ... 111
costs in certain actions limited, . . . 110
disclaimer and tender of amends allowed in actions of trespass *quare clausum*, ... 110

Page

LIMITATION OF ACTIONS—*Continued.*
new action given in certain cases, . . 110
time extended in certain cases of disability and absence, . . . 111
previous acts repealed, ... 109
acts of 1770-71, ch. 9, suspended during time of war, ... 606
suspending act renewed, . . . 904
Treasonable offences, actions to be brought within three years after offence, ... 619
LINCOLN, COUNTY OF. (*See Inferior Court, Sessions of the Peace, Superior Court.*)
portion of, incorporated into town of Hallowell, ... 129
portion of, incorporated into town of Winthrop, ... 132
portion of, incorporated into town of Vassallborough, ... 135
portion of, incorporated into town of Winslow, ... 136
regulations as to register of deeds and treasurer, ... 130, 133, 135, 136
LIQUORS. (*See Impost.*)
LISBURN PROPRIETY.
proprietors enabled to raise money for certain purposes, ... 116, 117
LOAN. (*See Bills of Public Credit, Taxes, Treasurer.*)
LOAN OFFICE CERTIFICATE.
forgery or alteration of, how punished, . 628, 629
LONG WHARF. (*See Boston Pier.*)
lottery established for repairing, . . . 1071
LOTTERIES. (*See Counterfeiting, Forgery, Treasurer.*)
acts authorizing
for building another hall for Harvard College, ... 212
for repairing roads in the Green Woods, . 1393
for repairing the Long Wharf in Boston, ... 1071
for widening and amending the streets of Charlestown, ... 1071
prizes to be paid in notes, provisions, . . 929, 959, 1193
(For methods of conducting, managers, &c., see the various acts above.)
LOUDUN.
town of, incorporated, ... 237
LUDLOW.
town of, incorporated, ... 337
LUMBER. (*See Clapboards.*)
exportation of, prohibited for a limited time, . 558
vessels violating act to be forfeited, . . 558
penalty on owners and freighters offending, ... 559
committees of correspondence to see act executed, ... 559
said act repealed, ... 589
LUNENBURG.
title of proprietors confirmed, ... 234

M.

Page

MANIFEST. (*See Impost.*)
of goods on vessel, to be laid before selectmen or committee before breaking bulk, ... 645
MANSFIELD.
district of, erected, ... 48
to join with Norton in choice of representative, 48
certain inhabitants of Stoughton annexed to, as to parish affairs, . . . 48
MARBLEHEAD.
act to prevent damage by fire in, renewed, 40, 259, 904
Marine Society at, incorporated, . . . 295
MARINE SOCIETIES.
incorporated
at Marblehead, ... 295
at Newburyport, ... 737
at Salem, ... 179
MARITIME COURTS. (*See Admiralty.*)
MARKET, INSPECTORS OF.
in towns, appointment, duties, ... 926
MARRIAGES.
minister of the Church of England authorized to solemnize, in certain cases, . 231
fine for solemnizing, contrary to law, how and by whom recovered, . . . 231
MARSHFIELD.
sundry inhabitants of first precinct in, set off to second precinct, ... 239
MARTHA'S VINEYARD.
act to prevent stealing sheep from, renewed, 175, 460, 1123
MASHPEE.
act incorporating Indians and mulattoes into a district, renewed, . . 88, 460, 1123
MASSACHUSETTS BAY AND NEW YORK.
commissaries appointed to settle line of jurisdiction between, ... 176
MASSACHUSETTS CHARITABLE SOCIETY.
incorporated, ... 1129
MASTS.
exportation of, above certain sizes, prohibited for a limited time, ... 930
act renewed, ... 1398
MATTAPOISETT RIVER. (*See Rochester.*)
MEADOWS. (*See Biddeford, Chilmark, Eastham, Harwich, Plymouth, Tisbury, Truro, Yarmouth.*)
MEASURERS. (*See Bark, Clapboards, Cordwood, Grain, Impost.*)
MEETING HOUSES. (*See Ministers, Newburyport, Salem, Taxes, also provisions concerning, in acts incorporating towns.*)
MENDON.
easterly part of, incorporated into town of Milford, ... 1172
certain persons, with their lands, set off from Uxbridge to the south precinct in Mendon, in precinct affairs only, . 128

Page

MERRIMACK RIVER.
act to prevent destruction of salmon and other fish in, renewed, . . 88, 460, 1123
act in amendment of said act, renewed, 88, 461, 1124
act in addition to said act, renewed, . 88, 461, 1124
act in addition to last act, ... 314
said act renewed, ... 732, 1125
act to prevent destruction of salmon and other fish in, ... 250
said act renewed, ... 462, 1124
MESSENGER OF THE HOUSE OF REPRESENTATIVES. (*See Fees.*)
METHUEN.
certain inhabitants set off into a separate parish, ... 920
MIDDLEBOROUGH.
act to prevent unnecessary destruction of alewives in, renewed, . . 87, 459, 1121
act in addition to said act renewed, 175, 460, 1123
MILFORD.
town of, incorporated, ... 1172
MILITARY SERVICE. (*See Army, Militia.*)
exemptions, ... 595, 596
postmasters and postriders exempted, . . 729
MILITIA. (*See Army.*)
acts relating to, renewed, ... 39, 258
Act for forming and regulating, in the colony, ... 445
adjutant, how chosen, ... 447
alarm, how made, ... 452
alarm list, how constituted, ... 451
regulations, ... 451, 452
breach of duty, Generals and Field Officers how tried for, ... 450
bribery, penalty for, ... 451
Brigadier Generals in each county, choice and powers, ... 446
to review brigade, ... 449
captain and lieutenants, how chosen, . . 447
colonel and lieutenant colonel, how chosen, . 447
commissary, deputy how chosen, duties, . 453
companies, division into, ... 447
court martial, how constituted, ... 449
sentence to be affirmed by commanding officer, ... 451
equipments, ... 448, 449
fieldpieces to be provided, ... 454
fines and penalties, ...
commanding officers, for neglect of duty, . 449
non-commissioned officer or soldier neglecting to appear equipped, . . 450
how recovered, ... 450
disposition of, ... 453
firing guns at musters forbidden, . . . 451
laws and regulations to be provided by the General Court, ... 450
major, how chosen, ... 447
major-generals, choice, powers, . . . 446
matrosses to be raised, ... 454
muster, regulations, ... 449

Page

MILITIA.—*Continued.*
non-commissioned officers, how chosen, . . 447
offices in militia, not to be held by person belonging to army of United Colonies, ... 452
powder and ammunition, regulations, . . 453
training band, how constituted, . . . 445
persons excepted, ... 445
to be divided into regiments, . . . 446
treating forbidden, ... 451
watches to be appointed and kept, . . . 453
Act in addition to said act, . 778
adjutant-general, appointment, duties, . 779
aide-de-camp, appointment, duties, . . 779
brigade-major, appointment, duties, . . 779
equipment, penalty for neglect, . . . 779
fines and penalties for neglect of duties, 778, 779, 780
guards to be detached for various purposes, ... 778, 779
musters, regulations, ... 780
officers of matrosses, rank, ... 780
quartermaster, appointment, duties, . . 780
fines and penalties under above act augmented, ... 1132, 1176
Regiment of Horse to be raised out of several regiments of foot in Worcester County, ... 495
alarm posts, ... 496
regulations on alarm, ... 497
equipment, ... 496
field officers, regulations, ... 495
fines and penalties, ... 497
musters, regulations, ... 497
officers, regulations, ... 496, 498
uniform, regulations, ... 497
Troop of Horse to be raised out of Third Regiment of foot in Essex County, ... 621
court-martial, how constituted, . . . 622
enlistment of men, ... 621
equipment, ... 622
fines, and how recovered, . . . 622, 623
musters, regulations, ... 622
officers, choice and commission, . . 621
duties of officers relative to deserters, . . 1198
MILLERS.
act for preventing abuses by, renewed, 88, 460, 1123
MINISTERS. (*See Ashby, Ashfield, Bolton, Declaration of Independence, Gageborough, Great Barrington, Haverhill, Hubbardston, Marriages, Newbury, Newburyport, Pearsontown, Richmont, Salem, Shelburne, Stoughton, Stoughtonham, Warwick, West Springfield, Williamsburgh.*)
act providing for support of in new plantations, renewed. . . 174, 459, 1122
MINORS. (*See Guardians.*)
MISPRISION OF TREASON. (*See Treason.*)
act against, ... 615
how defined, ... 615
penalty. 615
MOLASSES. (*See Casks, Impost.*)
MONATIQUOT RIVER. (*See Braintree.*)
MONOPOLY.
act to prevent, ... 583
act in addition to said act, ... 642
penalty for evasion by unusual method of sale, ... 645
violators not allowed to purchase, . 645
persons to be chosen to put acts in execution, ... 646
both acts repealed, ... 733
act against monopoly and forestalling, . . 924
inspectors to put law in execution, . . 926
mode of conviction under act, . . . 926
act renewed, ... 1118, 1398
MONUMENT PONDS. (*See Plymouth.*)
MOOSE.
act for preservation and increase of, on certain islands, renewed, . 86, 461, 1124, 1128
act in addition to said act, ... 1127
fines and forfeitures increased twenty-fold, 1127
possession of flesh and skins to be evidence of breach of law, . . . 1127
MOUNT WASHINGTON.
town of, incorporated, ... 1069
to join with Sheffield in choice of representative, ... 1070
MULATTOES.
act incorporating inhabitants of Mashpee into a district, renewed, . 88, 460, 1123
MURRAY, JOHN.
title to lands in Hartwood not affected by act, 38
MURRAYFIELD.
easterly part erected into a district by the name of Norwich, ... 297
certain proprietors assessed for building a bridge, ... 1069
MUSTERS. (*See Militia.*)
act to exempt Quakers from penalty for non-attendance, renewed, . 88, 460, 1123
MYSTIC RIVER.
taking of oysters in, at certain times, forbidden, ... 216
act renewed, ... 461, 1124

N.

NANTUCKET.
act for preventing mischief by unruly dogs, renewed, ... 174, 458, 1121
lighthouse on Brant Point, regulations, . . 388
NARRAGANSETT, NUMBER ONE.
plantation, incorporated into town of Buxton, ... 206
NAVAL OFFICE.
established, ... 600
fees, ... 600, 601
regulations for entry and clearance, . 601, 602
regulations for coasters, ... 601
part of act repealed, ... 769
to be held at Woolwich, ... 928

Page

NAVAL OFFICER. (*See Impost, Light-house.*)
duties, ... 602
duties relative to deserters, ... 1199
NAVY. (*See Armed Vessel, Taxes.*)
refusal to sell necessaries to, proceedings, . 586
NEEDHAM.
westerly part set off into a separate precinct called the West Precinct, . . 804
NENNEMESSET ISLAND.
act for preservation of moose and deer on, renewed, . . . 84, 461, 1124, 1128
act in addition to said act, ... 1127
fines and forfeitures increased twenty-fold, ... 1127
NETS. (*See Fish.*)
NEW BOSTON.
plantation incorporated into town of Gray, . 881
NEW GLOUCESTER.
plantation incorporated into town of New Gloucester, ... 329
NEW HAMPSHIRE.
bills of credit not to be received or paid, . . 34
NEW PROVIDENCE.
plantation annexed to town of Adams, . . 1170
NEW YORK.
boundary commissaries appointed to settle line between Massachusetts Bay and New York, ... 176
NEWBURY.
act regulating taking of bass in Parker River, 134
said act renewed, ... 461, 1124
act relating to third parish in, renewed, 39, 259, 903
representation in General Court, regulations, 419
NEWBURYPORT.
act empowering proprietors of meeting house (Rev. Jonathan Parsons) to raise money, renewed, . . . 175, 460
inhabitants empowered to raise money for ministerial and necessary charges, 40
pews to be valued and taxed, regulations, ... 41
said act renewed, ... 221, 461, 1124
Marine Society at Newburyport, incorporated, 737
representation in General Court, regulations, 419
NEWTON.
westerly part set off into west Precinct, . . 905
NOBSCUSSET MEADOW. (*See Yarmouth.*)

Page

NON-RESIDENTS. (*See Taxes and references thereunder.*)
NORTHAMPTON.
certain persons with their lands set off from, to Southampton, ... 901
westerly part erected into town of Westhampton, ... 900
NORTHBRIDGE.
district of, erected, ... 199
to join with Uxbridge in choice of representative, ... 199
certain persons with their estates set off from town of Sutton to, . . 1177
NORTHFIELD.
two tracts of land annexed to, ... 296
NORTHTOWN. (*See Townshend.*)
NORTON.
act to erect north precinct into district of Mansfield, ... 48
NORWICH.
district of, incorporated, ... 297
to join with Murrayfield in choice of representative, ... 297
regulations as to public money, . . . 298
Court of General Sessions authorized to build a bridge over Westfield River, ... 1069
NOSSET BEACH OR MEADOW. (*See Eastham.*)
NOTES OF TREASURER. (*See Treasurer.*
NO-TOWN.
incorporated with part of Charlemont as town of Buckland, ... 957
NOVA SCOTIA. (*See Bills of Public Credit.*)
NUMBER OF INHABITANTS. (*See Census.*)
NUMBER FIVE.
plantation, westerly part annexed to Gageborough, ... 911
incorporated into town of Cumington, . 1072
NUMBER FOUR.
plantation, erected into a township by the name of Gageborough, . . . 162
NUMBER TWO.
plantation, erected into the town of Partridgefield, ... 164

O.

OATH. (*See Bills of Public Credit, Impost, Taxes.*)
of assessor inquiring into rates, . 157, 800, 1184
of census takers, ... 470
of commission officers, civil and military, . 421
of fidelity and allegiance, form, . 771
certain persons not allowed to take, . . 771
commanding officers, how administered to, ... 781, 966
to administer oath, . . 902, 1125, 1396
modified for Quakers, ... 772
particular persons required to take, . . 772

OATH—*Continued.*
refusal to take, proceedings, . . 771, 772
persons refusing, transported and returning without leave, penalty, . 772
removing persons refusing to take, time extended, ... 781
tendered, to be taken within two hours, . 781
time extended for taking, 781, 902, 965, 1125, 1396
of inhabitant of neighboring State exporting goods, ... 1117
of officers of new plantations, how administered, ... 255

Page

OATH—*Continued.*
of persons appointed to keep an account of prices of certain articles, . . 1136
of person submitting list of ratables, . 158, 800
relative to foreign bills of credit, to be taken by certain officers, ... 35
relative to act against monopoly, . . . 647
Quakers.
allowed to affirm in certain places, act renewed, ... 87, 460, 1122
allowed to affirm to truth of list of ratable estate, ... 159, 801, 1135
declaration to be made by, relative to assisting the enemy, ... 483
OFFICERS. (*See Army, Fees, Impost, Militia, Oath, Sheriff.*)
Public.
auctions begun by, on bond, to be carried on by successor, ... 806
OGUNQUIT HARBOR. (*See Wells.*)
OUTLAWRY. (*See Treason.*)
of persons indicted for treasonable offences, . 616

Page

OUTLAWRY—*Continued.*
persons outlawed, tried if they yield themselves, ... 616
forfeiture on conviction of treason by process of outlawry, ... 616
OVERSEERS OF THE POOR. (*See Boston, Poor, Salem.*)
authorized to bind poor children not belonging to town in certain cases, . . 161
OXFORD.
Parish set off from, incorporated into town of Ward, ... 796
OYSTERS.
act to prevent the destruction of, in certain bays and rivers, renewed, 88, 460, 1123
act in addition to said act, ... 171
regulations for Billingsgate Bay, . 171
said additional act renewed, . 394, 904
taking of, in Charles and Mystic Rivers, forbidden, ... 216
said act renewed, ... 461, 1124

P.

PADDY'S ALLEY. (*See Boston.*)
PAMIT HARBOR AND RIVER. (*See Truro.*)
PARDON.
act of pardon and indemnification for certain offences, ... 932
may be granted to persons confined for treasonable offences, ... 884
PARKER RIVER. (*See Newbury.*)
PARTITION OF LANDS.
act for the more easy partition of lands, renewed, ... 87, 458, 1121
act for the more easy partition of lands devised by will, renewed, . 87, 459, 1122
PARTRIDGEFIELD.
incorporated as a town, ... 164
regulations as to assessments of grants of money for certain purposes, . 165, 166
PAUPER. (*See Poor.*)
PAXTON.
James Brown's farm to be within the district, 207
PEARLASH.
act to prevent fraud by adulteration, renewed, 88, 461, 1124
PEARSONTOWN.
title to certain lands confirmed, . . . 603
proprietors authorized to lay tax on unimproved lands, for ministerial and town purposes, ... 877
sale of lands, redemption, ... 878
PELHAM. (*See Lisburn Propriety.*)
PEMBROKE.
act for regulating the alewive fishery in the town, ... 121
inhabitants empowered to farm out the privilege of taking fish, . . 121
said act renewed, ... 461, 1124
certain lands of, annexed to Northfield, . . 296

PENALTIES. (*See Deer, Militia.*)
certain, augmented, ... 910
act repealed, ... 1068
new act augmenting, ... 1067
act repealed, ... 1129
new act further augmenting, . . . 1128
act in addition to last act, . . . 1132
acts augmenting repealed, ... 1176
new act, ... 1175
acts augmenting repealed, ... 1417
PENOBSCOT EXPEDITION.
notes issued by Treasurer on account of, . 1191
how dated, ... 1192
PETITIONS TO GENERAL COURT.
act to prevent unnecessary, renewed, . . 86, 457, 1120
for license, acts to prevent renewed, 39, 88, 259, 460, 903, 1123
PHILLIPS ACADEMY, ANDOVER.
Trustees of, incorporated, ... 1418
PIERPONT, ROBERT.
enabled to collect certain taxes in Boston, . 27
PITTSTON.
town of, incorporated, ... 923
PLANTATIONS. (*See Treasurer.*)
act for levying and collecting taxes in plantations not incorporated, renewed, 28, 88, 460, 1123
inhabitants of new plantations empowered to assess, levy and collect taxes, . 254
freeholders to meet, choice of officers, . 254
oath, how administered, ... 255
Clerk of General Sessions to notify meetings, ... 255
taxes, how raised, ... 256
PLEADINGS.
by officer sued on account of duties assigned him by act against monopoly, . 589

Page

PLEADINGS—*Continued.*
general issue may be pleaded to action growing out of executing act against monopoly, ... 646
PLUMB ISLAND.
act to prevent damage by horses, etc., renewed, 174 457, 1120
PLYMOUTH.
act to prevent damage by horses, cattle, etc., on Plymouth beach, renewed, . 39, 259, 903
act for preservation of the beach and harbor in Plymouth, renewed, . 88, 461, 1124
act to prevent damage on a beach at Monument Ponds, renewed, . 175, 460, 1123
act to prevent damage in the woods, by hunting with dogs, etc., renewed, . 88, 461, 1123
PLYMOUTH COUNTY. (*See Inferior Court, Sessions of the Peace, Superior Court.*)
boundary between Plymouth and Bristol Counties and Suffolk County established, ... 224
POATNAMICUT. (*See Harwich.*)
POLLS. (*See Taxes, Valuation.*)
PONDTOWN.
tract of land so called, erected into town of Winthrop, ... 132
POOR. (*See Overseers of the Poor, Taxes, Vagrants, also provisions in acts of incorporation of various districts and towns.*)
act in addition to laws relating to the support of poor and indigent persons (1742-43, c. 18), renewed, 86, 458, 1121
act in addition to laws relating to the removal of poor persons out of towns where they are not inhabitants (1766-67, c. 17), renewed, 28, 88, 461, 1124
act in further addition to act for explanation of, etc., act referring to, (1758-59, c. 17), renewed, . . 87, 460, 1123
act for explanation of, and supplement to, the acts referring to, (1740-41, c. 20), renewed, ... 39, 258, 903
act for explanation of, and supplement to, an act referring to, (1741-42, c. 4), renewed, ... 258, 903
act relating to idle and disorderly persons (1736-37, c. 4), renewed, 39, 258, 903
act relating to poor and idle, disorderly and vagrant persons (1755-56, c. 43), renewed, ... 459, 1122
justices of the peace in towns whence removed, empowered to issue warrant for removal, ... 198
not to obtain a settlement by reason of being bound out to service, ... 162
towns authorized to make special provisions for, ... 775
POOR PRISONERS FOR DEBT. (*See Prisoners.*)
PORTERS.
act for regulating in Boston, renewed, 86, 457, 1120
POSTMASTERS AND POSTRIDERS.
exempt from military service, ... 729

Page

POTASH AND PEARLASH.
act to prevent fraud by adulteration of, renewed, ... 88, 461, 1124
POUNDS.
act relating to, renewed, ... 86, 459, 1122
POWDER-HOUSES. (*See Gunpowder.*)
to be built in Boston and Watertown, . . 167
POWNALBOROUGH.
divided into two precincts, east and west, . 227
northerly half of east precinct set off into north precinct, ... 562
PREACHING.
against Declaration of Independence, penalty, 613
PRECINCTS AND PARISHES. (*See Bolton, Bridgewater, Cambridge, Danvers, Dunstable, Haverhill, Hingham, Leicester, Mansfield, Marshfield, Mendon, Methuen, Needham, Newbury, Newburyport, Norton, Oxford, Pownalborough, Roxbury, Salem, Stoughton, Stoughtonham, Sutton, Uxbridge, Ward.*)
act for securing the seasonable payment of town and precinct votes or assessments, renewed, ... 85
PRICES OF LABOR AND COMMODITIES. (*See Action, Auction, Monopoly.*)
fixed by law, ... 583–589, 642, 643
to be affixed by selectmen and committees to certain goods, . . 586, 642, 643
penalty for selling at a higher price than fixed, ... 587
persons refusing to sell, warrant to issue, . 588
proceedings, ... 588, 589
certain persons appointed to keep an account of the prices of certain articles in their respective counties, verified by oath, ... 1135–1137
PRINCETON.
town of, incorporated, ... 125
certain lands set off from, ... 238
PRINCETOWN.
district of, erected into a town by the name of Princeton, ... 125
PRISONERS FOR DEBT.
act for the ease of, renewed, . . 87, 458, 1121
act for the relief of poor, renewed, . 40, 259, 904
PRISONERS OF WAR.
act providing support for prisoners taken by American armed vessel and brought into port, ... 624
charges for support, how paid, ... 625
commissary to be appointed, duties, . 624, 625
council may remove in case of sickness, . 625
prisoners to be kept where, . . 624, 625
part of said act repealed, ... 739
whole of said act repealed, . . . 1175
act for security, support and exchange of, . 1173
charges of support, how paid, . . . 1174
commanders of vessels, duties, . . . 1174
prisoners to be delivered to commissary general of prisoners of the United States, ... 1173
rations allowed, ... 1174
sick and wounded, expenses how paid, . 1174

Page

PRIVATEERS. (*See Armed Vessels.*)
to be commissioned by Council, . . . 437, 463
bond to be given, ... 438, 464
PROBATE COURTS.
act for further regulating proceedings in, renewed, ... 87, 459, 1122
absentees and conspirators, powers as to estates of, . 629, 631, 632, 911, 931, 967, 971
guardians to be appointed to persons deaf and dumb, to idiots or children of idiots, ... 595
survival of action begun by Judge of Probate, ... 805

Page

PROFANITY.
act more effectually to prevent, renewed, . 39, 86, 458, 1121
PROSECUTIONS. (*See Berkshire County.*)
against committees of correspondence and others for destroying property, etc., not to be sustained, . . 1169
PROVINCE COURT HOUSE.
act to prevent disturbance by coaches, etc., passing, renewed, . . 87, 458, 1121
PROVINCETOWN.
act to prevent damage by cattle, etc., to Cape Cod Harbor, renewed, . 174, 457, 1120
act in addition to said act, renewed, 174, 458, 1121

Q.

QUAKERS.
act allowing affirmation by, in place of oath in certain cases, renewed, 87, 460, 1122
acts exempting from ministerial taxes, . 111, 392
certificate, form, ... 112, 392
how exempted when no certificate, . 113, 393
who to be taken as a Quaker, . . 112, 392
when exempt, not to vote on ministerial matters, ... 113, 393
act of 1774, c. 6 (p. 392), renewed, . 732, 1125

QUAKERS—*Continued.*
affirmation allowed under acts for inquiring into ratable property, . 159, 801, 1185
affirmation of allegiance to be taken by, . . 772
declaration to be made by relative to assisting the enemy, ... 483
exempted from military service, . . . 595
exempted from penalty for non-attendance at musters, act renewed, . 88, 460, 1123
QUIVET HARBOR. (*See Harwich.*)

R.

RAINSFORD'S ISLAND. (*See Hospital.*)
RATABLE ESTATE. (*See Taxes, Valuation.*)
RATES. (*See Taxes.*)
act for securing seasonable payment of town and precinct rates, renewed, . . 85
RECOGNIZANCE OR ACKNOWLEDGMENT.
for payment of debts, form, ... 498
execution, when and how issued, . . 499
form of execution, ... 500
process on execution, how executed, ... 499
fees, ... 502
how and by whom taken, . . . 501, 502
proceedings when original obligation lost, 501
record, how made, etc., ... 499
recovery, how had, ... 499
remedies for wrongful suing, . . . 500
taken between April 13, 1780, and October 3, 1780, expressed in old currency, how judgment made up thereon, ... 1417
RECORDS.
of proprietors of lands brought to severalty, act for safe keeping of, . . . 387
of Provincial Congresses, how kept and used, 415, 416
of recognizances for debt, how kept, . . 499
REDEMPTION.
of lands sold for taxes. (*See Taxes.*)

REFUGEES. (*See Absentees, Enemies, Conspirators.*)
to British Fleet or Army; not to take test, and disqualified from voting or holding office, ... 483
REGISTERS OF DEEDS. (*See County Register.*)
REPRESENTATIVES. (*See General Court.*)
all towns to have right to send, ... 419
how many to be sent from towns, . . . 502
to take oath relating to foreign bills of credit, 35
Newburyport and Newbury, regulations, 419, 420
RETAILERS. (*See Licenses, Sessions of the Peace.*)
RHODE ISLAND.
bills of credit of, not to be received or paid, . 34
RICHMOND.
lands of delinquent proprietors, how sold for taxes, ... 331
RIOTS AND TUMULTUOUS ASSEMBLIES.
act for further preventing, renewed, 87, 459, 1122
certain riotous proceedings in Berkshire County pardoned, ... 932
ROADS. (*See Ways.*)
act relating to common roads, renewed, . 258, 903
ROCHESTER.
act to prevent destruction of Alewives in Mattapoisett River, ... 84
fines and penalties, how recovered, . . 85

Page

ROCHESTER—*Continued.*
said act renewed, ... 259, 904
inhabitants empowered to regulate the taking of fish in harbors and coves of the town, ... 250
said act renewed, ... 462, 1124
ROXBURY.
certain inhabitants of West Parish incorporated into a distinct precinct, . 177

Page

ROXBURY—*Continued.*
certain persons and estates set off from first to third precincts in, . . . 298
ROYALSTON.
part of, called Royalston Leg, set off and annexed to town of Winchendon, ... 1395
RUTLAND DISTRICT.
incorporated into town of Hutchinson, . . 389

S.

ST. GEORGES.
plantation incorporated into town of Warren, 591
easterly part of, incorporated with easterly part of Warren into town of Thomaston, ... 623
SALE OF LANDS. (*See Absentees, Executors, Taxes and references thereunder.*)
SALEM.
act to prevent damage by fire in, renewed, . 40, 259, 904
act empowering proprietors of meeting-house in first parish (Rev. John Sparhawk) to raise money for ministerial and other necessary charges, renewed, ... 30, 259, 903
act empowering proprietors of meeting-house in first parish (Rev. Dudley Leavitt) to raise money for ministerial and other necessary charges, renewed, ... 174
act empowering east precinct (Rev. James Diman) to raise money for ministerial and other necessary charges, 32
tax to be levied on pews, ... 32
said act renewed, ... 175, 461, 1124
Marine Society at Salem, incorporated, . . 179
Overseers of the Poor, to be chosen, . . 324
powers and duties, ... 325
regulations for workhouse, ... 325
SALMON. (*See Agawam River, Fish, Merrimack River.*)
SALVAGE. (*See Admiralty.*)
jurisdiction of Courts of Admiralty over, . 807
SANDWICH.
act to prevent destruction of alewives in, renewed, . . . 30, 259, 903, 1123
act to prevent damage in the woods, by hunting, renewed, ... 88, 461
SANDY-NECK MEADOW. (*See Barnstable.*)
SCARBOROUGH.
assessors empowered to effect the collection of taxes uncollected by Royal Tyler, 219
SCHOOLS AND SCHOOLMASTERS. (*See Hatfield.*)
act in further addition to acts for settlement of schools and schoolmasters, renewed, ... 89, 461, 1124
SCITUATE.
act to prevent damage on beach, hummocks and meadows, renewed, 175, 459, 1122

SEAMEN. (*See Admiralty, Armed Vessel.*)
jurisdiction of Admiralty Courts over seamen's wages, ... 807
lien on ships, ... 807
SEARCH WARRANT.
for arms of persons refusing to take test of allegiance, ... 480
for arrest of persons dangerous to the State, . 641
SECRETARY OF THE COLONY. (*See Fees, Valuation.*)
to copy and authenticate records of provincial congresses, ... 416
SECRETARY OF THE PROVINCE. (*See Fees, Valuation.*)
SECRETARY OF THE STATE. (*See Fees, Valuation.*)
SECURITIES, GOVERNMENT. (*See Treasurer.*)
to be paid in silver and gold, ... 1183
SEINES. (*See Fish.*)
SELECTMEN. (*See Apprentice, Committees of Correspondence, Poor, Taxes, Towns.*)
action of trespass, not liable to in Berkshire County without leave of General Court, ... 932
army, duties in enlistment of soldiers, . . 597
to impress arms, ... 597
auctioneers to be licensed by, ... 248
census of inhabitants of Colony, to be taken, 468, 469
fees for taking census, ... 469
exportation of certain articles, powers and duties relative to, . . . 1114, 1115
measurers of wood or bark to be appointed by, ... 1119
posts or signs, in Boston, may be taken down by, ... 303
SESSIONS OF THE PEACE, GENERAL. (*See Fees, Inferior Courts of Common Pleas, Jurors.*)
Times and places for holding (*the same as those of Inferior Court of Common Pleas, which see.*)
bills of credit, refusal to take, jurisdiction of complaints for, ... 1074
clerk, duties as to meetings of proprietors of new plantations, ... 255
deserters, proceedings relating to, jurisdiction of, ... 1076
exportation, laws against, jurisdiction under, 1115
forestalling, law against, jurisdiction under, . 926

Page

SESSIONS OF THE PEACE, GENERAL—*Continued.*
hoarding provisions, jurisdiction of complaints against, ... 1074
hospitals for inoculation of small pox to be permitted by justices, . . 552, 554
licenses, power to grant in certain cases, act renewed, ... 88, 460, 1123
licenses to innholders and retailers to be granted by, in certain cases, . . 411
taxes in new plantations, duties relative to, 255, 256
vagabonds, to be punished by court and one or more Justices of the Peace out of court, ... 46
SETTLEMENT. (*See Poor.*)
SEWERS.
acts for regulating drains and common sewers renewed, ... 40
act in addition to said act renewed, . 259, 904
act in addition to act for appointing commissioners of sewers, renewed, . . 85, 458, 1121
SHAD. (*See Agawam River, Fish, Weymouth.*)
SHEEP. (*See Dogs.*)
act to encourage the increase of, renewed, 86, 457, 1120
act in addition to said act, renewed, . . 87, 459, 1122
act to prevent stealing of, from Martha's Vineyard, renewed, . . 175, 460, 1123
SHELBURNE.
tax granted on all unimproved lands in, for ministerial purposes, . . . 217
sale for nonpayment, ... 217
notice of sale, redemption, . . . 218
SHERBURNE. (*Nantucket County.*)
inhabitants empowered to choose a collector in place of Thomas Arthur, . . 120
collector empowered to enforce payment of taxes, ... 120
SHERIFF. (*See Fees, Witnesses.*)
and deputies.
authorized to sell goods taken on execution, ... 207
empowered to take aid in arrest of persons dangerous to the State, . . 641
empowered to break open houses to search for persons dangerous to the State, 641
SHINGLES. (*See Clapboards.*)
act in relation to assize of, renewed, 40, 259, 904
SHIRE TOWN.
Dedham to be for Suffolk, ... 456
SHORES. (*See Sewers.*)
SICKNESS. (*See Contagious Diseases, Hospital.*)
SIGNS. (*See Lamps.*)
or posts, in Boston, may be taken down by selectmen, ... 303
SILVER COIN. (*See Government Securities, Specie.*)
SIPPERWISSET BEACH. (*See Falmouth.*)
SKEKIT HARBOR. (*See Harwich.*)
SMALL-POX. (*See Contagious Diseases.*)
SOLDIERS. (*See Army, Taxes.*)
families of, towns authorized to make special provision for, ... 775

Page

SOLDIERS—*Continued.*
amount expended for supply of, to be allowed selectmen or committees, 1166
SOUTHAMPTON.
certain persons set off from Northampton to, 901
SOUTHWICK.
district of, incorporated, ... 75
to join with Westfield in choice of representative, ... 75
certain lands annexed to, from Westfield, . 1116
SPECIE. (*See Bills of Credit, Treasurer.*)
government securities to be paid in, . . 1183
SPARS.
exportation of, above certain size, prohibited, 930
said act renewed, ... 1398
SPIRITS. (*See Impost.*)
distilling of, from cider and grain, prohibited, ... 731
act renewed, ... 904
SPRINGFIELD.
western part incorporated into town of West Springfield, ... 335
Stony Hill incorporated into town of Ludlow, 337
SPRUCE CREEK. (*See Kittery.*)
STATE ATTORNEY.
duties relative to prosecution of deserters, . 1198
STAVES.
act for regulating the assize of, renewed, 40, 259, 904
STOCKBRIDGE. (*See Indians.*)
west part erected into district of West Stockbridge, ... 325
act in addition to said act, ... 389
STOUGHTON.
certain inhabitants of south precinct set off and annexed to the north precinct of Bridgewater, ... 116
certain inhabitants of, annexed to district of Mansfield, as to parish affairs, . 48
certain persons with their lands set off from, to town of Dedham, . . . 1394
part of, included in incorporation of Foxborough, ... 875
part of, set off and annexed to the town of Stoughtonham, ... 1411
town of, and district of Stoughtonham, empowered to sell certain lands, . 334
proceeds to be invested for Congregational ministers of town and district, . 335
STOUGHTONHAM.
part of, included in incorporation of Foxborough, ... 875
part of Stoughton set off and annexed to, . 1411
STOW.
proprietors enabled to collect money already granted, ... 343
collector empowered to collect money already granted, ... 344
STREETS. (*See Bonfires, Boston, Lamps, Roads, Ways.*)
STRIP. (*See Waste.*)
SUDBURY.
easterly part incorporated into town of East Sudbury, ... 1170
certain lands and training field to remain to, . 1171
SUFFOLK COUNTY. (*See Inferior Court, Sessions of the Peace, Superior Court.*)

Page

SUFFOLK COUNTY — *Continued.*
boundary between Plymouth and Bristol Counties and Suffolk County established, ... 224
SUGAR. (*See Impost.*)
SUITS. (*See Lawsuits.*)
on recognizances to the King of Great Britain, in what name to be prosecuted, . 485
act to prevent unnecessary expense in suits at law, renewed, . . . 39, 258, 903
SUNDERLAND.
easterly part, incorporated into town of Leverett, ... 327
SUPERIOR COURT OF JUDICATURE.
Court of Assize, and General Gaol Delivery, times and places of holding:
in the several counties, ... 44
in Berkshire County, ... 933
part of said act repealed, . . . 1131
in Middlesex County, ... 322, 454
in Suffolk County, ... 455
last act repealed, ... 593
writs and processes, how returnable, . 594

Page

SUPERIOR COURT OF JUDICATURE — *Continued.*
bills of credit, persons refusing to take, how tried, ... 1074
deserters, to have jurisdiction of proceedings for penalties relative to, . . 1076
forestalling, jurisdiction under act against, . 926
hoarding provisions, jurisdiction under act against, ... 1074
justices to compute prices of current articles, 1135
to compute true value of notes for payment of officers and soldiers, . 1136
sale of real estate, by executors and administrators, to be licensed in any county, ... 47
of real estate of absentee to be licensed, . 630
treasonable offences committed outside of State, jurisdiction over, . 616, 883
SUTTON.
parish set off from, incorporated into town of Ward, ... 796
certain persons with their estates set off from, to town of Northbridge, . . 1177
SWINE.
act for better regulating, renewed, . 86, 458, 1121
act in addition to said act, renewed, 86, 459, 1122

T.

TARPOLIN COVE ISLAND.
act for preservation of moose and deer on, renewed, . . . 86, 461, 1124, 1128
act in addition to said act, ... 1127
TAUCONNUCK MOUNTAIN.
incorporated into town of Mount Washington, ... 1069
TAXES. (*See Assessors, Collectors, Treasurer, Valuation.*)
Ministerial. (*See Antipedobaptists, Ashby, Bolton, Ashfield, Gageborough, Great Barrington, Hubbardston, Newbury, Newburyport, Pearsontown, Quakers, Richmont, Salem, Scarborough, Shelburne, Westminster.*)
Province, Colony and State.
acts for apportioning and assessing, 5, 89, 109, 209, 306, 395, 423, 564, 742, 782, 886, 933, 1079, 1137, 1202, 1399, 1421
apportionment of act of 1769-70, c. 5, repealed in part, ... 92
apportionment to be corrected by next valuation, . . . 794, 898, 955
assessing, rules for, 18, 104, 157, 319, 407, 434, 581, 756, 792, 895, 953, 1110, 1163, 1227, 1406, 1429
value to be price in currency of the United States, 1110, 1163, 1227, 1406, 1430
assessors or selectmen to make list and return certificate, 18, 19, 105, 320, 408, 434, 582, 756, 792, 896, 954, 1110, 1163, 1227, 1228, 1407, 1430

TAXES — *Continued.*
to notify inhabitants to bring in lists, 19, 105, 320, 403, 435, 582, 758, 793, 897, 953, 1112, 1165, 1229, 1408, 1432
proceedings in default of list, 19, 105, 320, 408, 435, 582, 758, 794, 897, 954, 1112, 1165, 1229, 1409, 1432
appeal to Court of Sessions, 19, 105, 320, 408, 435, 583, 758, 794, 897, 954, 1112, 1166, 1230, 1409, 1432, 1433
Boston, special regulations for inhabitants removing to avoid taxes, 20, 106, 321, 409
Boston or Charlestown, inhabitants removed to other towns, regulations, 435
exemptions, 18, 104, 157, 319, 407, 433, 436, 581, 582, 757, 793, 897, 954, 1111, 1164, 1228, 1407, 1431
"inhabitant" defined, . 1166, 1230, 1409, 1433
merchants residing in one town and trading in another, how taxed, 20, 106, 321, 409
oath to be called for when alteration in property suspected, . . . 1406
officers and soldiers, regulations for taxation, 434, 436, 582, 583, 757, 793, 897, 955, 1112, 1165, 1229, 1408, 1432
paper money to be distinguished from hard money, ... 1408
persons not belonging to any town, taxed for use of State, ... 899
sale for taxes of non-resident proprietors' unimproved land, regulations, 757, 793, 897, 954, 1111, 1164, 1228, 1407, 1431
of lands of absentees to be stayed, 1166, 1230, 1409, 1433

Page

TAXES — *Continued.*
seaport towns, residents removed from where taxed, ... 434
selectmen (*see assessors*) to transmit lists of non-resident and transient merchants, . . 20, 106, 321, 409
town choosing or appearing to raise larger sum than set against it, how credited, ... 955, 1230, 1410, 1433
transient traders, how rated, 20, 106, 321, 409

Treasurer of the Province.
(*for general duties in assessment of all taxes, see any of the above acts.*)
to remit proceeds of tax to Europe to pay European loan, . . . 1168

United States.
no taxes assessed on property of, 583, 758, 794, 898, 1113, 1166, 1230, 1409, 1433
Boston, act to enable Robert Pierpont to collect certain taxes, ... 27
act to enable collectors to sue for rates and taxes in certain cases, renewed, 88, 460, 1123
collectors, town treasurer empowered to issue warrant against delinquent, . . 232
precinct, authorized to collect taxes in every part of precinct, . . . 233
county and town tax, how apportioned, 18, 104, 157, 319, 407, 434, 581, 757, 955, 1111, 1164, 1228, 1431
granted, to the crown, ... 39, 103
to discharge bills of public credit, 418, 444, 548, 549, 561, 590, 607, 611, 907, 1181
certain taxes payable in articles at fixed prices, ... 1181, 1410
to draw out of circulation the State's proportion of the currency, . . 1179
to redeem loan, ... 551
to discharge loan in Europe, . . . 1167
to redeem notes of Treasurer, 605, 609, 638, 735, 741, 773, 885, 929, 959, 961, 964, 1078, 1136, 1192, 1193
plantations not incorporated, act relating to taxes in, renewed, . 28, 88, 460, 1123
new, act empowering inhabitants to assess, levy and collect taxes in. . . 254
choice of officers, regulations, . 255, 256
precinct and town rates, act relating to renewed, ... 85
specie, regulations as to payment in, 1181, 1230, 1410, 1433
war, carrying on, and paying bounties for enlistment, taxation authorized and legalized, ... 636, 958
(*For special provisions as to province, colony, state, town, county and district taxes, see Ashfield, Ashburnham, Greenfield, Greenwich, Hubbardston, Lisburn Propriety, Murrayfield, Norwich, Pearsontown, Plantations, Richmont, Scarborough, Sherburne, Stow, Westminster, Winchendon, Windham. See also acts of incorporation of various towns and districts, and the titles of the various tax acts.*)

Page

TEAMSTERS. (*See Cordwood.*)
to have certificate from selectmen, etc., . . 1114
to take oath that goods are not for exportation, ... 1117

TENANTS IN COMMON. (*See Partition.*)
act to prevent waste by, renewed, . 85, 457, 1120

TENDER. (*See Bills of Credit, Judgment.*)

TEST.
of loyalty to the United Colonies, . . . 479
mode of proceeding against delinquents, . 480
persons refusing, disqualified from holding office, voting, etc., . . . 481
for Quakers, ... 483
certain persons not to be permitted to sign, ... 483

THEATRICAL ENTERTAINMENTS.
act to prevent, renewed, . . 39, 86, 459, 1121

THOMASTON.
town of, incorporated, ... 623

THREATENING LETTERS TO EXTORT MONEY.
act for punishing authors of, renewed, 87, 458, 1121

TIMBER.
act for securing growth of, in Ipswich and Wenham, renewed, . 175, 459, 1122

TISBURY.
act to prevent damage on meadows and beaches on south side of, renewed, ... 88, 461, 1124
act to prevent destruction of salt meadows in, renewed, . . . 89, 461, 1124

TORIES. (*See Absentees, Conspirators, Enemies, Enemy, Oath, Refugees, Test.*)
penalty for opposing Declaration of Independence, ... 612

TOWNS. (*See Assessors, Collectors, Committees, Districts, Poor, Selectmen, Taxes, Valuation.*)
bills of credit, money authorized to be raised by towns for sinking, . . . 760
bonfires in streets prohibited, act renewed, 87, 459, 1122
bounties for enlistment of soldiers, towns authorized to raise money for, . 636
districts, declared to be towns (1775), . . 420
officers, acts relating to choice of, renewed, 39, 85, 1121
additional act relating to choice of, . . 613
absent for certain causes, duties how performed, ... 613
persons may be chosen in their room, . 613
representation in General Court, rights declared, ... 419, 420
soldiers' families, towns authorized to make special provision for, . . . 775
treasurer, to issue warrants against delinquent constable or collector, . . . 232
form of warrant, ... 233
war, towns enabled to raise money for carrying on, ... 636
special collectors authorized to be chosen for taxes for carrying on war, . 775

incorporated.
Adams, ... 909
Barré (renamed from Hutchinson), . . 593

Page

TOWNS — *Continued.*

Belfast, ... 293
Buckland, ... 957
Buxton, ... 206
Coxhall, ... 777
Cumington, ... 1072
East Sudbury, ... 1170
Edgcomb, ... 329
Foxborough, ... 875
Franklin, ... 775
Fryeburg, ... 563
Gageborough, ... 162
Gray, ... 881
Hallowell, ... 129
Hancock, ... 550
Hutchinson, ... 389
Lee, ... 740
Leverett, ... 327
Loudun, ... 237
Ludlow, ... 337
Milford, ... 1172
Mount Washington, ... 1069
New Gloucester, ... 329
Partridgefield, ... 164
Pittston, ... 923
Princeton, ... 124
Thomaston, ... 623
Vassallborough, ... 135
Waldoborough, ... 293
Ward, ... 796
Warren, ... 591
Washington, ... 635
Westhampton, ... 900
Westminster, ... 50
West Springfield, ... 335
Whately, ... 122
Windsor (renamed from Gageborough), . 912
Winslow, ... 136
Winthrop, ... 132

and precincts, act for securing seasonable payment of rates or assessments, renewed, ... 85

or townships, act in further addition to act for regulating, renewed, . . 39

act in further addition to and explanation of act for regulating, renewed, 85, 458, 1121

act in addition to act for regulating, . . 613

selectman or selectmen remaining, or town clerk, to call town meeting to supply vacancy, when selectmen are absent for certain causes, ... 613

other town officers may be chosen to fill vacancies caused by such absence, ... 613

TOWNSEND.

titles of land in, confirmed to proprietors, . 206

TRANSPORTATION.

of persons inimical to the United States, 648-650

penalty for returning after transportation, ... 650

of persons refusing to take oath of allegiance, 771

penalty for convict returning without leave, ... 772

of persons inimical to the State, and returning there, ... 772

Page

TREASON AND TREASONABLE OFFENCES.

act against treason and misprision of treason, 615

allegiance to this State, what persons owe, ... 615

arraignment, ... 617, 618

persons standing mute, how dealt with, ... 617

attainder.

by process of outlawry, . . . 615–620

not to work corruption of blood, . 619

not to work forfeiture of dower, . 619

concealment of treason, ... 615, 616

counsel allowed to prisoners, ... 617

may be assigned by court, . . . 617

death warrant, proceedings for, . . 619

definitions of treasonable offences, . 615, 616

dower not to be forfeited by attainder of husband, ... 619

evidence, regulations, ... 618

execution, how regulated, . . . 619, 620

forfeiture on conviction of treason by process of outlawry, . . . 616

State adjudged seized in fact of estates of convicts, ... 619

impeachment excepted out of act, . . 620

indictment, copy to be furnished to prisoner two days before arraignment, ... 617

no evidence to be offered of fact not charged in, ... 618

not to be quashed for false grammar, 618

judgment may be reversed on writ of error, ... 619

not to be arrested for false grammar in indictment, ... 619

limitation of trials for offences, three years after treasonable act, . . . 619

misprision of treason, definition, penalty, 615, 616

outlawry, proceedings by process of, . 616

outlaw giving himself up within a year to be tried, ... 616

jurors, regulations, ... 618

copy of panel to be furnished the prisoner, ... 618

prisoner allowed twenty peremptory challenges, ... 618

prosecuting officer not allowed to challenge peremptorily, . . 618

to pass on reason of prisoner's standing mute, ... 617

pardon may be granted to persons confined for treasonable offences, . 884

penalties and punishments, . . . 615, 619

record, copy to be certified by clerk to supreme executive authority before death warrant issues, . . 619

trials, regulations for, . . . 617, 618, 619

Superior Court to have cognizance within such counties as the supreme executive authority shall order, ... 616

warrant for execution, how issued, . . 619

to be under great seal, ... 619

witnesses, two to the same overt act necessary to conviction, . . . 617, 618

Page

TREASON AND TREASONABLE OFFENCES — *Continued.*
trials for, to be held in Counties of Hampshire and Berkshire for offences without the State, ... 883
certain persons authorized to summon witnesses, ... 883
trial for, of inhabitant for crime committed without the State, to be in county where inhabitant, ... 921

TREASURER OR PUBLIC OFFICER.
survival of action on bond begun by, to his successor, ... 806

TREASURER OF THE PROVINCE. (*See Appropriations, Notes, Taxes, Valuation.*)
empowered to borrow £88,158, . . 28
" " " 76,000, . . 107
" " " 13,000, . . 299
" " " 3,000, . . 339
" " " 14,550, . . 390
to issue notes therefor, and form thereof, 28, 29, 107, 299, 339, 390
appropriations, 29, 108, 170, 208, 248, 299, 390, 340, 391
to apply £75,000 to the redemption of government securities, ... 30
to apportion tax for 1772, how, ... 200
to issue warrants for taxes (*see tax acts*), 30, 109
to issue warrant for taxes, how to new plantations, ... 256
to observe certain rules and directions in issuing receipts and obligations, 29, 107, 299, 340, 391
to pay out of appropriation as directed by warrant, ... 30, 108
to sue for penalties in certain cases, . . 197
redemption of notes, regulations, 30, 108, 300, 340, 391, 392

TREASURER OF COLONY [OF THE REVOLUTION]. (*See references above.*)
empowered to borrow £50,000, . . 501
" " " 100,000 . . 551
to issue notes therefor, and form thereof, ... 504, 551
appropriations, ... 504, 552
bills of credit to be emitted in discharge of government debts, . 417, 443, 548
committee to countersign, ... 504, 551
redemption of notes, provisions, . . 504, 551
tax granted to redeem notes, ... 551
apportionment, ... 552
warrants to issue for taxes, ... 552

TREASURER OF STATE. (*See references above, Lottery.*)
empowered to issue notes on credit of the State.
for £200,000, ... 694
for 206,400, ... 699
for 50,000, ... 638
for 250,000, ... 734
for redemption of bills of credit outstanding, ... 734
for £50,000, ... 740
for 75,000, ... 773

Page

TREASURER OF STATE — *Continued.*
for $120,000, ... 884
for 21,450, ... 929
for 81,570, ... 959
for 50,000, ... 960
for 200,000, ... 964
for 200,000, ... 1078
for payment of balances due officers and soldiers, ... 1133
for £49,850, ... 1193
form of notes, and regulations for issue, 604, 699, 638, 734, 735, 741, 773, 884, 929, 959, 961, 1078, 1133, 1193
amount payable graduated according to prices of commodities, . . . 1133
appropriations or directions for delivery of notes, 605, 608, 639, 734, 742, 774, 885, 930, 960, 965, 1079, 1134, 1137, 1194
tax granted to redeem notes, 605, 699, 638, 735, 741, 773, 885, 929, 959, 961, 964, 1078, 1136, 1193
apportionment, 605, 699, 638, 735, 741, 773, 885, 930, 959, 961, 964, 1079, 1136, 1193
to borrow Continental bills of credit, 741, 884, 1078
to emit bills of credit in discharge of debts of government, . . . 560, 590, 607
to grant orders in favor of selectmen or committees for supply of soldiers' families, ... 1166
to pay certain monies collected to Board of War, ... 1168
action begun by, on bond, to be carried on by his successor, ... 806
(*for various duties of Treasurers of Province, Colony and State relative to warrants to selectmen and collectors for taxes, etc., see the various acts above, also the various tax acts and acts for emitting bills of public credit.*)

TREATING. (*See Bribery.*)
of soldiers on training or muster days, forbidden, ... 451, 498

TREATY WITH FRANCE.
act to establish reciprocity as to provisions of, 1197

TREES. (*See Timber, White-Pine Trees, Wood.*)

TRESPASS. (*See Actions, Limitation.*)
quare clausum, disclaimer allowed, . . . 110

TROVER. (*See Actions, Limitation.*)

TRURO.
act to prevent cattle and horses from running at large at Eastern Harbor meadows, renewed, . . 86, 458, 1120
act to prevent cattle and horses from running at large on beaches near Bound Brook, ... 87, 459, 1122

TRUSTEES. (*See Taxes, assessing.*)
regulations as to receiving and paying bills of credit, ... 1414

TYRINGHAM EQUIVALENT.
plantation erected into township of Loudun, . 237

TYTHINGMEN.
to make complaint of certain offences, . . 613

U.

Page

UNIMPROVED LANDS. (*See Lands, Taxes.*)

UNITED COLONIES. (*See Army, Bills of Public Credit, Congress, Enemies, Enemy, Test.*)

UNITED STATES. (*See Army, Bills of Public Credit, Commissary General, Congress, Declaration of Independence, Enemies, Enemy, Prisoners of War.*)

Page

UNLAWFUL ASSEMBLIES.
act for preventing, renewed, . . 87, 459, 1122

USURY.
act in addition to act restraining, renewed, . 87, 458, 1121

UXBRIDGE.
certain persons set off with their lands to South Precinct in Mendon, in precinct affairs only, ... 128
north part erected into village of Northbridge, 199
duties of town clerk as to valuation, . . 200

V.

VAGABONDS AND COMMON BEGGARS.
act in addition to act relating to, ... 46
courts of sessions and justices of peace to punish, ... 46

VAGRANTS. (*See Poor.*)

VALUATION.
acts for inquiring into ratable property, . 156, 799, 1183
assessors, duties, 157, 158, 799, 800, 801, 1183-1185
allowance to, ... 158, 800, 1185
oath to be taken by, . . 157, 800, 1184
to doom persons if no list furnished, 158, 800, 1185
to act how, in case of death or removal, ... 158, 801
exemptions, ... 157, 799, 800, 1184
fines and penalties, how recovered and applied, ... 158, 801, 1185
lists or accounts to be given in by inhabitants, 158, 801, 1185
lists to be returned by assessors, . 156, 799, 1185

VALUATION — *Continued.*
copy to be sent by treasurer of State to clerk of town and district, . 157, 799, 1183
oath of assessors, ... 157, 800, 1184
of person giving in list or account, . 158, 800
Quakers allowed to affirm to truth of list, . 159, 801, 1185
form of affirmation, ... 159
schedule of ratables, . . 157, 801-803, 1185-1188
time at which valuation to be made, 158, 799, 1185
value to be estimated in specie, ... 1184

VASSALBOROUGH.
town of, incorporated, ... 135

VENDUE. (*See Auction.*)

VENDUE MASTER. (*See Auctioneer.*)

VESSELS. (*See Admiralty, Armed Vessel, Impost, Navy, Salvage, Seamen.*)
taken in the employ of the enemy, to be decreed forfeited, . . . 437, 463

VIEWS.
act relating to views by a jury in civil actions, renewed, ... 85, 458, 1121

W.

WALDOBOROUGH.
incorporated into a town, ... 293

WALPOLE.
part of, included in incorporation of Foxborough, ... 875

WAR. (*See Board of War, Taxes, Towns.*)

WARD.
town of, incorporated, ... 796
special regulations for taxation, . . 899, 955

WARE RIVER.
bridge to be built by Hampshire County, . 134

WAREHAM.
act to prevent damage in the woods by hunting, renewed, . . . 88, 461, 1123

WARRANT. (*See Fees, Plantations, Taxes, Treasurer.*)

WARRANT — *Continued.*
against delinquent constable or collector, form, 233
for execution, how issued, ... 619

WARREN.
town of, incorporated, ... 591
easterly part disannexed, and incorporated with other lands into town of Thomaston, ... 623

WARWICK.
trustees of Congregational Society in, incorporated, ... 962
provisions for use of funds, . . 962, 963

WASHINGTON.
town of, incorporated, ... 635
southwesterly part of, with other lands, incorporated into town of Lee, . 739

Page

WASTE.
act to prevent by coparceners and others, renewed, ... 85, 457, 1120
purchaser of land sold for taxes, not to commit within three years, 1229, 1408, 1431

WATCH.
act for establishing in Boston, renewed, . . 88, 175, 460, 1123

WATERTOWN.
powderhouse to be built in, ... 167

WAYS. (*See Highways, Roads.*)
act relating to repair of private ways, renewed, ... 39, 258, 903
act relating to common roads and private ways, renewed, . . . 258, 903

WELLFLEET.
act to prevent damage by cattle, etc., on Bound Brook island and Griffith's islands, renewed, . . 89, 461, 1124
act to prevent destruction of oysters in Billingsgate bay, ... 172
said act renewed, ... 394

WELLS.
act to prevent cattle, etc., from running at large on beaches between Wells and Ogunquit harbors, and to prevent mowing the same, renewed, . 87, 459, 1122

WENHAM.
act for securing growth of timber in, renewed, 175, 459, 1122

WEST SPRINGFIELD.
incorporated as a town, ... 335

WEST STOCKBRIDGE.
erected into a district, ... 325
to join with Stockbridge in choice of representative, ... 326
act in addition to said act, ... 389

WESTFIELD.
south part of, incorporated into a district by the name of Southwick, . . 75
certain lands set off from, to town of Southwick, ... 1116

WESTFIELD RIVER. (*See Agawam River, Norwich.*)

WESTHAMPTON.
town of, incorporated, ... 900

WESTMINSTER.
district of, erected into a town, . . . 50
sale of nonresidents' land for taxes, . 119, 235
provisions for redemption and disposition of proceeds of sale, . . 119, 235

WEYMOUTH.
inhabitants enabled to regulate the taking of shad and alewives, act renewed, 40, 259, 904
entitled to take fish in Monatiquot River in Braintree, ... 42

WHARFINGER. (*See Cordwood.*)

WHATELY.
set off from Hatfield and incorporated into a town, ... 122
to join with Hatfield in choice of representative, ... 123
regulations as to taxes, ... 123
qualifications of voters, ... 124
legal inhabitants defined, ... 124

Page

WHEAT. (*See Grain.*)
act declaring and regulating the standard of wheat imported, renewed, 88, 460, 1123

WHITE-PINE TREES.
act for preventing the destruction of, renewed, ... 174

WHOLESALE. (*See Exportation, Monopoly.*)
persons buying by wholesale not to sell by wholesale, ... 925

WILBRAHAM.
certain lands annexed to, ... 328

WILD FOWL.
act to prevent destruction of, renewed, 87, 458, 1121

WILLIAMS' GRANT.
part of, with other lands, incorporated into town of Lee, ... 739

WILLIAMSBURGH.
district of, erected, ... 125
certain estates annexed, ... 125
to join with Hatfield in choice of representative 126
provisions as to place of public worship in, ... 127
qualifications of voters, ... 127
regulations as to estate devoted to maintenance of a school in Hatfield, . 126
as to persons warned out of Hatfield, 126
as to ways, ... 126

WINCHENDON.
part of Royalston called Royalston Leg, annexed to, ... 1395
taxes on lands, act to enable assessors to collect, ... 42

WINDHAM.
inhabitants empowered to tax unimproved lands, ... 304
fine for refusal to serve as collector, . . 304
sale of lands for nonpayment, ... 305

WINDSOR.
town of Gageborough to be named Windsor, 912

WINSLOW.
town of, incorporated, ... 136
to vote for register of deeds and treasurer of Lincoln County, ... 136

WINTER-HARBOR BEACH. (*See Biddeford.*)

WINTHROP.
tract of land called Pondtown erected into township of Winthrop, . . 132
to vote for register of deeds and treasurer of Lincoln County, ... 133

WITNESSES. (*See Actions, Affidavits, Fees.*)
how compelled to attend and give evidence in neighboring States, in certain cases, ... 733
said act renewed, ... 904
in trials for treasonable offences, regulations, 617, 618
in trials of persons suspected of treasonable offences without the State, how summoned, ... 883

WOOD. (*See Cordwood, Firewood, Timber.*)

WOODS. (*See Barnstable, Falmouth, Hunting, Plymouth, Sandwich, Wareham.*)

Page

WOODS — *Continued.*
act to prevent firing, renewed, . . 86, 459, 1122
WOOLWICH.
naval office to be kept at, ... 928
WORCESTER.
parish set off from, incorporated into town of Ward, ... 796
WORKHOUSE. (*See Salem.*)
WRENTHAM.
westerly part incorporated into town of Franklin, ... 775
WRENTHAM — *Continued.*
part of, included in incorporation of Foxborough, ... 875
WRIT OF ERROR.
to reverse judgment on indictment for treasonable offences, ... 619
WRITS AND PROCESSES.
Regal style expunged, ... 484
style of, established, ... 485
when to begin, ... 485

Y.

YARMOUTH.
act to prevent damage by cattle, etc., at Nobscusset, renewed, . . . 39, 167
regulations as to enforcement of said act, ... 167
YARMOUTH — *Continued.*
act to prevent damage by cattle on meadows and beaches near, renewed, 40, 259, 904
YORK RIVER.
bridge proprietors authorized to take toll for repairs, ... 131